



REGULAR MEETING AGENDA
Wednesday, September 20, 2023 at 7:00 p.m.

CITY HALL
6090 Woodson Street
Mission, KS 66202

Meeting In Person and Virtually via Zoom

This meeting will be held in person at the time and date shown above. This meeting will also be available virtually via Zoom (<https://zoom.us/join>). Information will be posted, prior to the meeting, on how to join at <https://www.missionks.org/calendar.aspx>.

If you require any accommodations (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-676-8350 no later than 24 hours prior to the beginning of the meeting.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ROLL CALL

1. PUBLIC HEARINGS

2. SPECIAL PRESENTATIONS

- Suicide Awareness Month Proclamation
- Happy Bottoms Diaper Awareness Proclamation

3. EXECUTIVE SESSION

3a. Consultation with an attorney under KSA 75-4319(b)(2)

4. ISSUANCE OF NOTES AND BONDS

5. CONSENT AGENDA

*NOTE: Information on consent agenda items has been provided to the Governing Body. These items are determined to be routine enough to be acted on in a single motion; however, this does not preclude discussion. **If a councilmember or member of the public requests, an item may be removed from the consent agenda for further consideration and separate motion.***

CONSENT AGENDA - GENERAL

- 5a. Minutes of the [August 16, 2023 City Council Meeting](#) and [September 6, 2023 Special City Council Meeting](#)

CONSENT AGENDA - Finance & Administration Committee

[Finance & Administration Committee Meeting Packet September 6, 2023](#)
[Finance & Administration Committee Meeting Minutes September 6, 2023](#)

- 5b. Taser Lease/Purchase
- 5c. 2023 STO-UPOC Adoption

CONSENT AGENDA - Community Development Committee

[Community Development Committee Meeting Packet September 6, 2023](#)
[Community Development Committee Meeting Minutes September 6, 2023](#)

- 5d. Beverly Storm Sewer Relocation
- 5e. Interlocal Agreement for 2023 Stormwater System Renewal Project/1-MI-2023-R-501 Mission Street Repair
- 5f. Broadmoor Park Trail Inspection Services
- 5g. Nuisance Abatement Contract Award

6. PUBLIC COMMENTS

7. ACTION ITEMS

Planning Commission

[Planning Commission Meeting Minutes August 28, 2023](#)

- 7a. Preliminary Development Plan Popeye's Louisiana Kitchen Restaurant - 6827a Johnson Drive (PC Case #23-16)
- 7b. Special Use Permit for Discount Sales Outlet - 5470 Martway Street (PC Case #23-17)

Miscellaneous

8. COMMITTEE REPORTS

Finance & Administration, Mary Ryherd

[Finance & Administration Committee Meeting Packet September 6, 2023](#)
[Finance & Administration Committee Meeting Minutes September 6, 2023](#)

8a. Massage Licensing Ordinance Revisions

Community Development, Lea Loudon

[Community Development Committee Meeting Packet September 6, 2023](#)

[Community Development Committee Meeting Minutes September 6, 2023](#)

8b. Interlocal Agreement – Roe Avenue CARS Project

9. UNFINISHED BUSINESS

10. NEW BUSINESS

11. COMMENTS FROM THE CITY COUNCIL

12. COUNCIL COMMITTEE LIAISON REPORTS

Sustainability Commission (Kring/Thomas)

Parks, Recreation + Tree Commission (Loudon/Ryherd)

Mission Magazine Editorial Board (Boultinghouse)

Family Adoption Committee (Chociej)

12. MAYOR'S REPORT

Appointments

13. CITY ADMINISTRATOR'S REPORT

13a. Business Updates

ADJOURNMENT

City of Mission	Item Number:	7a.
ACTION ITEM SUMMARY	Date:	September 20, 2023
Community Development	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

RE: Preliminary Development Plan for Popeye’s Louisiana Kitchen Restaurant at 6821 Johnson Drive (PC Case #23-16)

RECOMMENDATION: Adopt an ordinance approving the preliminary development plan for a new Popeye’s Louisiana Kitchen restaurant at 6821 Johnson Drive (PC Case #23-16).

DETAILS: The existing Popeye’s Louisiana Kitchen restaurant at 6821 Johnson Drive was built in 1977. The building sustained substantial damage due to a kitchen fire at the beginning of this year. The owners, CSM Group, have decided to demolish the existing structure and build a new one in its place. The restaurant is in the Planned Retail and Service (“C-2B”) zoning district. Restaurants with a drive-thru window are a permitted use.

The restaurant is also located within the Form Based Code (FBC) overlay district. One-story buildings, referred to as low-rise structures in the FBC, are permitted on lots that are half an acre or less, which this location is. The FBC stipulates that low-rise structures should front the street with parking located behind the structure. The ownership group and their architect took this requirement into consideration when first evaluating the site but found it impractical as the layout of the new restaurant would not allow for an effective operation of both the walk-up order counter and the drive-thru order window. Thus, the proposed new restaurant is situated on the site much like the current restaurant is. Low-rise structures are also required to be at least 26 feet in height, which the proposed new restaurant will be, and parking is required to be screened with a wall, which this plan proposes to do.

The Planning Commission held a public hearing at their August 28th meeting to take testimony on the proposed application. No testimony was given other than the staff report and applicant’s presentation. At the conclusion of the public hearing, the Planning Commission voted 7-0 (two Commissioners absent) to recommend to the City Council approval of preliminary development plan for a new Popeye’s Louisiana Kitchen restaurant at 6821 Johnson Drive.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	Chapter 400
Line Item Code/Description:	N/A
Available Budget:	N/A

CITY OF MISSION, KANSAS

ORDINANCE NO. _____

AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN WITH STIPULATIONS FOR THE CONSTRUCTION OF A POPEYE’S LOUISIANA KITCHEN RESTURANT AT 6821 JOHNSON DRIVE – CSM GROUP, LLC, APPLICANT (PLANNING COMMISSION CASE # 23-16)

WHEREAS, Subject parcel of property (KF251208-2052) is located at 6821 Johnson Drive in the City of Mission, Johnson County, Kansas; and

WHEREAS, Subject property is zoned Planned Service and Retail (“C-2B”) with certain stipulations on permitted uses and is located within the Form Based Code (FBC) overlay district with certain stipulations on building type, height, setbacks, architecture, landscaping, and street layout; and

WHEREAS, CSM Group, LLC (the applicant), presented an application to the Community Development Department of the City of Mission for a preliminary development plan for the construction of a one-story, 2,354 sq. ft. restaurant building to be a Popeye’s Louisiana Kitchen on the subject property on June 23, 2023; and

WHEREAS, the application was presented to the Mission Planning Commission on August 28, 2023 as Planning Commission Case #23-16, at which time a public hearing was held by the Commission so that all interested parties may present their comments concerning the application; and

WHEREAS, Notice of said public hearing was published in The Legal Record on August 8, 2023, and sent, certified mail, to property owners and occupants within 200 feet of the subject property; and

WHEREAS, At the conclusion of the public hearing for PC Case #23-16, the Planning Commission, after due consideration, voted 7-0 to recommend approval of the application to the Mission City Council with requested deviations and certain stipulations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

Section 1. Approval of Preliminary Development Plan Granted – Pursuant to Section 440.175 of the Mission Municipal Code, the Preliminary Development Plan (Planning Commission Case #23-16) on file with the Community Development Department of the City of Mission, 6090 Woodson, Mission, Kansas 66202 is hereby approved for the subject property as described below, and in accordance with Section 410.320 et. seq. of the Mission Municipal Code, subject to the stipulations set forth in Section 2, and subject to all other laws and regulations:

Commencing at the Northwest corner of the Southwest Quarter of said Section 8; thence N 89°53'00" E, along the North line of said Southwest Quarter of said Section 8, a distance of 590.00 feet, to the point of intersection of the North line of the Southwest Quarter of said Section 8, and the centerline of Broadmoor Street, as now established, said point also being the Point of Beginning; thence, continuing along said North line, N 89°53'00" E, a distance of 155.00 feet, to the Northwest corner of CORNERSTONE COMMONS, a platted subdivision of land in the City of Mission, Johnson County, Kansas; thence S 0°07'00" E, a distance of 215.00 feet; thence S 89°53'00" W, a distance of 155.00 feet, to a point on the centerline of Broadmoor Street, as now established; thence N 0°07'00" W, along said centerline of said Broadmoor Street, a distance of 215.00 feet, to the Point of Beginning, containing 0.7650 acres, more or less, of unplatted land.

Section 2. Conditions and Stipulations – The Preliminary Development Plan referenced in Section 1 above is hereby approved with requested deviations and adopted subject to the following stipulations:

1. A demolition permit application for the existing structure is required within three months of City Council approval of the Preliminary Development Plan.
2. A final development plan will be submitted to the City and approved by the Planning Commission prior to the issuance of any building permits.
3. A detailed landscaping plan is required with the submittal of the final development plan; landscaping that is native and non-invasive shall be provided.
4. A detailed lighting plan is required with the submittal of the final development plan; lighting specifications that adhere to International Dark Sky Standards is preferred.
5. Public amenities shall be provided in accordance with City Standards and the site design of adjacent improved properties on Johnson Drive, including but not limited to park benches, bike racks, and pedestrian streetlights; once installed, the City agrees to maintain amenities that are fully within the public right-of-way.
6. Maintenance agreement for all site improvements, including but not limited to structures, improved infrastructure, landscaping, parking, and pedestrian connections on the property shall be provided and signed by the applicant and the appropriate City officials prior to construction permitting.
7. The applicant shall submit a Final Site Plan and construction documents to the City for review and approval prior to building permit issuance.
8. The applicant shall obtain all approvals from Johnson County Wastewater and Johnson County Water District #1 prior to building permit issuance.

9. The applicant shall obtain all necessary reviews, inspections, and approvals from Consolidated Fire District #2 prior to final Certificate of Occupancy issuance.
10. The applicant shall be responsible for all damage to existing City infrastructure, including roads, curbs, and sidewalks. Repairs shall be of a quality like or better than existing conditions before final Certificate of Occupancy issuance.
11. The applicant will provide a two (2) year warranty bond on any public infrastructure installed as part of this Preliminary Development Plan. Said bond(s) will be placed on file with the City of Mission Community Development Department.
12. This Preliminary Plan approval shall lapse in five (5) years from its effective date if construction on the project has not begun, or if such construction is not being diligently pursued; provided, however, that the applicant may request a hearing before the City Council to request an extension of this time period. The City Council may grant an extension for a maximum of 12 months for good cause.

Section 3. Effective Date - This ordinance shall take effect and be in force from and after its publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION on this 20th day of September 2023.

APPROVED BY THE MAYOR on this 20th day of September 2023.

Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

APPROVED AS TO FORM:

David Martin, City Attorney

Payne & Jones, Chartered
11000 King Street, King 2 Building
Overland Park, KS 66210



ATA GLANCE

Applicant:
CSM Groups, dba Popeye's Louisiana
Kitchen

Location:
6821 Johnson Drive

Property ID:
KF251208-2052

Current Zoning:
Form Based Code / C2-B

Proposed Zoning:
N/A

Current Land Use:
Fast Food Drive-Through

Proposed Land Use:
Fast Food Drive-Through

Public Hearing Required

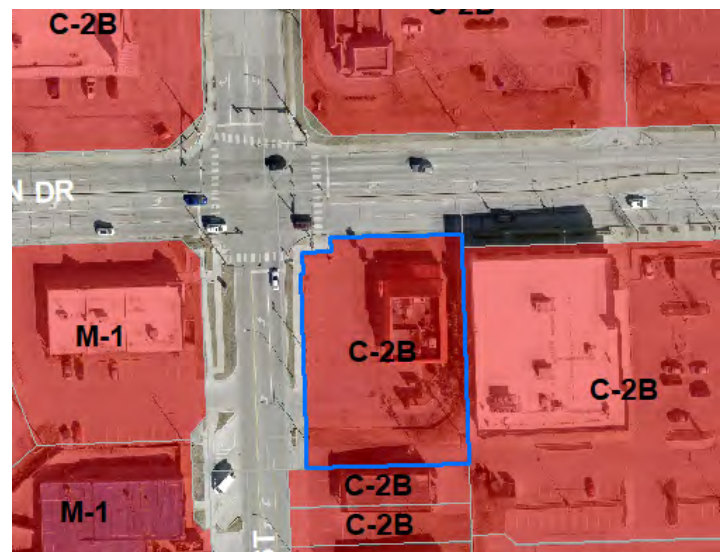
Legal Notice:
August 8, 2023

Case Number:
23-16

Project Name:
Popeye's Redevelopment

Project Summary:
The proposal includes an existing structure that will be razed and the redevelopment of Popeye's fast food drive-through restaurant with parking lot, landscaping, and pedestrian realm improvements. The property lies within the Form Based Code overlay district, and is requesting a non-conforming situation permit.

Staff Contact:
Karie Kneller, Planner



Property Background and Information

The applicant, CSM Groups, dba Popeye's Louisiana Kitchen, submitted an application for a preliminary development plan for a fast food drive-through restaurant located at 6821 Johnson Drive, on the southeast corner of Johnson Drive and Broadmoor Street. The property is in the Form Based Code (FBC) overlay district and it is zoned C-2B "Retail and Service District." Surrounding properties are zoned C2-B on the east and south, and M-1 on the west across Broadmoor Street. The property north of Johnson Drive is also zoned C2-B. The property is currently a half-acre (21,918 square feet), with a proposed re-plat associated with Case #23-18 that reduces the lot with additional dedicated right-of-way to under a half-acre. All necessary utilities are available on-site. The former Popeye's drive through restaurant suffered fire damage in January of 2023 and will be completely rebuilt on the current site.

Project Proposal

The applicant proposes razing the existing structure and a complete rebuild of the former Popeye's drive-through restaurant, with certain site improvements to meet the intent of the municipal code and Form Based Code overlay. Improvements include a six-foot screen wall on the corner of Broadmoor and Johnson Drive surrounding a new parking lot with required landscaping. The screen wall incorporates planters and architectural detailing, with space for outdoor seating along a widened pedestrian path. The entrance to the site on Johnson Drive has been eliminated with this proposal, reducing the number of curb cuts along Johnson Drive. Park benches, pedestrian-scaled streetlights, and bike racks improve the pedestrian realm, and additional landscaping in the pedestrian right-of-way improves the walkability along Johnson Drive and Broadmoor Street.

Proposed surface parking is located in roughly the same area as the existing parking lot, with 16 spaces, including one ADA standard parking space. The former parking lot included 21 parking spaces with two ADA. Drive-through service will be provided via two stacking lanes, whereas the former layout included one drive-through lane. Drive-through vehicles empty onto Johnson Drive and are allowed to exit with a right turn only. The applicant included a trip generation report according to the building square footage and anticipated traffic thereof. New landscaping and green space is increased with the proposal, which will improve the stormwater runoff conditions on the site.

The proposed structure has entrances on Johnson Drive and from the parking lot on the west side of the building. The structure is 26 feet tall with spandrel panels and awnings for a faux second story. The height of the structure will be roughly equivalent with the structure to the east on the same block. Materials are brick, fiber cement, and EIFS in neutral colors with accent colors in the company brand. Glazing on the north and west side of the building is transparent. The dumpster enclosure on the south side of the lot near the drive-through lanes consists of cement block painted a consistent color with the primary structure, and includes plastic lumber gates. Signage will be submitted as a separate application and reviewed for consistency with the applicable municipal code during the construction phase.

Plan Review and Analysis

Mission Comprehensive Plan

The Comprehensive Plan indicates the property lies within the FBC overlay district. The FBC takes precedence for development and performance standards over the municipal code for setback, height, architectural features, and priority of the pedestrian realm. Projects that do not meet the required 90 points according to the scoring criteria a variance approved by the Planning Commission and City Council. It is Mission's long-term vision that the West Gateway commercial district in our community will be an extension, with its own unique character, of the Downtown Johnson Drive District. Additionally, any development or redevelopment that does not meet the requirements set forth in the first section of the FBC to gain the initial 45 points during Development Committee review, shall not be considered sufficient to meet the intent of the FBC.

The property is in "Block S" of the FBC. Structures on a half-acre or less in Block S may be low rise buildings (one story), but structures must be built to a height of 26 feet. Low-rise structures require "shopfront" and awnings, and require continuous frontage with appropriate openings for pedestrian access. Front and side street setbacks shall be 0-10 feet, side lot and rear setbacks shall be a 10-foot minimum. Parking is permitted in the rear and set back a minimum of 10 feet when screened from view. Curb-cuts should be reduced, and parking lots should be screened to lessen the impact on pedestrians.

Analysis: The proposed primary structure does not provide continuous frontage, but the permitted parking lot screen wall along the activating corner of the lot attempts to meet the intent of the FBC for continuous frontage. The height of the screen wall on Johnson Drive and Broadmoor helps to screen the parking from pedestrian view and provides corner activation in lieu of a structure. However, the parking is not located at the rear of the lot, therefore requiring a non-conforming situation permit.

While the building orientation and lot layout does not strictly comply with the FBC, and therefore cannot receive the required points under the scoring criteria to attain a total of 90 points, the improvements to the pedestrian realm and attention to massing and corner activation attempts to meet the intent of the FBC for setback, height, architectural features, and priority of the pedestrian realm.

Johnson Drive Design Guidelines

According to the requirements of the Johnson Drive Design Guidelines, sidewalks on Johnson Drive shall be a minimum of eight feet wide. Sidewalks on secondary streets such as Broadmoor shall be a minimum of five feet wide. Materials shall include brick, stone, and transparent glass along Johnson Drive frontage, and buildings shall have a 360-degree design. EIFS shall be a maximum of 25% on any one facade and not included from the ground elevation to eight-foot height. Elements that enhance the pedestrian realm, including park benches, pedestrian-scaled streetlights, bike racks, and landscaping are required. Screen walls for street-facing parking lots may be a height of six feet combined with softscape vegetation. Roof-mounted mechanical

equipment shall be screened from pedestrian view around the site.

Analysis: The proposal provides an extended pedestrian “plaza” along Johnson Drive that includes outdoor seating, landscaping, street lighting, and bicycle amenities. Material selections are brick, cement fiber board, and EIFS. EIFS consists of less than 25% on each facade and is located above eight feet from ground level. Each side of the building incorporates architectural detail with horizontal delineation, and material/pattern changes that break up expansive facades. The parking lot screen wall is a combination of plantings and brick at a six-foot height. Rooftop equipment is screened by a parapet wall.

Municipal Code

The FBC takes precedence over the municipal code for setbacks. Required setbacks for front and side street are 0-10 feet, and the required setback for rear and side yards is a minimum of zero feet.

Zoning code in Section 410.100 for properties in C2-B districts permits drive-through restaurants.

Sections 415.070, 415.100, 415.120, and 415.130 pertain to the landscaping and maintenance requirements of the municipal code. Section 425.020 sets forth the minimum space requirements for parking. Fast food restaurants with drive-through facilities requires one space for every four seats. A minimum of 6% of the parking lot shall have interior landscaping, according to Section 415.110.

Analysis: The proposal complies with FBC regulations for setbacks, but the location of the parking lot is non-conforming. Therefore, the plan must receive approval from the Planning Commission for a variance due to site configuration and setback. The structure seats 24 customers and provides 16 parking spaces, which is double the minimum requirement. The operation also anticipates a maximum of 15 employees during peak hours. The proposal incorporates 8.3% landscaping in the parking area which conforms with the minimum requirement.

Analysis: The proposal seats 24 customers and provides 16 parking spaces, which is double the minimum requirement. The operation also anticipates a maximum of 15 employees during peak hours. The proposal incorporates 8.3% landscaping in the parking area.

The applicant provided a trip generation report that accounts for the anticipated number of trips to the restaurant during peak hours. The queue would exceed 9 cars 7% of the time. In other words, the report states that there is reasonable assurance that the design of the stacking lanes would be sufficient 93% of the time. Internal parking access could be potentially blocked for short periods at peak times about 5% of the time. Vehicular stacking could overflow to Broadmoor about 3% of time.

Drainage on the site has been significantly improved with the addition of landscaping and green space that did not previously exist on-site. Stormwater is captured via inlets at lower elevations and no significant flooding is attributed to the existing site.

Recommendation

Staff recommends that the Planning Commission vote to recommend approval of the preliminary development plan and non-conforming situation permit for Popeye's redevelopment to the City Council with the following conditions:

1. Public amenities shall be provided in accordance with City Standards and the site design of adjacent improved properties on Johnson Drive, including but not limited to park benches, bike racks, and pedestrian street lights; once installed, the City agrees to maintain amenities that are fully within the public right-of-way.
2. A demolition permit application for the existing structure is required within three months of City Council approval of the Preliminary Development Plan.
3. The applicant will provide a two (2) year warranty bond on any public infrastructure installed as part of this Preliminary Development Plan. Said bond(s) will be placed on file with the City of Mission Community Development Department. A final development plan will be submitted to the City and approved by the Planning Commission prior to the issuance of any building permits.
4. This Preliminary Plan approval shall lapse in five (5) years from its effective date if construction on the project has not begun, or if such construction is not being diligently pursued; provided, however, that the applicant may request a hearing before the City Council to request an extension of this time period. The City Council may grant an extension for a maximum of 12 months for good cause.
5. A detailed landscaping plan is required with the submittal of the final development plan; landscaping that is native and non-invasive shall be provided.
6. A detailed lighting plan is required with the submittal of the final development plan; lighting specifications that adhere to International Dark Sky Standards is preferred.
7. The applicant shall submit a Final Site Plan and construction documents to the City for review and approval prior to building permit issuance.
8. The applicant shall obtain all approvals from Johnson County Wastewater and Johnson County Water District #1 prior to building permit issuance.
9. The applicant shall obtain all necessary reviews, inspections, and approvals from Consolidated Fire District #2 prior to final occupancy permit being issued.
10. The applicant shall be responsible for all damage to existing City infrastructure, including roads, curbs, and sidewalks. Repairs shall be of a quality like or better than existing conditions before final Certificate of Occupancy issuance.
11. Maintenance agreement for all site improvements, including but not limited to structures, improved infrastructure, landscaping, parking, and pedestrian connections on the property shall be provided and signed by the applicant and the appropriate City officials prior to construction permitting.



Planning Commission Action

The Planning Commission will hear Case #23-16, the Preliminary Development Plan for Popeye's Louisiana Kitchen at its August 28, 2023 public hearing.

City Council Action

Contingent upon Planning Commission's recommendation, the City Council will hear Case #23-16 at its September 20, 2023 meeting.



Community Development Department
6090 Woodson Street
Mission, KS 66202
913-676-8360

Development Application

Permit # _____

Form with fields for Applicant Name, Address, City/State/Zip, Telephone, Email, Property Owner Name, Company, and Application Type. Includes handwritten entries for Popeye's Louisiana Kitchen and Wells Family Trust.

Project Details

General Location or Address of Property: 6821 JOHNSON DR

Present zoning of property: C-2B

Present use of property: Commercial

Agreement to Pay Expenses

Applicant intends to file an application with the Community Development Department of the City of Mission, Kansas (City). As a result of the filing of said application, City may incur certain expenses, such as but not limited to publication costs, consulting fee, attorney fee, and court reporter fees. Applicant hereby agrees to be responsible for and to reimburse City for all cost incurred by City as a result of said application. Said costs shall be paid within ten (10) days of the receipt of any bill submitted by City to Applicant. It is understood that no requests granted by City or any of its commissions will be effective until all costs have been paid. Costs will be owed whether or not Applicant obtains the relief requested in the application.

Affidavit of Ownership and/or Authorization of Agent

I, F. Coulter DeVries Agent for Wells Trust ^{Attorney and Agent for} certify that I am the owner or ~~contract purchaser~~ of the subject property. I give my permission for the undersigned to act as my agent on behalf of the application hereby being submitted.

X _____ Date _____
Signature (Owner)

X  Date 6/23/23
Signature (Owner's Agent)

*****FOR OFFICE USE ONLY*****

File Fee: \$	Meeting Date
	PC CC
Total:	Date Notices Sent
Receipt #	Date Published
Notes:	
	Decision

Plat Description

All that part of the Southwest Quarter of Section 8, Township 12 South, Range 25 East, in the City of Mission, Johnson County, Kansas, being more particularly described by Scott G Chrisman, LS-1306, on June 19, 2023, for project 230238, as follows:

Commencing at the Northwest corner of the Southwest Quarter of said Section 8; thence N 89°53'00" E, along the North line of said Southwest Quarter of said Section 8, a distance of 590.00 feet, to the point of intersection of the North line of the Southwest Quarter of said Section 8, and the centerline of Broadmoor Street, as now established, said point also being the Point of Beginning; thence, continuing along said North line, N 89°53'00" E, a distance of 155.00 feet, to the Northwest corner of CORNERSTONE COMMONS, a platted subdivision of land in the City of Mission, Johnson County, Kansas; thence S 0°07'00" E, a distance of 215.00 feet; thence S 89°53'00" W, a distance of 155.00 feet, to a point on the centerline of Broadmoor Street, as now established; thence N 0°07'00" W, along said centerline of said Broadmoor Street, a distance of 215.00 feet, to the Point of Beginning, containing 0.7650 acres, more or less, of unplatted land.



WARMAN ARCHITECTURE+DESIGN

1735 Swift Ave.

North Kansas City, Missouri 64116

v. 816.474.2233 f. 816.474.1051

Project Narrative

Date: June 23, 2023

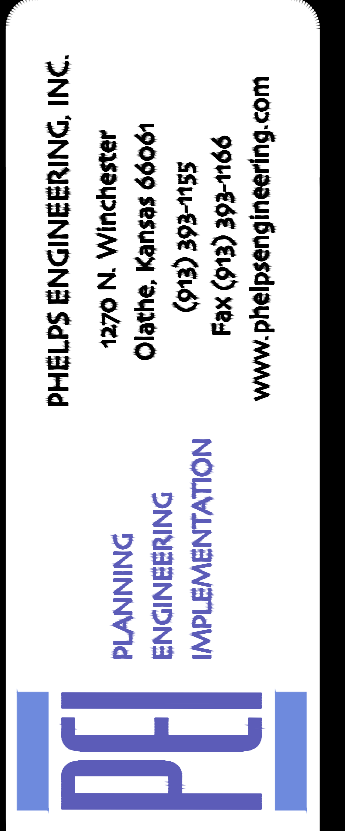
Project: Popeyes Louisiana Kitchen
6821 Johnson Dr.
Mission, KS 66202

The Popeye's Chicken restaurant located at 6821 Johnson Dr. experienced a fire in their current building and the owners will be required to raze and rebuild the building to the new Popeye's Corporate building standards. This is also an opportunity to bring the site and building into better compliance with the City of Mission's adopted Form Based Code. We are proposing a new 2,354 sq. ft restaurant building located with the main entrance adjacent to and with direct pedestrian access from Johnson Dr. The westernmost curb cut on Johnson Dr. will be removed and that area will be replaced with a pedestrian plaza area with benches and planters and a low wall to screen the parking field behind it. The drive thru function will be along the east side of the building and will be largely screened from public view by the Natural Grocers. We believe this will meet the spirit and intent of the new code while ensuring that the restaurant can be operationally functional.

PRELIMINARY DEVELOPMENT PLANS FOR POPEYE'S LOUISIANA KITCHEN

ADDRESS: 6821 JOHNSON DRIVE
IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS

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C3	SITE PLAN
C4	GRADING PLAN
C5	UTILITY PLAN
	LANDSCAPE PLANS
	ARCHITECTURE PLANS



COVER SHEET
POPEYE'S LOUISIANA KITCHEN
6821 JOHNSON DRIVE
MISSION, KANSAS 66202

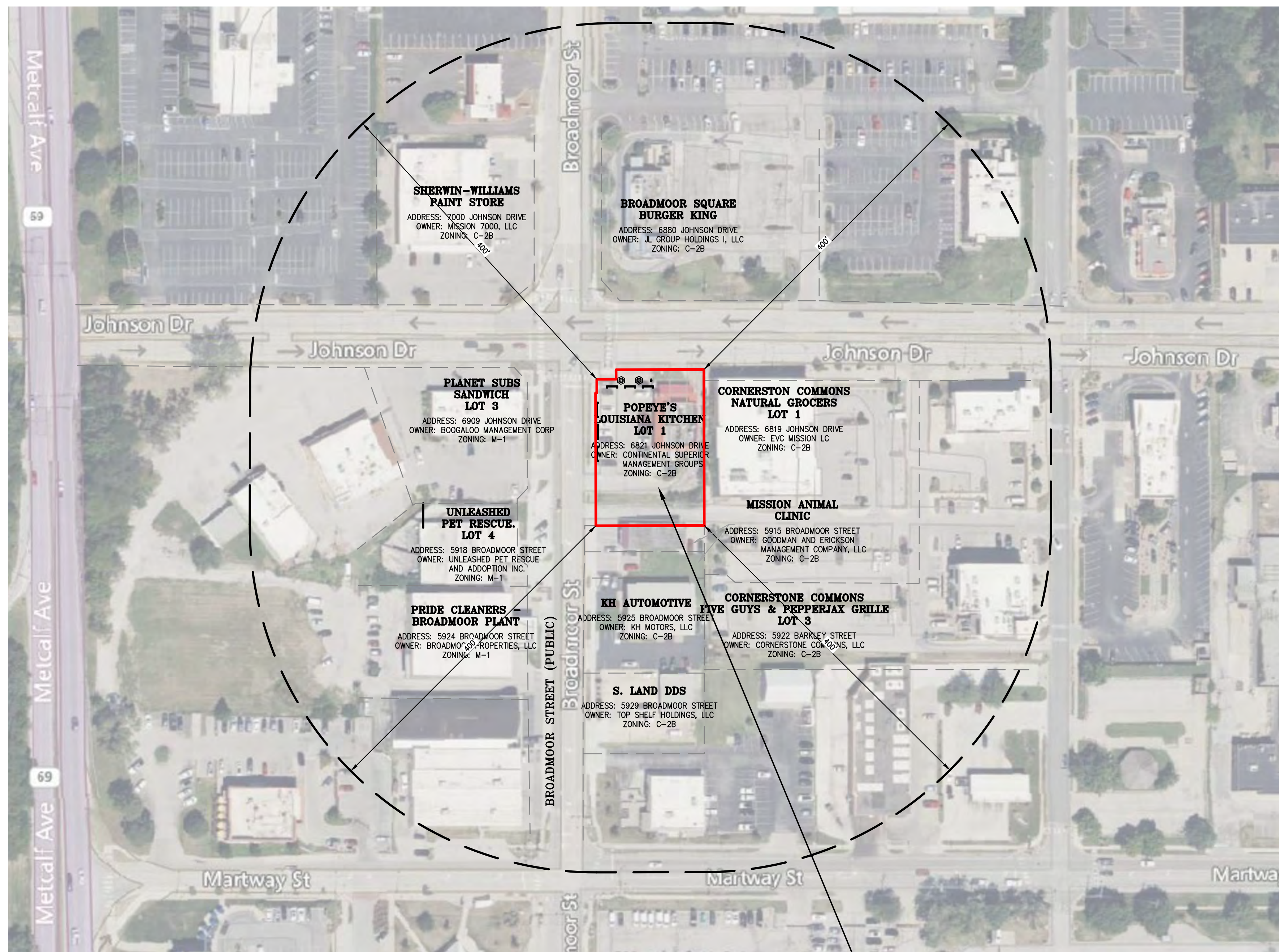
OWNER/DEVELOPER:
CONTINENTAL SUPERIOR MANAGEMENT GROUPS
10190 KATY FREEWAY, SUITE 350
HOUSTON, TX 77043
713-266-8799 OFFICE
713-266-2703 FAX
CONTACT: FAZON YOUSUF

ARCHITECT
WARMAN ARCHITECTURE+DESIGN
1735 SWIFT AVE.
NORTH KANSAS CITY, MO 64116
816-474-2233 OFFICE
816-474-1051 FAX
CONTACT: KATHLEEN A. WARMAN, AIA, NCARB

CIVIL ENGINEER & SURVEYOR:
PHelps ENGINEERING, INC.
1270 N. WINCHESTER
OLATHE, KS 66061
913-393-1155 OFFICE
913-393-1166 FAX
CONTACT: JUDD CLAUSSEN, P.E.

UTILITY COMPANIES:

- | | |
|--|---------------------------------------|
| EVERGY
AMANDA KAUER (Amanda.Kauer@evergy.com)
16215 W. 108TH STREET
LENEXA, KANSAS 66219 | (816) 652-1852
(605) 321-6121-CELL |
| ATMOS ENERGY
TONY BENEDICT (tony.benedict@atmosenergy.com)
25090 W. 110TH TER.
OLATHE, KS 66061 | (913) 254-6344
(913) 768-4924 FAX |
| COMCAST CABLE CO.
JIM DUFF
(james_duff@cable.comcast.com)
3400 W. DUNCAN ROAD
BLUE SPRINGS, MISSOURI 64015 | (816) 795-2257
(816) 795-0346 FAX |
| CITY OF OLATHE (PUBLIC WORKS)
CHET BELCHER
100 E. SANTA FE
OLATHE, KS 66051
(cbelcher@olatheks.org) | (913) 971-9065
(913) 971-8504 FAX |
| CITY OF OLATHE (PUBLIC UTILITIES)
MR. CHAD JONES
1385 S. ROBINSON DRIVE
OLATHE, KS 66051 | (913) 971-9066
(913) 971-9099 FAX |
| CONSOLIDATED COMMUNICATIONS
MELISSA STRINGER
(melissa.stringer@consolidated.com)
14859 W. 95TH STREET
LENEXA, KS 66215 | (913) 322-9622 |
| AT&T
CLAYTON ANSPAUGH (ca4089@att.com)
9444 NALL AVENUE
OVERLAND PARK, KANSAS 66207 | (913) 383-4929
(913) 383-4849 FAX |
| SPECTRUM CABLE
450 N. ROGERS RD.
OLATHE KS. 66062 | (913) 440-4189 |
| GOOGLE FIBER
MS. TERESA ERB(TERESAERB@GOOGLE.COM)
908 BROADWAY BLVD.
KANSAS CITY, MO 66105 | (913) 551-4492 |



OVERALL SITE PLAN

LEGAL DESCRIPTION:

ALL THAT PART OF THE SW1/4 OF SECTION 8, TOWNSHIP 12, RANGE 25, NOW IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTH LINE OF THE SW1/4 OF SAID SECTION 8, AND 590 FEET EAST OF THE NORTHWEST CORNER THEREOF, AS MEASURED ALONG SAID NORTH LINE, SAID POINT ALSO BEING ON THE CENTERLINE OF SAID BROADMOOR, AS NOW ESTABLISHED; THENCE SOUTHERLY, ALONG A LINE PERPENDICULAR TO THE NORTH LINE OF THE SW1/4 OF SAID SECTION 8 AND ALONG THE CENTER-LINE OF SAID BROADMOOR, A DISTANCE OF 45 FEET; THENCE EASTERLY, ALONG A LINE PARALLEL TO THE NORTH LINE OF THE SW1/4 OF SAID SECTION 8, A DISTANCE OF 30 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID BROADMOOR, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF SUBJECT TRACT; THENCE SOUTHERLY, ALONG A LINE PERPENDICULAR TO THE NORTH LINE OF THE SW1/4 OF SAID SECTION 8, AND ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID BROADMOOR, AS ESTABLISHED 30 FEET EAST OF THE CENTERLINE THEREOF, A DISTANCE OF 170 FEET; THENCE EASTERLY, ALONG A LINE PARALLEL TO THE NORTH LINE OF THE SW1/4 OF SAID SECTION 8, A DISTANCE OF 125 FEET; THENCE NORTHERLY, ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 180 FEET, TO A POINT 35 FEET SOUTH OF THE NORTH LINE OF THE SW1/4 OF SAID SECTION 8, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF JOHNSON DRIVE, AS NOW ESTABLISHED; THENCE WESTERLY, ALONG A LINE 35 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SW1/4 OF SAID SECTION 8 AND ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID JOHNSON DRIVE, A DISTANCE OF 115 FEET, TO A POINT 40 FEET EAST OF THE CENTERLINE OF SAID BROADMOOR; THENCE SOUTHWESTERLY, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID JOHNSON DRIVE, TO THE POINT OF BEGINNING, EXCEPT THAT PART IN STREETS AND ROADS.

