

CITY OF MISSION PLANNING COMMISSION

July 24, 2023

7:00 PM

Mission City Hall - 6090 Woodson

Members Present:

Stuart Braden
Megan Cullinane
Brian Schmid
Charlie Troppito
Amy Richards
Robin Dukelow
Mike Lee

Staff Present:

Brian Scott - Deputy City Manager
Karie Kneller - City Planner
Kimberly Steffens - Permit Technician

Members Absent:

Cynthia Smith
Wayne Snyder

(City of Mission Planning Commission Meeting Called to Order at 7:00 p.m.)

I. CALL TO ORDER

CHAIRMAN LEE: Okay. It's 7 o'clock, and I call this meeting to order. The public is invited to participate. If you'd like to make a comment, please raise your hand, but stay seated, and we will call on you to go to the lectern. Please make sure to be conscientious of others trying to speak, and speak slowly and clearly. If I need to confirm something that may have been difficult to hear, I will ask for clarification.

The roll, please.

MS. STEFFENS: Braden.

MR. BRADEN: Aye. Here.

MS. STEFFENS: Dukelow.

MR. DUKELOW: Present.

MS. STEFFENS: Richards.

MS. RICHARDS: Here.

MS. STEFFENS: Troppito.

MR. TROPPITO: Here.

MS. STEFFENS: Schmid.

MR. SCHMID: Here.

MS. STEFFENS: Cullinane.

MS. CULLINANE: Here.

MS. STEFFENS: And Lee.

CHAIRMAN LEE: Here.

II. APPROVAL OF MINUTES FROM JUNE 26, 2023

CHAIRMAN LEE: Okay. The first item tonight is the approval of the minutes from the June 26, 2023, meeting.

Is there anyone who would like to make any changes?

MS. CULLINANE: I've already emailed Karie with my changes.

CHAIRMAN LEE: Any others?

MS. DUKELOW: If there are no further corrections, I'll make a motion that we approve the minutes from June 26, 2023, as amended.

CHAIRMAN LEE: Call the roll, please.

MS. STEFFENS: Who did the second? I'm sorry.

MS. RICHARDS: I seconded.

MS. STEFFENS: Thank you. Lee.

CHAIRMAN LEE: Aye.

MS. STEFFENS: Schmid.

MR. SCHMID: Aye.

MS. STEFFENS: Richards

MS. RICHARDS: Aye.

MS. STEFFENS: Braden.

MR. BRADEN: Abstain.

MS. STEFFENS: Ms. Cullinane.

MS. CULLINANE: Aye.

MS. STEFFENS: Troppito.

MR. TROPPITO: Abstain.

MS. STEFFENS: Dukelow.

MS. DUKELOW: Aye.

(Off Record Talking)

CHAIRMAN LEE: Motion passes.

Motion 1: Robin Dukelow - Ward IV/Amy Richards - Ward IV: Approve the June 26, 2023, Planning Commission minutes as amended. The motion carried 5-0-2 with Charlie Troppito - Ward III and Stuart Braden - Ward 1 abstaining.

III. NEW BUSINESS

1. Public Hearing: Case #23-13 - Residence on Rock Creek II Preliminary Development Plan at 5201 Johnson Drive (lot south of Martway)

CHAIRMAN LEE: Under New Business, we have three items tonight. The first is a public hearing in Case No. 23-13, the Residence on Rock Creek, the Phase II Preliminary Development Plan, at 5201 Johnson Drive, the lot just south of Martway.

At this time, I will open the public hearing. Does the applicant have a presentation?

MS. KNELLER: Yes.

MR. FLOODMAN: Good to see everybody and happy to be back for our Phase II of our Mission Bowl project here. I know a lot of this in your packets, but I thought it would be at least worthwhile to kind of walk through it. Really the plan for this development is to, you know, utilize the existing Phase I, the amenities, all the things that we think are going to be very, very upscale, and really have that corridor completely, you know, the density of it go all the way from the west side of our project to the far east side of Andrew Brain's property, which is the Security Bank building. Currently the bank parking lot, that does have a few cars in there, but it is somewhat rare, mostly the construction vehicles currently.

As you can see here, this is just overall elevations of the proposed development. A little over 57 feet. Very similar structure-wise to the Phase I. We do have a retail component, that we would like to be able to vertically integrate some sort of retail. What that is, we still don't know. But I would envision some sort of coffee shop, a speakeasy, something kind of cool and hip that we think our residents will be able to utilize. The objective of that is to add an amenity to the overall development that is currently not in Phase I. And we think a retail user of that size, we're thinking it could be anywhere from 1,200 to 1,700 feet is realistic. Our price point is probably going to be a little higher than some of the market, but I think we've got some creative ideas that would put -- we could do to help land the right tenant and right fit for that project. So overall, it's going to be 96 units if we could put the image up.

Second slide, please. Again, you kind of see the lot and the overall site plan, and this is in your packets as well. But you can see the retail that would be up on the northwest corner. It'll have garage access, which will be the first level podium that will be

accessible both on the south. This would be the southwest and the east side. And then what we've proposed is some additional parking that we will have across the street at the Security Bank building. The managing Brain, there's some benefits to having the office and residential use that we think will be able to kind of piggyback off of each other, and we are having those discussions. Now, the City obviously would have the opportunity to look over that agreement before it was executed to make sure that everybody is on the same page and comfortable. We want to make sure you would be very comfortable with that parking agreement and make sure it's in perpetuity and is a part of the overall development.

Up here, that's just again the overview, a little bit less detail and layout. That's the landscape plan that's in your packet as well. And in the details, I talked a little bit about this, but overall, it's going to be 96 units. We would anticipate, you know, I'll give you the details of this now, but it would be our Phase I as far as the affordability component, the lead silver component. We think that was a successful template for us as developers and for the City as a whole. We see other cities in close proximity trying to emulate that same concept. And so I think we've created a nice template working in collaboration with each other on creating a nice development that meets the needs of the community.

Go to the next one. And this is just a little information on the overall site. Again, four stories [inaudible] on top of the concrete podium. The parking count will be at 98 spaces on the site, and the easement that we'll have across the street from the parking -- with the parking lot, we'll make sure that all parking meets code. That will be a priority for the project.

And then there are the zoning, and then the size of the overall lot, which again, [inaudible] sections. And that's the next best thing, just kind of our unit matrix, very similar to Phase I. Kansas City still is a community where we feel that studios and ones are the predominant type of unit. In other communities you might be 30 or 40 percent two bedrooms. But in this area, we found that roughly 20 percent of your units are two bedrooms. That's a pretty good unit matrix, and that's to say that, so you don't have a lot of two bedrooms that are not occupied.

And then this is, again, why we made it Mission. We believe in it because of the proximity to everything. The community is very safe. Great schools, trails, family oriented. It checks all the boxes for people who want to live here and call here home.

So, we appreciate the opportunity to hopefully develop Phase II of the Mission Bowl. We call it the Mission Bowl site because it is not the Mission Bowl but adjacent to the site. So, thank you very much. We appreciate it.

CHAIRMAN LEE: Thank you. Karie.

MS. KNELLER: Okay. So, this is Case 23-13, the Preliminary Development Plan for Residence on Rock Creek, Phase II. The subject property is located at 5201 Johnson Drive on the south lot of Martway. It's a proposed development for Phase II of the Residence on Rock Creek that is currently under construction. Phase I is currently under construction. The property is zoned MS-2, Main Street District 2.

It's currently an impervious parking lot with an approximately 15-foot buffer between the lot and the stormwater channel, or Rock Creek channel. According to County maps, the

south side of the subject property lies partially within the 100-year floodplain, adjacent to the Rock Creek Channel.

Stormwater generally flows from north to south and west to east on the property surface without underground infrastructure to capture runoff. A concrete flume currently located on the southeast corner of the lot shunts stormwater from the surface into Rock Creek. A water main is located on the north side of Martway and the adjacent property to the west. Gas, electrical, and sanitary sewer utilities are available. The project is not currently platted, so we'll also need a plat with this.

Oh sorry. You're not seeing this, are you? Let's try that. If it's still on PowerPoint mode. There we go.

There's your utilities. So yeah. You can see there's a water main on the north side of Martway that they would tie into, and no stormwater infrastructure on the site right now. This channel into the creek is here on this southeast corner. Okay. Let's see.

The development is approximately 90,647 square feet with 96 units of multi-family development with a -- we're showing currently a 1,700 -- a 1,750 square foot retail component on the northwest corner there in orange on the ground floor. Structured parking is underneath the building and a surface parking component adds up to a total of 98 spaces for residents with additional 7 diagonal parking spaces on-street. The building is a five-story structure about the same height as the Residence on Creek development that's currently under construction. And circulation to the phase -- Phase II also leads into Phase I on the west side. There's a drive here for fire access across to Phase I.

The building footprint is within the 100-year floodplain. There is some parking located in that as well, but not the building footprint itself. Impervious surface will nominally increase by about 3.3 percent with this plan, and therefore, stormwater calculations were provided with the project development, sorry, with the project packet.

Landscaping consists of a variety of trees, bushes and, ground cover. You can see that in this one. That will provide green space on site. There are nine street trees proposed along Martway, and annual planter beds are also part of the landscaping plan.

There's an extension of what is available on Phase I as far as exercise equipment to kind of add to what's already going to be built upon the site to the west.

Materials consist of brick, stone with a breeze block architectural detailing on the ground floor facing Martway. And there are several balconies and vertical architectural details around 360 degrees of the building, which breaks up the frontage. And park benches and bike racks are also available on Martway, along with the extension of the Rock Creek Trail.

This project did come with a sustainability scorecard. This Sustainability Commission will review that, and I believe we have a scheduled meeting with the Sustainability Commission. So, they'll be meeting with them to get feedback on the project as well. And so, we'll update you with that Final Development Plan if we get to that stage.

The 2007 Comprehensive Plan indicates future land use for the subject property as mixed-use. The draft update to the comp plan, the Comprehensive Plan defines the

property as High-Density Residential, defined by 21 or more units per acre. And the Municipal Code also calls for, through the MS-2 zoning at §410.230 through §410.240, it states that multi-family dwellings have a minimum of 35 units per acre. The proposal does conform with the Municipal Code and the Comprehensive Plan.

There is a significant back yard setback as well that's defined by MS-2 zoning. It's also determined by the floodplain area. This project is consistent with the development type, height, and density of Phase I to the western adjacent lot. And the proposal conforms to the density and land use stipulated in the Municipal Code.

Staff is currently working with the applicant to provide enough parking with the parking agreement to the property on the north side of Martway for shared parking with the office space there. Due to peak times when people that are not in the office -- in the evening when people are not in the office, people can -- the residents for this development could potentially park in the parking lot across the street. And likewise, if people are gone during the day, there maybe is some opportunity for shared parking for any office needs across the street as well.

We will also work closely with them. They're showing not quite -- I think this is just a mistake in the drawings because I think there's availability here for enough ADA parking and where it's equitably accessed. We want to make sure that it's not just in the covered parking but maybe charged for an additional fee. So, we'll work with them to make sure that either that's not the case or that there is ADA parking that is available for no extra cost. And then also ADA parking for the diagonal lot slots on the street.

Per Municipal Code at §415.030, that relates to screening of trash bins and the like. The trash enclosure is located at the back of the building and it will be enclosed with details to be provided in the Final Development Plan.

Landscaping requirements are also provided in section §415.090. And the landscaping requirements as set forth in that section of the code are met with the Preliminary Development Plan. Staff requires a landscape plan that details native and non-invasive species in the Final Development Plan.

As for the Johnson Drive Design Guidelines, which are applicable for this project as well, it's staff determination that the materials and overall architectural design is in conformance with the Johnson Drive Design Guidelines and provides a comprehensive design that is in context with the surrounding properties.

Staff does recommend that the Planning Commission recommend approval to the City Council of Case #23-13, the Preliminary Development Plan for Residence at Rock Creek, Phase II with the following -- with the conditions that were listed in your staff report. There are 20 different conditions there that must relate to what we'll see in a final development plan should that reach that stage. And that completes my staff report.

CHAIRMAN LEE: Thank you. Is there anybody from the public that would want to speak in this case? If so, please raise your hand. Seeing no one. [Inaudible.]

MR. BRADEN: So, did you say that the agreement with the office building across the street would be in perpetuity.

MR. FLOODMAN: That would be the plan. We would want it in perpetuity. We wouldn't want it to fall off at any point in time. We would want it, you know, on title. I mean we would want that. Absolutely.

MR. BRADEN: [Inaudible]

MR. FLOODMAN: Yeah. We wouldn't want it -- we wouldn't want to risk our development that, you know, if something happens, it's sold, someone passed away, that that agreement would not be properly passed on to somebody else.

MS. KNELLER: It would be something that we would require it to be recorded with the county.

MR. FLOODMAN: Absolutely.

MR. BRADEN: Okay. Okay. And then this question really is not that important, but just out of curiosity, was Phase II always part of the project or was that what drove that [inaudible]?

MR. FLOODMAN: You know, honestly, what drove it was seeing how empty that lot stayed during construction. And we saw excitement. We see how many phone calls we're currently getting on Phase I. We knew the landowner associated with that parcel and we reached out and said, hey, that would be an opportunity for us to work together. We lease storage from him right now. And you notice there's a lot of lumber on that lot. That's enabled us to really navigate our site as efficiently as possible. And so we've -- we already had a lease with him and he was fortunate enough -- we were fortunate enough that he was very receptive to us considering Phase II. So, it was kind of organically how it came about. It was just through --

CHAIRMAN LEE: Right.

MR. FLOODMAN: -- empty parking lot. We think a lot of positive will [inaudible].

MR. TROPITO: [inaudible] the parking on the side and then across the street.

MS. KNELLER: If I could just, sorry, just interrupt for a minute. Can you maybe move the microphone a little bit closer so that we can pick up for the audio?

MR. TROPITO: Why don't I start over?

MS. KNELLER: Perfect.

MR. TROPITO: How's that? Floodplain. Parking is on both sides of the street, right?

MR. FLOODMAN: Right.

MR. TROPITO: Yeah. So, both sides within the 500-year storm, [inaudible] protected by the 500-year storm. What about a thousand-year storm? And what I'm getting at is I'm wondering if the way we're warming environments, the deluge rains to where communities are getting 500-year floods with increasing frequency.

MR. FLOODMAN: Yeah.

MR. TROPBITO: Yeah. Like every 10 years. A thousand year flood is every, maybe 20 years is that enough elevation to protect cars in those parking spaces from being flooded?

MR. FLOODMAN: You know, that's a great question and I wish I had the answer to it. I mean I think the first person that will let us know the consequences of, but it's going to be insurance companies because it's going to be a lot more expensive than your 500-year floodplain is now. But our plan is that we're going to elevate it and we'll take it out of 100-year floodplain, so it'll all be, you know, done with the proper civil engineers, et cetera. But that's a great point on the thousand-year floodplain. I'd like to commit to taking another 500-year floodplain; I just don't think that's possible.

MR. TROPBITO: All right. Thank you.

MR. FLOODMAN: Thank you.

MR. BRADEN: I've got one more question, and this is more staff. So, in the report, it said in the MS-2 District, the maximum is three stories and 45 feet in height. And I'm assuming that's not an issue since the other building is five stories in height. That really wasn't the estimate before [inaudible]. Is that acceptable, I guess?

MR. SCOTT: This will be a deviation from the MS-2 zoning. So, the maximum is three stories, 45 feet, or almost four stories, and they're asking for a five-story building. So, that will be a deviation from the zoning. And then the number of units too, I should point this out, I didn't really -- that's just when I was reviewing the staff report, but the site is 1.7 acres. And so, they're asking for 96 units, which equates to about 56 units per acre, which exceeds the 35 units per acre.

MS. KNELLER: But that's a minimum and --

MR. SCOTT: That's actually the maximum. The way the code is written, it's -- they don't -- the way it's worded is confusing, so I could see how Karie misinterpreted that. But it's actually -- there's a minimum square footage per unit, which equates to 35 acres[sic] per unit. And in this case --

MS. KNELLER: Yeah. It's greater.

MR. SCOTT: -- we're shrinking the square footage per unit, so they're actually increasing the number of units per acre. So, 96 units per acre equates to about -- 96 units total equates to about 56 acres -- 56 units per acre. So it's going to be a deviation as well of what's required in the MS zoning.

CHAIRMAN LEE: But we actually have two deviations.

MR. SCOTT: Right. Uh-huh.

MS. CULLINANE: The deviations that are there, are those deviations made as when they were in Phase I?

MR. SCOTT: Yeah. That a good point that you're pointing that out. That's a second, you know, we -- that's concurrent with what we approved for the first phase, the original

Mission Bowl project. So, that's not inconsistent with that corridor or that area, which is why it didn't cause me or Karie any concern. And it's --

MR. BRADEN: It doesn't cause me any concern either. I was just curious it doesn't meet the guidelines.

MR. SCOTT: Right.

MR. BRADEN: And I just wanted to make sure that that was --

MR. SCOTT: Yeah.

MR. BRADEN: -- addressed [inaudible].

MR. SCOTT: Yeah. I think from my perspective, greater density in that particular area, Martway, Johnson Drive is acceptable. We had two projects last year that were north of Johnson Drive, Mission Vale and the 58th and Nall project. We actually asked, they were both MS-2, and we asked the developers to request a rezoning to the Downtown Neighborhood District. And we really held them to the height limit and the limitation of the number of units per acre because that's more of a residential neighborhood. When you go north of Johnson Drive and you start going up Nall and 58th Street, you're really getting into more a residential area. And I think we really kind of need to hold those projects to those limits. But I don't feel as strongly about that anymore in what I would classify as kind of an urban area along Martway and Johnson Drive.

MS. KNELLER: Also, when we update the Land Use Code, which is on our docket to address that in the next year or so, hopefully, that will be something that we'll be looking at as far as, you know, what are we looking at for density? I mean the code as it stands with the three-story height maximum and the units per acre may be a bit outdated for what the market is calling for, and we need to make sure that we're in line with the market, and what, you know, what's currently happening around us.