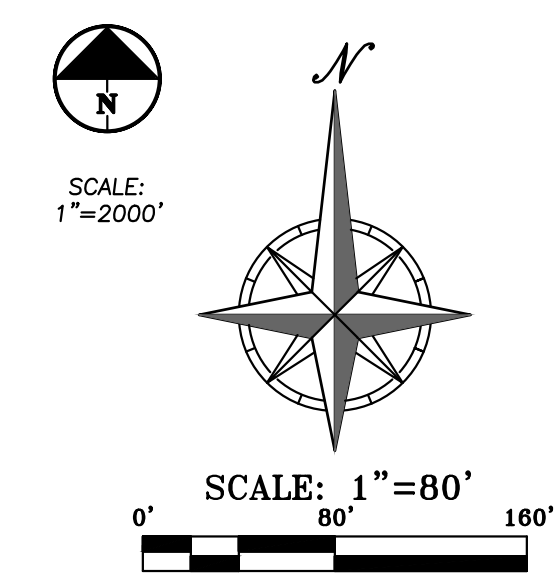
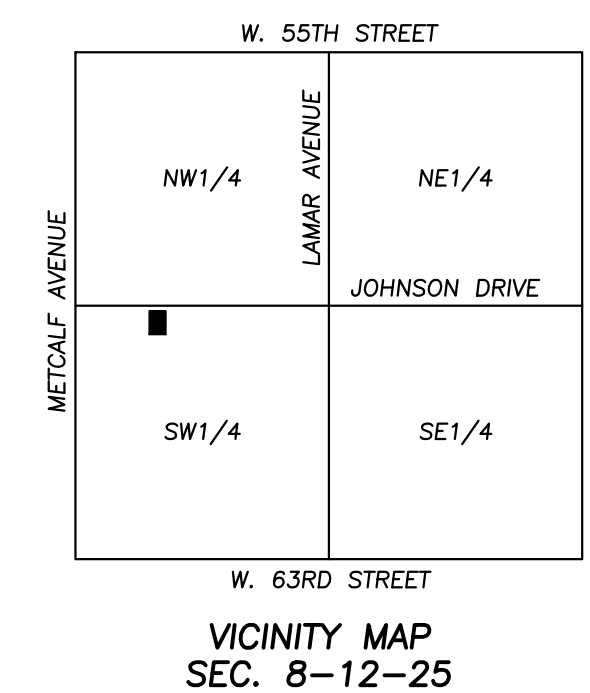
GROSS AREA = 22,218± SQ.FT. / 0.5101± ACRES

BENCHMARK:

- VERTICAL DATUM = NAVD88 BASED ON GPS OBSERVATION USING SMARTNET GPS NETWORK
- SET "I" CUT IN BACK OF CURB NW CORNER OF PARKING LOT
ELEVATION = 1020.60

FLOOD NOTE:

THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF MISSION, COMMUNITY NO. 200170, JOHNSON COUNTY, KANSAS, MAP NO. 20091C0023G, AND DATED AUGUST 3, 2009.



**Know what's below.
Call before you dig.**

UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN. UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.

PROJECT NO.	DATE	NO.	BY	APP.	REVISIONS
230228	08-16-23	1		AEB	REVISED PER STAFF COMMENTS
DATE	08-16-23				
CHECKED BY					
DATE OF AUTHORIZATION					
LAND SURVEYING - LS-82					
ENGINEERING - E-361					
DATE OF AUTHORIZATION					
LAND SURVEYING-200701028					
ENGINEERING-200700208					

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C0



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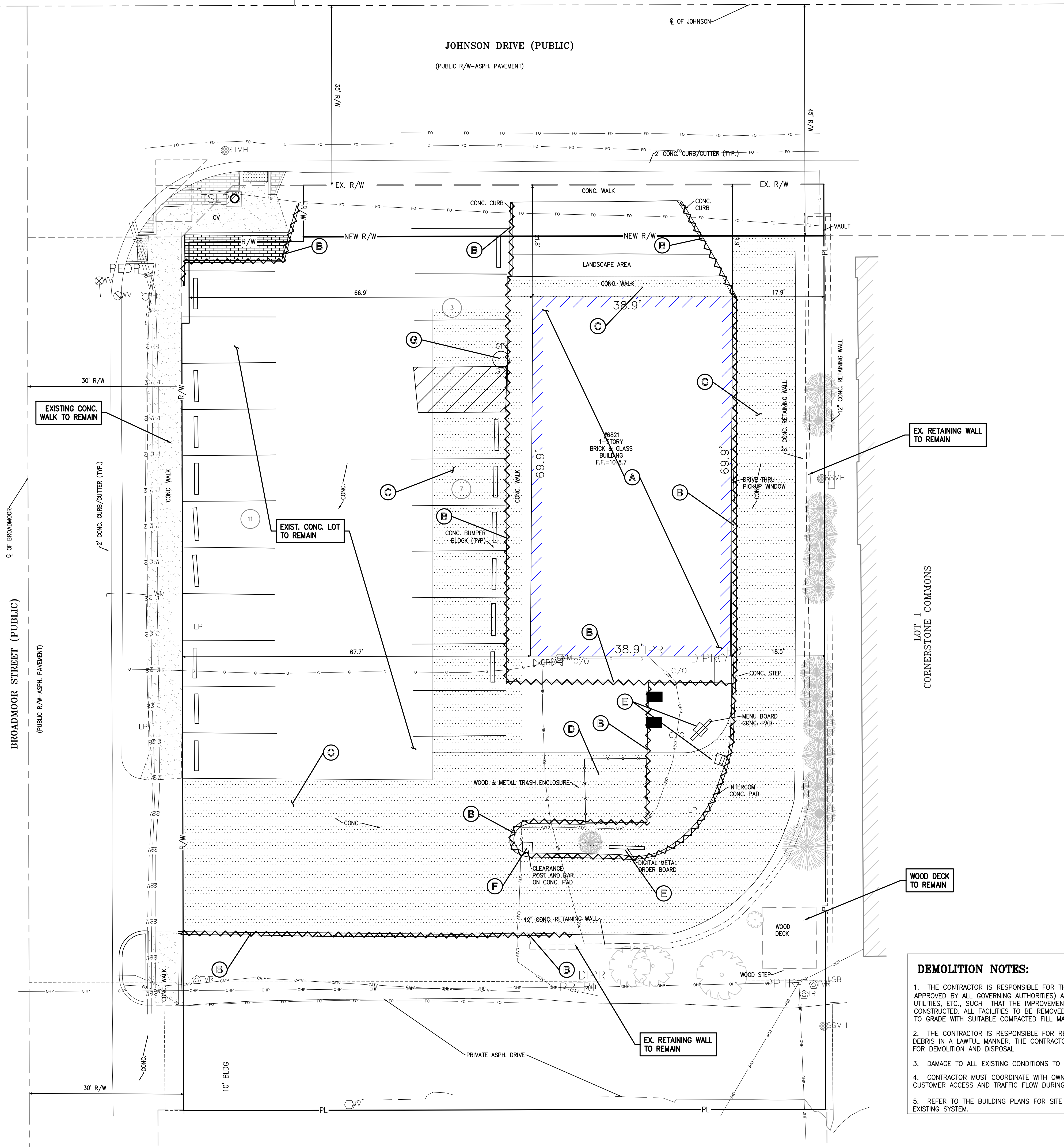
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Olathe, Kansas 66066
(913) 993-1155
Fax (913) 993-1165
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DEMOLITION PLAN
POPEYE'S LOUISIANA KITCHEN
6821 JOHNSON DRIVE
MISSION, KANSAS 66202



DEMOLITION KEY NOTES:

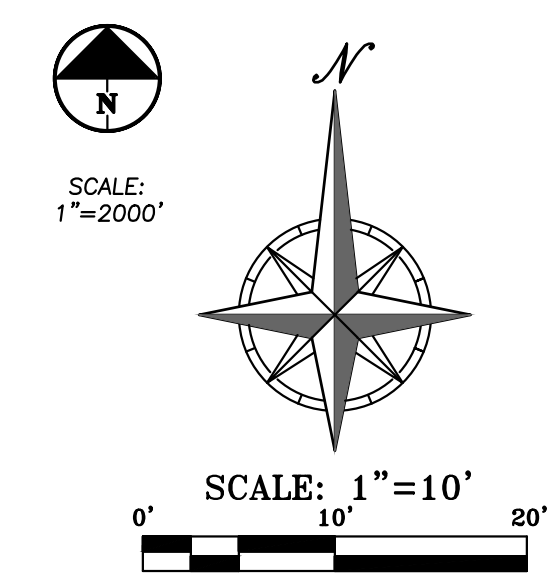
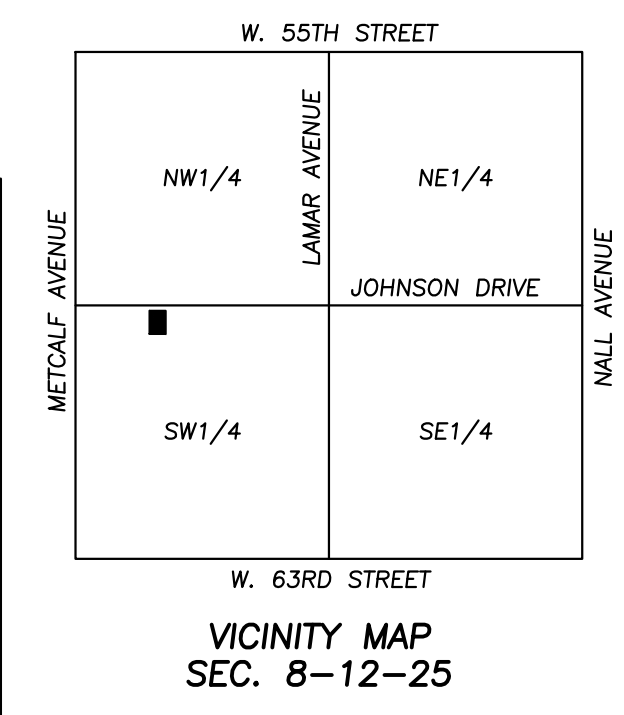
- (A) SEE ARCHITECTURAL AND STRUCTURAL PLANS FOR DEMOLITION OF EXISTING BUILDING.
- (B) REMOVE EXISTING CURB.
- (C) REMOVE EXISTING CONCRETE PAVEMENT.
- (D) REMOVE EXISTING TRASH ENCLOSURE.
- (E) REMOVE EXISTING MENU BOARDS.
- (F) REMOVE EXISTING CLEARANCE BAR, POST AND CONCRETE PAD.
- (G) REMOVE EXISTING POLE AND CONCRETE BASE.

LEGEND

— PL —	PROPERTY LINE
- - - LL - - -	LOT LINE
- R/W -	RIGHT-OF-WAY
~ ~ ~	REMOVE EXISTING CURB & GUTTER
[Blue Hatched Box]	EXISTING BUILDING TO BE REMOVED
[Cross-hatched Box]	EXISTING ASPHALT PAVEMENT TO BE REMOVED
[Diagonal Hatched Box]	EXISTING CONCRETE PAVEMENT/SIDEWALK TO BE REMOVED
[Dotted Box]	EXISTING GRAVEL TO BE REMOVED
[Tree Symbol]	EXISTING TREE TO REMAIN
[X Symbol]	REMOVE TREE
BT	EXISTING BURIED TELEPHONE
CATV	EXISTING CABLE TELEVISION LINE
FO	EXISTING FIBER OPTIC LINE
W	EXISTING WATER LINE
G	EXISTING GAS LINE
BE	EXISTING BURIED ELECTRIC
OHP	EXISTING OVERHEAD POWER LINE
SS	EXISTING SANITARY SEWER
SS	EXISTING STORM SEWER
FD	EXISTING FIRE HYDRANT
LP	EXISTING LIGHT POLE
CLF	EXISTING CHAIN LINK FENCE

DEMOLITION NOTES:

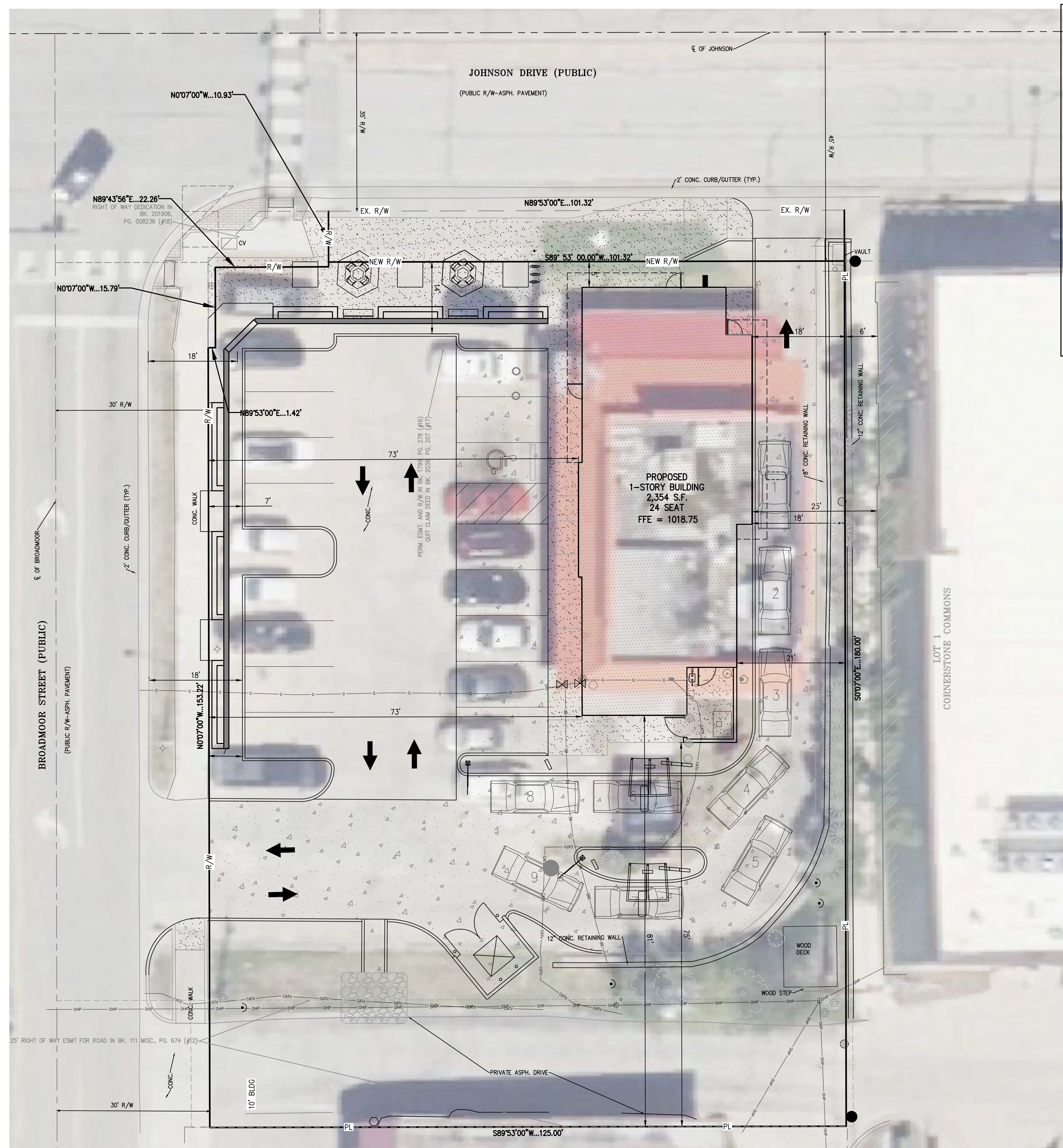
- THE CONTRACTOR IS RESPONSIBLE FOR THE DEMOLITION, REMOVAL, AND DISPOSAL (IN A LOCATION APPROVED BY ALL GOVERNING AUTHORITIES) ALL CURBS, PARKING DRIVES, DRAINAGE STRUCTURES, UTILITIES, ETC., SUCH THAT THE IMPROVEMENTS SHOWN ON THE REMAINING PLANS CAN BE CONSTRUCTED. ALL FACILITIES TO BE REMOVED SHALL BE UNDERCUT TO SUITABLE MATERIAL AND BROUGHT TO GRADE WITH SUITABLE COMPACTED FILL MATERIAL.
- THE CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL DEBRIS FROM THE SITE AND DISPOSING THE DEBRIS IN A LAWFUL MANNER. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS REQUIRED FOR DEMOLITION AND DISPOSAL.
- DAMAGE TO ALL EXISTING CONDITIONS TO REMAIN WILL BE REPLACED AT CONTRACTOR'S EXPENSE.
- CONTRACTOR MUST COORDINATE WITH OWNER PRIOR TO ANY CONSTRUCTION TO ESTABLISH CUSTOMER ACCESS AND TRAFFIC FLOW DURING ALL PHASES.
- REFER TO THE BUILDING PLANS FOR SITE LIGHTING ELECTRICAL MODIFICATIONS (IF ANY) TO THE EXISTING SYSTEM.



Project No.	Date	By	App.
230238	08-16-23		
DATE 06-23-2023 DRAWN: AEB			
CHECKED: DAF APPROVED: JDC			
CITY OF MISSION			
LAND SURVEYING - LS-82			
ENGINEERING - E-361			
CERTIFICATE OF AUTHORIZATION			
LAND SURVEYING-200700128			
ENGINEERING-20035038			

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MISSION WEST GATEWAY FORM BASED CODE

LOW-RISE BUILDINGS

Low-rise buildings are single-story buildings under single tenancy or divided into multiple storefronts. Low-rise buildings are permitted in the West Gateway District under the following conditions:

- Low-rise buildings may be developed in any sector, provided the total site area does not exceed 1/2 acre.
- Low-rise buildings, built according to low-rise building guidelines, may be developed as up to 40% of the gross square feet of development (in one or multiple buildings) in any sector provided the total site area does not exceed 3 acres.
- Low-rise buildings, built according to low-rise building guidelines, may be developed as up to 20% of the gross square feet of development or 20,000 square feet, whichever is less (in one or multiple buildings) in any sector provided the site area exceeds 3 acres.

Low-rise buildings may include commercial retail and support uses only. Low-rise buildings are typically parked in surface lots, but may utilize structured parking. Low-rise buildings are either 1 or 2 stories tall, and must be no less than 26' in height from grade. A mezzanine level may be built inside the building, but must include windows facing streets. Entrances to low-rise buildings shall be direct (rather than through a lobby), from both street side and parking lots. Parking must be provided in either a well-designed surface lot or a structured garage, not to exceed the height of the building, behind the building (away from the street).

Low-rise buildings may include commercial retail and support uses only. Low-rise buildings are typically parked in surface lots, but may utilize structured parking. Low-rise buildings are either 1 or 2 stories tall, and must be no less than 26' in height from grade. A mezzanine level may be built inside the building, but must include windows facing streets. Entrances to low-rise buildings shall be direct (rather than through a lobby), from both street side and parking lots. Parking must be provided in either a well-designed surface lot or a structured garage, not to exceed the height of the building, behind the building (away from the street).

Setback Type	Requirement	Notes
A FRONT SETBACK	0' - 10'	The Front Setback is measured from the property line along the principal frontage to the main facade of the building. Elements which contribute to the Public Realm may encroach into the Front Setback. These elements may include balconies, porches, stoops, and cornice and eave details.
B SIDE STREET SETBACK	0' - 10'	Side Street Setback applies to lots at the intersections of streets. Side Street Setback is measured from the property line along the secondary frontage to the facade of the building. Encroachments that contribute to the Public Realm may be considered, based on architectural merit.
C SIDE LOT SETBACK	0' MIN	Side Lot Setback is measured from the side lot line to the side elevation of the building. No encroachments in the Side Setback are permitted. The 0' minimum dimension is intended to encourage continuous facades along the street. Building Code requirements must still be met.
D REAR SETBACK	0' MIN	Rear Setback is measured from the rear property line to the rear elevation of the nearest building. Encroachments in the Rear Setback are limited to eave overhangs and cornices.
E PARKING		Parking is permitted in the rear of lots only, and may be accessed on side streets as dictated by the Regulating Plan. For interior or non-corner lots, parking is permitted along the full width of the property in the rear, up to the rear of the building. For corner lots, parking must be set back 10'-20' from a side street. A minimum 20' is required when properly landscaped and minimum 10' when screened from view through the use of a 4' high wall, fence or evergreen hedge installed in the side street setback. Parking lots set back 40' or more from a side street do not require the wall, fence or hedge, but all must be landscaped as per the Landscape Guidelines.

URBAN GUIDELINES BY BUILDING TYPE
CHAPTER 4: PAGE 2

07.29.14

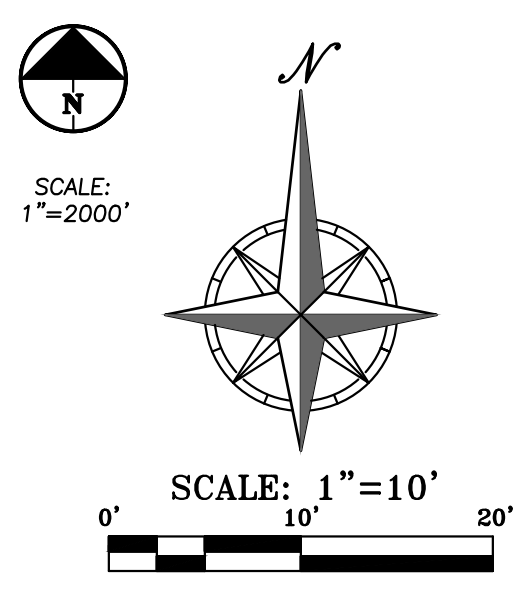
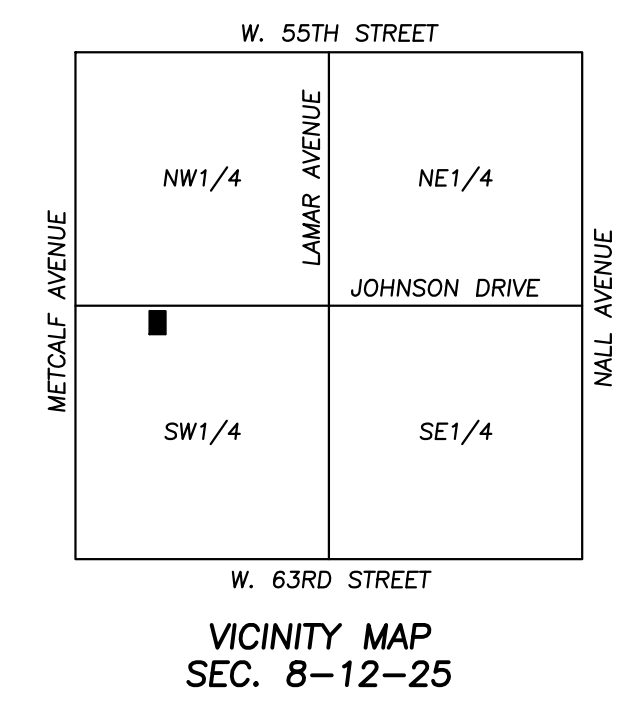


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LEGEND

PL	PROPERTY LINE
LL	LOT LINE
R/W	RIGHT-OF-WAY
2" CURB & GUTTER	2" CURB & GUTTER
6" CURB	6" CURB
B/L	BUILDING SETBACK LINE
P/S	PARKING SETBACK LINE
L/S	LANDSCAPE SETBACK LINE
[Pattern]	STANDARD DUTY ASPHALT PAVEMENT
[Pattern]	PROPOSED BUILDING
[Pattern]	CONCRETE PAVEMENT
[Pattern]	CONCRETE SIDEWALK



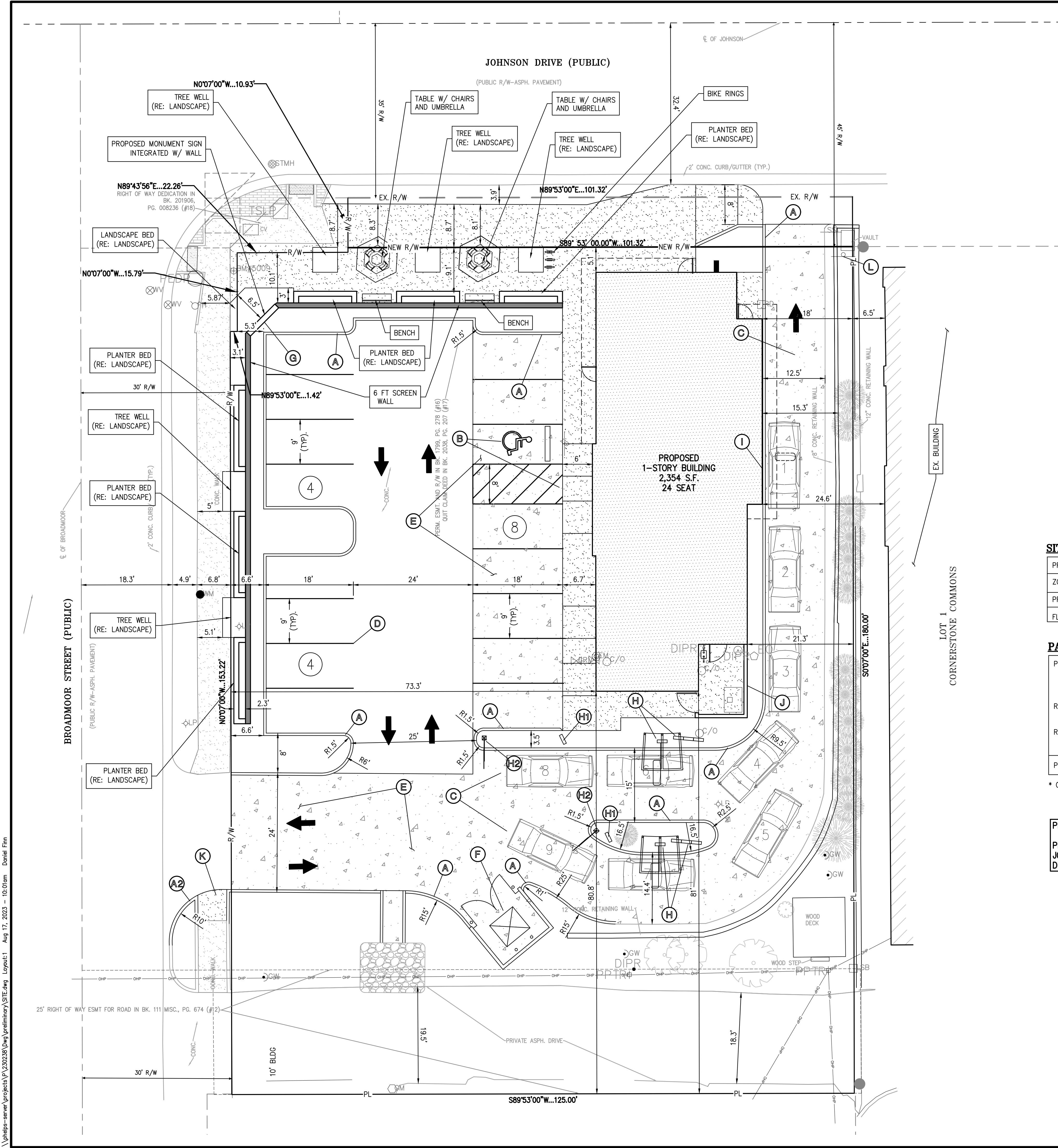
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**PLANNING
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SITE PLAN - AERIAL
POPEYE'S LOUISIANA KITCHEN
6821 JOHNSON DRIVE
MISSION, KANSAS 66202

PROJECT NO.	DATE	BY	APP.	REVISIONS
230228	08-16-23			
DATE: 08-23-2023	DRAWN: AEB	1.	08-16-23	REVISED PER STAFF COMMENTS
CHECKED: DAF	APPROVED: JDC			
CORPORATE SEAL OF AUTHORIZATION				
LAND SURVEYING - LS-82				
ENGINEERING - E-361				
CERTIFICATE OF AUTHORIZATION				
LAND SURVEYING-200700128				
ENGINEERING-200700038				

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SITE PLAN NOTES:

- All construction materials and procedures on this project shall conform to the latest revision of the following governing requirements, incorporated herein by reference:
 - City ordinances & O.S.H.A. Regulations.
 - The City of Mission Technical Specifications and Municipal Code.
 - The Project Specifications.
- The contractor shall have one (1) signed copy of the plans (approved by the City) and one (1) copy of the appropriate Design and Construction Standards and Specifications at the job site at all times.
- The contractor will be responsible for securing all permits, bonds and insurance required by the contract documents, City of Mission, Kansas, and all other governing agencies (including local, county, state and federal authorities) having jurisdiction over the work proposed by these construction documents. The cost for all permits, bonds and insurance shall be the contractor's responsibility and shall be included in the bid for the work.
- The contractor is responsible for coordination of his and his sub-contractor's work. The contractor shall assume all responsibility for protecting and maintaining his work during the construction period and between the various trades/sub-contractors constructing the work.
- The demolition and removal (or relocation) of existing pavement, curbs, structures, utilities, and all other features necessary to construct the proposed improvements, shall be performed by the contractor. All waste material removed during construction shall be disposed off the project site. The contractor shall be responsible for all permits for hauling and disposing of waste material. The disposal of waste material shall be in accordance with all local, state and federal regulations.
- Contractor shall be responsible for all relocations, including but not limited to, all utilities, storm drainage, sanitary sewer services, signs, traffic signals & poles, etc. as required. All work shall be in accordance with governing authorities specifications and shall be approved by such. All cost shall be included in base bid.
- All existing utilities indicated on the drawings are according to the best information available to the Engineer; however, all utilities actually existing may not be shown. The contractor shall be responsible for contacting all utility companies for an exact field location of each utility prior to any construction. All utilities, shown and unshown, damaged through the negligence of the contractor shall be repaired or replaced by the contractor at his expense.
- The contractor will be responsible for all damage to existing utilities, pavement, fences, structures and other features not designated for removal. The contractor shall repair all damages at his expense.
- The contractor shall verify the flow lines of all existing storm or sanitary sewer connections and utility crossings prior to the start of construction. Notify the engineer of any discrepancies.
- SAFETY NOTICE TO CONTRACTOR:** In accordance with generally accepted construction practices, the contractor shall be solely and completely responsible for conditions of the job site, including safety of all persons and property during performance of the work. This requirement will apply continuously and not be limited to normal working hours. Any construction observation by the engineer of the contractor's performance is not intended to include review of the adequacy of the contractor's safety measures, in, on or near the construction site.
- Refer to the building plans for site lighting electrical requirements, including conduits, pole bases, pull boxes, etc.

SITE DIMENSION NOTES:

- BUILDING TIES SHOWN ARE TO THE OUTSIDE FACE OF PROPOSED WALLS. THE SUBCONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR SPECIFIC DIMENSIONS AND LAYOUT INFORMATION FOR THE BUILDINGS.
- ALL DIMENSIONS SHOWN FOR THE PARKING LOT AND CURBS ARE MEASURED FROM BACK OF CURB TO BACK OF CURB.

PAVEMENT MARKING AND SIGNAGE NOTES:

- PARKING STALL MARKING STRIPES SHALL BE FOUR INCH (4") WIDE WHITE STRIPES. DIRECTIONAL ARROW AND HANDICAP STALL MARKINGS SHALL BE FURNISHED AT LOCATIONS SHOWN ON PLANS.
- HANDICAP PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO ALL FEDERAL (AMERICANS WITH DISABILITIES ACT) AND STATE LAWS AND REGULATIONS.
- TRAFFIC CONTROL DEVICES AND PAVEMENT MARKINGS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES".
- STOP SIGNS SHALL BE PROVIDED AT ALL LOCATIONS AS SHOWN ON PLANS AND SHALL CONFORM TO THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES". SIGNS SHALL BE 18" X 12", 18 GAUGE STEEL AND SHALL BE ENGINEER GRADE REFLECTIVE.
- TRAFFIC CONTROL AND PAVEMENT MARKINGS SHALL BE PAINTED WITH A WHITE SHERWIN WILLIAMS S-W TRAFFIC MARKING SERIES B-2972 OR APPROVED EQUAL. THE PAVEMENT MARKING SHALL BE APPLIED IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. APPLY ON A CLEAN, DRY SURFACE AND AT A SURFACE TEMPERATURE OF NOT LESS THAN 70°F AND THE AMBIENT AIR TEMPERATURE SHALL NOT BE LESS THAN 60°F AND RISING. TWO COATS SHALL BE APPLIED.

SITE DATA

PROPERTY AREA	21,198 S.F. / 0.49 AC.
ZONING	C2-B
PROPOSED BUILDING (1-STORY)	2,354 S.F.
FLOOR AREA RATIO (FAR)	0.111 S.F.

PARKING SUMMARY

PROVIDED PARKING		
STANDARD STALLS (9'-0" X 18'-0")	15	
ACCESSIBLE STALLS	1	
PROVIDED STALLS	16	
REQUIRED PARKING STALLS		
1 STALL / 4 SEATS (24 SEATS)*	6	
REQUIRED ACCESSIBLE STALLS		
TOTAL STALLS	1-25	
REQUIRED ACCESSIBLE STALLS	1	
PARKING LOT % LANDSCAPED		9%

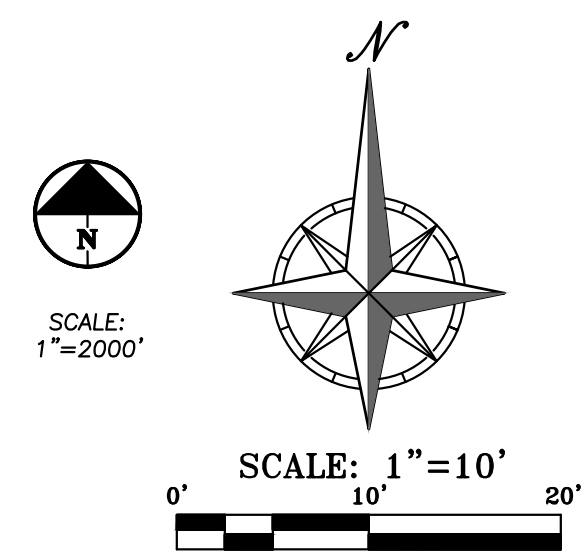
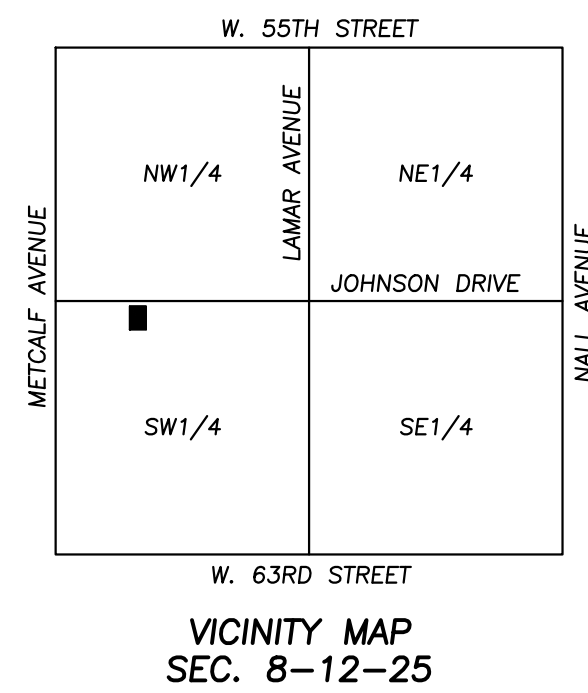
* OWNER ANTICIPATES UP TO 15 EMPLOYEES WORKING DURING MAX SHIFT

PEDESTRIAN LIGHTING NOTE:
PEDESTRIAN STREET LIGHTING TO BE PROVIDED ALONG JOHNSON DRIVE AND COORDINATED WITH CITY STAFF. DETAILS TO BE INCLUDED WITH FINAL DEVELOPMENT PLAN.