MR. BRADEN: Okay. Thank you.

CHAIRMAN LEE: Additional --

MS. CULLINANE: I guess -- oh, sorry.

CHAIRMAN LEE: Go ahead.

MS. CULLINANE: I guess another question along those same lines, so it is a lot higher than, you know, what's in the guidelines. So, similar to other properties, we put out notices to neighborhoods to get their feedback. Did we do that for Phase I? Does this fall on to Phase II, blah, blah, blah?

MS. KNELLER: It's required by our code.

MR. SCOTT: Yeah. So, we're required by code and by the state statute to notify all property owners and residents within 200 feet of the project. And we did that with Phase I. We had some folks show up at the meeting. We actually had a neighborhood meeting, and we had quite a few there. And then we had a few that showed up at the public hearing. And I wouldn't say they were vocal. They raised, you know, maybe a

couple of concerns. I wouldn't say they were overly vocal. We did likewise with this project with Phase II. Karie got one phone call from a resident, more kind of curiosity than anything else. And obviously there is no one here tonight from the public wanting to speak to this.

MR. SCHMID: Quick question. Mine is also climate related, but I think it will be much easier to address. Love the trail, the benches, the exercise equipment. Can we ensure that that is all benefiting from as much shade as possible from either the trees or an awning or sunshade or something? I think of weeks like we're coming up into, looking to just extend the usefulness of those throughout the year as much as possible.

MR. FLOODMAN: Yeah. Absolutely. We've got the architect right over here then. If he gives me the nod, then I feel good about it. So, absolutely.

MS. DUKELOW: I have just a couple of questions. First, is they have no bearing on probably anything, but does the property line -- is the property line really on the south side of the creek?

MS. KNELLER: To the creek.

MR. SCOTT: Yeah.

MS. DUKELOW: Good. All right. Thank you for that. Then my next question, the wood fence that is to be behind, which would be directly north of the retaining wall, a couple items on that. First off, why? Why are we putting a fence there?

MR. FLOODMAN: I think we just would want some sort of screening in between the vehicles and the creek more than anything. We'll have a curb obviously, but I think -- I think you'll want some sort of screen.

MS. DUKELOW: Okay. A couple items on that. I mean certainly need a guard rail.

MR. FLOODMAN: Sure.

MS. DUKELOW: Okay. But the other issue is that -- that wooden fence is not an acceptable material in the [inaudible] per the Design Guidelines Section 3, page 6. So, I'm just not sure [inaudible].

MR. SCOTT: That was a request with the original project from some of the neighbors to the south. There's some concern about screening, seeing vehicles, and especially headlights in the evening hours or something.

MR. DUKELOW: No. It's beautiful --

MR. SCOTT: So, the applicant has kind of responded to that initial Phase I.

MR. DUKELOW: It's beautiful back -- it's beautiful back there. It's really nice back there right now. I mean, there's cattails. There's tall grasses. I'm sure you've been there.

MR. FLOODMAN: Yeah. Absolutely.

MR. DUKELOW: You know, it's nice. There's flowers, wildflowers.

MR. SCOTT: That would not be the case during the winter though.

MS. DUKELOW: It's well -- no. no. And the trees won't help things either. But I just -- we definitely need a guard --

MR. FLOODMAN: Yeah.

MR. SCOTT: Yeah.

MS. DUKELOW: -- for safety. But I guess the fence at all and certainly wooden would be --

MS. KNELLER: I think with this project too, Banks, the cars are actually facing the other direction. I think what -- with Phase I, the concern was that there were headlights that would be shining into the townhomes and condos behind. But in this case, they'll pull in and be facing the other direction. And there's a metal screening right in the parking garage that would probably screen some of headlights that would be possibly filtered through that too. So, that may be a difference between the two properties that you may not need that fence there, but.

MR. FLOODMAN: And I would agree with that. We understand the beauty of the creek. That's why we elevated our amenity deck with Phase I as we want people to be able to go outside to enjoy the kind of garden area and the pool area and everything else and be able to look down and see that nice area. So, I think that's something we can absolutely work through. You know, I don't think having a wooden fence is -- it's not anywhere in the top [inaudible]. I cannot [inaudible] problem. So, if we have had to pivot to aluminum or something that allows people to kind of see the [inaudible]. Absolutely.

MR. DUKELOW: It would feel more open.

MR. FLOODMAN: Sure.

MS. DUKELOW: I mean it would mean feel more open.

MR. FLOODMAN: Yeah.

MS. DUKELOW: [Inaudible] Just a suggestion and a point. And then the other only small, the only other comment I had was regarding the light fixture, WL2, just for the cut sheet. It doesn't appear to be full cutout.

MR. FLOODMAN: Give it to our lab tech. I'm not even going to start talking about that.

MS. DUKELOW: Okay.

UNIDENTIFIED SPEAKER: Yeah. There's some, a couple like daylight requirements that we asked the electrical engineers to include everything before [inaudible] and so official [inaudible].

MS. DUKELOW: Okay. Thank you.

MR. BRADEN: [Inaudible; talking off mic]

MS. CULLINANE: I did. Thank you.

MR. BRADEN: It did. And I'm like [inaudible] language outside of the boundaries. [Inaudible]

MS. DUKELOW: I have no further questions. Thank you.

MR. FLOODMAN: Thank you.

MS. CULLINANE: I have one more, sorry.

MR. FLOODMAN: Oh, that's okay.

MR. CULLINANE: Getting your steps in.

MR. FLOODMAN: That's all right.

MS. CULLINANE: Is the bar, coffee, whatever that's going to be, is that going to be open to the public?

MR. FLOODMAN: Oh, absolutely. Yeah. Yeah. And this would -- it would not be exclusive to our residents. That was our main reason for the angled parking. We want to be able to bring in a retail component that's successful. And I think we've seen it in other places in Kansas City. So, making your retail all structured parking is not a recipe for success. You need ease of access, surface parking, and the angled parking, we think will provide that for our retail and allow us to get a retailer in there that feels good about the space and has easy access.

MR. BRADEN: Sorry. We have one more and hopefully [inaudible].

MR. FLOODMAN: Okay.

MR. BRADEN: They're requesting waivers to the stormwater management. And I understand the quality is going to be better because, potentially better because there's not as much parking lot and that there is --

MR. FLOODMAN: Sure.

MR. BRADEN: -- cars and stuff, but still little concerned about the quantity as [inaudible]. And I think there was a drainage map in here, so I did get a chance to look at that. And are we real comfortable with that? And then something that Charlie brings up [inaudible] drainage on the [inaudible].

MR. FLOODMAN: We're going to make sure, just like we did with Phase I, that that -- that the services both sides is extremely [inaudible].

MS. KNELLER: Yeah. Uh-huh. Okay. Yeah.

MR. FLOODMAN: That's the last thing we want as someone that has a building like this is having any sort of flooding that's going to damage vehicles et cetera. Then everybody is talking about the project that had vehicles flood, and then we don't [inaudible]. And so we're going to everything we can working with our civil engineer, et cetera, to address those issues.

MR. BRADEN: Okay. Thanks.

MR. SCOTT: And our civil engineer from GBA --

MR. BRADEN: Okay.

MR. SCOTT: -- and representing staff, and he can answer that question too. Jake.

UNIDENTIFIED SPEAKER: Yeah. That's what I'm here, so. So, I'm [inaudible], GBA, to answer any questions, specific [inaudible] questions. So, the stormwater is a very small increase in impervious surfaces on the site. They're already paved, you know, essentially all that stormwater is already accounted for in modeling and hydraulic analysis and all those kind of things. So, it's a very small increase. And really, when you're close to a creek like this that's got a floodplain in it, the faster that you can actually get the water into the creek, the faster, the better. So, it shouldn't -- really wouldn't for stormwater detention in this case, but --

MS. KNELLER: We also have a condition in the staff report that we'll evaluate what the MARC APWA Guidebook says for best management practices and evaluate with the Final Development Plan the best management practice that we can have on this site, so that, you know, while the stormwater has -- or the surface, impervious surface, hasn't increased much, by about 3.3 percent, we want to improve the lot and not necessarily go with status quo and make sure that what we're doing is actually good for the creek, any kind of pollution that is getting into the creek is managed appropriately. So, we'll be following that guidebook for the Final Development Plan.

MR. TROPBITO: Assuming then, that the variable in Phase I [inaudible] the property [inaudible].

MR. FLOODMAN: We will do, and we have a Phase I provided by the seller. Well, we're going to do our due diligence. We're very early in the process. We'll make sure we do Phase I. Hopefully, there's no need for a Phase II, or any sort of additional reports that we have to do on the project that's adjacent to it. But that is something that we want to further explore, which we did the dry cleaner just to the north. We want to make sure that [inaudible], the size is properly taken care. They were very receptive with our Phase I project. And we want -- we'll work through all those items to make sure there's no issues.

MR. TROPBITO: Do you foresee having your environmental assessments done by the time you submit your final master plan?

MR. FLOODMAN: Absolutely. Absolutely.

MR. TROPBITO: Very good.

MR. FLOODMAN: Well before.

MR. TROPPITO: Notes less important, the preliminary stage, or the final stage that's what really counts.

MR. FLOODMAN: Yeah. We'll have that done well before that and share it.

MR. TROPPITO: Okay. Thank you.

MR. FLOODMAN: You're welcome.

MS. CULLINANE: Mr. Chair, I move to approve the Public Hearing: Case #23-13, Residence on Rock Creek, Phase II, the Preliminary Development Plan at 5201 Johnson Drive, lot south of Martway, with the 20 staff recommendations.

MR. SCHMID: I second that.

CHAIRMAN LEE: Ms. Steffens, call the roll, please.

MS. STEFFENS: Braden.

MR. BRADEN: Aye.

MS. STEFFENS: Lee.

CHAIRMAN LEE: Aye.

MS. STEFFENS: Cullinane.

MS. CULLINANE: Aye.

MS. STEFFENS: Schmid.

MR. SCHMID: Aye.

MS. STEFFENS: Troppito.

MR. TROPPITO: Aye.

MS. STEFFENS: Richards.

MS. RICHARDS: Aye.

MS. STEFFENS: Dukelow.

MR. DUKELOW: Aye.

MS. STEFFENS: Motion pass.

CHAIRMAN LEE: Thank you.

Motion 2: Robin Dukelow- Ward IV/Brian Schmid - Ward III: Approve Case #23-13 - Residence on Rock Creek II, Preliminary Development Plan at 5201 Johnson Drive (lot south of Martway)

to include the 20 recommendations by staff. **The motion carried 7-0-0.**

2. Public Hearing: Case #23-14 - Tobacco Retailer Ordinance

CHAIRMAN LEE: Item Number 2 is the public hearing in the Case #23-14, the Tobacco Retailer Ordinance. At this time, I'd like to --

MS. KNELLER: I can do it. I wrote the staff report. I was planning on it.

MR. SCOTT: Okay.

CHAIRMAN LEE: Do we have someone that [inaudible].

MS. KNELLER: I'm sorry?

MR. SCOTT: We're debating who should make a presentation.

CHAIRMAN LEE: Go ahead.

MR. SCOTT: Karie, go ahead.

MS. KNELLER: I wrote it; I might as well stand by it, right?

MR. SCOTT: I gave you the short straw, so.

MS. KNELLER: Okay. So, this is 23-14 for the Tobacco Retailer Ordinance. This came about with City Council direction as they were discussing issues related to potential revision, submission, zoning code as it pertains to retailers selling tobacco, electronic cigarettes and the like. The City adopted an ordinance for a 150-day moratorium in March of 2023 that all new business licenses for establishments that sell tobacco and tobacco products would not be allowed for that 150-day time period. That moratorium expires on August 21st of this year.

Staff had been analyzing the impact of restrictions to permitting these types of retail establishments in certain buffer zones. There was a map located in your packet that kind of shows what those buffer zones would be according to a 1,000-foot buffer between the existing retailers that sell tobacco, churches, schools, and parks. And also, just to note here too that current zoning does allow for tobacco retailers in zones MS-1, MS-2, C-1, and likewise CP-1 and C-2, and likewise CP-2, and MXD.

Under City Council direction, like I said, staff had written this -- had this ordinance created to create that 1,000-foot buffer around those particular uses. That does not necessarily mean that no, and we excluded MXD from the ordinance as well. And it doesn't necessarily mean that no tobacco retailers, new ones, can be in Mission. There are a few locations that are still available for that -- for that use. But it does limit them to not being near our churches, schools, parks, and within a 1,000 foot buffer of existing.

So, under City Council direction, staff requests that the Planning Commission consider an ordinance to restrict tobacco retailers in that buffer. And the ordinance is exclusive at this time to tobacco retailers and does not include a prohibition of tobacco products in

MXD zones or restrictions for marijuana retailers if that became legal at this time, just to clarify that.

And staff does recommend that the Planning Commission vote to recommend to the City Council approval of Case #23-14. And that's the conclusion of the staff report. And then this is also a public hearing because it's an ordinance.

CHAIRMAN LEE: And I already opened it.

MS. KNELLER: Okay.

CHAIRMAN LEE: And if anybody at this time would like to step forward and speak, now is the time to do so. I don't see any [inaudible] or hear any concern. I do have a question. Why were those three specific [inaudible] have them [inaudible].

MR. SCOTT: Those are, well, in particular, schools and parks and particularly where children congregate. Obviously, churches -- children or family, that environment. So, those are -- typically, when one is looking at a, I'll call it sort of a regulating some type of sin like alcohol or adult bookstores, tobacco, any time traveling away from those particular zone areas, churches, schools, and parks.

CHAIRMAN LEE: However, if I [inaudible], they consume [inaudible].

MR. SCOTT: It should, yeah. You just can't buy cigarettes or tobacco products within a thousand feet of it, yeah.

CHAIRMAN LEE: That's one kind of thing I wouldn't go there.

MR. SCOTT: Yeah.

MS. KNELLER: There is an ordinance of distance of smoking at an entrance to those facilities.

MR. SCOTT: Yeah. Technically under the current City code, you can't smoke in a church because they have a smoke-free ordinance on the books.

CHAIRMAN LEE: In the church, not necessarily outside.

MR. SCOTT: Right. Outside. Yeah. If you want to go outside in the parking lot and smoke, you can't do that.

MS. KNELLER: Yeah. A certain distance from the door.

CHAIRMAN LEE: Questions?

MR. TROPBITO: What is the definition of one of these businesses? Is that [inaudible]. Well, what's -- does this affect every store that already exists?

MR. SCOTT: Well --

MR. TROPBITO: And how would this affect a store like Casey's or -- I know CVS doesn't sell [inaudible]. Walgreens does, for example.

MS. KNELLER: So, they're allowed to -- they're allowed to sell it, and it's enforced by state statute.

MR. SCOTT: So, the ordinance defines tobacco retailer as any person who sells, offers for sale, or engages, or offers to exchange for any formal consideration, tobacco products, and those are defined elsewhere in this ordinance. This definition is without regard as to the quantity of tobacco products sold, offered for sale, exchange, or offered to be exchanged.

MR. TROPITO: So, that would include Walgreens, drug stores.

MR. SCOTT: Now, there are businesses in town that currently sell tobacco products. And we've got Walgreens, I think Hy-Vee. And those are essentially allowed to continue to sell tobacco products in this ordinance. If for whatever reason they stopped selling tobacco products --

MR. TROPITO: [Inaudible]

MR. SCOTT: -- they're not going to be able to do that again if they're within 1,000 feet of [inaudible] another tobacco retailer.

MS. KNELLER: Or if it's sold to another business that is -- that would like to also sell it's -- if there's change of --

MR. TROPITO: [Inaudible]

MS. KNELLER: If it's not the same business, if it's just change of ownership, it can continue. If it's a different business altogether, they have to cease selling tobacco products.

MR. TROPITO: Okay.

MS. RICHARDS: If it's within a 1,000 feet of a park or church --

MS. KNELLER: Exactly.

MR. RICHARDS: -- or a school.

MS. KNELLER: Or existing tobacco retailers.

MR. SCOTT: Or another existing tobacco.

MR. TROPITO: Okay. Right. Yeah.

MS. KNELLER: There's overlap in some places where that exists.

MS. RICHARDS: Like technically if Hy-Vee were to sell its gas station, is that -- and something else went in there --

MS. DUKELOW: Is that a thousand feet from Legacy Park?

MS. KNELLER: I would say it probably would be, yeah.

MR. SCOTT: Yeah. It is. Yeah.

MS. RICHARDS: Okay. I was just coming up with a scenario.

CHAIRMAN LEE: You're saying [inaudible].

MS. KNELLER: I think so.

MS. RICHARDS: No. No.

MS. KNELLER: Yeah.

MS. RICHARDS: I mean yes. It would be more.

MR. SCOTT: Yeah.

MS. KNELLER: It would be within the thousand feet.

CHAIRMAN LEE: I mean the case would probably, I mean -- I assume there [inaudible] gas stations are a part of [inaudible].

MR. SCOTT: When one stops selling and the other continues to sell.

MS. CULLINANE: And then how long would this be since the previous one expired?

MR. SCOTT: I'm sorry.

MS. CULLINANE: How long would this ordinance be for since the previous one ran out or expired?

MS. KNELLER: Oh, that was a moratorium ordinance.

MR. SCOTT: Yeah. Sorry. So, what we did was -- when the Council started seriously discussing this back in the winter, we actually had a couple of phone calls from folks who were interested in maybe establishing a tobacco shop and so the Council said, well, let's pass a moratorium that essentially says no licenses to be sold, or no -- no licenses would be given out, excuse me, we don't sell a license. No license would be given out to a tobacco retailer for a period of 150 days. And that gave staff time to do the analysis and have the ordinance drafted and have the public hearing held. So, that moratorium is going to be -- that'll expire in August.

MS. CULLINANE: Yeah. I think this one is especially timely. I think just with marijuana becoming legal in more states [inaudible] if Kansas -- if Kansas makes marijuana legal, I think this will be very important for that too.

MR. SCOTT: If that's the case, if Kansas legalizes marijuana sales, then we'll need to revisit this ordinance again and see how that impacts this ordinance.