- (A) CONSTRUCT PRIVATE 6" CURB (TYPICAL).
- (A1) CONSTRUCT PUBLIC 6" CURB (TYPICAL).
- (B) CONSTRUCT ACCESSIBLE PARKING SPACE. INSTALL MARKINGS PER STD. DETAIL. INSTALL VAN ACCESSIBLE PARKING SIGN. (1 TOTAL).
- (C) CONSTRUCT DRIVE THRU LANE W/ CONCRETE PAVEMENT.
- (D) INSTALL PAVEMENT STRIPPING (TYPICAL).
- (E) CONSTRUCT CONCRETE PAVEMENT.
- (F) INSTALL TRASH ENCLOSURE WITH HEAVY DUTY CONCRETE PAVEMENT (RE: ARCH. PLANS FOR ARCHITECT DETAILS).
- (G) PROPOSED MONUMENT SIGN (RE: ARCHITECT PLANS).
- (H) INSTALL MENU BOARD AND ORDER BOX (RE: ARCH. PLANS).
- (H1) INSTALL PRE-ORDER MENU BOARD (RE: ARCH. PLANS).
- (H2) INSTALL MENU BOARD AND ORDER BOX (RE: ARCH. PLANS).
- (I) PICK-UP WINDOW (RE: ARCH. PLANS).
- (J) CONSTRUCT SCREEN WALL (RE: ARCH. PLANS).
- (K) CONSTRUCT PUBLIC CONC. SIDEWALK RAMP.
- (L) INSTALL STOP SIGN AND CONCRETE BASE (TYPICAL).

LEGEND

— PL —	PROPERTY LINE
— LL —	LOT LINE
— R/W —	RIGHT-OF-WAY
—	2' CURB & GUTTER
—	6" CURB
— B/L —	BUILDING SETBACK LINE
— P/S —	PARKING SETBACK LINE
— L/S —	LANDSCAPE SETBACK LINE
—	STANDARD DUTY ASPHALT PAVEMENT
—	PROPOSED BUILDING
—	CONCRETE PAVEMENT
—	CONCRETE SIDEWALK



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**PLANNING
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IMPLEMENTATION**

SITE PLAN
POPEYE'S LOUISIANA KITCHEN
6821 JOHNSON DRIVE
MISSION, KANSAS 66202

PROJECT NO.	230228	Date	08-16-23
DATE	06-23-2023	By	App. AEB DAF
CHECKED	DAF APPROVED	REVISIONS	REVISED PER STAFF COMMENTS
DATE OF AUTHORIZATION		No.	1
CITY OF AUTHORIZATION			
LAND SURVEYING - LS-82			
ENGINEERING - E-36			
CREATING DATE OF AUTHORIZATION			
LAND SURVEYING - 20070128			
ENGINEERING - 20030308			

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UTILITY NOTES:
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 UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR
 LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN
 THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL
 FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.

Know what's below.
 Call before you dig.

SITE GRADING NOTES:

- CONTOURS AND ELEVATIONS: Existing and proposed contours are shown on plans at one foot (1') contour intervals, unless otherwise noted, proposed contours and elevations shown represent approximate finish grade. Contractor shall hold down subgrades to allow for pavement and sub-base thicknesses.
- If the contractor does not accept existing topography as shown on the plans, without exception, he shall have made at his expense, a topographic survey by a registered land surveyor and submit it to the owner for review.
- CLEARING AND GRUBBING: Prior to beginning preparation of subgrade, all areas under pavements or building shall be stripped of all topsoil, vegetation, large rock fragments (greater than 6 inches in any dimension) and any other deleterious material. The actual stripping depth should be based on visual examination during construction and the results of proof-rolling operations. The root systems of all trees (not designated to remain) shall be removed in their entirety. Stripping materials shall not be incorporated into structural fills.
- TOPSOIL STRIPPING: Prior to the start of site grading, the contractor shall strip all topsoil from areas to be graded, and stockpiled at a location on or adjacent to the site as directed by the owner. At completion of grading operations and related construction, the contractor will be responsible for redistribution of topsoil over all areas disturbed by the construction activities. Topsoil shall be placed to a minimum depth of six inches (6") and in accordance with specifications for landscaping. At that time, and prior to the installation of landscaping or irrigation, all topsoil graded areas shall be visually inspected and accepted by the owner and ILL.
- Contractor shall adjust and/or cut existing pavement as necessary to assure a smooth fit and continuous grade. Contractor shall assure positive drainage away from buildings for all natural and paved areas.
- SUBGRADE PREPARATION: Prior to placement of new fill material, the existing subgrade shall be proofrolled and approved under the direction of the Geotechnical Engineer or his representative.
- PROOFROLLING: Subsequent to completion of stripping and over-excavation, all building and pavement areas to receive engineered fill should be systematically proof-rolled using a tandem axle dump truck loaded to approximately 20,000 pounds per axle. Also, any finished subgrade areas to receive paving shall be proof-rolled within 48 hours of paving. Unsuitable soils that are detected and that can not be recompacted should be over-excavated and replaced with controlled structural fill.
- EARTHWORK:
 - GEOTECHNICAL: All earthwork shall conform to the recommendations of the Geotechnical report. Said report and its recommendations are herein incorporated into the project requirements by reference. Prior to beginning construction, the contractor shall obtain a copy of and become familiar with the geotechnical report. Unless specifically noted on the plans, the recommendations in the geotechnical report are hereby incorporated into the project requirements and specifications.
 - SURFACE WATER: Surface water shall be intercepted and diverted during the placement of fill.
 - FILLS: All fills shall be considered controlled or structural fill and shall be free of vegetation, organic matter, topsoil and debris. In areas where the thickness of the engineered fill is greater than five feet building and pavement construction should not commence until so authorized by the on-site geotechnical engineer to allow for consolidation.
 - BUILDING SUBGRADE: As specified in the Geotechnical Engineering Report, the upper section of building subgrade shall consist of Low Volume Change (LVC) material defined as approved, compacted granular fill or low to moderate plasticity cohesive soil materials stabilized with Class C Flyash. Granular fill shall consist of compacted granular materials with a maximum particle size of two (2) inches or less, such as limestone screenings. Refer to geotechnical report for complete requirements.
 - EXISTING SLOPES: Where fill material is to be placed on existing slopes greater than 5:1 (horizontal to vertical), existing slope shall be benched providing a minimum vertical face of twelve inches (12"). The benches should be cut wide enough to accommodate the compaction equipment. Fill material shall be placed and compacted in horizontal lifts not exceeding nine inches (9") (loose lift measurement), unless otherwise approved by the Geotechnical Engineer.
 - COMPACTION REQUIREMENTS: The upper 9 inches of pavement subgrade areas shall be compacted to a minimum density of ninety five percent (95%) of the material's maximum dry density as determined by ASTM D698 (standard proctor compaction). The moisture content at the time of placement and compaction shall within a range of 0% below to 4% above optimum moisture content as defined by the standard proctor compaction procedure. The moisture contents shall be maintained within this range until completion of the work. Where compaction of earth fill by a large roller is impractical or undesirable, the earth fill shall be hand compacted with small vibrating rollers or mechanical tampers.
- All cut or fill slopes shall be 3:1 or flatter. All asphalt parking areas shall be a minimum of 1% slope but not more than 5% slope unless otherwise noted. All pavements within ADA parking areas shall not exceed 2% total slope. All grades around building shall be held down 6" from finish floor and slope away another 6" in 10 feet. Contractor shall notify engineer prior to final subgrade construction of any areas not within this slope requirement.
- TESTING AND INSPECTION: Owner's Independent Testing Laboratory (ITL) shall make tests of earthwork during construction and observe the placement of fills and other work performed on this project to verify that work has been completed in accordance with Geotechnical Engineering Report, Project Specifications and within industry standards. The ITL will be selected by the owner and the cost of testing will be the owner's responsibility.
- CLASSIFICATION: All excavation shall be considered unclassified. No separate or additional payments shall be made for rock excavation.
- PERMANENT RESTORATION: All areas disturbed by earthwork operations shall be sodded, unless shown otherwise by the landscaping plan or erosion control plan.
- UTILITIES: The contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies, and where possible, measurements taken in the field. The information is not to be relied on as being exact or complete. The contractor must call the appropriate utility companies at least 48 hours before any excavation to request exact field location of utilities. It shall be the responsibility of the contractor to relocate all existing utilities which conflict with the proposed improvements shown on the plans.
- LAND DISTURBANCE: The contractor shall adhere to all terms & conditions as outlined in the EPA or applicable state N.P.D.E.S. permit for storm water discharge associated with construction activities. Refer to project S.W.P.P.P. requirements.

BENCHMARK:

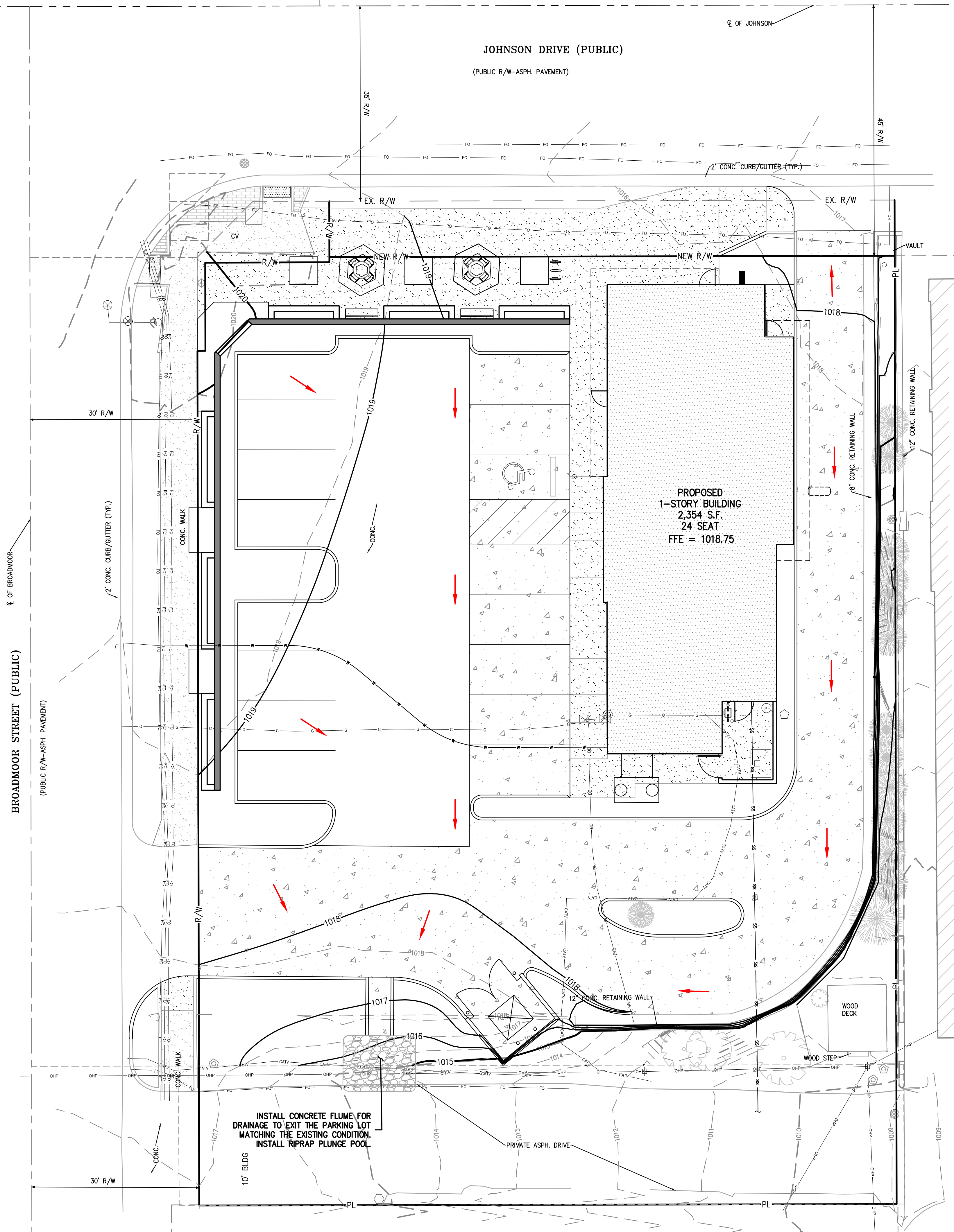
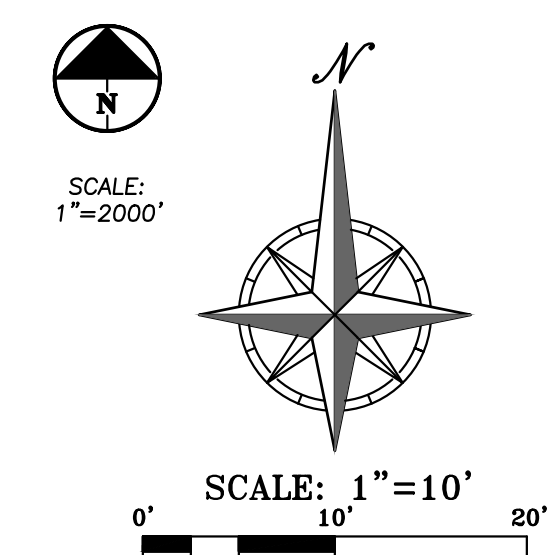
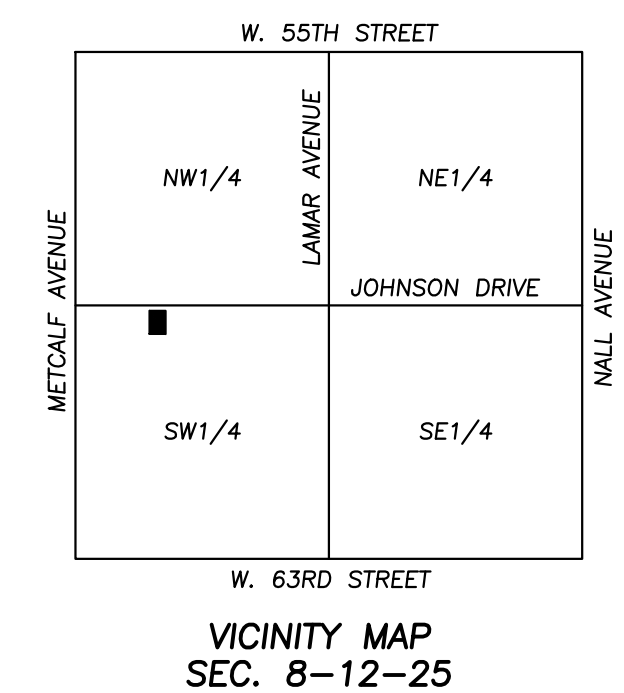
- VERTICAL DATUM = NAVD88 BASED ON GPS OBSERVATION USING SMARTNET GPS NETWORK
- SET "1" CUT IN BACK OF CURB NW CORNER OF PARKING LOT
 ELEVATION = 1020.60

FLOOD NOTE:

THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF MISSION, COMMUNITY NO. 200170, JOHNSON COUNTY, KANSAS, MAP NO. 20091C0023G, AND DATED AUGUST 3, 2009.

LEGEND

- PL — PROPERTY LINE
- LL — LOT LINE
- R/W — RIGHT-OF-WAY
- 2' CURB & GUTTER
- 920 — EXISTING CONTOURS
- 920 — 918 — PROPOSED CONTOURS
- 1088.00 — PROPOSED SPOT ELEVATION
- LG — LIP OF GUTTER
- TC — TOP OF CURB
- SW — SIDEWALK
- ME — MATCH EXISTING
- HP — HIGH POINT
- LP — LOW POINT
- P — TOP OF PAVEMENT
- TE — TOP OF STRUCTURE
- GR — GROUND ELEVATION
- BS — BOTTOM OF STEPS
- TS — TOP OF STEPS
- BW — BOTTOM OF WALL
- TW — TOP OF WALL
- — EXISTING STORM SEWER
- — PROPOSED STORM PIPE
- — PROPOSED WET CURB & GUTTER
- — PROPOSED DRY CURB & GUTTER
- — PROPOSED RETAINING WALL
- — DENOTES FLOW DIRECTION



\phelps-serv\projects\230228\Draw\preliminary\GRADING.dwg Layout:1 Aug 16, 2023 2:45pm Daniel Elm

PHelps ENGINEERING, INC.
 1270 N. Winchester
 Olathe, Kansas 66061
 (913) 993-1155
 Fax (913) 993-1165
 www.phelpsengineering.com



GRADING PLAN
 POPEYE'S LOUISIANA KITCHEN
 6821 JOHNSON DRIVE
 MISSION, KANSAS 66202

PROJECT NO.	DATE	BY	APP.	REVISIONS
230228	08-16-23	DAE	DAE	
DATE	08-16-23	BY	APP.	REVISIONS
08-16-23	DAE	DAE		

SHEET
C4



Know what's below.
Call before you dig.

UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN.
UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR
LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN
THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL
FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.

UTILITY NOTES:

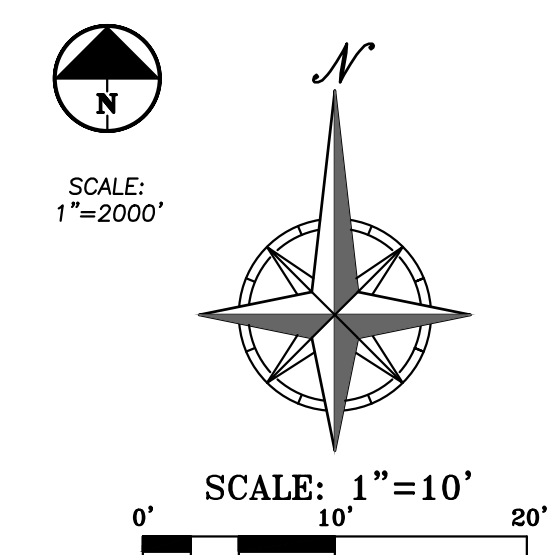
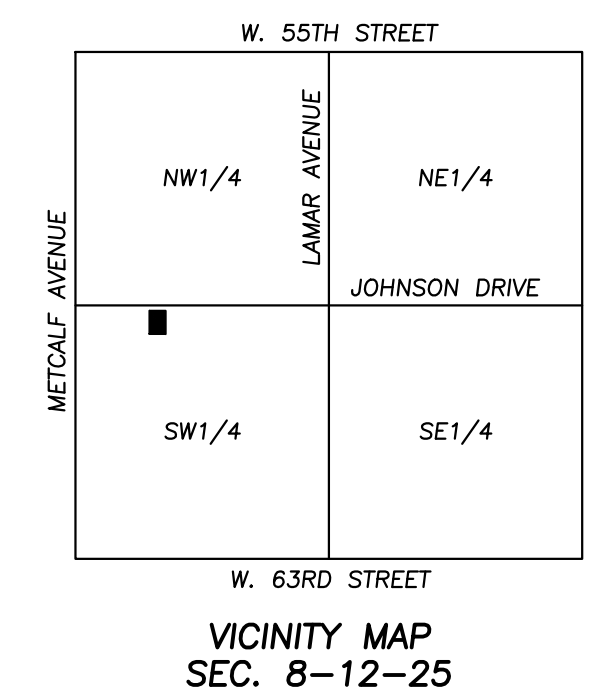
- The contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies, and where possible, measurements taken in the field. The information is not to be relied on as being exact or complete. The contractor must call the appropriate utility companies at least 48 hours before any excavation to request exact field location of utilities. It shall be the responsibility of the contractor to coordinate with and relocate &/or remove all existing utilities which conflict with the proposed improvements shown on the plans.
- The construction of storm sewers on this project shall conform to the requirements of the City's Technical Specifications and Design Criteria.
- The contractor shall field verify the exact location and elevation of the existing storm sewer lines and the existing elevation at locations where the proposed storm sewer collects or releases to existing ground. If discrepancies are encountered from the information shown on the plans, the contractor shall contact the design engineer. No pipes shall be laid until direction is received from the design engineer.
- It will be the contractor's responsibility to field adjust the top of all manholes and boxes as necessary to match the grade of the adjacent area. Tops of existing manholes shall be raised as necessary to be flush with proposed pavement elevations, and to be 6-inches above finished ground elevations in non-paved areas. No separate or additional compensation will be made to the contractor for making final adjustments to the manholes and boxes.
- Inlet locations, horizontal pipe information and vertical pipe information is shown to the center of the structure. Deflection angles shown for storm sewer pipes are measured from the center of curb inlets and manholes. The contractor shall adjust the horizontal location of the pipes to go to the face of the boxes. All roof drains shall be connected to storm sewer structures. Provide cleanouts on roof drain lines at 100' max. Spacing and at all bend points. Do not connect roof drains directly to storm sewer pipe.
- The contractor shall be responsible for furnishing and installing all fire and domestic water lines, meters, backflow devices, pits, valves and all other incidentals required for a complete operable fire protection and domestic water system. All costs associated with the complete water system for the buildings shall be the responsibility of the contractor. All work shall conform to the requirements of City.
- The contractor shall be responsible for furnishing and installing all sanitary sewer service lines from the buildings to the public line. All work shall conform to the requirements of the City and Johnson County Unified Wastewater District.
- The contractor will be responsible for securing all permits, bonds and insurance required by the contract documents, City, and all other governing agencies (including local, county, state and federal authorities) having jurisdiction over the work proposed by these construction documents. The cost for all permits bonds and insurance shall be the contractor's responsibility and shall be included in the bid for the work.
- By the use of these construction documents the contractor hereby agrees that he/she shall be solely responsible for the safety of the construction workers and the public. The contractor agrees to hold the engineer and owner harmless for any and all injuries, claims, losses or damages related to the project.
- The contractor shall be responsible for furnishing all materials, tools and equipment and installation of electrical power, telephone and gas service from a point of connection from the public utility lines to the building structures. This will include all conduits, service lines, meters, concrete pads and all other incidentals required for a complete and operational system as required by the owner and the public utilities. Refer to building plans for exact tie-in locations of all utilities. Contractor shall verify connection points prior to installation of utility line.
- All fill material is to be in place, compacted, and consolidated before installation of proposed utilities. On-site geotechnical engineer shall provide written confirmation that this requirement has been met and that utilities may proceed in the fill areas. All utilities are to be placed in trench conditions.
- Contractor shall notify the utility authorities inspectors 48 hours before connecting to any existing line.
- Water lines shall be as follows (unless otherwise shown on plans):
 - Pipe sizes less than 3-inches that are installed below grade and outside building shall comply with the following:
 - Seamless Copper Tubing: Type "K" soft copper, ASTM B88.
 - Fittings: Wrought copper (95.5 Tin Antimony solder joint), ASME B 16.22.
 - Pipe sizes 3-inches through 48-inches that are installed below grade and outside building shall comply with one of the following:
 - Grey Cast Iron Water Pipe: ANSI A21.6, thickness class 52.
 - Fittings: Either mechanical joint or push-on joint, AWWA C110 or AWWA C111.
 - Elastomeric gaskets and lubricant: ASTM F477.
 - Cement Mortar Lining, AWWA C104
 - Ductile Iron Water Pipe: AWWA C151, thickness class 50.
 - Fittings: Either mechanical joint or push-on joint, AWWA C110 or AWWA C111.
 - Elastomeric gaskets and lubricant: ASTM F477.
 - Cement Mortar Lining, AWWA C104
 - Polyvinyl Chloride (PVC) Water Pipe: Pipe, AWWA C900, rated DR 18 (Class 150), continually marked as required.
 - Elastomeric gaskets and lubricant: ASTM F477 for smaller pipes.
 - Pipe joints: integrally molded bell ends, ASTM D3338.
 - Trace wire: Magnetic detectable conductor, (#12 Copper) brightly colored plastic covering imprinted with "Water Service" in large letters
- Minimum trench width shall be 2 feet.
- Contractor shall maintain a minimum of 42" cover on all waterlines. All water line joints are to be mechanical joints with thrust blocking as called out in specifications and construction plans. Water mains and service lines shall be constructed in accordance to waterline's specifications for commercial services.
- All waterlines shall be kept min. ten (10') apart (parallel) from sanitary sewer lines or manholes. Or when crossing, on 24" vertical clearance (outside edge of pipe to outside edge of pipe) of the water line above the sewer line is required.
- Sanitary conflicts will be resolved prior to permit issuance.
- In the event of a vertical conflict between waterlines, sanitary lines, storm lines and gas lines (existing and proposed), the sanitary line shall be ductile iron pipe with mechanical joints at least 10 feet on both sides of crossing (or encased in concrete this same distance), the waterline shall have mechanical joints with appropriate thrust blocking as required to provide a minimum of 24" clearance. Meeting requirements of ANSI A21.10 or ANSI 21.11 (AWWA C-151) (CLASS 50).
- All underground storm, sanitary, water and other utility lines shall be installed, inspected and approved before backfilling. Failure to have inspection approval prior to backfill will constitute rejection of work.
- All necessary inspections and/or certifications required by codes and/or utility service companies shall be performed prior to announced building possession and the final connection of service. Contractor shall coordinate with all utility companies for installation requirements and specifications.
- Refer to building plans for site lighting electrical plan, irrigation, parking lot security system and associated conduit requirements. Coordinate with Owner that all required conduits are in place & tested prior to paving.
- When a building utility connection from site utilities leading up to the building cannot be made immediately, temporarily mark all such site utility terminations.
- Refer to the building plans for site lighting electrical requirements, including conduits, pole bases, pull boxes, etc.

UTILITY KEY NOTES:

- (E1) EXISTING 4" PVC SCHEDULE 40 PRIMARY ELECTRICAL CONDUIT TO REMAIN.
- (E2) EXISTING ELECTRIC METER TO BE USED FOR ELECTRIC ENTRY INTO NEW BUILDING. FOLLOW ELECTRIC COMPANY REQUIREMENTS (REFER TO BUILDING ELECTRIC PLAN.)
- (G1) EXISTING GAS ENTRY WITH GAS METER. CONTRACTOR SHALL COORDINATE WITH GAS COMPANY FOR TYING OF EXISTING GAS METER.
- (W1) EXISTING 1-1/2" PRIMARY WATER METER PIT.
- (W2) CONSTRUCT 1-1/2" DOMESTIC WATERLINE.
- (S1) INSTALL GREASE INTERCEPTOR.
- (S2) INSTALL SANITARY SEWER LINE.

LEGEND

- PL PROPERTY LINE
- LL LOT LINE
- R/W RIGHT-OF-WAY
- CATV EXISTING CABLE TELEVISION LINE
- FO EXISTING FIBER OPTIC LINE
- G EXISTING GAS LINE
- BE EXISTING BURIED ELECTRIC LINE
- OHP EXISTING OVERHEAD POWER LINE
- SS EXISTING SANITARY SEWER LINE
- ST EXISTING STORM SEWER LINE (& SIZE)
- BT EXISTING BURIED TELEPHONE LINE
- W EXISTING WATER LINE (& SIZE)
- CATV PROPOSED CABLE TELEVISION LINE
- FO PROPOSED FIBER OPTIC LINE
- G PROPOSED GAS LINE
- BE PROPOSED BURIED ELECTRIC LINE
- SS PROPOSED SANITARY SEWER LINE
- OHP PROPOSED OVERHEAD POWER LINE
- ST PROPOSED STORM SEWER LINE (& SIZE)
- BT PROPOSED BURIED TELEPHONE LINE
- W PROPOSED WATER LINE (& SIZE)
- F PROPOSED FIRE LINE (& SIZE)
- ST PROPOSED ROOF DRAIN (& SIZE)



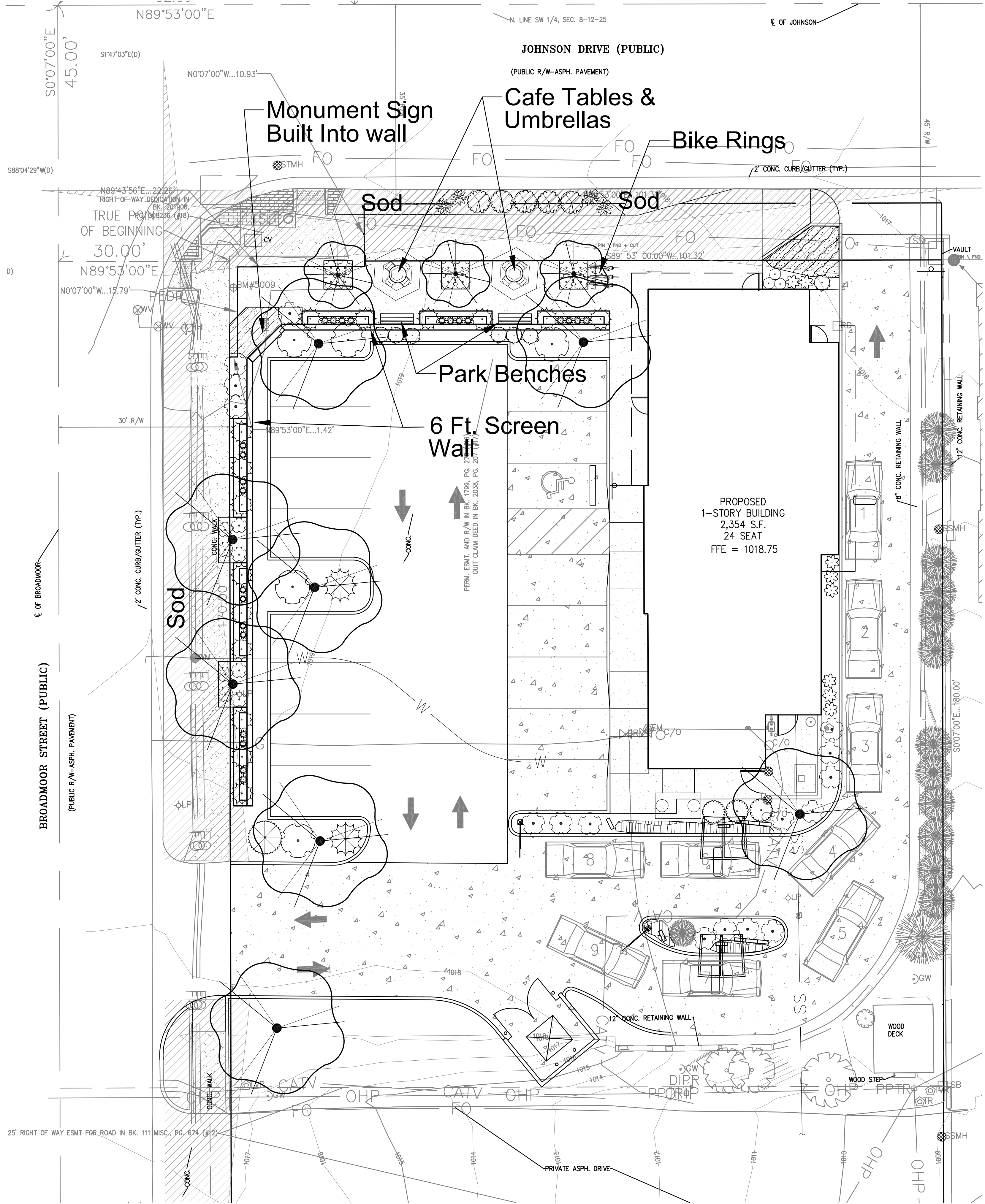
PHILIPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66066
(913) 993-1155
Fax (913) 993-1165
www.philipsengineering.com

**PLANNING
ENGINEERING
IMPLEMENTATION**

UTILITY PLAN
POPEYE'S LOUISIANA KITCHEN
6821 JOHNSON DRIVE
MISSION, KANSAS 66202

PROJECT NO.	DATE	BY	APP.	REVISIONS
230238	08-16-23			
DATE	NO.	BY	APP.	REVISIONS
08-16-23	1			REVISED PER STAFF COMMENTS

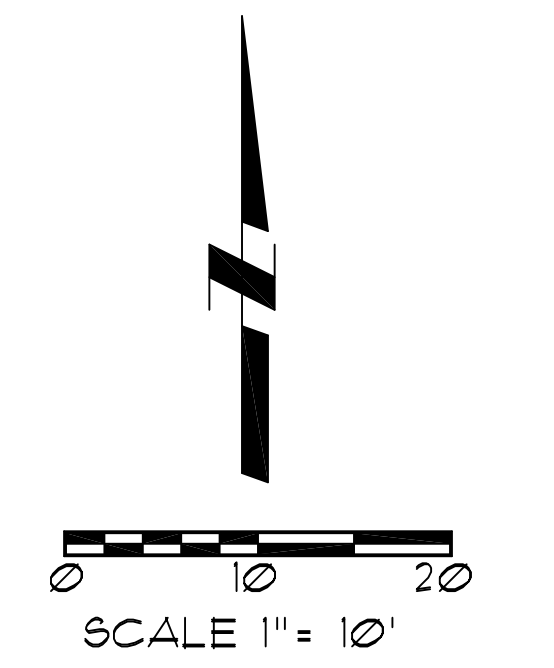
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C5



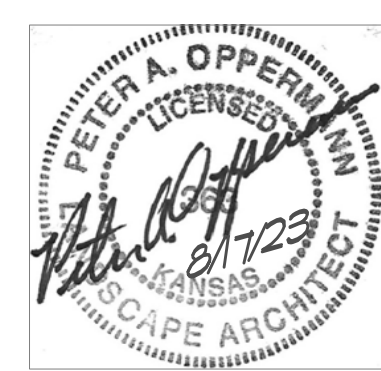
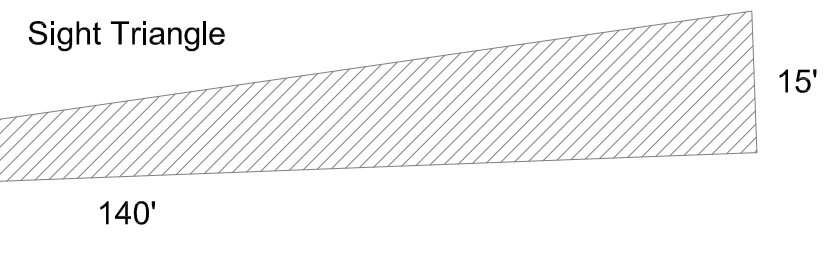
CONCEPT PLANT SCHEDULE

	MEDIUM SHADE TREES	8
	ORNAMENTAL TREE	3
	COLUMNAR EVERGREEN SHRUB	7
	SPREADER EVERGREEN SHRUB	1
	DECIDUOUS SHRUB I	5
	DECIDUOUS SHRUB II	5
	LOW SPREADING EVERGREEN	2
	ORNAMENTAL GRASS TALL	3
	ORNAMENTAL GRASS MEDIUM	8
	ORNAMENTAL GRASS MEDIUM II	24
	SMALL DECIDUOUS SHRUB	36
	MEDIUM ORNAMENTAL SHRUB	3
	PERENNIAL	4
	LOW SPREADING EVERGREEN II	15
	PERENNIAL I	137 sf
	GROUNDCOVER I	82 sf

NOTES:
 All landscape plant material shall be native and/or hardy in the State of Kansas.
 Details and specifications to be provided in construction documents.



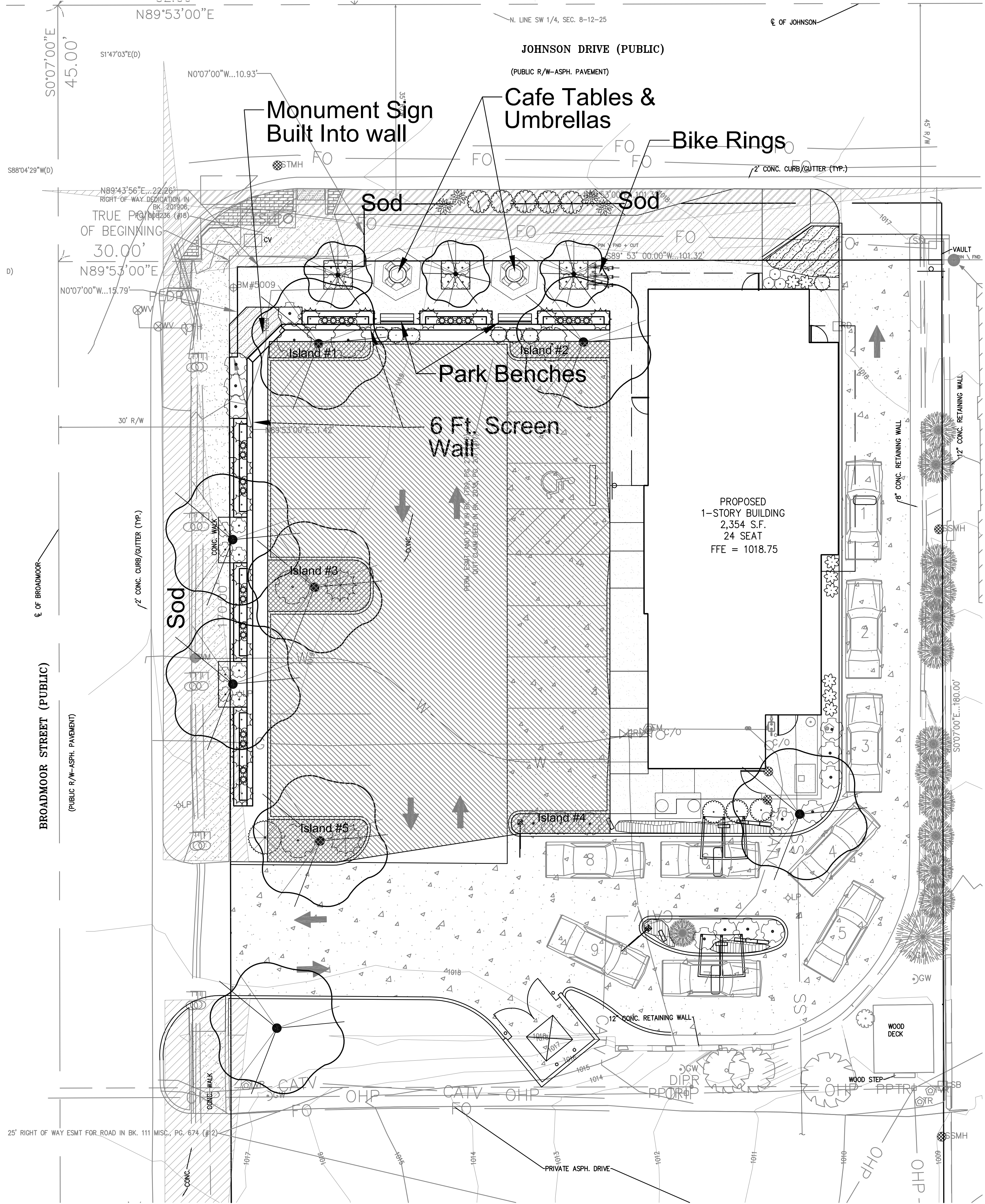
Utility Note:
 Utilities shown on plan are diagrammatic and some may be missing. Before starting any construction call appropriate locating service. In Kansas call 1-800-DIG-SAFE (344-7233) to have utilities located.



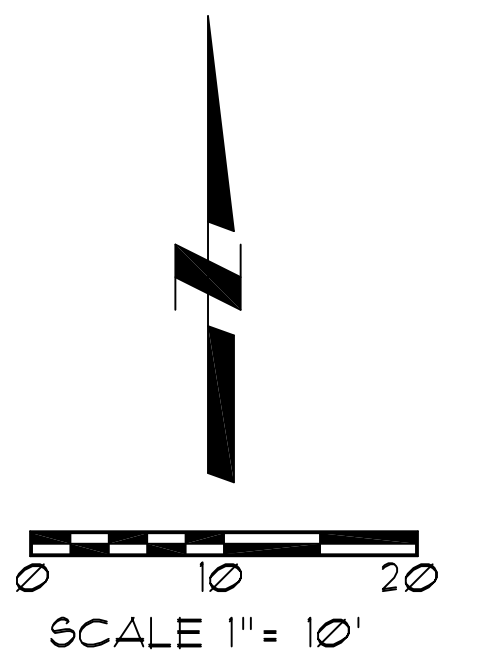
Preliminary Landscape Plan
Popeye's Louisiana Kitchen
 Johnson Drive and Broadmoor St.
 Mission, Kansas LS-1

Oppermann LandDesign, LLC
 Land Planning + Landscape Architecture
 22 Debra Lane petecoppermann56@gmail.com
 New Windsor, New York 12553 913.529.5598

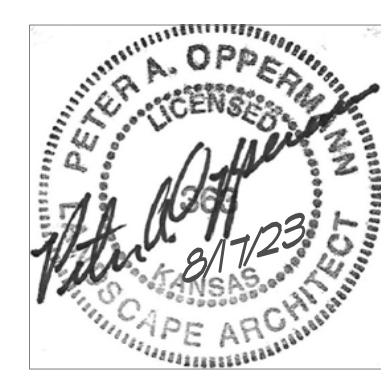
08/17/2023



Parking Lot Island Calcs:
Overall Lot Equals 5326 s.f.
Island #1 50.31 s.f.
Island #2 50.00 s.f.
Island #3 158.15 s.f.
Island #4 59.14 s.f.
Island #5 123.43 s.f.
Ttl. Island 441 s.f.
441 Divided By 5326 = 8.33%



Island Square Footage Plan
Popeye's
Louisiana Kitchen
Johnson Drive and Broadmoor St.
Mission, Kansas



Oppermann LandDesign, LLC
Land Planning Landscape Architecture
22 Debra Lane peteoppermann56@gmail.com
New Windsor, New York 12553 913.529.5598

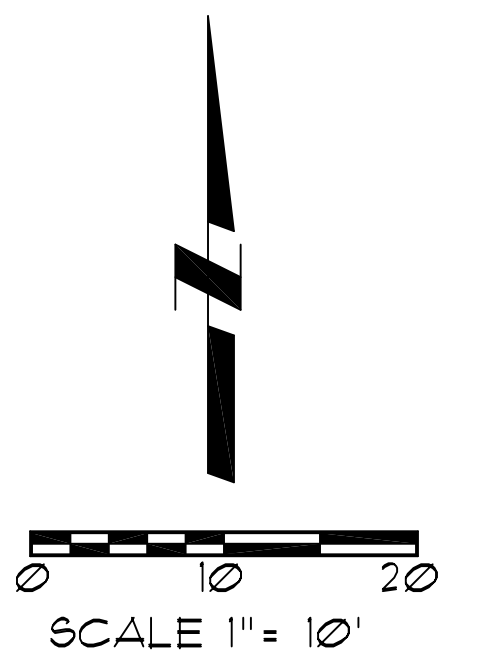
08/17/2023

LS-1



CONCEPT PLANT SCHEDULE

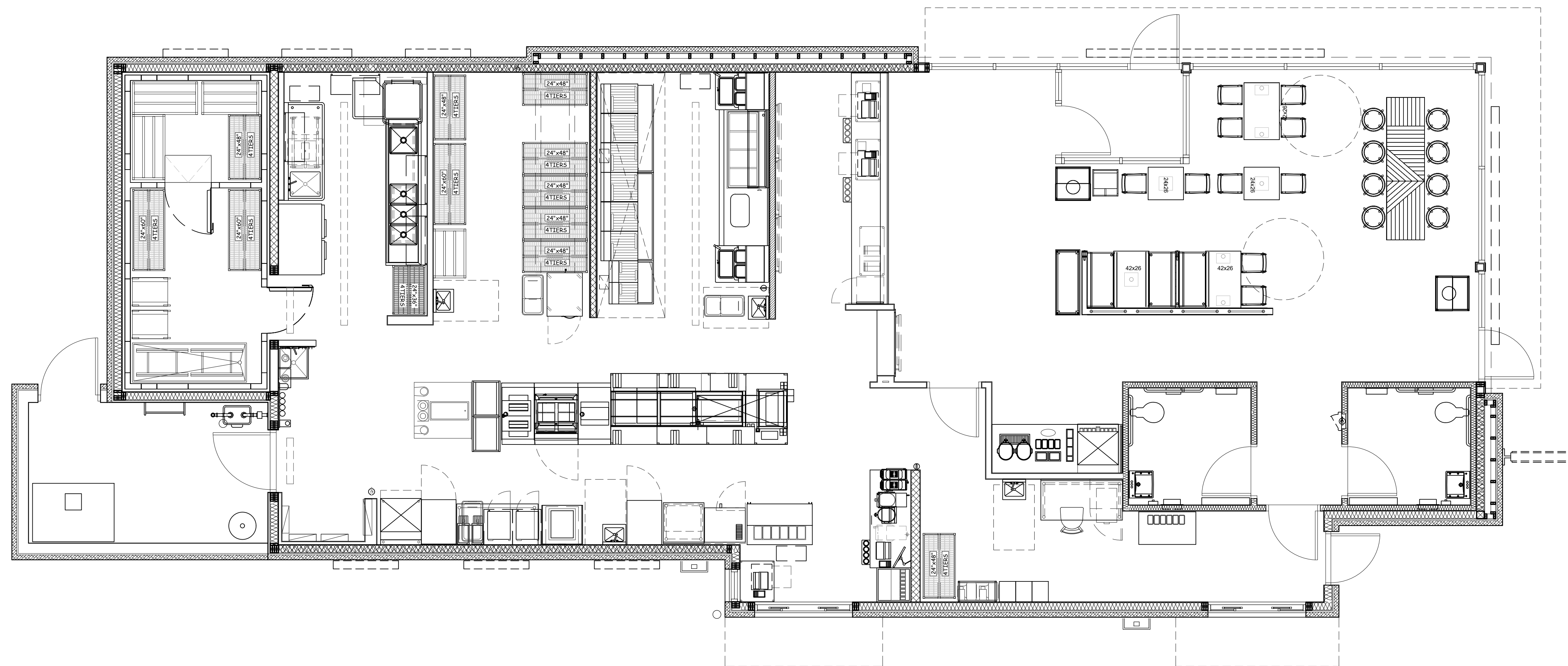
	MEDIUM SHADE TREES	8
	ORNAMENTAL TREE	3
	COLUMNAR EVERGREEN SHRUB	7
	SPREADER EVERGREEN SHRUB	1
	DECIDUOUS SHRUB I	5
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	LOW SPREADING EVERGREEN	2
	ORNAMENTAL GRASS TALL	3
	ORNAMENTAL GRASS MEDIUM	8
	ORNAMENTAL GRASS MEDIUM II	24
	SMALL DECIDUOUS SHRUB	36
	MEDIUM ORNAMENTAL SHRUB	3
	PERENNIAL	4
	LOW SPREADING EVERGREEN II	15
	PERENNIAL I	137 sf
	GROUNDCOVER I	82 sf
	EXISTING EVERGREEN	
	EXISTING SHADE	



Preliminary Landscape Plan
Popeye's Louisiana Kitchen
 Johnson Drive and Broadmoor St.
 Mission, Kansas

Oppermann LandDesign, LLC
 Land Planning + Landscape Architecture
 22 Debra Lane petecoppermann56@gmail.com
 New Windsor, New York 12553 913.529.5598

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1
A1 **EQUIPMENT PLAN**
SCALE: 1/4"=1'-0"



ISSUE TABLE		
No.	Date (mm/dd/yyyy)	Description
01	02-07-2023	2124 VE UPDATED DRAWINGS

REVISIONS		
No.	Date	Description

DRAWINGS REVISED AS PER DESIGN BULLETIN		
No.	Date	Description
01	10-27-21	2124 PROTOTYPE DOCUMENTS

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Seal

Company Logo

WARMAN ARCHITECTURE + DESIGN
1735 SWIFT AVE.
NORTH KANSAS CITY, MISSOURI 64116
V. 816.474.2233 F. 816.474.1051

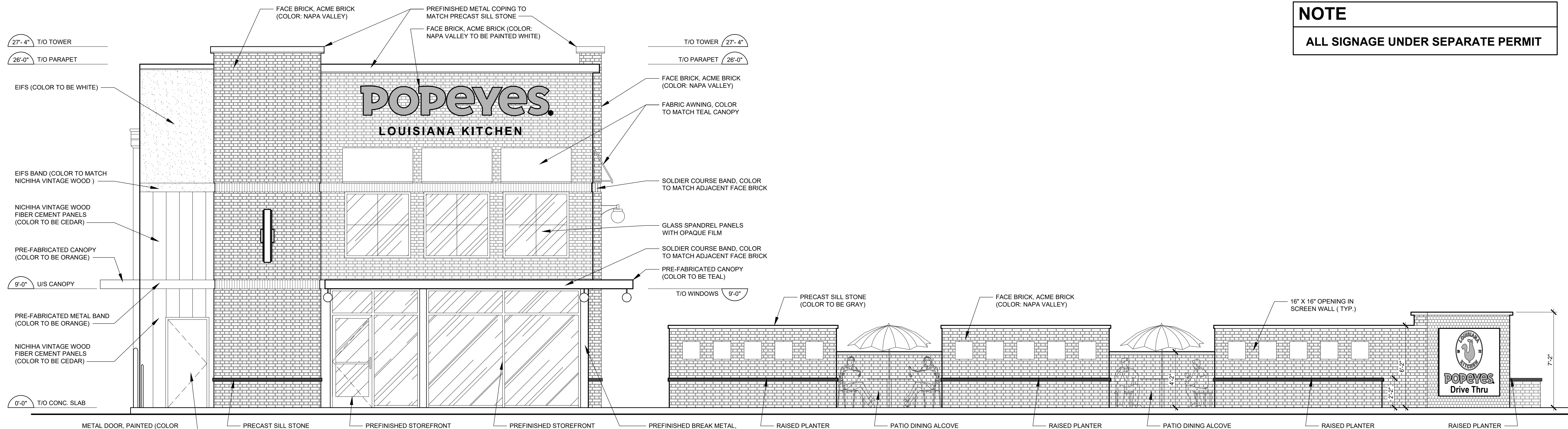


Store Type
ATYPICAL
(BASED ON US 2124 PROTOTYPE)

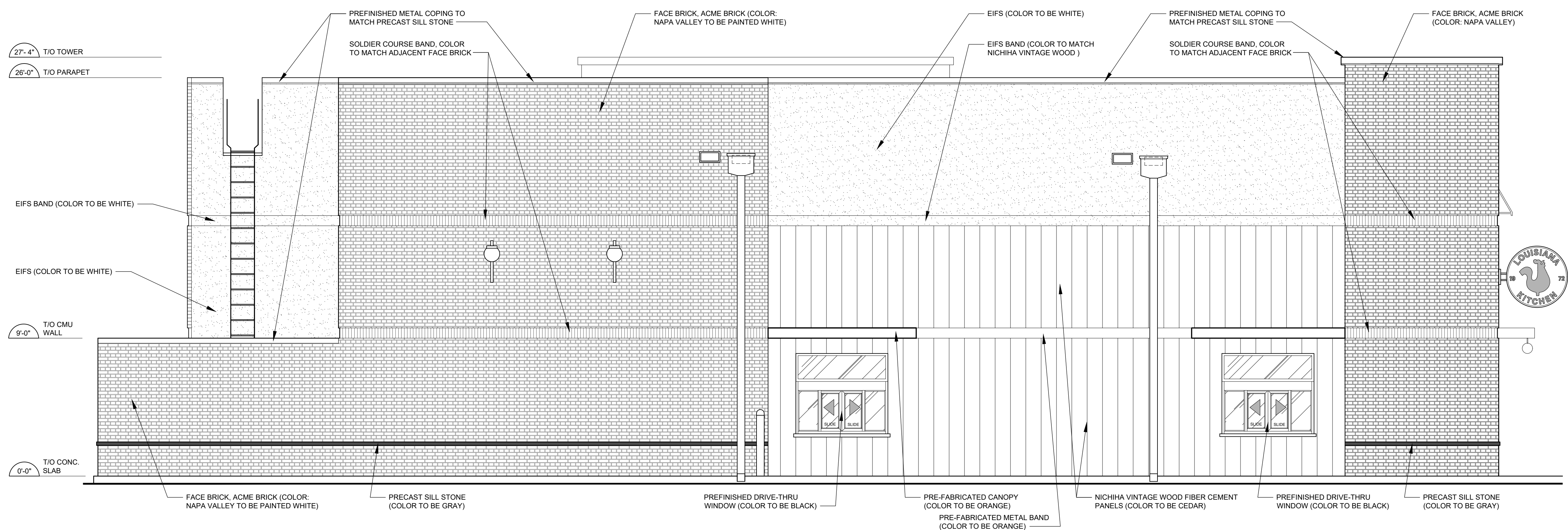
Location
**6821 Johnson Dr
Mission, KS**

Drawing Title
EQUIPMENT PLAN

Drawn	cdt	Checked	KAW
Scale	1/4"=1'-0"	Date	AUGUST 01, 2023
Project No.	5961-23	Drawing No.	A1



1 NORTH ELEVATION
SCALE: 1/4"=1'-0"



2 EAST ELEVATION
SCALE: 1/4"=1'-0"

NOTE
ALL SIGNAGE UNDER SEPARATE PERMIT

ISSUE TABLE		
No.	Date (mm/dd/yyyy)	Description
01	02-07-2023	2124 VE UPDATED DRAWINGS

REVISIONS		
No.	Date	Description

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Seal

Company Logo

WARMAN ARCHITECTURE + DESIGN
1735 SWIFT AVE.
NORTH KANSAS CITY, MISSOURI 64116
V. 816.474.2233 F. 816.474.1051



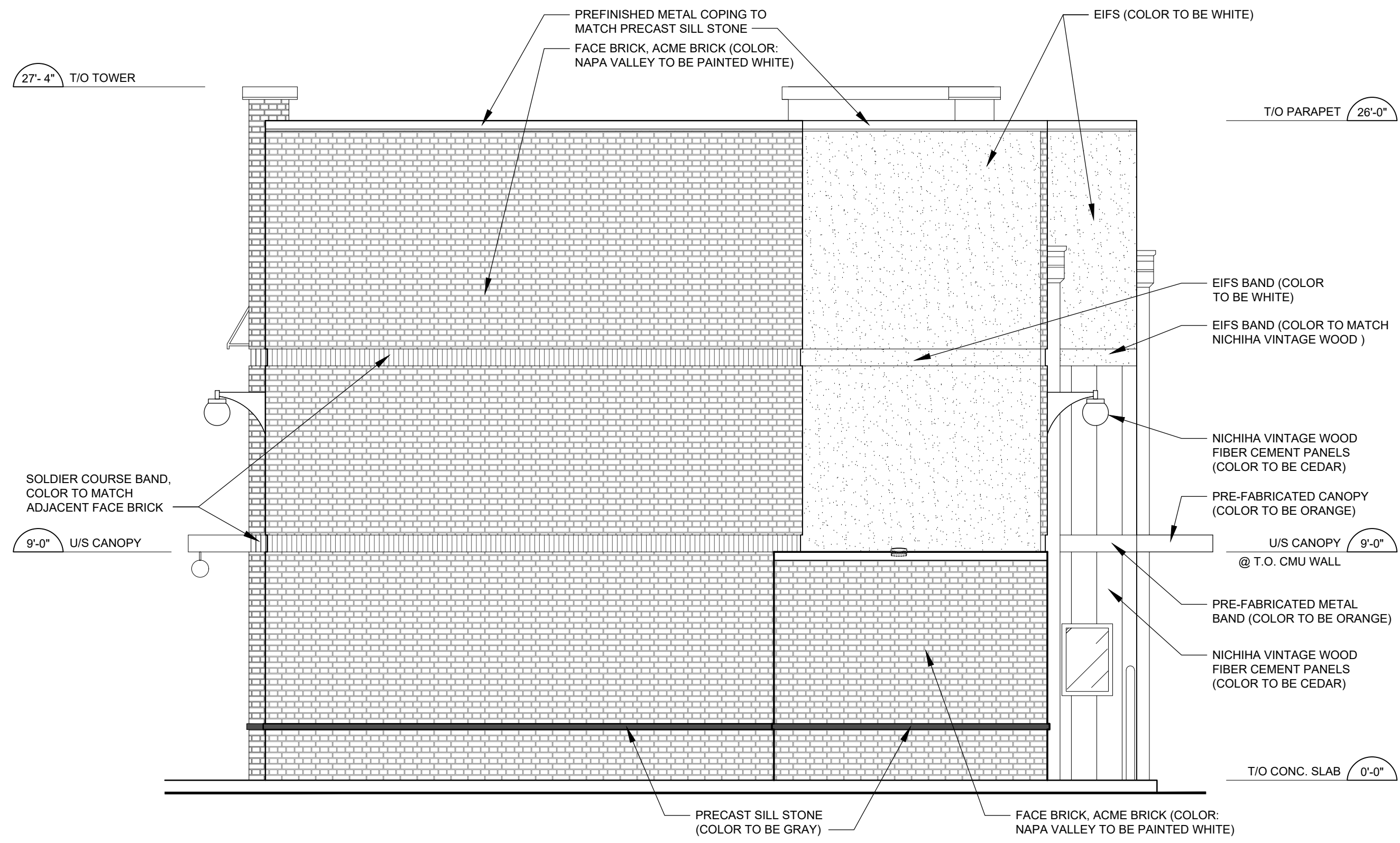
Store Type
ATYPICAL
(BASED ON US 2124 PROTOTYPE)

Location
**6821 Johnson Dr
Mission, KS**

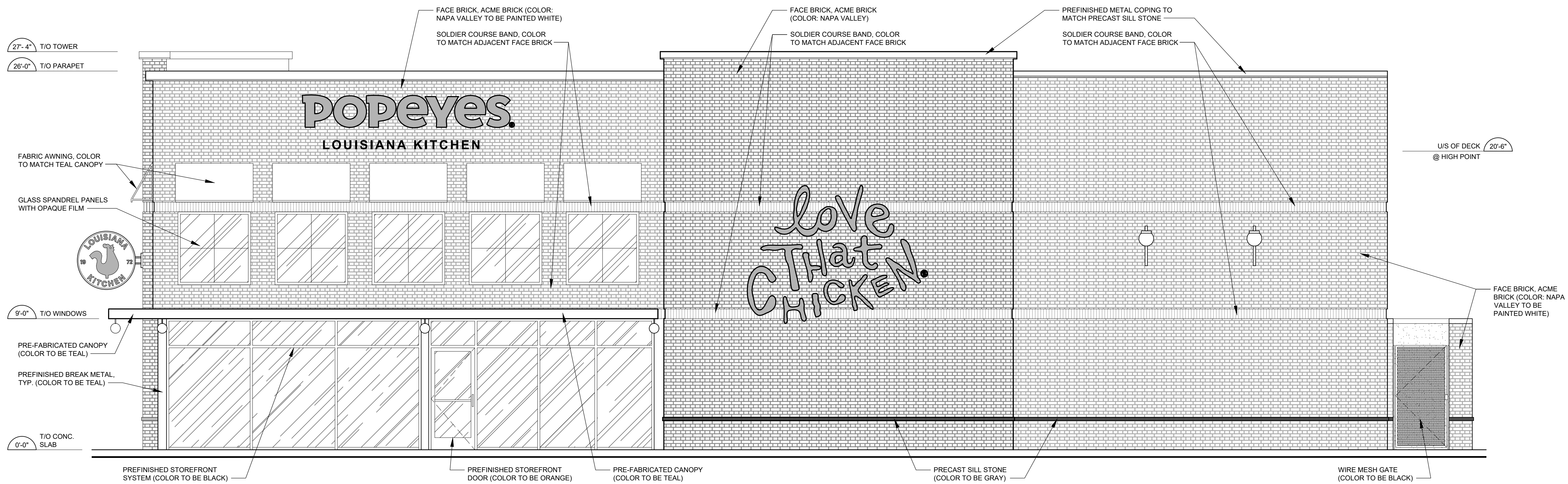
Drawing Title
EXTERIOR ELEVATIONS

Drawn cdt	Checked KAW
Scale 1/4"=1'-0"	Date AUGUST 01, 2023
Project No. 5961-23	Drawing No. A5.0

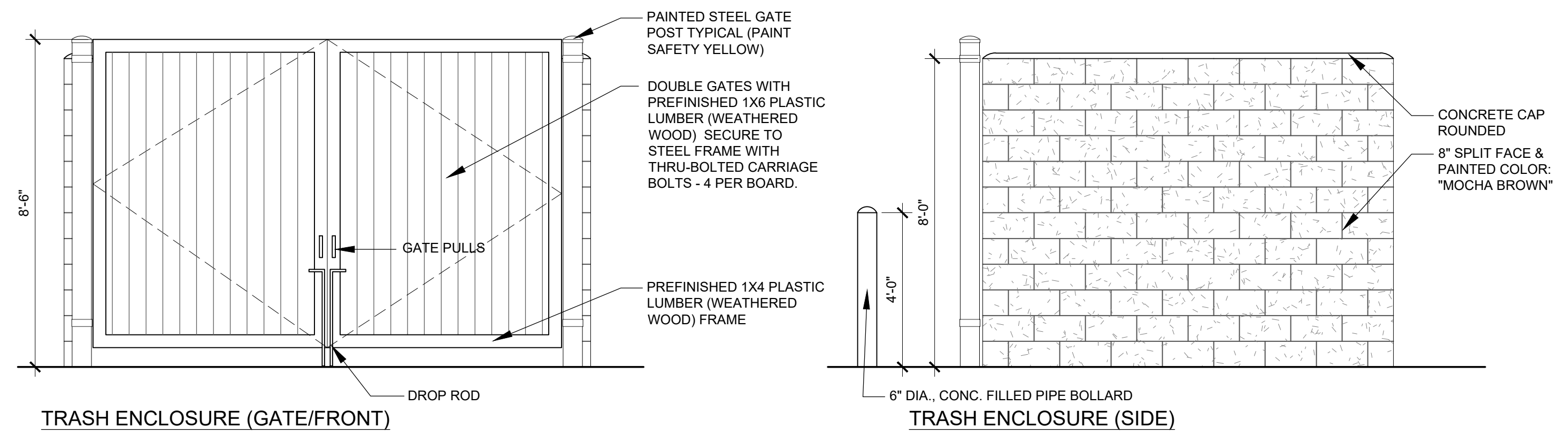
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1 SOUTH ELEVATION
A5.1 SCALE: 1/4"=1'-0"



2 WEST ELEVATION
A5.1 SCALE: 1/4"=1'-0"



3 DUMPSTER ENCLOSURE ELEVATIONS
A5.1 SCALE: 3/8"=1'-0"

NOTE
ALL SIGNAGE UNDER SEPARATE PERMIT

ISSUE TABLE		
No.	Date (mm/dd/yyyy)	Description
01	02-07-2023	2124 VE UPDATED DRAWINGS

REVISIONS		
No.	Date	Description

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01	10-27-21	2124 PROTOTYPE DOCUMENTS

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THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND TO REPORT ANY DISCREPANCIES TO THE POPEYES LOUISIANA KITCHEN REPRESENTATIVE PRIOR TO COMMENCING WORK. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES UNLESS INDICATED BY POPEYES LOUISIANA KITCHEN AS ISSUED FOR CONSTRUCTION.

Seal

Company Logo

WARMAN ARCHITECTURE + DESIGN
 1735 SWIFT AVE.
 NORTH KANSAS CITY, MISSOURI 64116
 V. 816.474.2233 F. 816.474.1051



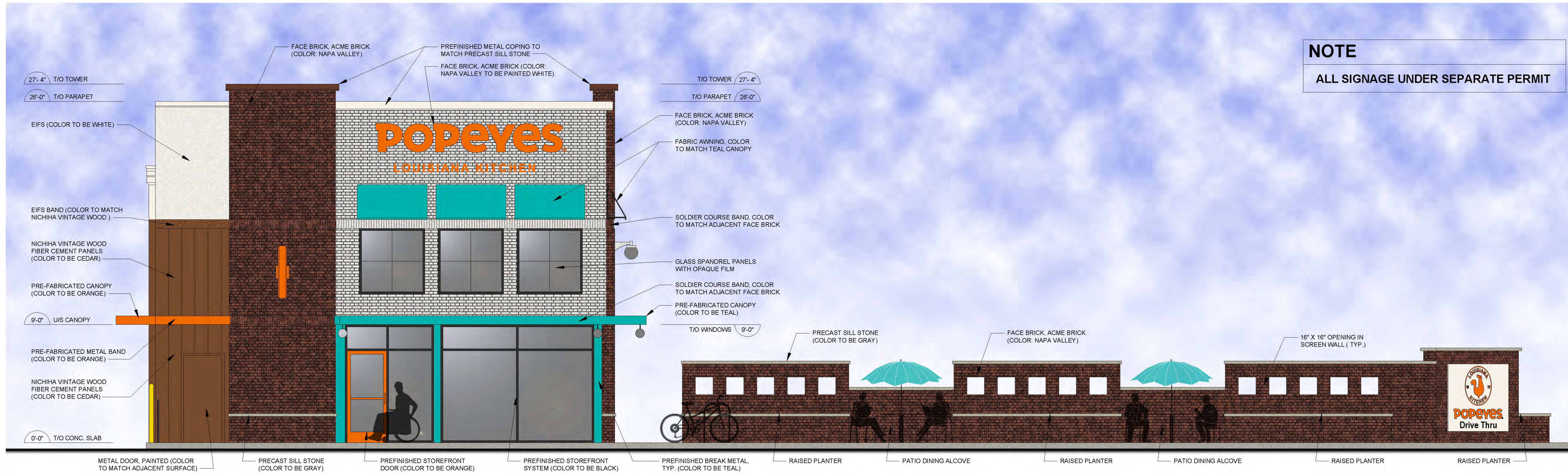
Store Type
ATYPICAL
 (BASED ON US 2124 PROTOTYPE)

Location
6821 Johnson Dr
Mission, KS

Drawing Title
EXTERIOR ELEVATIONS

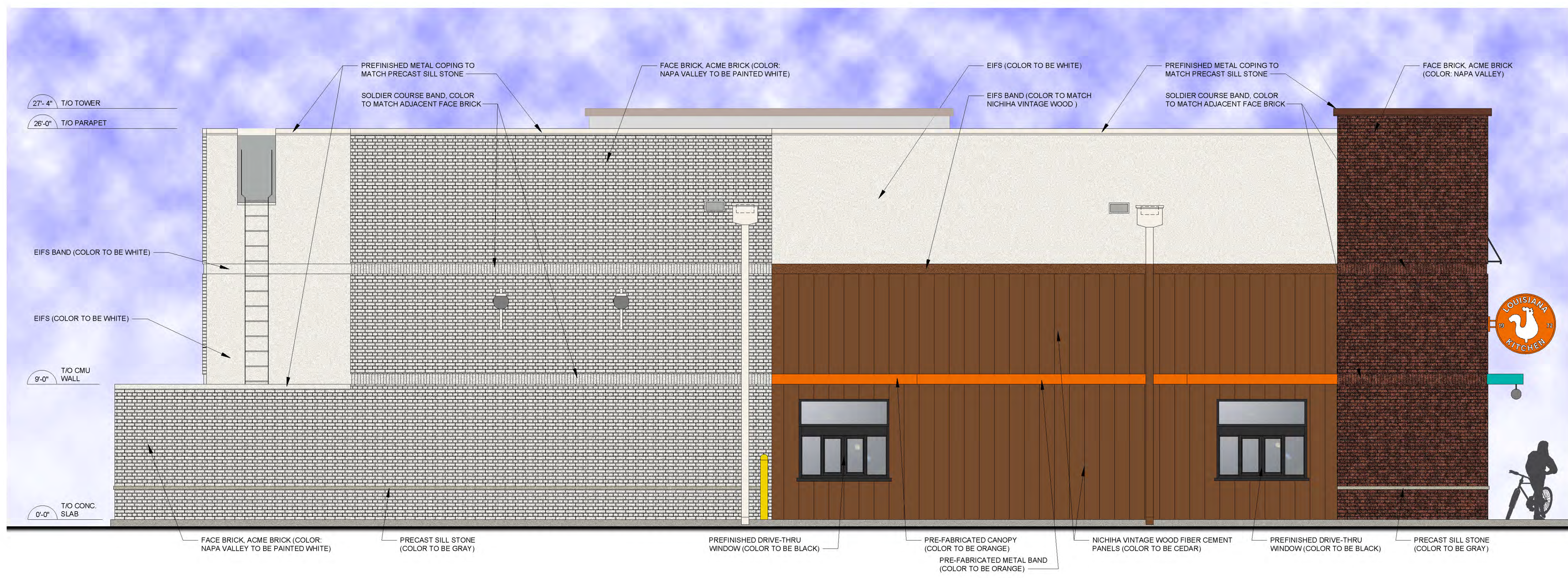
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Scale	1/4"=1'-0"	Date	AUGUST 01, 2023
Project No.	5961-23	Drawing No.	A5.1

P:\5961-23 Popeye's Chicken @ 6821 Johnson Dr., Mission, KS\Planning & Zoning\5961-2124_A050-A051_rev03.dwg
 8/16/2023 5:40:17 PM: chad.dwg TO PDF.plt