CHAIRMAN LEE: [inaudible] at all.

MR. SCOTT: Currently no.

MR. SCHMID: What's the reason for that this -- you probably this it's just --

MR. SCOTT: Currently, marijuana sales are illegal in the state of Kansas, so.

MS. KNELLER: And may never change.

MR. SCOTT: Yeah. Like why put something into the ordinance that's already illegal.

MS. DUKELOW: Sounds good. I have a few questions. I just -- I didn't understand in the analysis portion of the, you know, the introduction to the ordinance, it said within the existing MXD zoned properties at the southeast corner of Roeland Drive and Johnson Drive, as well as the property of the southwest corner of Shawnee Mission Parkway and Roeland Drive that it's zoned C-1, tobacco retailers would not be excluded by the 1,000-foot buffer.

MS. KNELLER: Yeah. So --

MR. DUKELOW: I'm not completely sure what that means.

MS. KNELLER: So, maybe I can help.

MS. DUKELOW: [Inaudible].

MS. KNELLER: Yeah. So, C-1 does allow tobacco retailers. Therefore, by right, tobacco retailers of any type, e-cigarettes, any type of tobacco product could sell there in those places. The buffer did not pick up those particular properties that we're talking about on the southwest corner of, what is it, Shawnee Mission Parkway and Roeland Drive, and then on the southeast corner, and then some portions of MXD over there in the Gateway area. So, potentially, so there's -- one's a bank. And then what's the other property there on the corner?

MR. SCOTT: I think that property is a residential parcel property.

MS. DUKELOW: It's residential.

MR. SCOTT: Yeah.

MS. DUKELOW: But what -- so, what buffer are we talking about --

MS. KNELLER: If it's zoned C-1, well, so there must have been either an existing retailer in the other buffers or a church or a school or a park in any of the other buffers that picked up all the other rest of the commercial places that is zoned for tobacco retailers. That C-1, C-2, CP-2, CP-1, C-1, and MS-1 and MS-2.

MR. SCOTT: And those properties fell outside of the buffer. Either around a church or a park --

MS. KNELLER: Those particular --

MR. SCOTT: -- or a school or an existing retailer shop.

MS. KNELLER: So, we're not excluding every area that could possibly sell tobacco in the future that doesn't already -- that isn't already an existing --

MR. SCOTT: Right. That's one thing, to be very clear, by law, we cannot outright exclude the sale of tobacco in the City of Mission.

MS. KNELLER: We wouldn't want to do that.

MR. SCOTT: Yeah. That --

MS. KNELLER: We could --

MR. SCOTT: That's not allowed. We can't --

MS. KNELLER: We'd get in trouble for that.

MR. SCOTT: Yeah. The courts would have a field day with that one. So, we have to kind of design these buffers, and those particular parcels of property that fall out on any one of those buffer zones.

MS. CULLINANE: The southwest corner of Shawnee Mission Parkway and Roeland Drive, this [inaudible].

MR. SCOTT: Yeah.

MS. CULLINANE: Is this a similar ordinance and guidelines that other cities follow? [Inaudible]

MS. KNELLER: Yes.

MR. SCOTT: Yeah. Right. Yeah. I think Shawnee, for example, regulates the distance of vape shops. They call them vape shops, in particular, and they regulate the distance from one vape shop to another. So, we kind of took that model and expanded upon it to say all tobacco retailers. And we also included those other land uses such as churches and schools and parks.

MS. CULLINANE: Because a vape is considered under this [inaudible].

MR. SCOTT: Yeah. Because vape is included as a form of tobacco product.

MS. KNELLER: I think this is the parcel we're talking about here, Robin.

MS. DUKELOW: Okay.

MS. KNELLER: And, yeah, that is R-1 right there.

MR. SCOTT: Yeah. It's R-1. So, that property to the north --

MS. KNELLER: This is the other one that we're looking at, which is C-1.

MR. SCOTT: That's the only C-1. Well, you have --

MS. KNELLER: And then I think there's that's CPO.

MS. DUKELOW: Okay. So, you just said that C-1 --

MS. KNELLER: And there's one here that is also C-1.

MS. DUKELOW: They are allowed. They are allowed to --

MS. KNELLER: Yes.

MS. DUKELOW: Okay. But this article still applies to them. Or it doesn't find them because §415.140 --

MS. KNELLER: It's not in the buffer.

MR. SCOTT: Yeah.

MS. DUKELOW: -- says the provision of this article shall apply to all zoning districts.

MS. KNELLER: That allow for tobacco retailers. And as long as they're -- if they're not in the buffer zone as indicated in that map, then they would still be allowed to sell tobacco --

MR. SCOTT: In theory --

MS. KNELLER: -- if it's zoned for tobacco retailers as it currently exists in our zoning code.

MR. SCOTT: So, in theory, if the bank were to close and sell that property, they could potentially sell it to a tobacco retailer. And that would be permissible as the code is written right now.

MS. DUKELOW: Across the street from [inaudible]

MS. KNELLER: Yep.

MS. DUKELOW: Okay. Then the other question I had is in the event that, I'm sorry, §415.160 Distance Requirements. In the event that any tobacco retailer or electronic cigarette retail establishment abandons or discontinues as a retailer -- so, this has to do with the continuity of the use. So, if they discontinue it, is it immediately or is there a time period for which another business can come in. I understood it's immediate.

MS. KNELLER: Uh-huh.

MR. SCOTT: It's immediate, right.

MS. DUKELOW: Okay.

MS. KNELLER: Even if it's the same type of operation. Let's say it's a gas station and the gas station owner wants to sell it to a different gas station owner, and they want to call it -- one is, let's say, Gas is Us. And then they sell it to somebody that says, We are Gas, or whatever it happens to be.

MS. DUKELOW: But the point is that they --

MS. KNELLER: The name changes and the ownership changes, it discontinues the right to sell in the buffer.

MS. DUKELOW: In the event that there is already a tobacco retailer within 1,000 feet.

MS. KNELLER: Yes. Or a church, school, or park.

MS. DUKELOW: Okay. But then it goes on to say, so discontinues as the tobacco retailer. And it says in operation prior to the effective date of this ordinance. Isn't it in operation after the effective date of this ordinance --

MR. SCOTT: No.

MS. DUKELOW: -- because the date of this ordinance would draw [inaudible].

MR. SCOTT: So, it's any existing retailer when the ordinance is adopted.

MS. DUKELOW: [Inaudible]

MR. SCOTT: Welcome to our world trying to work with these.

MS. CULLINANE: So, anyone after today who would apply would have to apply in writing.

MS. KNELLER: Absolutely.

MR. SCOTT: Correct. Yes. So, once this ordinance is adopted --

MS. KNELLER: That's right.

MR. SCOTT: -- by the City Council and published in *The Legal Record*, then it becomes effective. If anybody comes in the day after with an application has to abide by this ordinance.

MS. DUKELOW: Right.

CHAIRMAN LEE: So, and we don't have them.

MR. SCOTT: At the moment no.

CHAIRMAN LEE: We don't have any. And the action will [inaudible] and they change dealers, but it still remains under the same name.

MS. KNELLER: If it just changes ownership, it's a -- they can, I believe with this ordinance.

MR. SCOTT: It depends how you define ownership. But again, if it's -- Brian's Amoco gas station and sell it to Karie's Amoco gas station, then you we have a change in ownership.

CHAIRMAN LEE: Well, let's suppose the land owned probably remains the same.

MR. SCOTT: Yeah. The gas station --

CHAIRMAN LEE: And turns around and leases them out to [inaudible].

MR. SCOTT: But if it's Amoco, it might be the same, yeah. There's a provision in here that if it's owned by a couple and the couple get divorced or there's some organization or a corporate type of structuring or something like that, that's not necessarily a change in ownership; that's just kind of a kind of change in corporate structure and relationship.

MS. DUKELOW: All right. I just have one more. So, Item C under Item B that we just talked about. It says that they have to retain the records of purchases and sales for one year. And is this -- is this like a 12-month rolling clock, that they always have to have the previous 12 months? Or where did this one year -- I mean, so it's like you walk in there next October, they have to have back to the previous October.

MR. SCOTT: I think so.

MS. DUKELOW: So, it's like a rolling?

MR. SCOTT: Yeah. And I think that might be a state provision. So, I think this -- they have to keep records for the state too, so I think that might be a state provision.

MS. DUKELOW: I see.

MS. KNELLER: Currently I don't believe we have anything in place to enforce or to go and -- we don't have the resources set up in order to do that. But I think that would be an extenuating circumstance type of situation where we're made aware of an issue perhaps, and so we might have the right to inspect because of this portion of the ordinance.

MS. DUKELOW: Thank you.

CHAIRMAN LEE: Does anyone have any questions?

MR. TROPITO: Has the City attorney looked at this yet and approved it?

MR. SCOTT: The City Attorney drafted the ordinance.

MR. TROPITO: Okay. Because normally that would be stated on this somewhere, approved by the City Attorney.

MR. SCOTT: Yeah. He drafted it and --

MR. TROPITO: All right. Thanks.

MS. DUKELOW: This will be interesting because there's that one gas station that's for sale on Johnson, I believe.