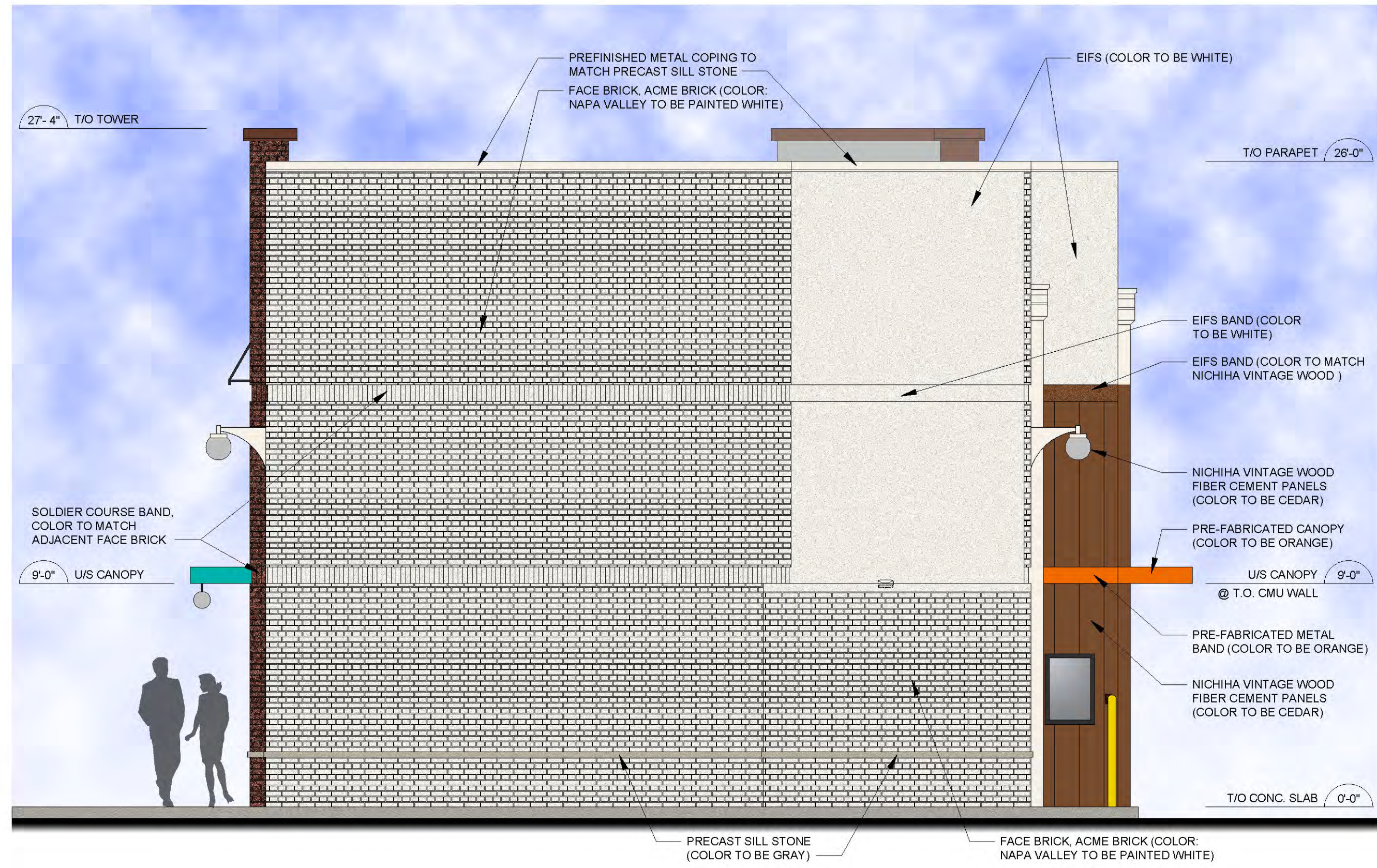
NOTE
ALL SIGNAGE UNDER SEPARATE PERMIT

1 NORTH ELEVATION
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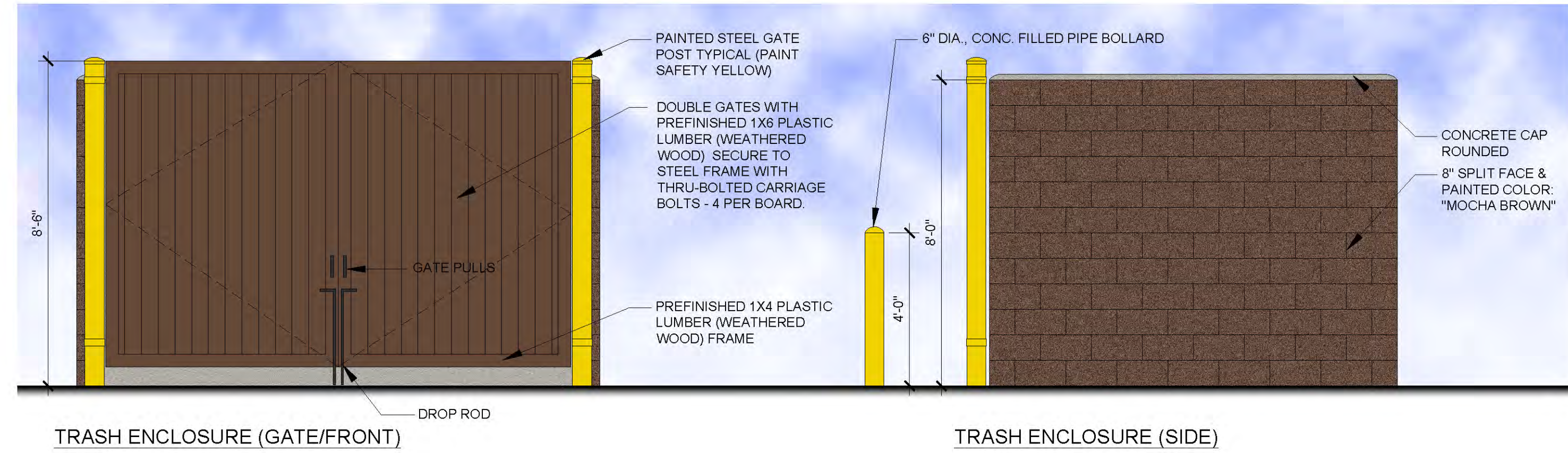


2 EAST ELEVATION
SCALE: 1/4"=1'-0"

ISSUE TABLE		
No.	Date (mm/dd/yyyy)	Description
01	02-07-2023	2124 VE UPDATED DRAWINGS
REVISIONS		
No.	Date	Description
DRAWINGS REVISED AS PER DESIGN BULLETIN		
No.	Date	Description
01	10-27-21	2124 PROTOTYPE DOCUMENTS
Company Logo		
 <p>WARMAN ARCHITECTURE + DESIGN 1735 SWIFT AVE. NORTH KANSAS CITY, MISSOURI 64116 V. 816.474.2233 P. 816.474.1051</p>		
Project		
 <p>LOUISIANA KITCHEN</p>		
Store Type		
<p>ATYPICAL (BASED ON US 2124 PROTOTYPE)</p>		
Location		
<p>6821 Johnson Dr Mission, KS</p>		
Drawing Title		
<p>EXTERIOR ELEVATIONS</p>		
Drawn	cdt	Checked
Scale	1/4"=1'-0"	Date
Project No.	5961-23	Drawing No.
		A5.0

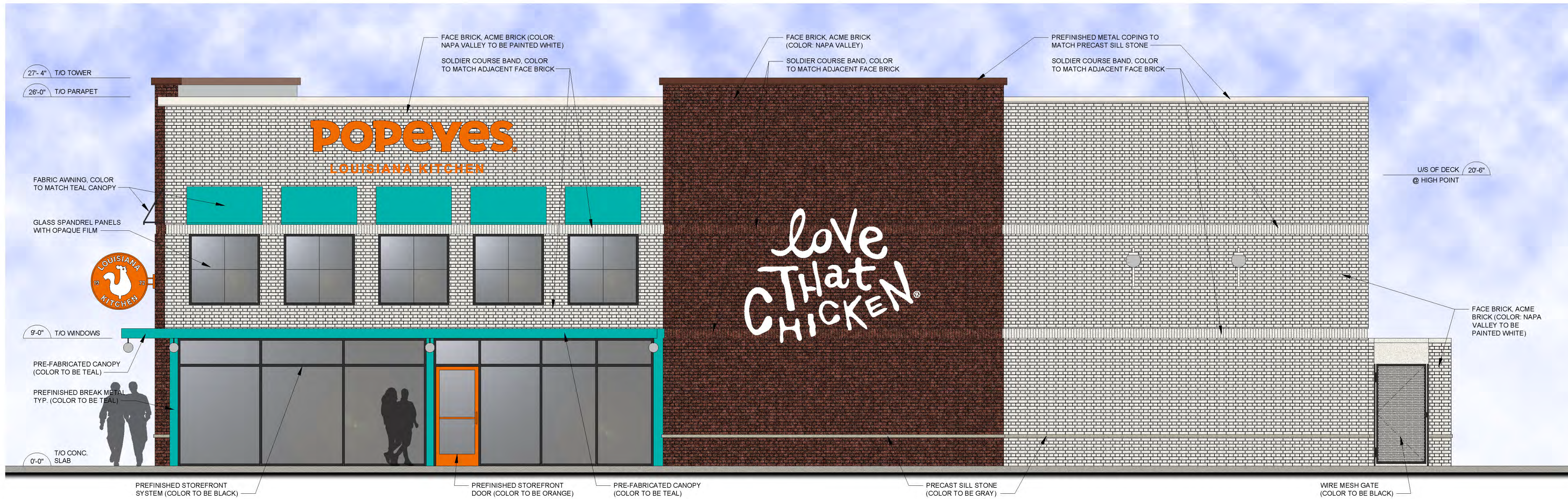


1 SOUTH ELEVATION
SCALE: 1/4"=1'-0"



3 DUMPSTER ENCLOSURE ELEVATIONS
SCALE: 3/8"=1'-0"

NOTE
ALL SIGNAGE UNDER SEPARATE PERMIT



2 WEST ELEVATION
SCALE: 1/4"=1'-0"

ISSUE TABLE		
No.	Date (m/d/yyyy)	Description
01	02-07-2023	2124 VE UPDATED DRAWINGS

REVISIONS		
No.	Date	Description

DRAWINGS REVISED AS PER DESIGN BULLETIN		
No.	Date	Description
01	10-27-21	2124 PROTOTYPE DOCUMENTS

Company Logo

WARMAN ARCHITECTURE + DESIGN
1735 SWIFT AVE.
NORTH KANSAS CITY, MISSOURI 64116
V. 816.474.2233 | F. 816.474.1051

Project

POPEYES

Store Type: **ATYPICAL**
(BASED ON US 2124 PROTOTYPE)

Location: **6821 Johnson Dr
Mission, KS**

Drawing Title: **EXTERIOR ELEVATIONS**

Drawn	cdt	Checked	KAW
Scale	1/4"=1'-0"	Date	AUGUST 01, 2023
Project No.	5961-23	Drawing No.	A5.1

103675



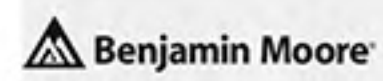
Napa Valley
Blend
TUP033
Acme Brick - Tulsa Plant
Size
Modular
Texture
Heritage



White Bluff
Blend
PWP856
Acme Brick - Perla West Gate Plant
Size
King
Texture
Heritage



VINTAGEWOOD - CEDAR



Moonlight White
OC-125

EIFS - STO, MEDIUM TEXTURE

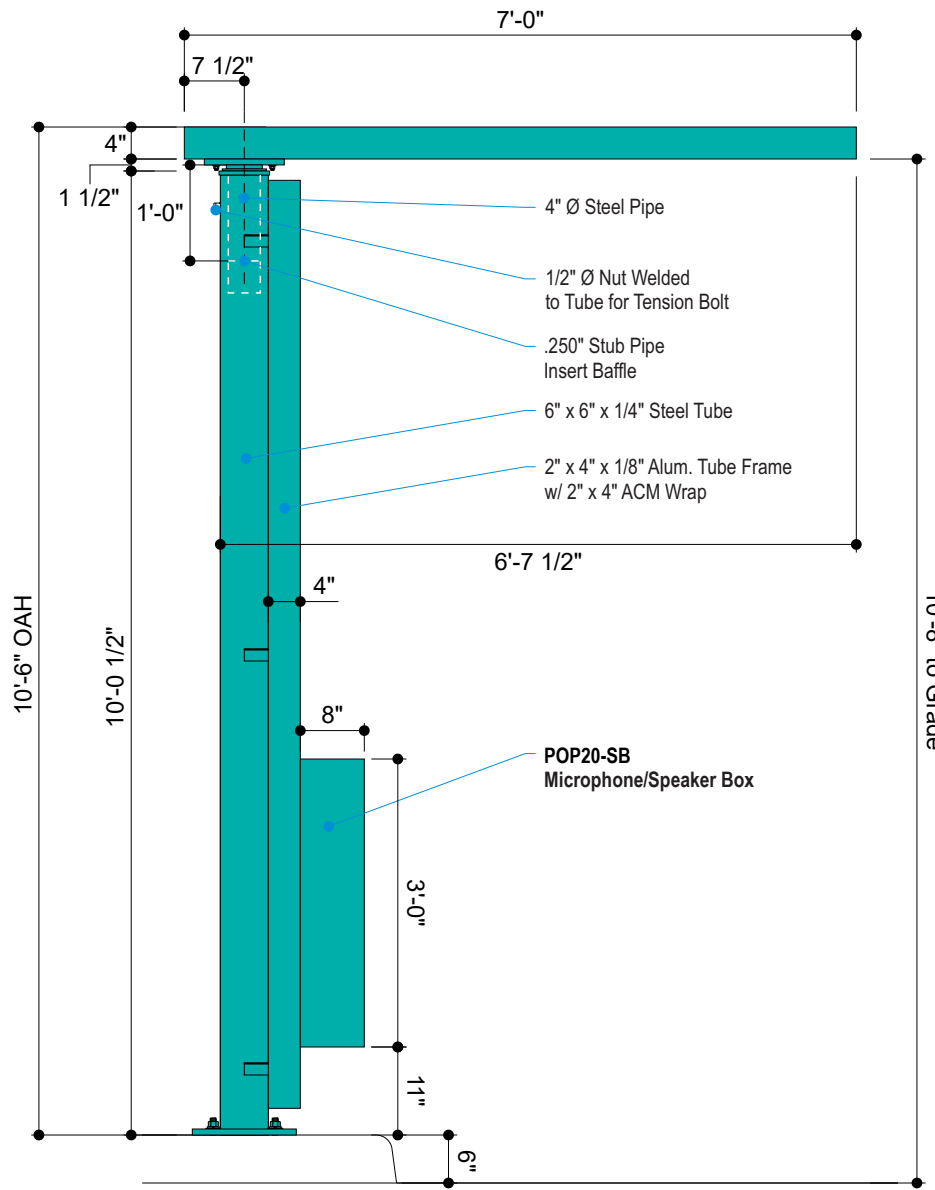


Warranty Information:
 1.) 10 Year Warranty on GE 7100K LED Lighting
 2.) 5 Year Warranty on GE Power Supplies

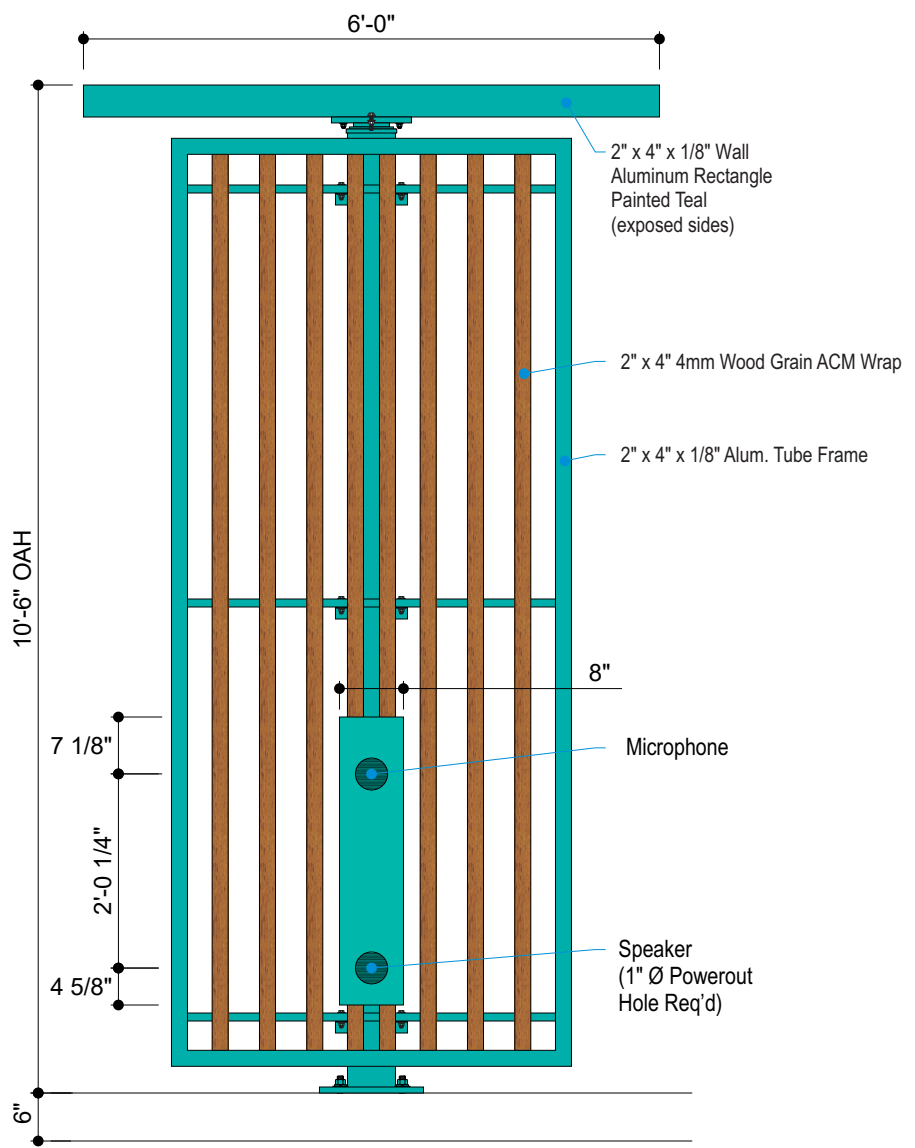
Drive Thru Order Canopy

Proposed
 Insert Item Code

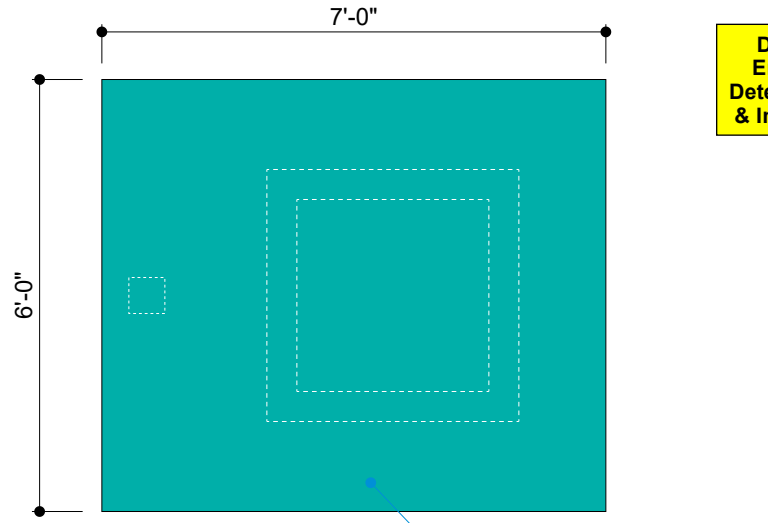
DESIGN INTENT ONLY
 Engineering Required to
 Determine Actual Production
 & Installation Requirements



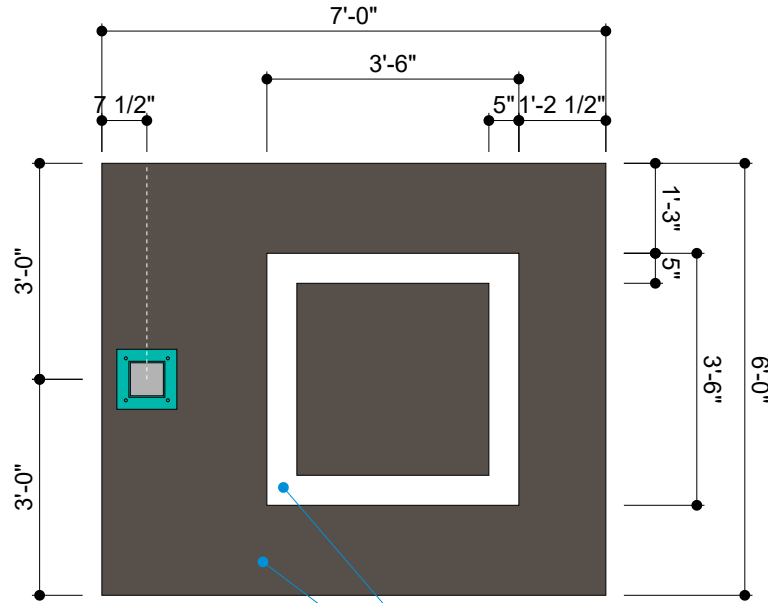
Front (Entrance) View
 Scale: 1/2"=1'-0"



Side View
 Scale: 1/2"=1'-0"



Top View
 Scale: 3/8"=1'-0"



Bottom View
 Scale: 3/8"=1'-0"

Color Specifications

- Reynobond Duragloss 5000 French Walnut

Paint Specifications

- Paint to Match Pantone 326C - Teal
- BM CC-542 Willow

All paint finishes to be Satin unless otherwise specified

General Specifications:

Canopy: Fabricated Aluminum & ACM Structure w/ Steel Tube Support.

Electrical: Actual Number of Circuits to be Determined by Licensed Electrical Contractor (1) 20 AMP Circuit, 120 Volts - All Wiring Shall be 12 GA

Quantity: (1) ONE

Allen Industries FILE NUMBER: E212503

Electric Sign Complies with **UL48**

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

GROUNDING ELECTRICAL CONNECTIONS

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Client: POPEYES #
Address: "

Issue Date: 05/23/22
Page #: 14 of 21
File Name: Popeyes_2100 Series Signage Reference Book
Sales: House **Design:** ECW **PM:** -

#	Date	Description	Initial
1	-	-	-
2	-	-	-
3	-	-	-
4	-	-	-
5	-	-	-
6	-	-	-

Client Review Status
 Allen Industries, Inc. requires that an approved drawing be obtained from the client prior to any production release or production release revision.

Client Signature: _____ **Approval Date:** _____



NATURAL
Grocers

NATURAL
Grocers



POPEYES
LOUISIANA KITCHEN

POPEYES
LOUISIANA KITCHEN

LOVE
THAT
CHICKEN



August 23, 2023

Judd Claussen, PE
President
Phelps Engineering, Inc.
1270 N. Winchester
Olathe, KS 66061

SUBJECT Traffic Engineering Services
 Popeyes Trip Generation & Queuing Analysis
 Mission, Kansas

Dear Mr. Claussen:

As requested, Merge Midwest Engineering, LLC has prepared a trip generation comparison and queue analysis for the proposed Popeyes development located on the southeast quadrant of the intersection of Johnson Drive & Broadmoor Street. The site originally contained a 2,719 square-foot Popeyes Restaurant that experienced fire damage in January 2023. A new 2,354 square-foot Popeyes Restaurant is being constructed in its place. The new restaurant will include a double drive through with two ordering windows. The proposed site plan is shown on **Exhibit 1**.

Trip Generation

The estimated trip generation for the existing and proposed Popeyes Development was based upon the 11th Edition of the Institute of Transportation Engineers (ITE) *Trip Generation Handbook*. As Popeyes does not serve breakfast and typically opens at 11:00 AM, the AM Peak Hour was not analyzed. The daily and PM Peak Hour trip generation is shown in **Table 1** below:

Table 1 – Daily & PM Peak Hour Trip Generation Comparison

					PM Peak Hour (VPH)		
Land Use		Qty	Unit	ADT (VPD)	TOTAL	IN	OUT
Previous Popeyes Development							
934	Fast-Food Restaurant w/Drive-Through Window	2,719	SF	1,272	90	47	43
TOTALS				1,272	90	47	43
New Popeyes Development							
934	Fast-Food Restaurant w/Drive-Through Window	2,354	SF	1,099	78	40	38
TOTALS				1,099	78	40	38
NET CHANGE				-173	-12	-7	-5

As shown in the table, with the lower square footage of the proposed building, a reduction of 12 trips would be expected during the PM Peak Hour according to the trip generation estimates. A conservative estimate would be that the trips would remain unchanged as the land use and occupant will be the same as before.

Queuing Analysis

The original Popeyes had a single drive through. The proposed Popeyes provides two drive-through lanes which provide room for additional cars to queue, as well as the opportunity for shorter wait times. The site plan shows approximate queuing space for nine vehicles. Any additional queuing will back beyond the entrance to the dedicated parking area for the restaurant.

A study on drive-through queue generation was written by Mike Spack, PE, PTOE; Max Mooreland, EIT; Lindsay de Leeuw; and Nate Hood. Included was queuing collected at six fast-food restaurants over a total of fourteen days. The study included sites with single and dual drive throughs. The average maximum queue was found to be 8.50 vehicles, with an 85th percentile queue of 12 vehicles. The study recommended that drive throughs for fast-food restaurants should be able to accommodate 12 vehicles of stacking distance (240'). A copy of the report is attached. An additional 60' is available on-site that could accommodate 12 total vehicles, although it would temporarily back beyond the entrance to the parking lot.

As the study noted above is not specific to a Popeyes restaurant, actual service rate and sales data was requested from the owner to complete a queue analysis.

Queues form when arrivals must wait to be serviced. The following equations can be used to evaluate queuing for random vehicle arrivals that can be described by a Poisson statistical distribution.

$$E_m = \lambda^2 / \mu (\mu - \lambda)$$

$$E_w = \lambda / \mu (\mu - \lambda)$$

$$P(n > N) = (\lambda / \mu)^{N+1}$$

Where: E_m = mean (average) queue length (vehicles)
 E_w = mean (average) waiting time in the queue (minutes)
 $P(n > N)$ = probability of more than N vehicles being in the queue
 λ = arrival flow rate (vehicles per minute) = 0.36-0.43 veh/min
 μ = departure flow rate (vehicles per minute) = .57 veh/min

According to the owner, the standard service rate from when a drive-through customer starts an order at the menu board to the time they get the order and are driving away is 210 seconds, which would be a departure flow rate of 2 vehicles every 3.5 minutes.

The owner also provided actual sales data at two similar sites with double drive-through lanes located in Houston, Texas and in Anna, Texas. The table below summarizes the drive-through sales orders for the dinner peak hours at both locations:

11820 Jones Road, Houston, TX Number of Sales		815 S Central Expressway, Anna, TX Number of Sales	
5-6 PM	21	5-6 PM	18
6-7 PM	26	6-7 PM	21
7-8 PM	22	7-8 PM	20

As shown above, the peak sales rate was 26 sales per hour, which would be an arrival rate of 0.43 vehicles per minute. The average sales rate was 21.3 sales per hour, which would be an arrival rate of 0.36 vehicles per minute.

Utilizing the equations above, the average queue length for the peak sales rate of 26 per hour would be 2.40 vehicles with an average time waiting in the queue of 5.54 minutes. The probability of more than 12 vehicles being in the queue would be 2.81%. The probability of more than 9 vehicles being in the queue would be 6.40%.

Utilizing the average sales rate of 21.3 sales per hour, or an arrival rate of 0.36 vehicles per minute, the average queue length would be 1.08 vehicles with an average time waiting in the queue of 3.01 minutes. The probability of more than 12 vehicles being in

the queue would be 0.25%. The probability of more than 9 vehicles being in the queue would be 1.01%.

Conclusion

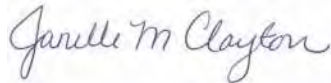
The number of PM Peak-Hour trips generated by the proposed Popeyes development are anticipated to be slightly less or equal to the previous Popeyes development.

The distance provided to accommodate the queuing of the vehicles falls within the recommended length based on studies on queuing for drive-through restaurants (12 vehicles) if queuing space up to Broadmoor Street is allowed. Queuing for 9 vehicles is provided without backing up beyond the entrance to the Popeyes parking lot. Actual sales and service rate data were provided by the owner for similar sites in Texas. The number of drive-through sales during the dinner peak hours of 5:00 – 8:00 PM indicate that the peak number of sales was 26 per hour and the average number of sales was 21.3 per hour. Queuing analysis indicates that the probability of the queue exceeding 12 vehicles is only 2.81% with the peak sales and only 0.25% with the average sales number. Furthermore, the probability of queues exceeding 9 vehicles is only 6.40% with the peak sales and only 1.01% with the average sales. Based on this Popeyes-specific data, with average sales, the queue would be expected to be 9 vehicles or less about 99% percent of the time. Based on the peak sales, the queue would be expected to be 9 vehicles or less about 94% percent of the time.

We appreciate the opportunity to serve you on this very important project. Please feel free to contact us if you should have any questions.

Respectfully submitted,

Merge Midwest Engineering, LLC



Janelle M. Clayton, P.E., PTOE
Manager / Co-Owner



EXHIBIT 1



Know what's below.
Call before you dig.

UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN.
UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR
LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN
THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL
FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.

SITE PLAN NOTES:

- All construction materials and procedures on this project shall conform to the latest revision of the following governing requirements, incorporated herein by reference:
 - City ordinances & O.S.H.A. Regulations.
 - The City of Mission Technical Specifications and Municipal Code.
 - The Project Specifications.
- The contractor shall have one (1) signed copy of the plans (approved by the City) and one (1) copy of the appropriate Design and Construction Standards and Specifications at the job site at all times.
- The contractor shall be responsible for securing all permits, bonds and insurance required by the contract documents, City of Mission, Kansas, and all other governing agencies (including local, county, state and federal authorities) having jurisdiction over the work proposed by these construction documents. The cost for all permits, bonds and insurance shall be the contractor's responsibility and shall be included in the bid for the work.
- The contractor is responsible for coordination of his and his sub-contractor's work. The contractor shall assume all responsibility for protecting and maintaining his work during the construction period and between the various trades/sub-contractors constructing the work.
- The demolition and removal (or relocation) of existing pavement, curbs, structures, utilities, and all other features necessary to construct the proposed improvements, shall be performed by the contractor. All waste material removed during construction shall be disposed off the project site. The contractor shall be responsible for all permits for hauling and disposing of waste material. The disposal of waste material shall be in accordance with all local, state and federal regulations.
- Contractor shall be responsible for all relocations, including but not limited to, all utilities, storm drainage, sanitary sewer services, signs, traffic signals & poles, etc. as required. All work shall be in accordance with governing authorities specifications and shall be approved by such. All cost shall be included in base bid.
- All existing utilities indicated on the drawings are according to the best information available to the Engineer; however, all utilities actually existing may not be shown. The contractor shall be responsible for contacting all utility companies for an exact field location of each utility prior to any construction. All utilities, shown and unshown, damaged through the negligence of the contractor shall be repaired or replaced by the contractor at his expense.
- The contractor will be responsible for all damage to existing utilities, pavement, fences, structures and other features not designated for removal. The contractor shall repair all damages at his expense.
- The contractor shall verify the flow lines of all existing storm or sanitary sewer connections and utility crossings prior to the start of construction. Notify the engineer of any discrepancies.
- SAFETY NOTICE TO CONTRACTOR:** In accordance with generally accepted construction practices, the contractor shall be solely and completely responsible for conditions of the job site, including safety of all persons and property during performance of the work. This requirement will apply continuously and not be limited to normal working hours. Any construction observation by the engineer of the contractor's performance is not intended to include review of the adequacy of the contractor's safety measures, in, on or near the construction site.
- Refer to the building plans for site lighting electrical requirements, including conduits, pole bases, pull boxes, etc.

SITE DIMENSION NOTES:

- BUILDING TIES SHOWN ARE TO THE OUTSIDE FACE OF PROPOSED WALLS. THE SUBCONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR SPECIFIC DIMENSIONS AND LAYOUT INFORMATION FOR THE BUILDINGS.
- ALL DIMENSIONS SHOWN FOR THE PARKING LOT AND CURBS ARE MEASURED FORM BACK OF CURB TO BACK OF CURB.

PAVEMENT MARKING AND SIGNAGE NOTES:

- PARKING STALL MARKING STRIPES SHALL BE FOUR INCH (4") WIDE WHITE STRIPES. DIRECTIONAL ARROW AND HANDICAP STALL MARKINGS SHALL BE FURNISHED AT LOCATIONS SHOWN ON PLANS.
- HANDICAP PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO ALL FEDERAL (AMERICANS WITH DISABILITIES ACT) AND STATE LAWS AND REGULATIONS.
- TRAFFIC CONTROL DEVICES AND PAVEMENT MARKINGS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES".
- STOP SIGNS SHALL BE PROVIDED AT ALL LOCATIONS AS SHOWN ON PLANS AND SHALL CONFORM TO THE "MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES". SIGNS SHALL BE 18" X 12", 18 GAUGE STEEL AND SHALL BE ENGINEER GRADE REFLECTIVE.
- TRAFFIC CONTROL AND PAVEMENT MARKINGS SHALL BE PAINTED WITH A WHITE SHERWIN WILLIAMS S-W TRAFFIC MARKING SERIES 8-29Y2 OR APPROVED EQUAL. THE PAVEMENT MARKING SHALL BE APPLIED IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. APPLY ON A CLEAN, DRY SURFACE AND AT A SURFACE TEMPERATURE OF NOT LESS THAN 70°F AND THE AMBIENT AIR TEMPERATURE SHALL NOT BE LESS THAN 60°F AND RISING. TWO COATS SHALL BE APPLIED.

SITE DATA

PROPERTY AREA	21,198 S.F. / 0.49 AC.
ZONING	C2-B
PROPOSED BUILDING (1-STORY)	2,354 S.F.
FLOOR AREA RATIO (FAR)	0.111 S.F.

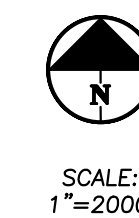
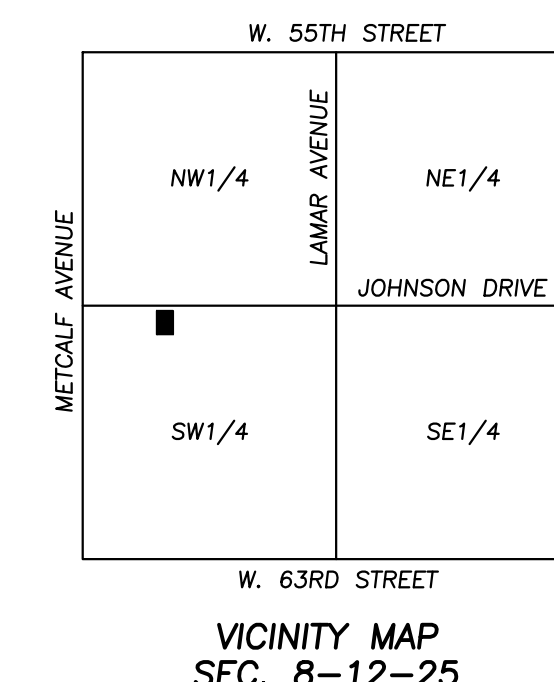
PARKING SUMMARY

PROVIDED PARKING		
STANDARD STALLS (9'-0" x 18'-0")	15	
ACCESSIBLE STALLS	1	
PROVIDED STALLS	16	
REQUIRED PARKING STALLS		6
1 STALL / 4 SEATS (24 SEATS)*		
REQUIRED ACCESSIBLE STALLS		1-25
TOTAL STALLS	1-25	
REQUIRED ACCESSIBLE STALLS	1	
PARKING LOT % LANDSCAPED		9%

* OWNER ANTICIPATES UP TO 15 EMPLOYEES WORKING DURING MAX SHIFT

LEGEND

— PL —	PROPERTY LINE
— LL —	LOT LINE
— R/W —	RIGHT-OF-WAY
— 2' —	2' CURB & GUTTER
— 6" —	6" CURB
— B/L —	BUILDING SETBACK LINE
— P/S —	PARKING SETBACK LINE
— L/S —	LANDSCAPE SETBACK LINE
— [Pattern] —	STANDARD DUTY ASPHALT PAVEMENT
— [Pattern] —	PROPOSED BUILDING
— [Pattern] —	CONCRETE PAVEMENT
— [Pattern] —	CONCRETE SIDEWALK



SCALE: 1" = 10'
10' 20'

PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66066
(913) 993-1155
Fax (913) 993-1165
www.phelpsengineering.com



SITE PLAN
POPEYE'S LOUISIANA KITCHEN
6821 JOHNSON DRIVE
MISSION, KANSAS 66202

Project No.	Date	By	App.	Revisions
230228	08-XX-XX	AEB	DAF	
DATE: 08-23-2023	DRAWN: AEB	CHECKED: DAF	APPROVED: JDC	
CITY OF MISSION, KANSAS LAND SURVEYING - LS-82 ENGINEERING - E-361				
STATE OF KANSAS LAND SURVEYING - 200701028 ENGINEERING - 200500308				

SHEET
C3

Fast-Food Restaurant with Drive-Through Window (934)

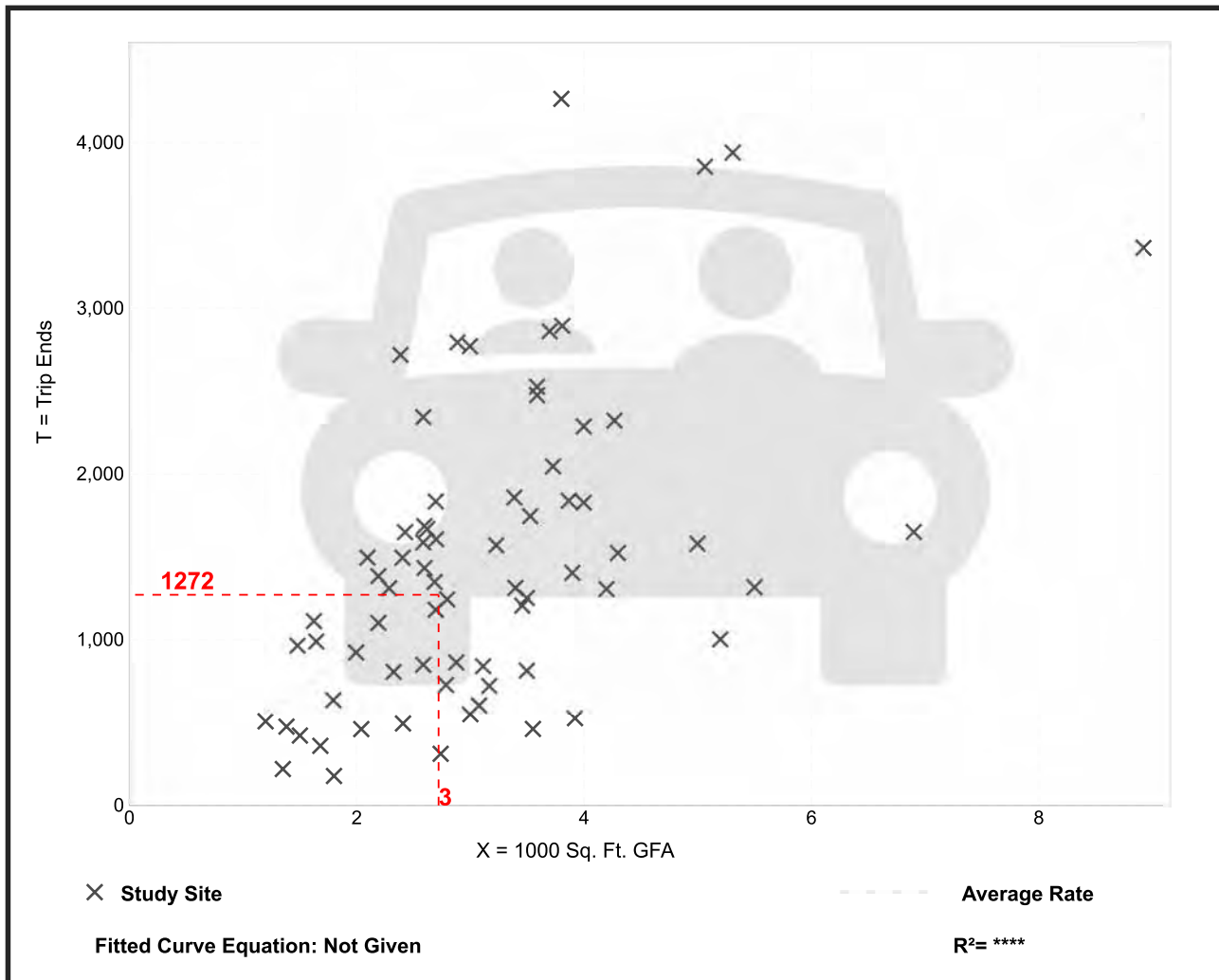
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 71
Avg. 1000 Sq. Ft. GFA: 3
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
467.48	98.89 - 1137.66	238.62

Data Plot and Equation



Calculated Trip Ends:

Average Rate: 1272 (Total), 636 (Entry), 636 (Exit)

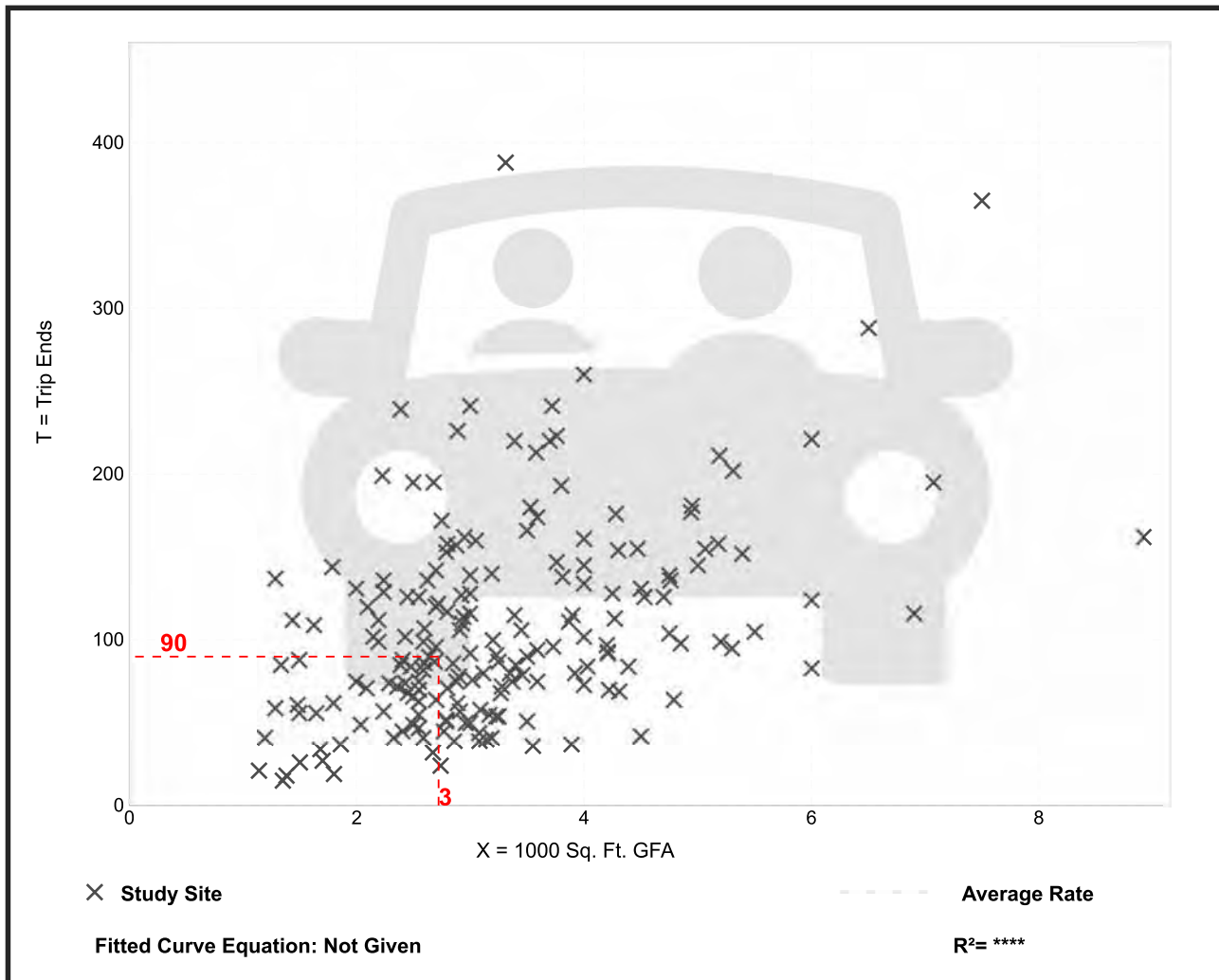
Fast-Food Restaurant with Drive-Through Window (934)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 190
 Avg. 1000 Sq. Ft. GFA: 3
 Directional Distribution: 52% entering, 48% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
33.03	8.77 - 117.22	17.59

Data Plot and Equation



Calculated Trip Ends:

Average Rate: 90 (Total), 47 (Entry), 43 (Exit)

Fast-Food Restaurant with Drive-Through Window (934)

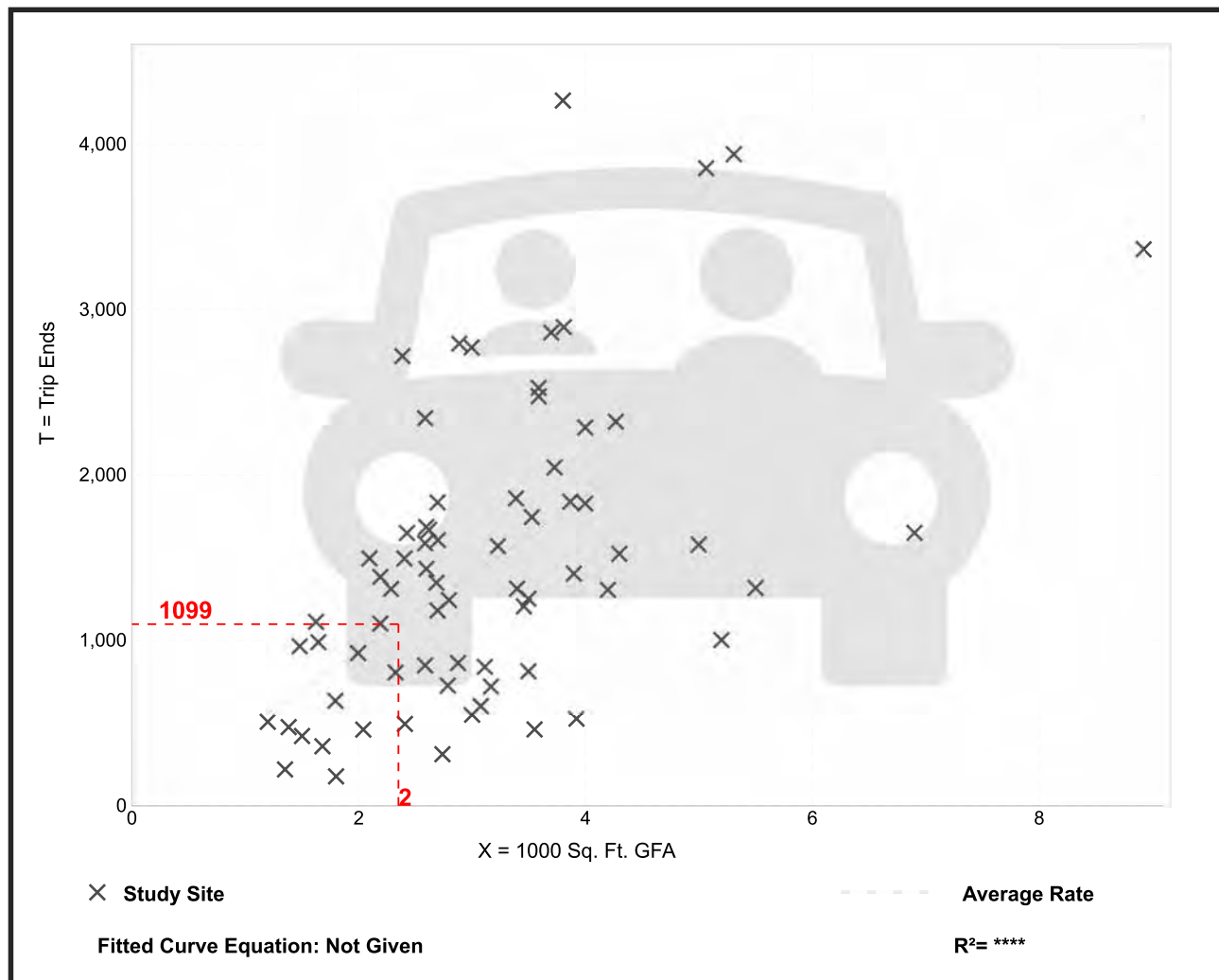
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 71
Avg. 1000 Sq. Ft. GFA: 3
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
467.48	98.89 - 1137.66	238.62

Data Plot and Equation



Calculated Trip Ends:

Average Rate: 1099 (Total), 549 (Entry), 550 (Exit)

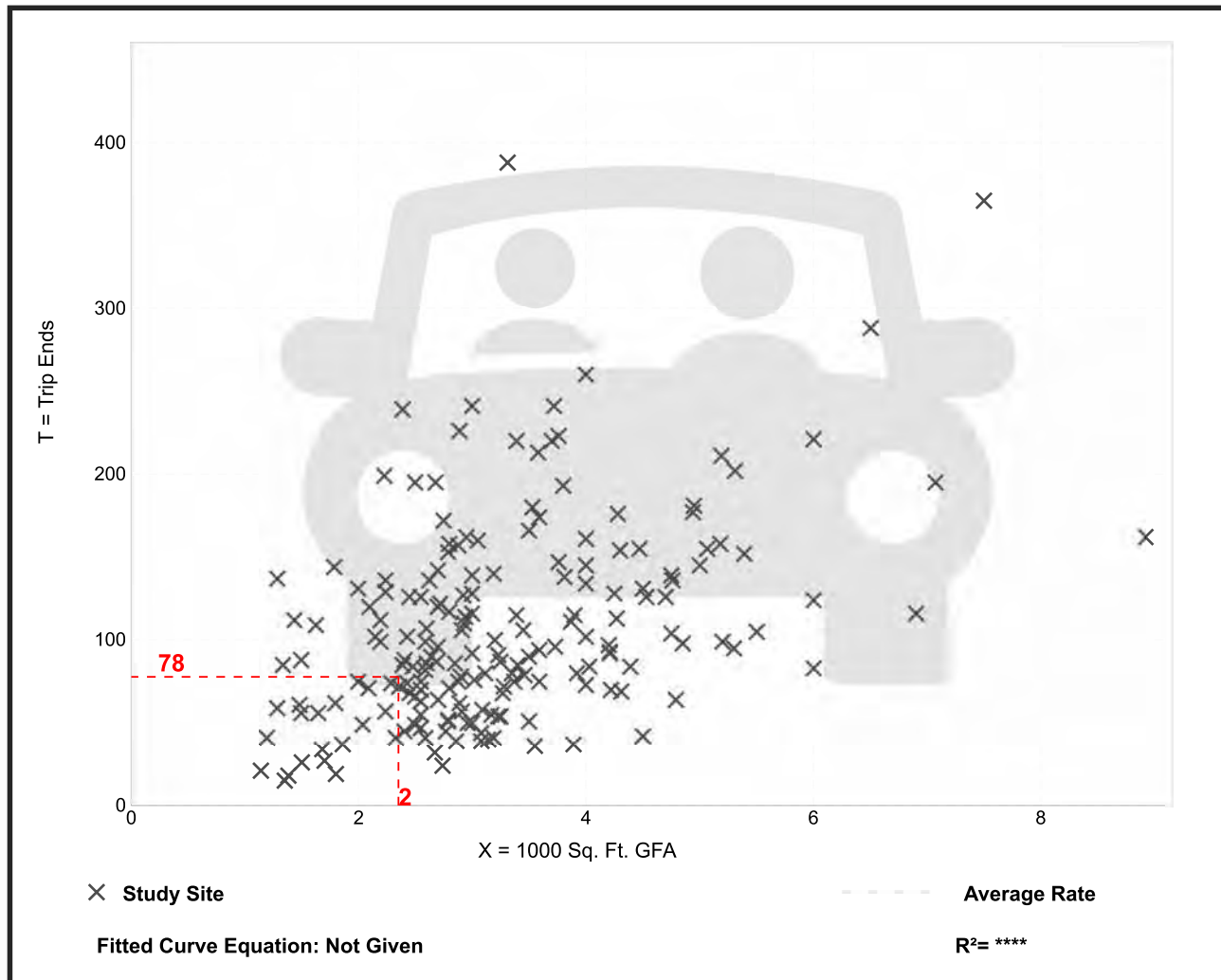
Fast-Food Restaurant with Drive-Through Window (934)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 190
 Avg. 1000 Sq. Ft. GFA: 3
 Directional Distribution: 52% entering, 48% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
33.03	8.77 - 117.22	17.59

Data Plot and Equation



Calculated Trip Ends:

Average Rate: 78 (Total), 40 (Entry), 38 (Exit)

Drive-Through Queue Generation

Mike Spack, PE, PTOE, Max Moreland, EIT, Lindsay de Leeuw, Nate Hood

1.0 Introduction

This report provides queuing data for businesses with drive-through services. It is intended to be an aid for site designers and reviewers, similar to the Institute of Transportation Engineers' *Trip Generation* and *Parking Generation* reports. The data presentation is modeled on the *Parking Generation* report and data is provided based on at least six sites, similar to data sets marked as statistically significant in *Trip Generation*.

Businesses with drive-through lanes are very common in the United States and having data that gives usage information for drive-through lanes will assist designers as well as cities in determining the appropriate amount of storage needed for proposed drive-through businesses. Data for drive-through queues was published by the ITE Technical Council Committee 5D-10 in 1995 based on information collected between the late 1960's and the 1990's. A paper was also published in 2009 by Mark Stuecheli, PTP giving updated information for bank and coffee shop drive-through lanes. The results from the 2009 study are incorporated into this paper (thank you Mark for your assistance).

2.0 Data Collection

Data was collected using COUNTcam video recording systems at a total of 30 drive-through locations in Minneapolis, MN and several surrounding suburbs between 2010 and 2012 (26 of the 30 videos were recorded in February of 2012, which should represent peak usage in the cold Minnesota winter). Videos of drive-through lanes were collected at banks, car washes, coffee shops, fast food restaurants and pharmacies. A total of six locations were selected for each of the five different land uses. Each location was recorded for between one and five days where the majority of locations were recorded for two consecutive days. The days of the week that each video was recorded on varies.

The 24-hour videos were watched at high speeds with the PC-TAS counting software and maximum queues throughout the day were noted. Most of the COUNTcams were set up such that the entire queue lane could be seen, but at a few locations the drive-through lanes wrapped around the building in a way that the entire queue length would not be able to be seen. For these situations, the COUNTcams were set up so that the ordering window and back of the queue could be seen and it was noted how many vehicles could fit between the ordering window and the front of the queue. For drive-through locations with multiple lanes, the number of lanes was noted but the maximum queue is defined as the sum of the queues at each lane for any given point in time, not the queue per lane. This approach provides overall demand, which may assist designers in determining how many drive through lanes are appropriate in addition to determining how long they should be.

Once the maximum queue for each day at each location was determined, the data was compiled and statistics for each land use were calculated. The average maximum queue, standard deviation, coefficient of variation, range, 85th percentile and 33rd percentile were calculated for each land use.

Data for drive-through coffee shops and banks from the Kansas City, Kansas metropolitan area was published in the 2009 paper New Drive-Through Stacking Information for Banks and Coffee Shops by Mark Stuecheli. This data is included in the analysis.

3.0 Data Analysis

Based on the peak queue lengths, it is apparent that each land use will require a different minimum drive through stacking distance. The results for each land use can be found below. The peak queue lengths for each location, broken down by land use and day of the week, can be found in the Appendix.

3.1 Banks

Data collection was done at six banks with drive-through services (including one credit union) in August 2011 and February 2012. Twelve days of data were collected. The banks were located in the cities of Minneapolis, Robbinsdale and St. Louis Park, MN.

All of the locations had a lane with a drive-through ATM and at least two other lanes. Though service times may differ for ATM lanes compared to the regular lanes, the maximum queues were counted together. This is because based upon what was observed, vehicles would occasionally switch the lane they were in. For example, a vehicle waiting in the ATM line with a queue of three vehicles may move over to a regular line with a queue of only one vehicle. Much of what can be done at the bank’s drive-through lane can also be accomplished at that bank’s ATM and vice versa. Vehicles being served were counted as being in the queue.

Nine days of data from the Kansas City, Kansas area is also included. This data does not factor in vehicles in ATM lanes.

Table 3.1 – Drive-Through Bank Maximum Queue Statistics

	Minnesota Data	Minnesota + Kansas Data
Number of Data Points	12	21
Average Maximum Queue (Vehicles)	5.83	5.76
Standard Deviation (Vehicles)	1.85	2.21
Coefficient of Variation	32%	38%
Range (Vehicles)	3 to 8	1 to 10
85th Percentile (Vehicles)	8.00	8.00
33rd Percentile (Vehicles)	5.00	5.00

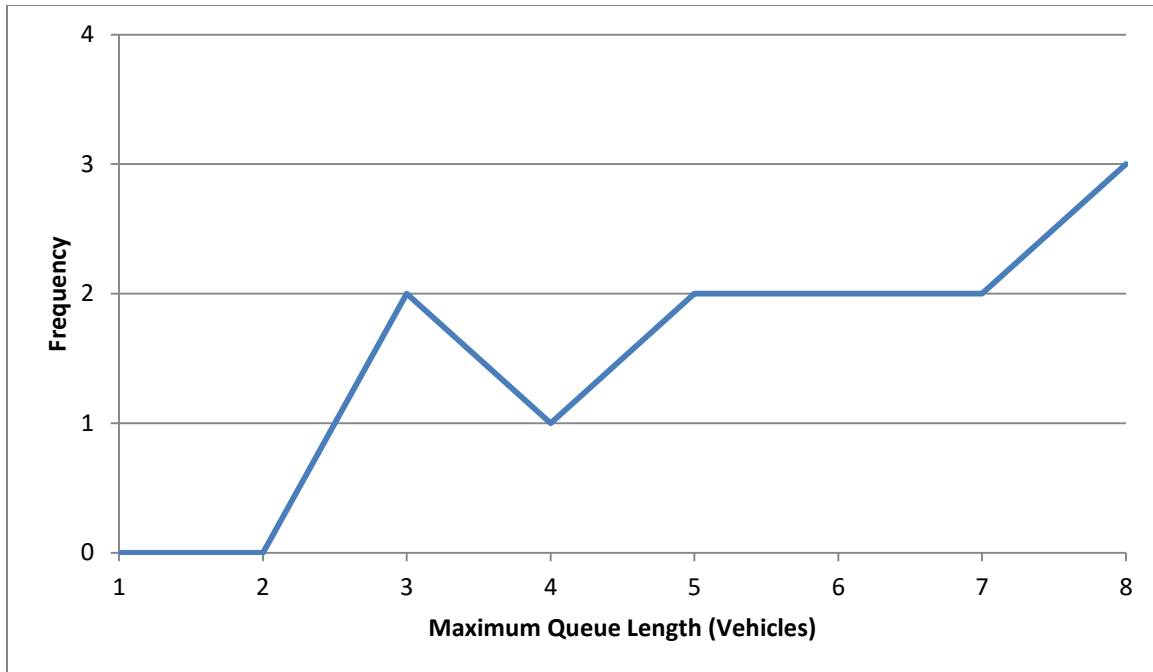


Figure 3.1.1 – Drive-Through Bank Maximum Queue Frequency – Minnesota Data



Figure 3.1.2 – Drive-Through Bank Maximum Queue Frequency – Minnesota + Kansas Data

The data for Kansas banks was collected between 4:30pm and 6:00pm. While many of the maximum queues for the data collected in Minnesota were between these times, maximum queues occurred between 8:30am and 5:30pm so it is possible that some of the Kansas data does not capture the actual maximum queues for the day.

The number of available lanes at banks, not including the ATM lane, ranged from two to seven lanes (though the most open at one time was five lanes). Even though plenty of lanes were available, cars often stacked at the lane closest to the building, thus additional lanes may not result in shorter queues. With an 85th percentile maximum queue of eight vehicles, the data suggests that banks with drive-through lanes should be able to accommodate 160 feet of vehicle stacking.

3.2 Car Washes

Data collection was done at six car washes with drive-through services (including one full-service car wash) in February 2012. Twelve days of data were collected. The car washes were located in the cities of Falcon Heights, Hopkins, Minneapolis, Roseville and St. Louis Park, MN. Five of the six car washes (excluding the full-service car wash) were located at gas stations. Only the vehicles waiting in line were counted; vehicles being washed were not added to the queue.

Table 3.2 – Drive-Through Car Wash Maximum Queue Statistics

Number of Data Points	12
Average Maximum Queue (Vehicles)	4.42
Standard Deviation (Vehicles)	2.31
Coefficient of Variation	52%
Range (Vehicles)	1 to 10
85th Percentile (Vehicles)	6.20
33rd Percentile (Vehicles)	3.00

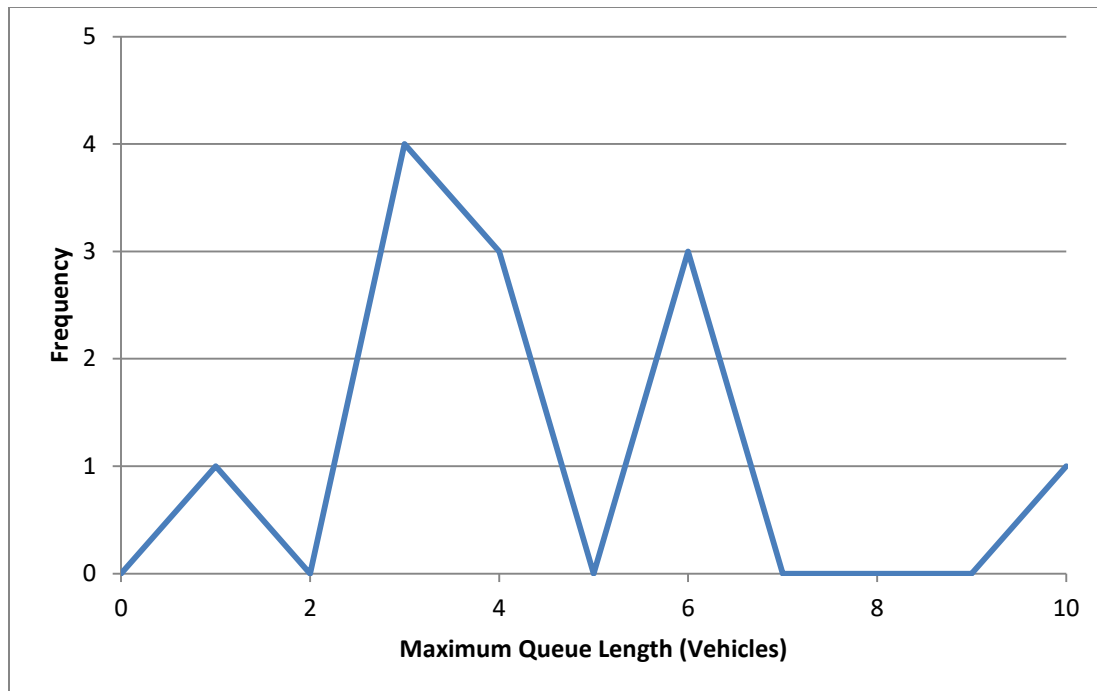


Figure 3.2 – Drive-Through Car Wash Maximum Queue Frequency

Two of the car washes had two lanes while the other four were one lane car washes. The full-service car wash had two lanes and also produced the highest maximum queue of 10 vehicles. The maximum queues for car washes were spread throughout the afternoon from 12:30pm to 8:30pm. With an 85th percentile maximum queue of more than six vehicles, the data suggests that car washes with drive-through lanes should be able to accommodate 140 feet of vehicle stacking throughout the day.

3.3 Coffee Shops

Data collection was done at six coffee shops with drive-through services in November 2010, August 2011 and February 2012. Fourteen days of data were collected. The coffee shops were located in the cities of Edina, Hopkins, Minneapolis, Roseville and St. Louis Park, MN. Vehicles being served were counted as being in the queue. Twelve days of data from the Kansas City, Kansas area is also included.

Table 3.3 – Drive-Through Coffee Shop Maximum Queue Statistics

	Minnesota Data	Minnesota + Kansas Data
Number of Data Points	14	26
Average Maximum Queue (Vehicles)	11.00	10.23
Standard Deviation (Vehicles)	2.25	2.76
Coefficient of Variation	20%	27%
Range (Vehicles)	7 to 16	3 to 16
85th Percentile (Vehicles)	13.50	13.00
33rd Percentile (Vehicles)	10.00	9.91

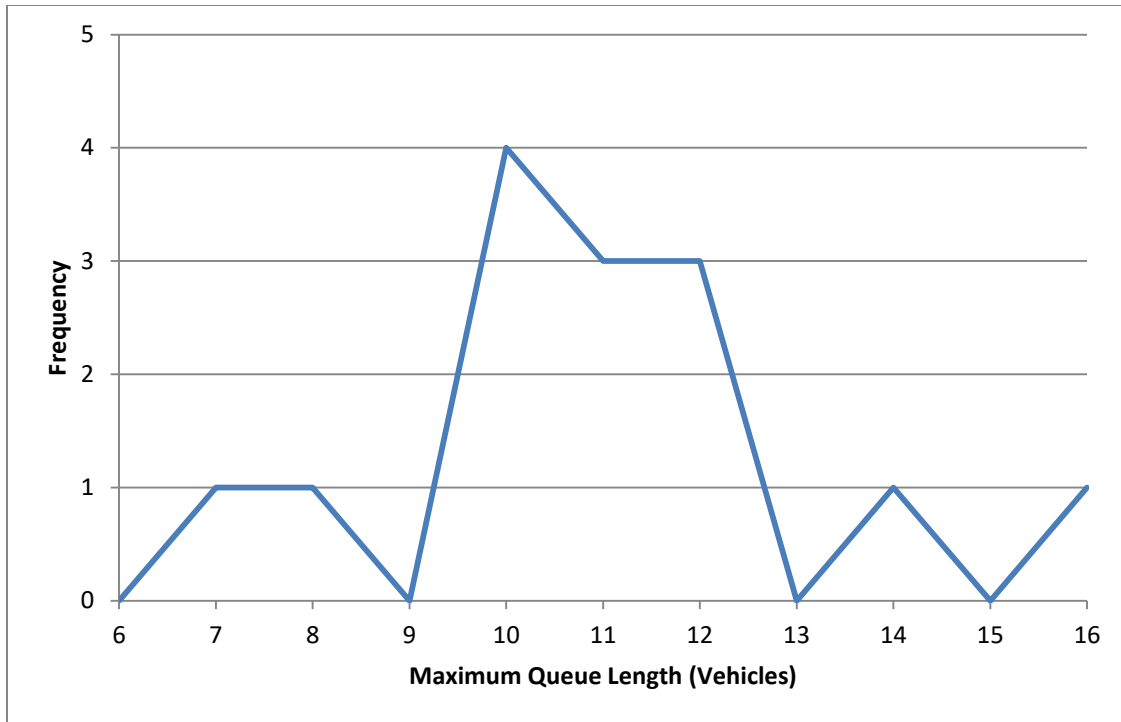


Figure 3.3.1 – Drive-Through Coffee Shop Maximum Queue Frequency – Minnesota Data

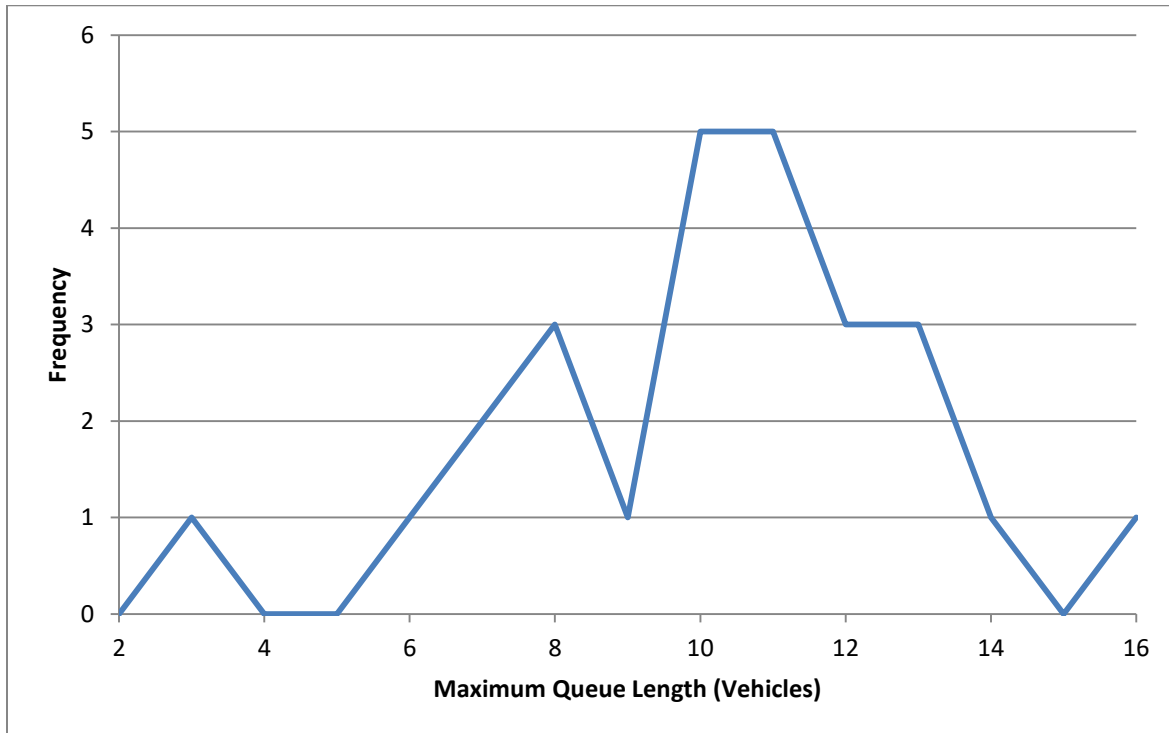


Figure 3.3.2 – Drive-Through Coffee Shop Maximum Queue Frequency – MN + KS Data

Coffee shops produced the longest maximum queues of any of the land uses in this study with all of the maximum queues occurring in the morning. In four of the six cases, the queues spilled out of the parking lot and into the street. These spillovers would typically only happen once or twice a day and last only a few minutes, however, one location had stacking into the street for about 15 minutes in addition to multiple periods of several minutes where cars would queue in the street.