MR. SCOTT: Nall.

MS. DUKELOW: Yeah. I was just looking at that [inaudible] where does that fall into the [inaudible].

MS. KNELLER: It probably won't really matter because it's not zoned for that anymore, or it will need to probably change use at this point.

MS. DUKELOW: Mr. Chairman, if there are no further comments or questions, I'll move to approve the public hearing in Case No. 23-14, Tobacco Retail Ordinance.

MR. BRADEN: I'll second it.

CHAIRMAN LEE: [Inaudible]

(Off Record Talking)

MS. STEFFENS: Dukelow.

MS. DUKELOW: Aye.

MS. STEFFENS: Braden.

MR. BRADEN: [Inaudible].

MS. STEFFENS: Lee.

CHAIRMAN LEE: Aye.

MS. STEFFENS: Schmid.

MR. SCHMID: Aye.

MS. STEFFENS: Richards.

MS. RICHARDS: Aye.

MS. STEFFENS: Cullinane.

MS. CULLINANE: Aye.

MS. STEFFENS: Troppito.

MR. TROPPITO: Aye.

MS. STEFFENS: Motion passes.

Motion 3: Robin Dukelow - Ward IV/Stuart Braden - Ward I: Approve Public Hearing: Case #23-14 - Tobacco Retailer Ordinance. **The motion carried 7-0-0.**

- 3. Case #23-15 - Water Works Park Final Development Plan at 5814 West 53rd Street**

CHAIRMAN LEE: Case No. 23-15 - [inaudible] Water Works Park, Final Development Plan at 5814 West 53rd Street. At this time, I would [inaudible] hear the comments from the public. [Inaudible].

MS. KNELLER: Would you like for me to do the staff report?

CHAIRMAN LEE: Yes.

MS. KNELLER: Okay. Okay. This is Case #23-15, The Final Development Plan of the Waterworks Park. So, you all approved the plans for the preliminary development plan previously at last month's public hearing. City Council heard the case and also approved it this last week before coming to you. So, now we have the Final Development Plan in quick succession here before you today.

The project team did provide modifications due to your comments, the public comments that were heard at the last meeting, and those cover such things as a feasible connection to Rushton Elementary via the walkway, a stormwater management design that details best management practices according to the APWA and Mid-America Regional Council guidelines, and an updated landscaping plan that includes native species and consideration for adjacent neighboring properties for sun and shade, which is also included with this Final Development Plan.

The applicant requested information from the solar table manufacturer because I know that was -- several people had comments about the maintenance of those tables, the charging ports and such, and for potential damage of those charging ports. The manufacturer stated that mud, sticks, or other debris placed in the ports would require that the USB port would be replaced and that that would not -- they would not anticipate that that would be a major endeavor to replace. And there's a maintenance plan actually that can be procured by the City for that. But I don't know without talking to Penn about it, whether they have actually decided to go ahead with that maintenance plan. That's kind of like an insurance plan that you would purchase through the manufacturer. It may be something that's a nominal cost that we can incur as a city. The manufacturer did not anticipate the ports would be, oh, sorry, a major effort to replace like I said.

The applicant also visited a site with the same type of musical play equipment on a different park outside of the City with the same type of equipment and measured the decibels on site. Standing right next to the play equipment, the decibels did not exceed 60 decibels. And with the buffer between where that equipment would be placed and where it would be off the property line, we do not anticipate that it would exceed 50 decibels, which is what is required by a code for a maximum noise level. To reduce the possibility that the noise exceeds that regulation, however, they did move the play equipment a little bit further into the property away from the property line, and also added some native grasses that grow tall enough to help buffer some of that sound just as a precaution.

Staff also received a letter and phone call from one Mission resident following the Planning Commission meeting that outlined many of the same concerns that were voiced here. That letter came from a resident that was actually in attendance at the meeting. Voiced many of the same concerns that others voiced in that meeting. And I called the applicant to just, you know, confirm what the letter stated and what her major

concerns were. Parking was one of them and just the amount of parking that was on site.

It is staff's determination that the amenities and improvements and inclusivity efforts of Waterworks Park adhere to the mission and vision statements in the Master Plan for Parks and Rec.

The consideration of the Final Development Plan is outlined in the Mission Municipal Code at §440.190. And the modifications are not significant in staff's determination that they are in compliance with the municipal code. And the applicant and design team considered Planning Commission, City Council, and public input in its final design.

There's also a score card that's included in your packet with this Final Development Plan from the Sustainability Commission. And that was reviewed by the Sustainability Commission, a representative of the Sustainability Commission, I should say. And there were various elements that that representative stated could be part of this FDP, and which have been included such as natural resource preservation, heat island mitigation, bicycle storage, EV parking, materials, energy and water conservation methods, indoor air quality, and some others that are included in your packet.

Staff does recommend that the Planning Commission vote to approve the Final Development Plan for the redesign of Waterworks Park.

CHAIRMAN LEE: I'm assuming that I'm seeing [inaudible]. There is nothing further to add to the report. Is there anyone in the public who would like to speak? [Inaudible] Not seeing anyone, I will close the public hearing.

MR. SCOTT: Is someone calling in and they want to speak?

UNIDENTIFIED SPEAKER: So, the feedback that we did receive from the residents as well as our feedback that was given, there were no changes made to this, correct, between the preliminary and this one?

MS. KNELLER: Yes. There were changes made according to your comments and public comments.

MS. CULLINANE: Okay. Actually, did I totally miss that when you read them?

MS. KNELLER: Such as the connection to -- a feasible connection to Rushton.

MS. CULLINANE: Yeah.

MS. KNELLER: Such as what are we going to do about maintenance of those ports if they get damaged. Those were considered by the Parks and Rec Director, and are still being considered how to, you know, the maintenance of the park and such as that in the budget already. Do we need an insurance policy for that and that sort of thing. The noise considerations for the equipment. They moved the equipment further off of the property line just in case those decibels -- that he measured decibels at another park. Shade for the gentleman that had concern about his garden. The trees are not tall enough to impact the shade or sun on his site. Yeah. I think we've addressed every one of the comments in the Final Development Plan.

MS. CULLINANE: I've got to say I still don't love the pavilion facing the bathrooms like you just -- like I drove around the metro at all these different parks. Pavilions weren't facing restrooms. I get it, the safety thing but, you know, like I just don't love that the pavilion is facing -- looking just at restrooms.

MS. KNELLER: Yeah. And that was one of the considerations that they looked at too. I think the design of it was -- so, the orientation was for this -- well, for the solar gain --

MS. CULLINANE: Right.

MS. KNELLER: It doesn't have solar panels. But the solar gain on the building itself, it was designed and oriented the way it was for shade. So, anything that, I mean, everything was considered.

MS. CULLINANE: Right. Right. Right.

MS. KNELLER: Whether it was feasible or not, you know, a design consideration that was something that they felt like could or could not be changed, they considered it.

MS. DUKELOW: [inaudible] We also changed the location of the [inaudible] garden. [inaudible].

MS. CULLINANE: The other thing that I wanted to bring up is the light that is on the back side of the restrooms, which would face the neighborhood. And it's not clear to me from what I'm seeing because lights don't have numbers on them. But it does appear to me that that could be an unshielded fixture. So, they've got a photometric plan here, and that's great because that tells us what the light impact is on the ground, but that doesn't help the neighbor who's looking right at it. So, I would just say that the base of that should be screened.

MS. KNELLER: Full cut off.

MS. CULLINANE: Well, the face of it. Full cut off typically means the top, right, the night sky.

MS. KNELLER: Okay.

MS. CULLINANE: And we've also got to consider the face.

MS. KNELLER: Okay.

MS. CULLINANE: And the other question I had related to that is whether or not these lights are on a photocell, or a timer, or how they -- how they're being managed.

MS. KNELLER: Okay.

MS. DUKELOW: But I can tell you this first-hand because I've seen the lights underneath it on at Mohawk Park and sometimes it's [inaudible].

MS. KNELLER: I'll make sure when we get --

MS. DUKELOW: You can look at right it, the --

MS. KNELLER: When we get construction drawings to ask about that and make sure that that's as part of the specifications for those actual -- the lights on that side.

MS. DUKELOW: Yeah. Their sheet here shows a couple of different fixtures that are electric and that there is no number on them and, you know, where do they go. And one of them is probably not okay. So, I'd like [inaudible] than that.

MS. KNELLER: Noted.

MS. DUKELOW: And that's all I have. Thank you.

CHAIRMAN LEE: Additional comments?

MS. DUKELOW: Oh, I'm sorry, I do have one more. Just out of curiosity, and I think that the bathroom, so they said that the bathroom locks are going to work on a Bluetooth.

MS. KNELLER: Wi-Fi.

MS. DUKELOW: Wi-Fi. So, they're just going to also be locked. Now, my guess is that would be failsafe and a bit secure, and that if somebody happens to be in there, they can get out.

MS. KNELLER: That's a great question. I think the first time that happened --

MS. DUKELOW: [inaudible] night.

MS. KNELLER: Yeah.

MS. DUKELOW: Also, they need to --

MS. KNELLER: I think the first time that happened there would be a change. But I think I think that's been considered, but --

MS. DUKELOW: I was just throwing that out there.