With an 85th percentile maximum queue of 13 vehicles, the data suggests that coffee shops with drive-through lanes should be able to accommodate at least 260 feet of vehicle stacking during morning hours.

3.4 Fast Food Restaurants

Data collection was done at six fast food restaurants with drive-through services in August 2011 and February 2012. Fourteen days of data were collected. The restaurants were located in the cities of Golden Valley, Hopkins, Minneapolis and St. Louis Park, MN. Vehicles being served were counted as being in the queue.

Table 3.4 – Drive-Through Fast Food Restaurant Maximum Queue Statistics

Number of Data Points	14
Average Maximum Queue (Vehicles)	8.50
Standard Deviation (Vehicles)	2.68
Coefficient of Variation	32%
Range (Vehicles)	5-13
85th Percentile (Vehicles)	12.00
33rd Percentile (Vehicles)	7.90

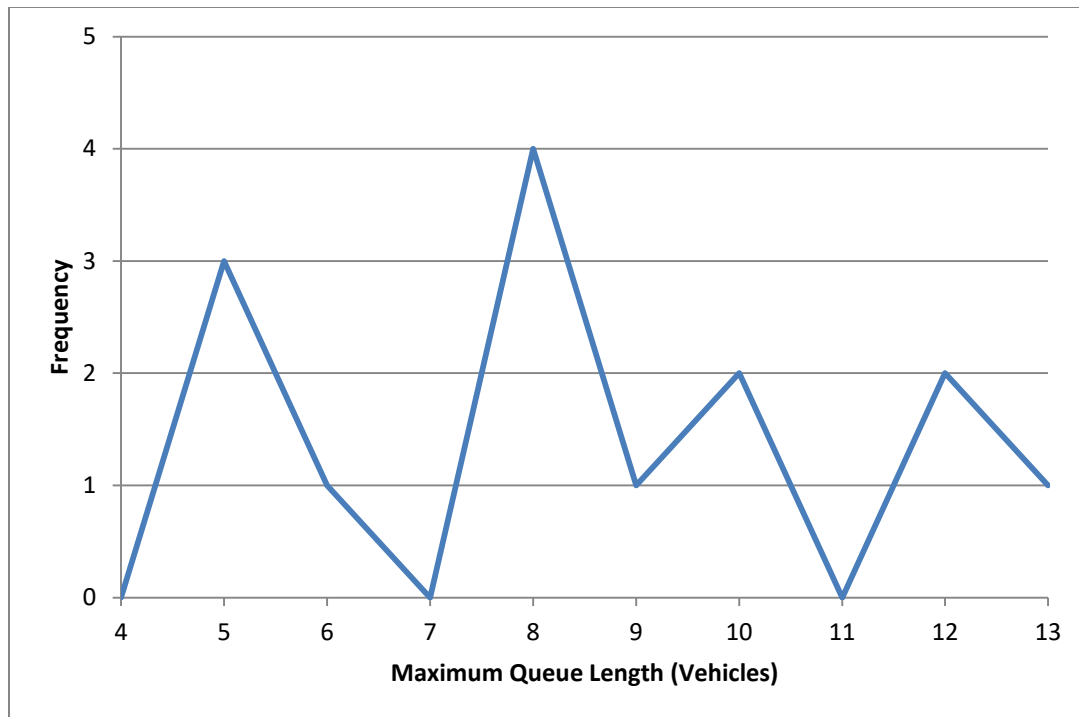


Figure 3.4 – Drive-Through Fast Food Restaurant Maximum Queue Frequency

The maximum queues for fast food restaurants were spread throughout the day from 8:00am to 10:00pm. With an 85th percentile maximum queue of 12 vehicles, the data suggests that fast food restaurants with drive-through lanes should be able to accommodate 240 feet of vehicle stacking throughout the day.

3.5 Pharmacies

Data collection was done at six pharmacies with drive-through services in February 2012. Twelve days of data were collected. The pharmacies were located in the cities of Hopkins, Minneapolis, New Hope and Robbinsdale, MN. Vehicles being served were counted as being in the queue.

Table 3.5 – Drive-Through Pharmacy Maximum Queue Statistics

Number of Data Points	12
Average Maximum Queue (Vehicles)	2.92
Standard Deviation (Vehicles)	1.16
Coefficient of Variation	40%
Range (Vehicles)	1-5
85th Percentile (Vehicles)	4.05
33rd Percentile (Vehicles)	2.00

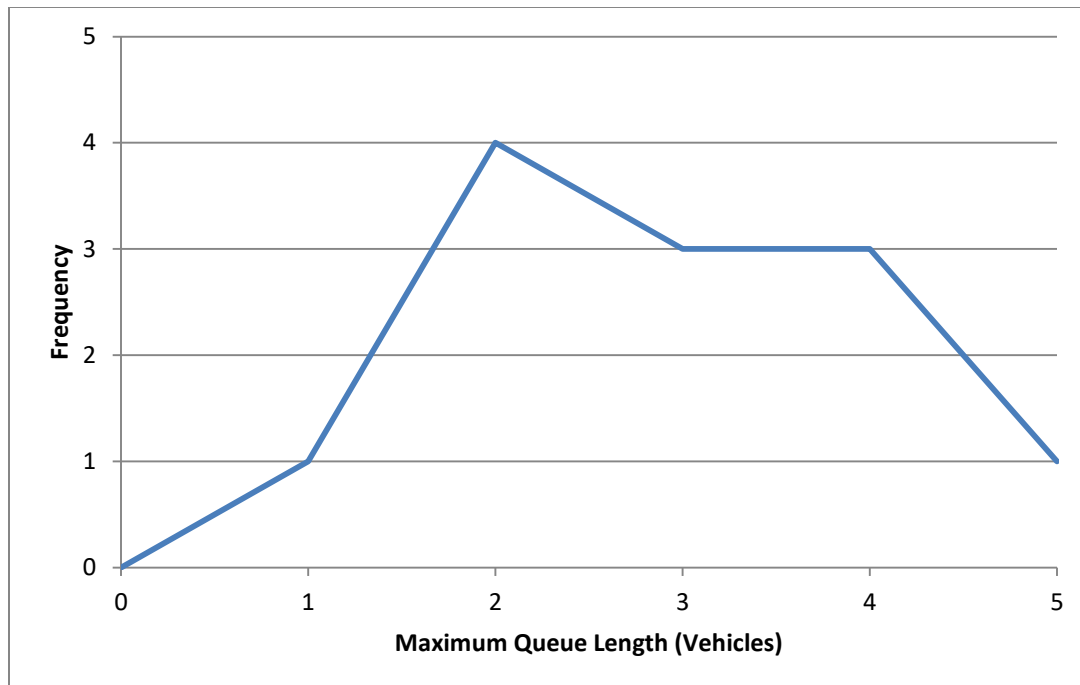


Figure 3.5 – Drive-Through Pharmacy Maximum Queue Frequency

The maximum queues for pharmacies were spread throughout the day from 8:00am to 10:00pm. With an 85th percentile maximum queue of more than 4 vehicles, the data suggests that pharmacies with drive-through lanes should be able to accommodate 100 feet of vehicle stacking throughout the day.

4.0 Conclusions

The 85th percentile maximum queue lengths for each land use are: 160 feet for banks (eight vehicles), 140 feet for car washes (seven vehicles), 260 feet for coffee shops (13 vehicles), 240 feet for fast food restaurants (12 vehicles) and 100 feet for pharmacies (five vehicles).

While some of the locations observed have an excess of space dedicated to drive-through lanes (i.e. some banks and pharmacies), others could occasionally use additional space for drive-through lanes (i.e. coffee shops in the morning).

Fast food restaurants and coffee shops have the longest maximum queues of the five land uses observed. Coffee shops have a tendency for the morning queues to build so long that they spill out onto the street, though, as is expected, their afternoon and evening queues are minimal. Fast food restaurants also have large queues, but they tended to have enough dedicated space that stacking did not go beyond the designated queuing area.

The data collected for this paper along with the data from the papers by Mark Stuecheli and the ITE Technical Committee 5D-10 (see Appendix for both of these) will hopefully provide useful data for traffic engineers and others trying to analyze drive-through queuing storage areas.

5.0 Labor Savings of the COUNTkit

Deploying people in the field to perform this data collection would not have been feasible. Using the COUNTcam video system made it possible to observe the drive through lanes 24 hours a day and the PC-TAS software made the data reduction practical. One location was recorded in November 2010 for 6 hours, three locations were recorded in August 2011 for a total of 202 hours and 26 locations were recorded in February 2012 for a total of 1012 hours. These 1220 hours of video were counted with a total of 120 hours of labor, meaning the videos were watched at approximately 10x speed. Installation of a COUNTcam takes approximately 10 minutes and retrieval takes approximately 5 minutes. This whole project was completed in approximately 3 weeks.

6.0 References

1. Stuecheli, M. (2009). New Drive-Through Stacking Information for Banks and Coffee Shops. *ITE 2009 Annual Meeting and Exhibit*. Print.
2. ITE Technical Committee 5D-10. "Queuing Areas for Drive-Thru Facilities." *ITE Journal* (May 1995): 38-42. Print.
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7.0 Appendix

- A – Day of Week Maximum Queues
- B – New Drive-Through Stacking Information for Banks and Coffee Shops
- C – ITE Technical Committee 5D-10: Queuing Areas for Drive-Thru Facilities
- D – Drive-Through Data Forms

Appendix A

Day of Week Maximum Queues

		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Fast Food	Arby's				5	5		
	Burger King	6	12				10	8
	McDonald's				12	13		
	McDonald's				9	8		
	Taco Bell				10	8		
	White Castle				8	5		
Car Wash	BP				6	6		
	BP			1	3			
	BP			4	3			
	Holiday				3	4		
	Mister Car Wash				10	6		
	Mobil				4	3		
Coffee	Caribou				11	10		
	Caribou	7	10	12			12	8
	Starbucks				14	16		
	Starbucks				10	11		
	Starbucks			10	12			
	Starbucks				11			
Bank	Citizens Independent Bank			5	5			
	SharePoint Credit Union				3	3		
	TCF	4					8	8
	US Bank				7	7		
	Wells Fargo			8	6			
	Wells Fargo			6				
Pharmacy	CVS			1	2			
	CVS			4	4			
	CVS			2	2			
	Walgreens				4	5		
	Walgreens			3	3			
	Walgreens			3	2			

Appendix B

New Drive-Through Stacking Information for Banks and Coffee Shops

Mark Stuecheli, PTP

Abstract

This paper provides updated queuing information for drive-in banks and new queuing data for coffee shops with drive-through lanes. The data is presented in a format similar to that used in the report for **ITE Technical Council Committee 5D-10**, originally published in 1995.

Significant changes have occurred in the way that bank patrons conduct business with their banks. In recognition of those changes, ITE has adjusted the trip generation information included in the Eighth Edition of **Trip Generation, an ITE Informational Report** to include only data collected since 2000, and the revised trip generation totals are significantly lower than in previous editions. Clearly, the reduced trip generation figures indicate a reduction in bank drive-through business. This report summarizes queuing information included in counts taken in the Kansas City metropolitan area.

In the last few years coffee shops with drive-through lanes have become prevalent throughout the country. Because those businesses were uncommon when the 1995 report was prepared, no data was gathered for those operations. This paper contains information on counts taken at those establishments, once again in the Kansas City metropolitan area.

Based on the count data, recommendations are included for the minimum amount of stacking distance to require for the two types of drive-through businesses that were studied.

Background

ITE Technical Council Committee 5D-10 was formed in 1987 to produce a database of queuing information for various types of drive-through lanes. The report of the findings of the Committee, published in the May 1995 **ITE Journal**, included information on the characteristics of drive-through lane stacking for fast-food restaurants, drive-in banks, car washes, day care centers and dry cleaners. The counts that were included in the Committee report were conducted from the late 1960s through the late 1980s in a limited number of mid-western, southern and eastern states.

As a former member of that Committee, and having submitted drive-through counts for the effort, I am in a position to make some observations about the change in drive-through usage.

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This paper analyzes two types of drive-through operations – one that is greatly modified and another that is new since the original report was published. First, significant changes have occurred in the ways that bank patrons conduct business with their financial institutions. On-line banking, direct deposit and the wide usage of ATMs have resulted in greatly reduced trip generation totals for drive-in banks. In recognition of that fact, ITE adjusted the trip generation information for drive-in banks in the Eighth Edition of **Trip Generation, an ITE Informational Report**, to include only data collected since 2000. The trip generation rates during the p.m. peak hour for the newer data are about 44% lower than rates in the Seventh Edition.

The amount of stacking provided for bank drive-through lanes often has a critical impact on the potential site design alternatives for proposed bank properties. If the information included in the 1995 Report were to be used as the basis for establishing stacking requirements, a large area would need to be allocated to the drive-through lanes. On tight sites, that limitation could preclude developing an acceptable layout.

Clearly, the major drop in trip generation rates indicates that fewer customers are using drive-through lanes. That reduction in drive-through usage has an impact on queue lengths and other operational characteristics observed at those facilities. This paper includes updated information on queuing in bank drive-through lanes based on counts taken in the City of Overland Park, Kansas, a suburban community of 171,000 residents in the Kansas City metropolitan area.

The second area of analysis in this paper pertains to observed queuing characteristics for coffee shops with drive-through lanes. In the last few years, drive-through coffee shops have become common throughout the country. Because those businesses were an insignificant factor when the report for **ITE Technical Council Committee 5D-10** was completed, no counts were conducted for that land use category. This paper contains data on queuing for coffee shops with drive-through lanes, based on counts conducted predominantly in the Kansas suburbs of the Kansas City metropolitan area.

As is the case for drive-in banks, the length of stacking required for a site has a major impact on potential site layouts. If a relatively short stacking distance is permitted, the lanes can be fit into very restricted sites or be more easily retrofitted to work with existing buildings. But if more queuing occurs than is provided for in a dedicated lane, the flow of traffic within a parking lot can be seriously restricted by that excess queue. In the worst case, if the drive-through stacking is located close to a public street and the excess queue extends into or near the street, the operation of the adjoining public street may be negatively impacted.

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Drive-In Banks

Counts were conducted at ten suburban drive-in banks located throughout Overland Park in the fall of 2008 and the spring of 2009. Both established locations and sites that were relatively new were counted, although all banks had been open for business for at least one year. All but one location had drive-through ATMs. Based on the results of counts taken at a single bank location during a mid-week lunch hour, a mid-week p.m. peak hour, a Friday lunch hour, and a Friday p.m. peak hour; the maximum queue lengths occurred during the Friday p.m. peak hour. Therefore, all counts used in the study were conducted during the Friday p.m. peak hour time period.

The counting process involved noting the maximum per lane and total queues for the drive-through lanes at each location in fifteen minute increments, along with collecting information on the stacking of any drive-through ATM. In all cases the vehicles in the service positions were included in the counts. Where possible, the volumes of vehicles entering and exiting the parking lot also were tabulated. As a way to evaluate the frequency of various maximum queue lengths, the total queue lengths were noted at five minute intervals.

The queuing data was analyzed in ways similar to the methods used in the 1995 Report. Table 1 lists the observed frequency of maximum queue lengths per lane. Figure 1 plots the per lane maximum queue lengths using both the 2009 data and the data that was presented in 1995 (please note that the 1995 data involved fifteen counts, compared to the ten counts in the 2009 data). Figure 2 plots the probability that the queue lengths per lane will not exceed a given maximum queue length, once again presenting both 2009 and 1995 data.

Table 1 – Drive-In Bank 2009 Maximum Queue Length Per Lane

Queue Length	Frequency	Cumulative Frequency	P($q \leq N$)
0	0	0	0.00
1	1	1	.10
2	4	5	.50
3	4	9	.90
4	1	10	1.00

Note: P($q \leq N$) indicates probability, based on sample, of queue length of “q” not exceeding length “N”

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Figure 1 – Drive-In Bank 1995 And 2009 Maximum Queue Length Per Lane Data Plot

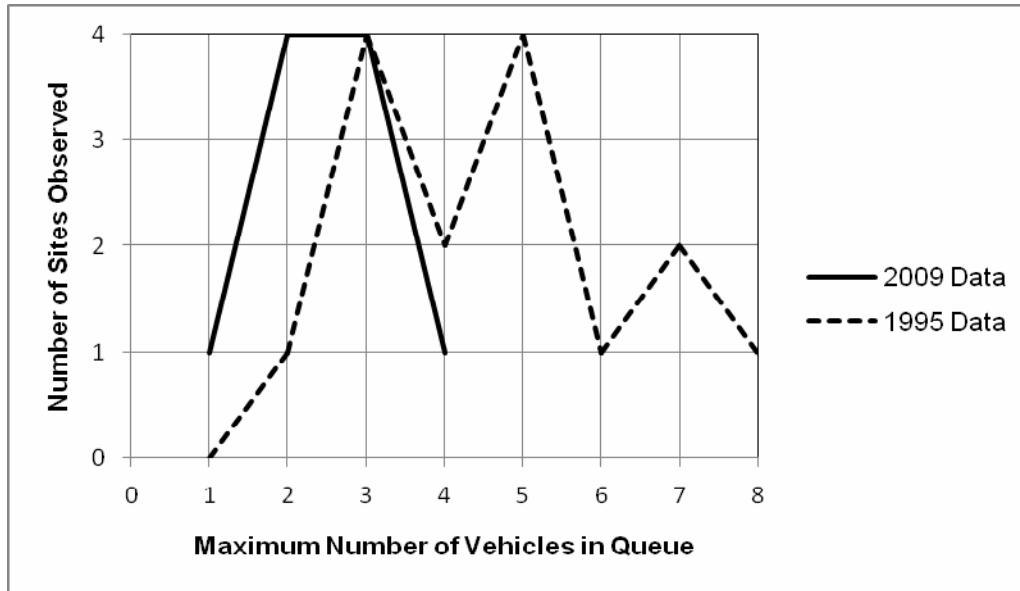
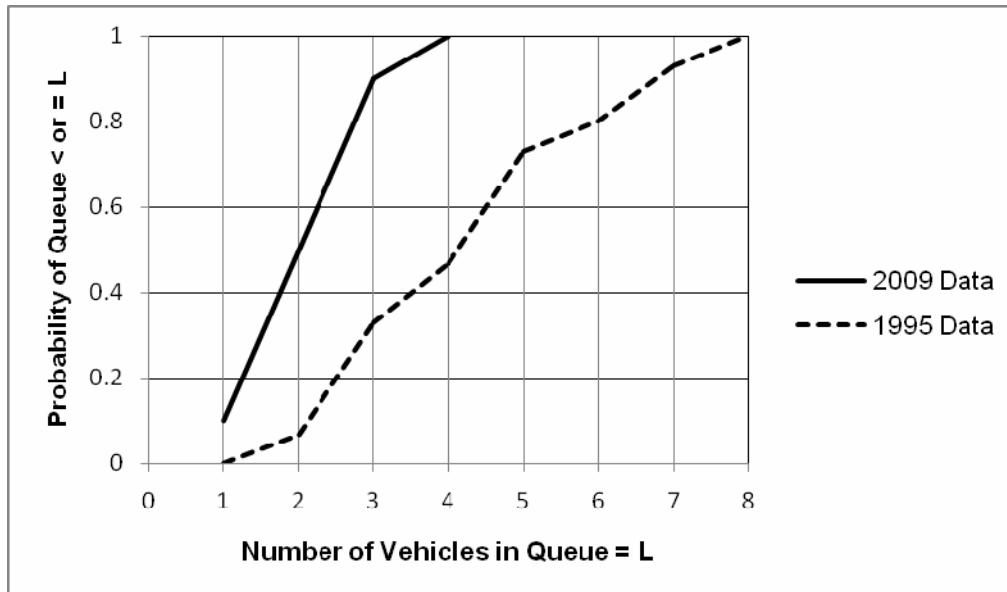


Figure 2 – Drive-In Bank 1995 And 2009 Cumulative Maximum Queue Length Per Lane Data Plot



The differences between the 1995 Report data (as noted earlier, actually based on counts conducted from the late 1960s to the late 1980s) and the 2009 counts are dramatic. The maximum per-lane queue lengths in the current counts were half what they were in the 1995 data.

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An attempt was made to determine if such factors as adjoining major street traffic volumes or the size of the building could predict the queuing results, but no correlation was found.

Observations

Some banks, especially those that have been in operation for several years, have a surplus of drive-through lanes and stacking area. That is because those sites were designed to accommodate the much higher demands that existed many years ago. Consequently, they often open only a portion of the available lanes.

In one case, for a main office bank location where it was possible to make a direct comparison between a count conducted in 1988 and a new count in 2008 (actually taken almost precisely 20 years apart), the difference was dramatic. The p.m. peak hour drive-through volumes for the 2008 count were 65% lower than the 1988 count, a much greater drop than would have been indicated by the reduced ITE trip generation figures discussed earlier. The maximum total number of vehicles queued and the maximum queue lengths per lane were correspondingly lower, dropping from 29 to 8 and 7 to 3, respectively. The demographics and development characteristics of the surrounding area have changed little since 1988 and the bank has continued as a stable operation. Considering all of those factors, it is reasonable to assume that the differences are associated with changes in customers' banking habits.

The one incidence of a four car per lane maximum stack was a single occurrence that lasted for only a few minutes. Based on that information, it is reasonable to consider the practical maximum required queue length to be three vehicles.

The maximum queue lengths for ATMS ranged from two to five vehicles. Only one location experienced the longer queue lengths and only for a short time period. All other locations had maximum queue lengths of three vehicles or less.

Coffee Shops With Drive-Through Lanes

Counts were conducted in the fall of 2008 and the spring of 2009 at twelve coffee shops located in the Kansas suburbs of Merriam, Olathe and Overland Park in the Kansas City metropolitan area and also in suburban Kansas City, Missouri. All but two of the establishments were situated in free-standing buildings, and several were located within shopping centers. Three were drive-through-only operations and the remaining nine were full-service locations that included both drive-through lanes and inside seating facilities. Because this type of use is busiest in the morning peak hour, all counts were completed during that time period.

Similar to the process used for drive-in banks, the counting process involved noting the maximum number of vehicles queued in the drive-through lane at each location for fifteen minute increments. As was done for the drive-in bank counts, the vehicle in the

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service position was included in the counts. Information on the number of vehicles entering and leaving the parking lot was collected for full-service operations (drive-through-only locations did not have any parking activity). The queuing information was tabulated for both the total length of queue and for the number of vehicles behind the menu board. The observed queue length was noted at five minute intervals as a way to evaluate the frequency of various queue lengths.

Once again, the queuing data was analyzed in ways similar to the methods used in the 1995 Report. Table 2 lists the observed frequency of maximum queue lengths. Figure 3 plots the per-lane maximum queue lengths and Figure 4 plots the probability that the queue will not exceed a given maximum queue length.

Table 2 – Coffee Shop With Drive-Through Maximum Queue Length

Queue Length	Frequency	Cumulative Frequency	P(q≤N)
0	0	0	0.00
1	0	0	0.00
2	0	0	0.00
3	1	1	.08
4	0	1	.08
5	0	1	.08
6	1	2	.17
7	1	3	.25
8	2	5	.42
9	1	6	.50
10	1	7	.58
11	2	9	.75
12	0	9	.75
13	3	12	1.00

Note: P(q≤N) indicates probability, based on sample, of queue length of “q” not exceeding length “N”

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Figure 3 – Coffee Shop With Drive-Through Maximum Queue Length Data Plot

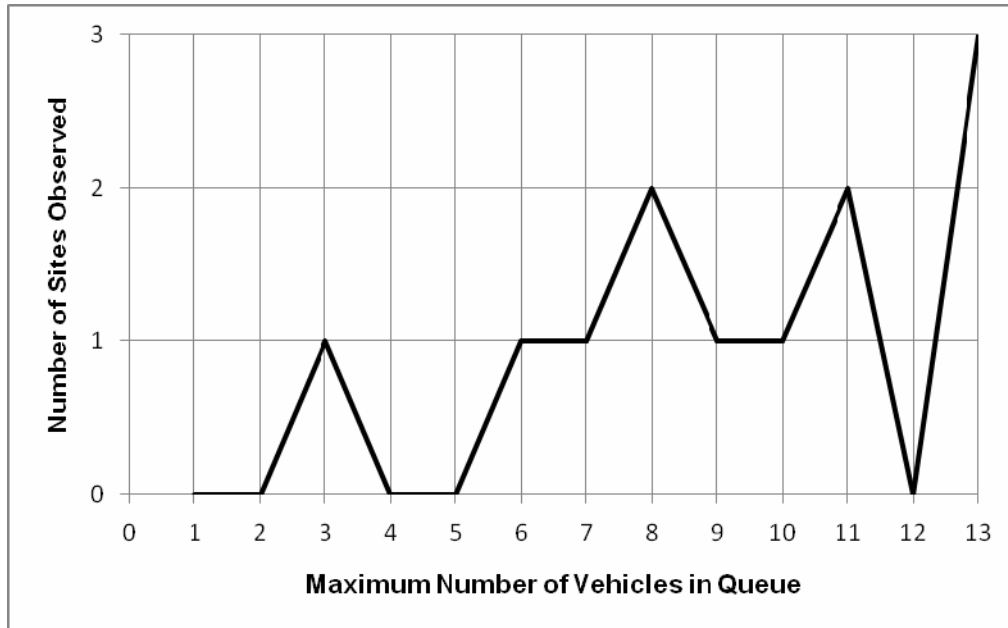
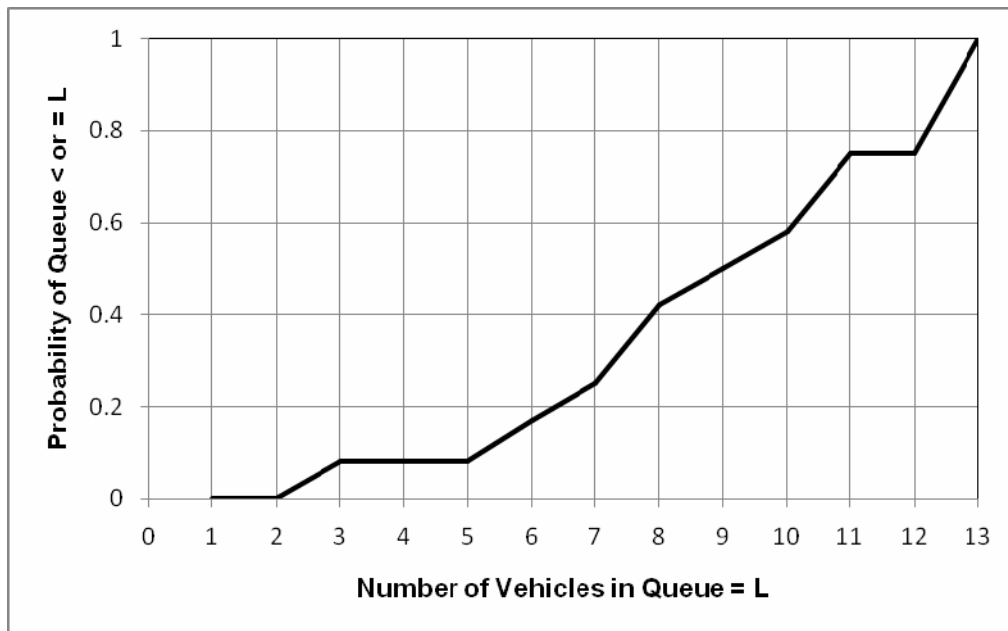


Figure 4 – Coffee Shop With Drive-Through Cumulative Maximum Queue Length Data Plot



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The total trip generation figures were compared to the a.m. peak hour ITE rates for Land Use Code 937, Coffee/Donut Shop with Drive-Through Window, and Land Use Code 938, Coffee/Donut Shop with Drive-Through Window and No Indoor Seating. The observed counts generally fell within the range of counts included in those categories, although two of the rates for the No Indoor Seating category exceeded the published range. No correlation was found between the adjoining major street traffic volumes or the size of the building and either the queuing or the trip generation results.

Observations

Several of the drive-through lanes were under-designed for the usage that was observed and queues spilled-out into parking lot circulation areas. In most cases the excess stacking did not result in disruptions of the operations of surrounding uses, since most other businesses were not open in the early morning. But for those sites where the end of the drive-through lane extended into the coffee shop parking lot, the excess queue often disrupted the movements of drivers who were trying to enter or exit parking spaces or the site itself.

One interesting facet of the data is that the three lowest observed maximum queue lengths were for the drive-through-only locations. The highest observed queue length for those operations was seven vehicles, which occurred only once at one location and only for a very short period of time. A six vehicle maximum stack was a more common occurrence.

The data shows that the volume of drive-through traffic and, therefore, the required stacking distance, is higher for full-service coffee shops than for drive-through-only operations. When total trip generation (both drive-through business and customers who park and walk in) is factored in, the full-service coffee shops did, on average, about two and one-half times the business of drive-through-only facilities. Since all of the full-service operations were Starbucks locations, it may be possible to apply the results of those counts to other proposed suburban Starbucks locations elsewhere in the country.

Total vehicular stacking available for a drive-through lane is an important consideration, but the location of the menu board relative to the pick-up window also impacts the efficiency of a drive-through lane operation. If the spacing is too short, stacking behind the pick-up window will extend into the menu board area, delaying ordering for those farther back in the line. In the counts conducted for this study, the pick-up window to menu board available stacking distances ranged from two to five vehicles.

The operation with the two car stack between the pick-up window and menu board regularly resulted in delays for drivers waiting to order at the menu board. The location with a five car stack rarely experienced delays for those ordering. Based on field observations, if an unlimited amount of stacking were available at a proposed site, the five car spacing would be ideal. Realizing that space for stacking nearly always is limited, an acceptable alternative would be the four car spacing.

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Conclusions

Drive-in bank usage has dropped dramatically, as illustrated in the data provided in this report. Consequently, a reduced amount of stacking is required. That reduced area for drive-through stacking can provide more flexibility in the design of bank sites, allowing for development on smaller sites or the provision of increased landscaped areas.

Based on the data that was gathered, the City of Overland Park has reduced its previous requirement for a minimum five car stack per lane to a three car stack (a distance of 60 feet per lane, assuming average vehicle spacing to be 20 feet). That design should be sufficient to accommodate virtually all situations. Vehicular stacking requirements for ATMs have been established, also at a minimum of three car lengths.

Coffee shop drive-through lanes are most heavily used during the morning peak period, and therefore it is important to design sites to accommodate that peak demand. The following recommended minimum stacking lengths should be appropriate in most cases. The only exceptions would be situations in which excess queuing could impact a nearby street or major drive, in which case a more conservative approach should be taken.

Based on the data that was gathered for drive-through-only operations, it appears reasonable to require that a dedicated drive-through lane be provided with a stack of 120 feet – enough to handle six vehicles. That should be sufficient to accommodate nearly all vehicles that are likely to arrive during the morning peak hour time period.

For full service establishments, a 220-foot long drive-through lane, providing eleven cars of total storage, should be adequate to handle the vast majority of the drive-through lane volumes that might be encountered. In those cases where more than eleven vehicles were counted, the duration of the extreme queue lasted for only a few minutes. For the most efficient operation, the distance between the pick-up window and menu board should be at least 80 feet to accommodate four vehicles.

References

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Queuing Areas For Drive-Thru Facilities

BY ITE TECHNICAL COUNCIL COMMITTEE 5D-10

ITE Technical Council Committee 5D-10 was formed to collect and analyze basic information that may be used to estimate and evaluate lengths of automobile queues at drive-thru facilities. In addition to fulfilling this objective, this Informational Report constitutes a starting point for compiling a database for drive-thru facility queue length information.

Introduction

When faced with the need to evaluate the future impacts of a planned development, the transportation engineer often employs some form of analogy, estimating the future impacts of as-yet unbuilt development by using the attributes of existing land uses having a similar nature. For instance, the engineer may refer to published trip generation rates, derived from observations made at existing developments, to obtain a figure by which to estimate volumes that will occur at the proposed development.



J. L. Gattis, P.E., was Chair of Technical Council Committee 5D-10. He is an Assistant Professor in the Department of Civil Engineering at the University of Arkansas in Fayetteville, Ark. He is a Member of ITE.

Many types of businesses (such as fast-food restaurants, banks and cleaners) utilize drive-thru systems. A similar form of drive-thru operation can be found at sites where passenger pick-up

operations occur (such as parents picking up schoolchildren). These drive-thru systems are comprised of a server position (often at a service "window"), and vehicle queuing space in advance

QUEUING DATA SHEET							
1. Type of Service Provided	_____						
2. Day(s) of Week	Sun	Mon	Tue	Wed	Thu	Fri	Sat
3. Time(s) of Day	_____						
4. Type of Area	CBD <input type="checkbox"/>	Suburban <input type="checkbox"/>		Rural <input type="checkbox"/>			
5. Competition in Area (For Same Services)	High <input type="checkbox"/>	Medium <input type="checkbox"/>		Low <input type="checkbox"/>			
6. Service Rate Measured (Per Window or Aisle or Lane)	_____						Vehicles/Time
7. Arrival Rate Measured (Per Window or Aisle or Lane)	Avg	_____	Max	_____	Vehicles/Time		
8. Uniformity Rating	_____						(1 - 10)
9. Capacity of Queue Storage Area	_____						(Vehicles)
10. Measured Average Queue	_____						(Vehicles)
11. Measured Maximum Queue	_____						(Vehicles)
12. Excess Demand Volume	_____						(Vehicles)
13. Excess Demand Frequency	_____						
14. Size Sample or Length of Count Data	_____						
15. Narrative Description of Service	_____						

Figure 1. Data gathering form used in survey.

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of the service position, for waiting in line as those ahead are served first.

When attempting to project lengths of automobile queues at proposed drive-thru facilities, the municipal or private consulting engineers may not find available data by which a projection can be made. While such data may be known by larger business chains that have drive-thru operations, the data do not seem to be generally available to the average traffic engineer trying to size or evaluate automobile queue storage area. True, some publications present results of queuing studies or equations for estimating queue lengths based on known system arrival and service rates.¹⁻⁴ But the proposed-site arrival and service rates may be unknown, and the proposed system may not possess attributes (such as negative exponential service time rates) needed for certain equations to properly predict queue lengths.

Drive-thru facilities are perceived as time-savers; as a convenience to the physically challenged, elderly and parents with young children; and as a way to avoid going out into inclement weather. Due to vehicle idling while in line, drive-thru facilities may also be viewed as causing unnecessary fuel consumption and air pollution. The popularity of drive-thru services creates a need to evaluate the queuing capacities of the varied drive-thru facilities. This report provides some basic drive-thru facility queue length information. It is hoped that the database will continue to grow, so that a comprehensive analytical tool may be available for the transportation professional.

Methods

The queue length data gathering form shown in Figure 1 was distributed to committee members in November 1987. The form was accompanied by specific user-instructions to ensure uniformity of procedures and compatibility of results.