MS. KNELLER: Yeah, for sure.

MR. SCOTT: Probably by codes.

CHAIRMAN LEE: If there are no more additional comments [inaudible] opinion. Okay.

MR. TROPITO: Mr. Chairman, I move to approve Case #23-15, Waterworks Park, Final Development Plan at 5814 West 53rd Street.

MS. DUKELOW: Second.

CHAIRMAN LEE: Call the roll.

MS. STEFFENS: Lee.

CHAIRMAN LEE: Aye.

MS. STEFFENS: Schmid.

MR. SCHMID: Aye.

MS. STEFFENS: Richards.

MS. RICHARDS: Aye.

MS. STEFFENS: Braden.

MR. BRADEN: Aye.

MS. STEFFENS: Cullinane.

MS. CULLINANE: I'm not approving because of the charging pods and then the pavilion facing --

MS. STEFFENS: Because of what? I'm sorry.

MS. CULLINANE: The charging pods and the pavilion facing.

MS. STEFFENS: Charging pods.

MR. SCOTT: So, you're a no.

MS. CULLINANE: I'm a no.

MS. STEFFENS: Thank you. Troppito.

MR. TROPPITO: Aye.

MS. STEFFENS: And Dukelow.

MS. DUKELOW: Aye.

MS. STEFFENS: Motion passes.

Motion 4: **Charlie Troppito - Ward III/Robin Dukelow - Ward IV:** Approve Case No. 23-15 - Water Works Park, Final Development Plan, at 5814 West 53rd Street. **The motion carried 6-1-0 with Megan Cullinane voting no.**

(Off Record Talking)

IV. OLD BUSINESS

CHAIRMAN LEE: Do we have any Old Business? [Inaudible].

V. PLANNING COMMISSION COMMENTS

CHAIRMAN LEE: Comments.

MS. DUKELOW: I have something. A question on the station. Does that require 180 days to [inaudible] before it has -- before it has to be a conforming use? Is that right? [Inaudible] 180 days.

MS. KNELLER: I don't believe so. I think it -- if I'm correct, if it's, if the business closes and it's redeveloped, it has to be conforming with code and come to Planning Commission for that redevelopment.

MS. CULLINANE: So, it's not 180 days?

MS. KNELLER: I don't believe so.

MR. SCOTT: Yeah. There's no specific requirement for 180 days in terms of conforming or non-conforming, I'd have to look at the code for that. I don't know off the top of my head.

MS. DUKELOW: Okay. I think it's [inaudible] anyway. Okay. Well, I guess we'll keep our fingers crossed and [inaudible]. I'd like to see it go away.

MR. SCOTT: It's been six months now.

MS. DUKELOW: It has?

MR. SCOTT: Yeah. They closed at the first of the year after the holidays.

MS. DUKELOW: Okay. [Inaudible] that loss.

Okay. The next question is the gateway. So, they left the proceedings, what, last week. And now my question is since they currently have an approved site and development plan --

MR. SCOTT: Correct.

MS. DUKELOW: -- and somebody could pick that up.

MR. SCOTT: Correct.

MS. DUKELOW: How long is that site development plan still eligible to be picked up? Do we have to wait a long time or is it just a short time for it?

MS. KNELLER: Is it five years after it was finally approved? Five years they have to develop it or not.

MR. SCOTT: That a good question, a question I'm asking myself. So there's nothing in the code that gives a shelf life on an approved development plan. I have started drafting ordinances for the City Council to approve when we had development plans that come before the Planning Commission and then go to the City Council. But for probably the two years, I've actually been drafting ordinance that goes to the City Council with these stipulations like what you saw with the Phase II project tonight, and some other provisions. In one of the provisions, and I think it's even in the stipulations with the project we heard tonight, is that the development plan has a shelf life of five years. Now, because that particular development plan was tied to an incentive project

and a redevelopment plan, we kind of steered away from specifying something in the ordinance. So, there's a little bit of a disconnect there. You're right in theory, the developer could come in tomorrow and say, I still own the property, I still have an active development plan, I want to go ahead and do it. Forget the incentives, I don't need incentives, I just want to go ahead and do it.

MS. DUKELOW: Or another developer.

MR. SCOTT: Or another developer could buy that property and then step into the shoes with that development plan and finish it out. That's correct.

MR. TROPBITO: Okay. None of that can happen though until the bank initiates foreclosure proceedings.

MR. SCOTT: Right.

MR. TROPBITO: [inaudible] could end.

MR. SCOTT: Right. Yeah. So, the bank right now is initiating foreclosure proceedings, that's correct. And if at the end of the day, the court awards the property to the bank, then the bank could either step in themselves or more likely to hire developers, sell it to somebody who would step in and finish up the project.

MR. TROPBITO: Or they could [inaudible] and change the project.

MR. SCOTT: Or they could just scrap the whole development plan and start over again.

MS. CULLINANE: And I think I had heard that they were going to try to do something about just like keep it more appealing during that process, that they were going to continue keeping it up.

MR. SCOTT: Well, the developer of record still owns the property as of today, so they haven't -- they have kind of, well, they want some other property in the Kansas City area, and they have a manager in the area that manages those properties, so we've been in touch with him. Just keep the property mowed. Keep the screening up and try to keep the weeds at bay. If they don't do that, then, of course, we have recourse through the codes to pursue an action against them.

MS. DUKELOW: And do we determine a method of -- for an approach a recommend comp plan.

MR. SCOTT: Yes. I was going to talk about that next.

VI. STAFF UPDATES

MS. DUKELOW: Comp plan. The Comprehensive Plan.

MR. SCOTT: So, yes. We're still on course. I talked with the City Administrator, and she talked with the Mayor. We didn't really hear that we were going to do another meeting in July. And so we're still kind of forging ahead with bringing this to the Planning Commission in August. I know some of you had some reservations about that.

If there's something in particular that you have a further question about, you'd like some clarification, you can feel free to send me an e-mail. I'll try to provide some clarification around that. But at this time, it's our intent to bring this to the Planning Commission in August and then to the City Council in September. It was really kind of a desire amongst the City Council, and particularly the staff as well, but to get this process wrapped up because there's some things that come out of the comp plan like zoning code revisions that we'd like to go ahead and move forward with. So, we're kind of anxious to get going with that.

MS. CULLINANE: Would we be able to just review? I know Karie usually sends the packet the week before.

MR. SCOTT: Yeah. We'll try to post that. I actually have plenty of hard copy drafts. If you'd like one, I can give you one before you leave tonight so you can review it.

MS. DUKELOW: But was the minutes for the --

(Inaudible; talking over one another)

MR. SCOTT: It's the draft that we had back in the spring basically -- there haven't really been many in the way of edits to that original draft.

MS. KNELLER: Well, the Future Land Use Plan has been revised --

MR. SCOTT: Yeah. That's essential.

MS. KNELLER: -- since we had the workshops.

MR. SCOTT: Yeah.

MS. KNELLER: And so we took everything that you all said and everything the City Council said at that meeting, everybody took copious notes. The consultant took copious notes. I did. Brian did. Laura did. Everybody made sure that we captured what everyone had said and then put those considerations into the Future Land Use Map as well. And then we addressed density and we addressed, particularly when we were talking about the bright purple next to the yellow on the Future Land Use Plan, we took great pains to make sure that we were buffering where appropriate. And if there was a grade change that would make -- that would make that buffer really kind of obsolete, it was something that we considered because of elevation changes that you wouldn't have this close proximity. Let's just say it's across from Rock Creek channel or something like that, you have a big screen buffer of trees that doesn't -- that would create less of an impact between those two uses. All of those things we painstakingly went through that Future Land Use Map and made revisions to it according to what you told us.

MR. SCOTT: So, we can provide that. We can provide an electronic version of the draft document itself, which didn't really change much from what was shared back in the spring.

MS. KNELLER: But we're still working on the implementation.

MR. SCOTT: We're still working on the implementation plan. We're fine-tuning it.

MR. TROPBITO: Well, that is actually -- so, that's the work that we did when we were targeting priorities, right?

MR. SCOTT: Right. Right.

MS. KNELLER: Exactly.

MR. TROPBITO: So, that's like Phase II of the plan, the implementation.

MS. KNELLER: It's the --

MR. SCOTT: Well --

MS. KNELLER: It's the final chapter --

MR. TROPBITO: [inaudible] August

MR. SCOTT: Yes.

MS. KNELLER: We are hoping to have that for you in August as well.

MR. SCOTT: Part of that is in August, yeah.

MS. KNELLER: And that so -- so, that whole process, those two workshops that we did for prioritization and for the timeline, time frames, that was an order that everyone on the Planning Commission, everyone on Council, staff, directors all had input and we could build consensus on what, as a whole, the group basically decided during those workshops. And so we took that and just built all of that into implementation, what you were able to provide to us. Now, there were things that didn't rank high on priority that you didn't put a timeline with according to -- because we would have been there for days. It would have been like the whole weekend retreat to do everything. So, we wanted to get those priorities built in and get consensus on those, and then fill in the blanks according to what we thought budget, what we would have for budget and resources and those sorts of things going forward. And Mayor has had quite a bit of input on that. Laura, Brian, and I have sat together and worked through a lot of that stuff too. So, we're trying to get those things flushed out and that's when we're going to give you that full, here you go, here's your -- here is what we have for you to review.

MS. CULLINANE: You know that meeting -- sorry, Brian. So, will that meeting be like a -- like a preliminary plan or we'll like review it and provide feedback again? So, what's the expectation moving forward?

MS. RICHARDS: It's not like it's final, right?

CHAIRMAN LEE: There will be a public hearing.

MR. SCOTT: Yeah. There will be a public hearing. And I'm sure there will be some people from the public that provide input.

MS. CULLINANE: Right.

MR. SCOTT: And, of course, your input. And at some point we'll take a vote and then recommend that to the City Council.

MS. CULLINANE: At that same meeting.

MR. SCOTT: We hope, yeah.

MS. CULLINANE: Okay.

MR. SCOTT: Yeah.

MS. CULLINANE: But we could still make amendments and say --

MR. SCOTT: You could propose amendments, sure.

MS. RICHARDS: It would be great to have it prior to [inaudible].

MS. KNELLER: Yeah.

MR. SCOTT: Yeah. That's our goal is to try to get it all wrapped up within the next week or two.

MS. RICHARDS: [Inaudible] our concerns and [inaudible] prepared those things that we need.

MR. SCOTT: Yeah.

MS. RICHARDS: And so if we have a little more buffer to digest all this.

MR. SCOTT: I told the City Administrator we really need to get it posted about a month out. And these are posted on the website so everybody can look at it.

MS. RICHARDS: Great. Otherwise the meeting will be a --

MR. SCOTT: Right.

MS. RICHARDS: We won't be prepared or --

MS. CULLINANE: I was going to say, is that the only thing on the agenda?

MR. SCOTT: Well, unfortunately not. You know, that's --

MS. KNELLER: Well, I mean, we -- like Brian said, we could give you the -- what we have so far even with that Future Land Use Map, and you could be reviewing that now. And then really the only thing that's left that we don't have ready for you yet is that implementation chapter.

MS. CULLINANE: I mean, that's fine with me.

MR. SCOTT: Yeah. What we have is what we shared with you back in the spring. And I have hard copies of it.

MS. KNELLER: Except for the updates that.

MR. SCOTT: We sent it out at the time. You know, the meat of it is still there. You just have a recommendation for the implementation plan, that Chapter 10 that Karie is saying we polished up a little bit. And of course the Land Use Plan which has been polished. So, we can send those -- well, not the implementation plan, but the Land Use Plan, I can send out tomorrow.

MS. CULLINANE: Because I think that was the most of our feedback [inaudible].

MR. SCOTT: Yeah.

MS. CULLINANE: Implementation, we covered that [inaudible] .

MR. SCOTT: We've been I think kind of been working through that process like Karie was describing, and then sort of taking that and kind of aligning it a little bit with the Council goals, and just kind of making sure that everything is -- all these touchstones prove to be a little bit more challenging for some thought. And I've been up to my eyeballs in the audit for the last six months. I finally put that to bed last week, so I can hand off my financial duties to somebody else and get back to being Community Development Director.

CHAIRMAN LEE: What else do we have while we got you?

MR. SCOTT: So we have a preliminary development plan for Popeye's. They decided that they wanted to demolish the existing building as opposed to renovating it and build a new building. So, we've been working with them on plans for that.

And then we have the final development plan for the -- that's going to be September, the Swig.

MS. KNELLER: The plat and the FDP.

MR. SCOTT: The plat and FDP for the Swig. Is that --

MS. KNELLER: Uh-huh.

MR. SCOTT: Okay. That's --

MS. KNELLER: Oh, no, no. That's September.

MR. SCOTT: Yeah.

MS. KNELLER: August is the comp plan, Popeye's.

MR. SCOTT: There's something else? Oh, it's a minor thing. It's a plat or something, so.

MS. KNELLER: Oh, and possibly the Morrison Ridge plat. That's for the split lots that you all have the preliminary plat for. But he's got one more thing that he has to put in front of us before that can go to you, so we're waiting on that to happen.

MS. CULLINANE: What's that?

MS. KNELLER: There's something else too. What's that?

MS. CULLINANE: [inaudible] I asked if Popeye's was going to bring us Popeye's.

MS. KNELLER: So, that would be a bribe. We can't take bribes.

MS. RICHARDS: He could bring us samples.

MR. SCOTT: Let's do that.

MS. KNELLER: We don't -- we, for the record, don't take bribes.

MR. SCOTT: Oh, I do have one last item. Commissioner Smith is not with us this evening because she had a baby on July 13th. Helena Anne Smith was born July 13th at 9:45 a.m., and not too early. And she's 7 pounds, 7 ounces, and 19½ inches long. A new member of the Planning Commission.

MS. KNELLER: I have a picture if I can bring it up.

UNIDENTIFIED SPEAKER: There you go.

MR. SCOTT: There it is.

MS. RICHARDS: Also, I wanted to say I missed the meeting last June, but I think you guys shared our trip to Philadelphia for the planning [inaudible] meeting. I just wanted to add, you know, my two cents to their report. It really made me have an appreciation of the City of Mission as a planner. There's a lot that goes into this work. And also, it really opened my eyes to how many resources could be at our fingertips should we need them. The resource sharing among cities of our size, doing great things across the country, I mean it really does, you know, we don't need -- we don't have to work in a vacuum. There are a lot of resources. And anyway, a lot going on at that meeting. It was a really valuable experience. A lot of similar issues that we see and that we're talking about, other cities are feeling the same. Anyway, I just thought I would throw that in there.

MR. SCOTT: Karie and I participate in a monthly Zoom meeting of the community development directors in Johnson County. And it started about two years during COVID. And it's just kind of a good opportunity to visit folks once a month and see what kind of hot button issues there are that our cities are dealing with and how they're responding. And we're always exchanging emails about the topic of the day. And I for one am not at all ashamed of plagiarizing from those cities, both locally and across the region and the United States. I mean always surfing the internet and grabbing ideas and copies of ordinances and things like that.

MR. TROPBITO: We'll be [inaudible]

MR. SCOTT: Yeah.

MS. KNELLER: They all do it.

MR. SCOTT: If you copy from source it's plagiarizing. If you copy from more than one source, it's research.

(Inaudible; talking over one other)

MS. KNELLER: Our land use attorney writes the ordinances. We tell him what we need, and he puts it in the language that we need.

But I also, you know, recently went to -- Prairie Village is having, as you may or may not know, some, you know, land use discussions around, not their R-1 residential single-family neighborhoods, but their R-2, which we don't have, well, we have R-2, but we don't have quite the same zoning code that they do, or not even quite the same context. But I went to their public meeting just to kind of hear what they were saying and what people's concerns were, just kind of on my own time a little bit. It was a great experience just to hear that, you know, people are concerned about the same things everywhere. And, you know, we're not alone in some of the discussions that are occurring around that. And, you know, there are people on both sides of the aisle that have certain opinions and, you know, so we're right in line with everyone else in that regard. And it'll be interesting to see what Prairie Village comes out with for any changes to their zoning ordinances for, you know, increased density and how they go about that. They have design standards that was part of this public meeting that were very interesting to hear. Great input from the residents and positive input and feedback it sounded like from what I heard. I went to lots of different stations and heard from various people, and it was mostly pretty positive feedback. You know, there were some that absolutely not. They didn't want to see any changes at all, and that's part of the part of the process too. But, you know, when we start to look at our zoning code and design guidelines and that sort of thing coming up here shortly, I mean it's -- that's how I get resources and how I get information about how to approach things by going to other cities and kind of listening in and hearing what they're having to say too because it's all relevant. I mean all these issues in our region are what everybody is dealing with so.

VII. ADJOURNMENT

CHAIRMAN LEE: Okay. If there's nothing else, I'll take a motion for adjournment.

MR. TROPITO: Move that we adjourn.

MS. DUKELOW: Second.

CHAIRMAN LEE: Call the roll, please.

MS. STEFFENS: Lee.

CHAIRMAN LEE: Aye.

MS. STEFFENS: Cullinane.

MS. CULLINANE: Aye.

MS. STEFFENS: Schmid.

MR. SCHMID: Aye.

MS. STEFFENS: Troppito.

MR. TROPPITO: [Inaudible].

MS. STEFFENS: Richards.

MS. RICHARDS: Aye.

MS. STEFFENS: Dukelow.

MS. DUKELOW: Aye.

MS. STEFFENS: And Braden.

MR. BRADEN: Aye.

MS. STEFFENS: Motion passes. Meeting adjourned.

Motion 5: Charlie Troppito - Ward III/Robin Dukelow - Ward IV: Motion to adjourn. **Motion carried 6-0-0.**

(Mission Planning Commission adjourned at 8:45 p.m.)

CERTIFICATE

I certify that the foregoing is a transcript to the best of my ability from the electronic sound recording of the proceedings in the above-entitled matter.

/das _____

July 26, 2023

Deborah A. Sweeney

APPROVED BY:

Kimberly Steffens, Permit Technician