Completed forms were returned to the committee chair and data were cataloged by land-use type. The maximum observed queue lengths and the maximum observed queue length frequencies were compiled. Cumulative frequencies and the probability that

Table 1. Ranges of Fast Food Queue Lengths by Food Type

Food Type	Maximum Queue Range (# in system)	Average Maximum Queue (# in system)	Studies
Donuts	4	4	2
Steak	4	4	2
Chicken	2-9	5	5
Fish	5	5	1
Sandwiches	5	5	1
Mexican	7	7	1
Roast Beef	6-8	7	2
Hamburgers	4-13	7	27

Table 2. Fast Food Queue Lengths

Maximum Queue Length (# in system)	Frequency	Cumulative Frequency	P(q≤N)
1	0	0	0.00
2	2	2	0.05
3	0	2	0.05
4	6	8	0.18
5	4	12	0.27
6	7	19	0.43
7	10	29	0.66
8	7	36	0.82
9	5	41	0.93
10	1	42	0.95
11	0	42	0.95
12	1	43	0.98
13	1	44	1.00

Note: P(q≤N) indicates probability, based on sample, of queue length "q" not exceeding length "N".

queues would not exceed an absolute maximum were calculated and shown graphically.

Findings

Within this report, data have been compiled for banks, car washes, day care facilities, dry cleaners and fast-food restaurants.

Fast Food

This category includes restaurants characterized by food being prepared in advance of, or shortly after, ordering; by high turnover for eat-in customers; and by long business hours. The ITE land-use codes (LUCs) for this use are LUC 834 (*Trip Generation*, 1991) and 836 (*Parking Generation*, 1987).

Forty-four fast-food restaurants were observed for this study. They ranged from those serving chicken to the hamburger chains. All sites were suburban locations. Queuing was observed mainly during the weekday mid-day peak from the 1970s through

the 1990s, at sites in Florida, Kansas, Illinois, Minnesota, Montana, New Jersey, Oklahoma, Pennsylvania and Texas. All fast-food facilities observed for this study had a single-window drive-thru system. The industry is changing, with double- and even triple-window systems being utilized. Further information will be needed on queuing characteristics of these facilities.

The average observed service rate was 54 vehicles per hour (vph); the maximum rate was 108 vph. The maximum observed queue lengths (number of vehicles in line, including vehicle at service position) ranged from two to 13 vehicles (see Table 1). Where there was a menu-order board followed by a service window, the combined total of vehicles in both sequential lines was reported.

The restaurants featuring hamburgers had maximum queues in the upper part of the range. Table 2 shows the frequencies of the observed maximum queue lengths, as well as a probability of a queue of less than a given number

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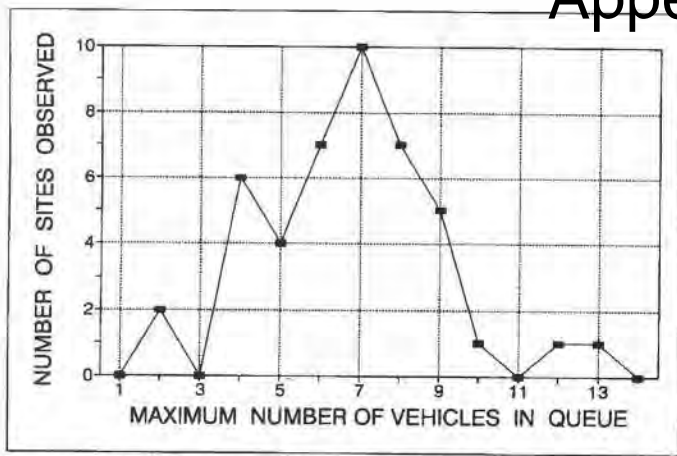


Figure 2. Maximum queue lengths at fast-food.

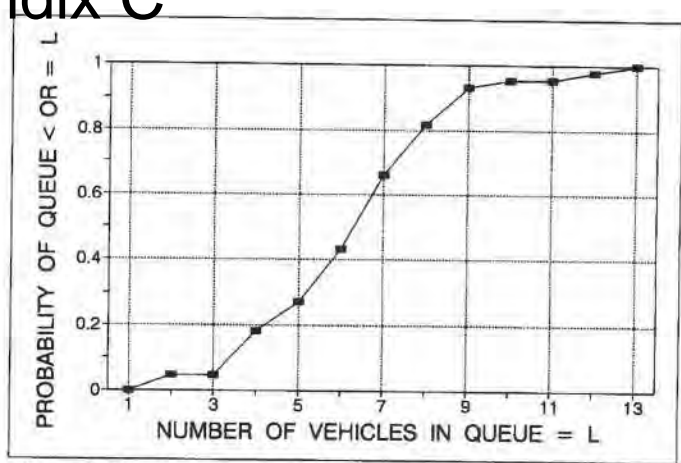


Figure 3. Maximum queue length probability at fast-food.

of vehicles. Figure 2 plots maximum queue length against the observed frequency of occurrence. Figure 3 depicts the probability that at any fast-food site, the queue will not exceed a given maximum queue length. From Table 2 or Figure 3, it can be seen that there was a 95 percent probability that the maximum queue at a site would be no more than 10 vehicles.

The maximum queues were evaluated against days of the week and were found to have no statistical relationship. Likewise, when evaluated against different levels of competition within the area and against service rates, there was no statistical relationship.

Bank

This category includes savings-and-loans with or without automatic teller machines (ATMs) and commercial banks with or without ATMs. Although there were historical differences between banks and savings-and-loans, they are now often indistinguishable to the public. The ITE land-use codes for this use are LUC 912 and 914 (*Trip Generation*, 1991) and LUC 912 (*Parking Generation*, 1987).

The studies analyzed were conducted from the late 1960s through the late 1980s; many were in Illinois, Minnesota, New Jersey and Texas. The size of the bank drive-thru facilities ranged from a minimum of one lane with one teller-window up to an institution with 10 lanes and four tellers.

Observed service rates for these institutions went up to a maximum of 35 vehicles per lane-hour. Maximum observed queues per lane ranged from two to eight vehicles. The maximum system queue lengths (all lanes com-

bined) ranged from five to 29 vehicles. At two sites, it was observed that a queue length exceeding eight vehicles per lane was not tolerated by customers. When the queue length became excessive, customers would park and use walk-in facilities rather than the drive-thru. Thus the collected data reflect a maximum queue per lane of eight vehicles.

Table 3 shows the observed frequency of occurrence of maximum queue lengths per lane. Figure 4 plots the maximum number of vehicles per lane

observed. On the basis of the studies received, there is a 100 percent probability that the queue length at a bank drive-thru facility will not exceed eight vehicles per lane, as Figure 5 shows.

Table 4 presents the maximum number of vehicles in an entire drive-thru system (all lanes combined) by ranges, along with the frequency of occurrence. This table shows that the most common maximum number-in-the-system at a bank drive-thru facility fell between six and 10 vehicles, as most observed facilities consisted of two lanes. Table 4 also

Table 3. Bank Queue Lengths

Queue Length	Maximum Queue Per Lane		$P(q \leq N)$
	Frequency	Cumulative Frequency	
0	0	0	0.00
1	0	0	0.00
2	1	1	0.07
3	4	5	0.33
4	2	7	0.47
5	4	11	0.73
6	1	12	0.80
7	2	14	0.93
8	1	15	1.00

Note: $P(q \leq N)$ indicates probability, based on sample, of queue length "q" not exceeding length "N".

Table 4. Maximum Number of Vehicles in Bank System (All Lanes)

# in system	Frequency	Cumulative Frequency	$P(q \leq N)$
0 - 5	2	2	0.13
6 - 10	6	8	0.53
11 - 15	3	11	0.73
16 - 20	2	13	0.87
21 - 25	1	14	0.93
26 - 30	1	15	1.00

Note: $P(q \leq N)$ indicates probability, based on sample, of queue length "q" not exceeding length "N".

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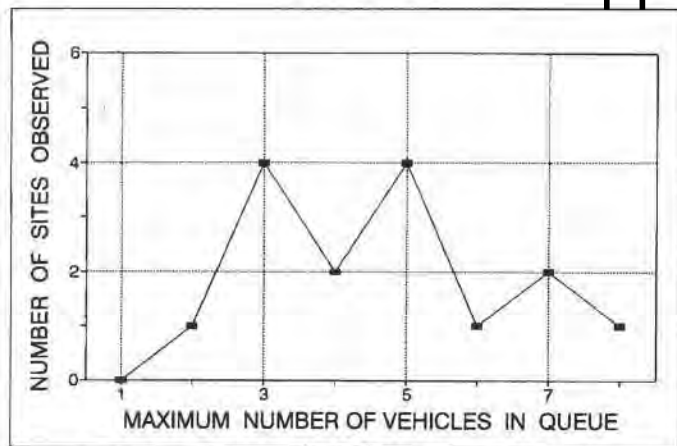


Figure 4. Maximum queue length per lane at bank.

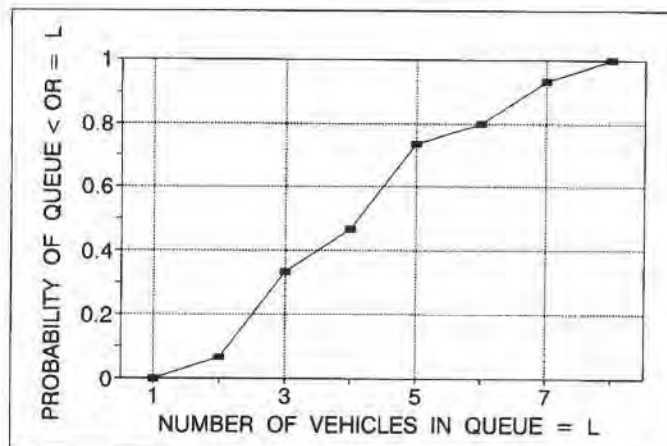


Figure 5. Maximum per lane queue length probability at bank.

gives the probability, based on the studies received, that the number of vehicles in the system will not exceed a certain range.

It should be noted that queuing lengths may be affected by time-of-day banking habits. There may be differences between the central city and a suburb. An area with a large proportion of retired persons may experience unique banking-time behaviors. In addition, the effects of banks incorporating ATMs into drive-thru aisles may also need to be investigated in future queuing studies.

Car Wash

This category includes full-service car washes (offering vacuuming and towel-drying services), exterior tunnel operation (vacuuming and towel drying not a part of the "in-line" operation, but may be offered at separate stations to the side), and self-service car washes (where customers pull into a wash bay, insert coins into a box, and proceed to wash). The ITE land-use code for these uses is LUC 847 (*Trip Generation*, 1991). This land use was not included in the 1987 *Parking Generation* report.

The studies analyzed were conducted from the late 1960s through the late 1980s in Kansas, Illinois, Montana, New Jersey and Texas. They included seven full service car washes, two exterior tunnel car washes, and nine self-service car washes. The number of self-service bays ranged from six to 14 per site. The self-service car washes typically had one or more parallel wash bays; the full-service car wash operations tended to have a single tunnel to serve customers.

Studies at the full-service car washes were made during winter or early spring months. Both full-service car washes consisted of a single tunnel. Observed service rates were 35 vph (maximum queue of nine vehicles) and 27 vph (maximum queue of 26 vehicles). At the site with a 26-vehicle queue, the queue extended off the site and onto an adjacent private street with light traffic volumes.

The self-service car wash studies were conducted on Saturday and Thursday, during late spring and/or summer months. Service rates at self-service car washes ranged from 4.1 vehicles per bay-hour to 5.4 vehicles per bay-hour. The average service rate was 4.77 vehicles per bay-hour. The maximum queue observed at two study sites was three vehicles, and at a third study site the maximum observed was one vehicle. No distinction was made as to whether these were maximum

queues per bay or total maximum queues (per entire operation).

Day Care

This category includes facilities that provide a place for children during the day, often while parents are at work. After-school care may also be provided. The ITE land-use code is LUC 565 (*Trip Generation*, 1991). This land use was not included in the 1987 *Parking Generation* report.

Data were submitted for one day-care facility in Texas, during the evening peak hour. The facility had 99 children enrolled and 94 present the day the study was conducted. The day-care facility handled children age 2 through first grade. The facility was operated in a manner that required the parents to park their cars and go inside to get their children.

The hour service rate was 46 vehicles. A maximum of eight vehicles in

This is an Informational Report of the Institute of Transportation Engineers prepared by Technical Council Committee 5D-10. The information in this report has been obtained from experiences of transportation engineering professionals and research. ITE Informational Reports are prepared for informational purposes only and do not include Institute recommendations on which is the best course of action or the preferred application of the data.

Members of Technical Council Committee 5D-10 were J. L. Gattis, P.E. (M), Chair; Grant A. Bacchus, P. Eng. (F); Benedict G. Barkan (F); Robert R. Marvin, P.E. (M); Dale B. McKinney, P.E. (F); Robert A. Nelson, P.E. (F); Seyed M. Safavian (M); James M. Schoen (A); David K. Sorenson, P.E. (A); Mark J. Stuecheli (M); and Jack Wierzenski (A).

Members of the Technical Council Department 5 Standing Committee at the time of approval of this report were Dennis O'Malley (F), Chair; Carol H. Walters, P.E. (M), Assistant Chair; Robert D. McMillen, P.E. (FL); Wamahdri W. Williams (A); and Donald J. Galloway, P.E. (F). Brian S. Bochner, P.E. (F), was the Chair of Technical Council, and John M. Mason, P.E. (F), was the Assistant Chair.

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Table 5. Summary of Observed Queue Distances at Drive-Thru Facilities

	Near-maximum number of queued vehicles observed in system (does not include vehicle at service position)	Lane Length needed to store near-maximum queue (does not include vehicle at service position)
Fast-Food (Hamburger)	10 - 1 = 9	60 m (198 feet)
Bank	8 - 1 = 7	47 m (154 feet)
Car Wash (self-service)	3 - 1 = 2	13 m (44 feet)
Day Care	10 - 1 = 9	can store in parallel
Dry Cleaner	3 - 1 = 2	13 m (44 feet)

5 minutes (if sustained, equivalent to 96 vph) were observed; a 20-minute period had 28 vehicles (84 per hour). The maximum number of waiting vehicles was 10 vehicles.

VanWinkle and Kinton reported the results of 29 field studies at day-care establishments in Tennessee. Their findings are in the July 1994 *ITE Journal*.⁸

Dry Cleaners

This category includes facilities that clean clothing and other fabrics that should not be laundered. Often a walk-up window is present. No information is provided for this land use in either the ITE 1991 *Trip Generation* report or the ITE 1987 *Parking Generation* report.

One study was conducted at a dry cleaner with drive-thru facilities in Montana during a weekday p.m. peak period. An average service rate of 41 vph was measured at the single window. The observed maximum queue was three vehicles long. Forty-five percent of the customers used the drive-thru facility.

Conclusions

Table 5 summarizes the observed maximum or near-maximum observed queue lengths, and also lists the stacking distance needed to accommodate these observed queues, based on a front bumper-to-front bumper space occupied length of 22 feet (ft) per vehicle. This 22 ft may not be the exact space that vehicles occupy, but a value ranging from 20 ft to 25 ft seems appropriate for many situations. Because only one day-care facility was observed, and because parents picking up children may park in parallel or in a lot instead of in a single-file line, no stacking length was calculated for this land use.

Due to a change of committee personnel during the course of the data-gathering effort, some of the original forms submitted by committee members are not available. There are some apparent errors in the tables. For instance, the number of studies tallied in Table 1 is 41, while the number in Table 2 is 44. It is not known whether three studies were not included in Table 1, or whether there was double counting in Table 2. The unavailability of the original data forms makes it impossible to recheck the numbers.

The size of this drive-thru facility queuing characteristic database was limited. There is a need to accumulate and analyze more drive-thru queuing system data, so transportation engineers and site planners can be better informed. Additional observations of service rates are also needed in order to determine relationships between service rates and queue lengths, and to evaluate long-term trends in service rates. Finally, investigations of the amount of space occupied per vehicle within a queue are needed so that engineers will have the ability to project not only the number of vehicles that will be in the maximum queue for a given site, but also the queue storage length required for a site.

When collecting queuing data, the recorder should clearly indicate whether the number of vehicles recorded includes or excludes the vehicle(s) in the service position (that is, at the window). The data record must indicate which numbers are for a single queuing line and which totals are for the entire system of multiple queuing lines. An observer should also note instances of arriving vehicles balking or refusing to enter a queue due to excessive length, and how many vehicles were in the queue when the next arrival balked.

Other types of drive-thru operations

that could be studied include those at credit unions, funeral homes, gas stations (either gas only, full-service, self-service, or a combination with convenience stores or car washes), libraries, liquor stores, movie theater ticket booths, parking lots and garages (either pick-up ticket or pay, or key, tag, or card), post offices, pre-schools, baby-sitting or school combinations, lower grade schools, stadium ticket sales machines, truck stops and places of worship.

References

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2. W. Gordon Derr, Thomas E. Mulinazzi, and Bob L. Smith. "Queuing at Drive-up Windows." *Transportation Research Record* 901. Washington, D.C.: Transportation Research Board (1983): 38-42.
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8. VanWinkle, John W. and S. Colin Kinton. "Parking and Trip Generation Characteristics for Day-Care Facilities." *ITE Journal* (July 1994): 24-28.
9. Woods, Donald L. and Carroll J. Messer. "Design Criteria for Drive-In Banking Facilities." *Traffic Engineering* (December 1970): 30-37.

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type*:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD)
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low

Drive-Through Description

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday	5	3:36pm
Wednesday	5	2:37pm
Thursday		
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium X
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	3	3:28pm
Thursday	3	8:51am, 10:37am
Friday		
Saturday		

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Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium X
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday	4	5:18pm
Monday		
Tuesday		
Wednesday		
Thursday		
Friday	8	12:20pm, 2:20pm
Saturday	8	11:40am

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Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD)
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday	7	4:47pm, 5:04pm
Wednesday	7	3:00pm, 5:26pm
Thursday		
Friday		
Saturday		

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Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s):

Weather Conditions:

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD)
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday	6	1:18pm
Wednesday		
Thursday		
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s):

Weather Conditions:

Location Within Area (select one):
 CBD
 Urban (non-CBD) X
 Suburban (non-CBD)
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium X
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday	8	4:41pm
Wednesday	6	11:27am, 1:48pm, 2:23pm, 4:32pm, 5:25pm
Thursday		
Friday		
Saturday		

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Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD) X
 Suburban (non-CBD)
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low X

Drive-Through Description :

1 Lane. Only counted the vehicles waiting in line, not the vehicles currently being washed.

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	6	3:08pm
Thursday	6	3:07pm
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low X

Drive-Through Description :

1 Lane. Only counted the vehicles waiting in line, not the vehicles currently being washed.

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday	1	12:58pm
Wednesday	3	2:53pm
Thursday		
Friday		
Saturday		

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Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low X

Drive-Through Description :

1 Lane. Only counted the vehicles waiting in line, not the vehicles currently being washed.

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday	4	1:48pm
Wednesday	3	4:29pm
Thursday		
Friday		
Saturday		

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Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s):

Weather Conditions:

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) **X**
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low **X**

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	3	12:37pm, 1:50pm, 3:43pm, 4:41pm, 5:10pm, 7:04pm, 7:30pm
Thursday	4	2:38pm, 4:20pm
Friday		
Saturday		

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Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low X

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	10	1:03pm
Thursday	6	4:02pm
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s):

Weather Conditions:

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low X

Drive-Through Description :

2 lanes. Only vehicles in line were counted, not vehicles being washed.

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	4	6:03pm
Thursday	3	4:37pm, 6:28pm, 7:39pm, 7:51pm, 8:04pm, 8:23pm
Friday		
Saturday		

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Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD)
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	11	8:50am
Thursday	10	7:57am
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) **X**
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium **X**
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday	7	9:39am, 9:41am
Monday	10	8:39am
Tuesday	12	9:26am
Wednesday		
Thursday		
Friday	12	8:12am
Saturday	8	8:52am, 10:24am

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low X

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	14	7:22am, 7:49am
Thursday	16	8:56am
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium X
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	10	7:42am, 8:41am, 8:59am
Thursday	11	7:33am
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium X
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	11	8:45am
Thursday		
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium X
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday	10	8:09am
Wednesday	12	7:57am
Thursday		
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD) X
 Suburban (non-CBD)
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium X
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	5	6:04pm
Thursday	5	6:55pm
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium X
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday	6	4:30pm
Monday	12	12:10pm
Tuesday		
Wednesday		
Thursday		
Friday	10	12:12pm
Saturday	8	9:38pm

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD)
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	12	11:46am
Thursday	13	12:23pm
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD)
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	9	8:48am
Thursday	8	8:54am
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium X
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	10	12:26pm
Thursday	8	12:17pm, 6:57pm
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s):

Weather Conditions:

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD)
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	8	5:26pm
Thursday	5	8:13am, 12:10pm, 1:25pm, 3:22pm, 8:54pm
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High X
 Medium
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time Max Queue Occurred
Sunday		
Monday		
Tuesday	1	13 times
Wednesday	2	5:55pm
Thursday		
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD)
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time(s) Max Queue Occurred
Sunday		
Monday		
Tuesday	4	5:28pm
Wednesday	4	6:38pm
Thursday		
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s):

Weather Conditions:

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD)
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time(s) Max Queue Occurred
Sunday		
Monday		
Tuesday	2	1:57pm, 3:35pm, 5:48pm, 6:07pm, 7:10pm
Wednesday	2	3:03pm, 3:52pm, 4:07pm, 4:46pm, 5:12pm, 5:20pm, 6:43pm
Thursday		
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High
 Medium X
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time(s) Max Queue Occurred
Sunday		
Monday		
Tuesday		
Wednesday	4	2:33pm, 3:31pm, 4:46pm, 4:57pm, 5:28pm, 6:26pm, 6:38pm, 8:20pm, 9:20pm
Thursday	5	4:30pm, 4:52pm, 5:56pm, 6:00pm
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High X
 Medium
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time(s) Max Queue Occurred
Sunday		
Monday		
Tuesday	3	4:03pm
Wednesday	3	8:34am, 4:04pm, 4:51pm
Thursday		
Friday		
Saturday		

Appendix D

Drive-Through Queuing Data Form

ITE Land Use Code:
 Land Use/Building Type:

Name of Business:
 Address:
 City:
 State:
 Zip Code:

Date(s)

Weather Conditions

Location Within Area (select one):
 CBD
 Urban (non-CBD)
 Suburban (non-CBD) X
 Suburban CBD
 Rural
 Not Given

Competition Within Area (select one):
 High X
 Medium
 Low

Drive-Through Description :

Gross Floor Area (estimated)

	Maximum Queue	Time(s) Max Queue Occurred
Sunday		
Monday		
Tuesday	3	4:49pm
Wednesday	2	12:49pm
Thursday		
Friday		
Saturday		

June 22, 2023

Re: **Popeye's Louisiana Kitchen
Stormwater Memo**
PEI #230238

The existing and proposed impervious areas were analyzed to determine if post development BMPs and detention are required for the proposed Popeye's Louisiana Kitchen.

Existing Site

The existing 21,198 SF (0.49 Ac.) site consists of a paved parking lot and building. The northern portion of the existing site surface drains northeasterly to the Johnson Drive right of way, and the southern portion of the site drains southeasterly to the southerly property line. The existing site consists of 17,891 SF (0.41 acres) of impervious area. See exhibit A1 for reference.

Proposed Site

The proposed project will remove the existing building and a portion of the existing parking lot. A new Popeye's Louisiana Kitchen will be constructed. The proposed site will maintain the existing drainage patterns and surface drain northeasterly and southeasterly. The proposed site consists of 16,780 SF (0.39 acres) of impervious area. See exhibit A2 for reference.

Conclusion

The proposed site results in a decrease in impervious area of 1,111 SF.

Section 500.210 of the Mission Kansas municipal code has adopted APWA for regulating stormwater management. Stormwater detention is not required per Section 5601.3 of the Kansas City Metropolitan Chapter APWA Standard Specifications & Design Criteria, which states that any remodeling, repair, replacement, or other improvements to any existing structure or facility and appurtenances that does not result an increase area of impervious surface on the site is exempt of detention requirements.

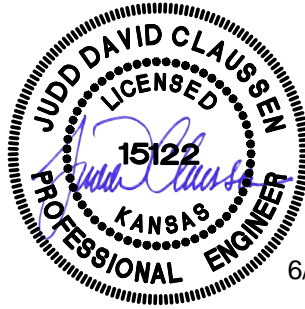
Section 500.215 of the Mission Kansas municipal code has adopted the MARC BMP manual for purposes of stormwater quality management. Stormwater treatment BMP's are not required for this site per Section 4.2.1 of the MARC BMP manual, which states that a previously developed site that maintains or reduces the percent impervious area,

would not meet the definition of a development as stated in APWA 5601.3 and would not require additional stormwater BMP's.

Please feel free to contact me at (913) 393-1155 if you require additional information.

Sincerely,

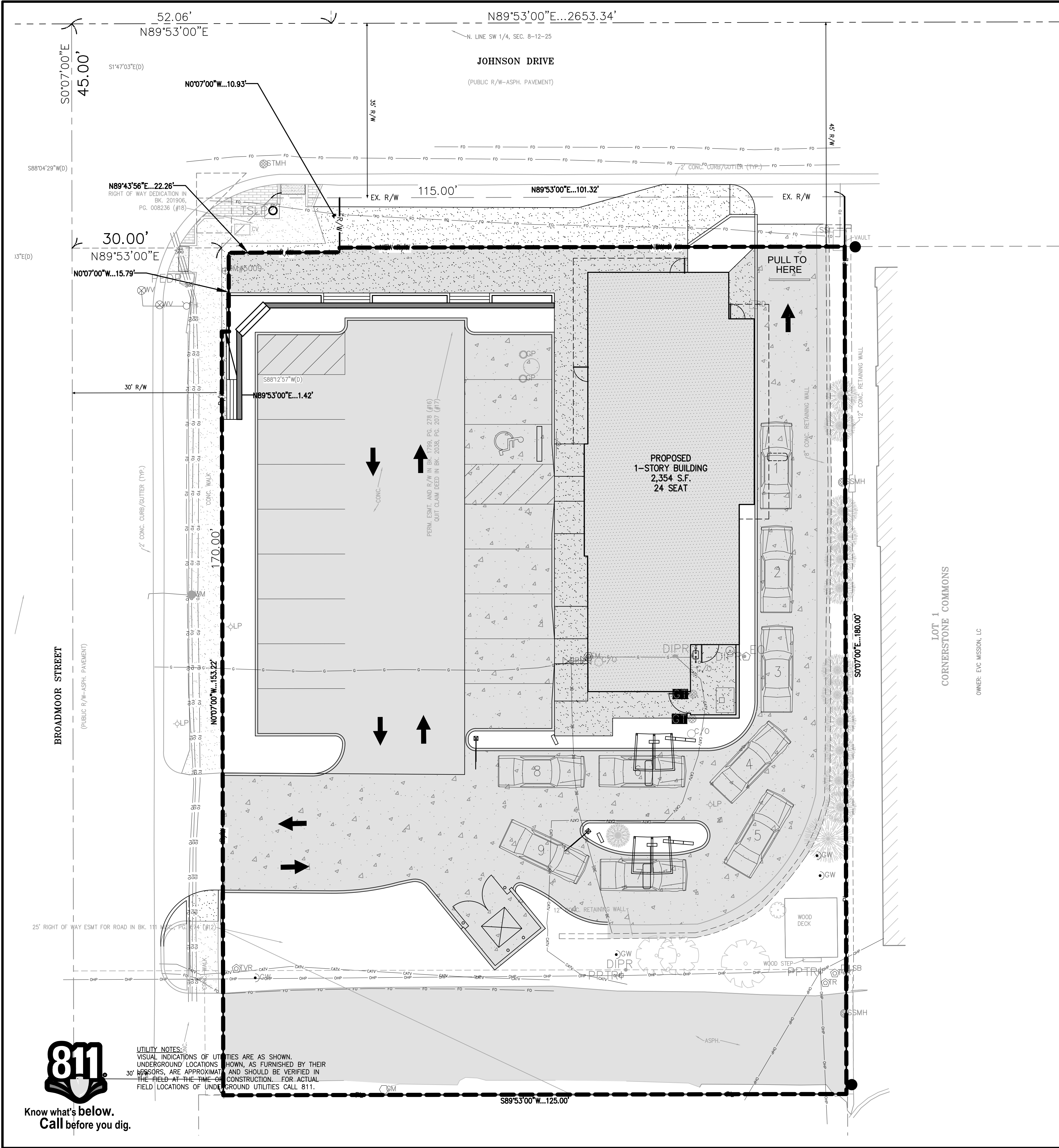
Phelps Engineering, Inc.



Judd D. Claussen, P.E.

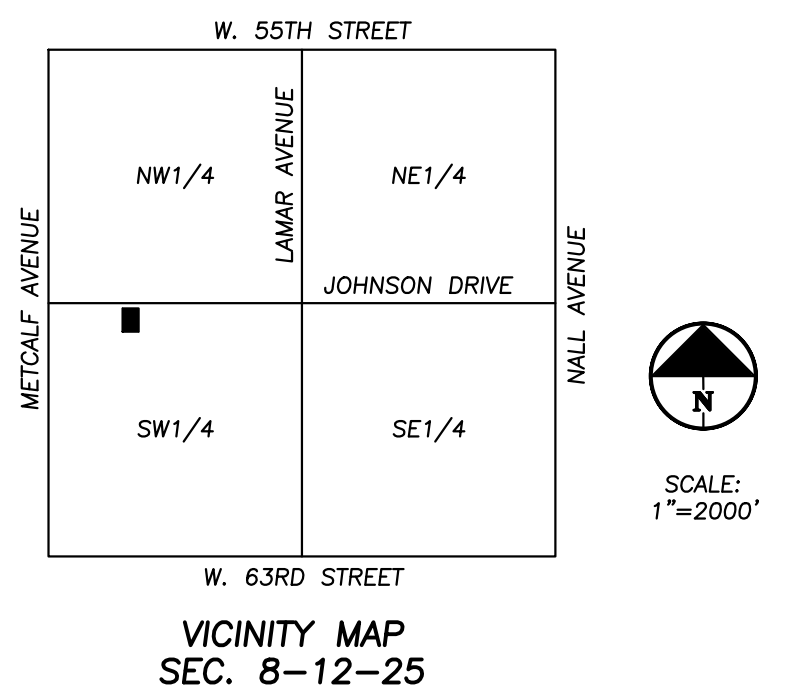
6/22/23

\\PHELPS-SERVER\Projects\1230238\Stormwater\Exhibits\Proposed Conditions A2.dwg Layout.k2 Jun 21, 2023 - 11:46am Dakota Byrum



LEGEND

- PL — PROPERTY LINE
- LOT LINE
- R/W- — RIGHT-OF-WAY
- IMPERVIOUS
- OPEN SPACE
- DRAINAGE BOUNDARY FOR LOS VALUE RATING CALCULATION



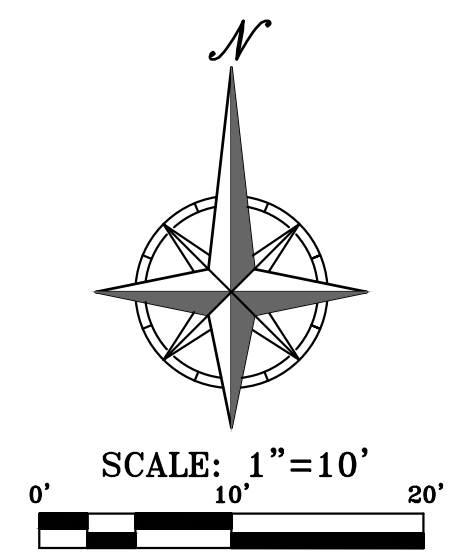
TOTAL LOT = 21,198 S.F. (0.49 ACRES)
IMPERVIOUS = 16,780 S.F. (0.39 ACRES)
OPEN SPACE = 4,418 S.F. (0.10 ACRES)



UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN.
UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.



UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN.
UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.



PHELPS ENGINEERING, INC.
1270 N. Winchester
Olathe, Kansas 66066
(913) 993-1155
Fax (913) 993-1165
www.phelpsengineering.com

PLANNING
ENGINEERING
IMPLEMENTATION

PROPOSED CONDITIONS MAP
POPEYE'S LOUISIANA KITCHEN
6821 JOHNSON DRIVE
MISSION, KANSAS 66202

Revisions:	Date	No.	By	App.

City of Mission	Item Number:	7b.
ACTION ITEM SUMMARY	Date:	September 20, 2023
Community Development	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

RE: Special Use Permit for Discount Sales Outlet - 5470 Martway Street (PC Case #23-17)

RECOMMENDATION: Adopt an ordinance approving the special use permit for Discount Sales Outlet storage at 5470 Martway Street (PC Case #23-16).

DETAILS: The applicant, Leland Lynch, has leased basement storage space at 5470 Martway Street since 1997. Mr. Lynch has utilized the space as extra storage for his store, Discount Sales Outlet, located at 5930 Broadmoor Street, which sells mattresses and furniture.

Mr. Lynch intends to close his store on Broadmoor in the near future as he makes plans for retirement. However, he would like to continue leasing the basement storage space at 5470 Martway Street as he has a business relationship with several non-profit organizations in the area supplying mattress to veterans. To accomplish this, Mr. Lynch needs a business license for the Martway location, and thus a special use permit.

The Martway location is the building that sits at the corner of Johnson Drive, Nall Avenue, and Martway Street and currently has a FedEx/Kinkos and Domino's Pizza store. The building was built in 1955 and has a full basement approximately 10,000 sq. ft. in size. As stated above, Mr. Lynch has been leasing a portion of the basement since 1997. Neither of the retail locations above utilize the basement. The city's Building Official and the Fire Marshal inspected the space and noted potential fire code issues, which have since been corrected.

Mr. Lynch intends to continue utilizing the space for storage only. All orders will be online or by phone. There will be no showroom or customer access. Deliveries of inventory will be via a loading dock at the location.

The Planning Commission held a public hearing at their August 28th meeting to take testimony pertaining to this application. No public testimony was presented other than the staff report and applicant's presentation. At the conclusion of the public hearing, the Planning Commission voted 7-0 to recommend approval of a special use permit to operate warehouse storage for Discount Outlet Sales at 5470 Martway. In their recommendation the Planning Commission stipulated that the time for the special use permit be five years instead of ten years as staff had recommended. Mr. Lynch was agreeable to the amended stipulation.

CFAA CONSIDERATIONS/IMPACTS: N/A

Related Statute/City Ordinance:	Chapter 400
Line Item Code/Description:	N/A
Available Budget:	N/A

CITY OF MISSION, KANSAS

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING CERTAIN PROPERTY WITHIN THE CITY OF MISSION, KANSAS TO BE USED FOR OR OCCUPIED BY A SPECIAL USE.

WHEREAS, an application for the establishment of a Special Use Permit has heretofore been made to occupy or use property located at 5470 Martway Street for the following use or uses: wholesale mattress and bedding store (d/b/a Discount Sales Outlet); and

WHEREAS, said property is currently zoned “MS-2” Main Street Two business district wherein such uses are not permitted without a Special Use Permit; and

WHEREAS, notice of said original application was duly given as required by law by publication and mailing; and

WHEREAS, a public hearing was held pursuant to law before the Planning Commission of the City of Mission on August 28, 2023, and the recommendation of said Planning Commission was acted upon by the City Council of the City of Mission as required by law:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

Section 1. Special Use Permit Granted - Pursuant to Section 445.180 et seq. of the Mission Municipal Code, a Special Use Permit to operate a wholesale mattress and bedding store in accordance with the application (PC Case #23-17) on file with the Community Development Department of the City of Mission, 6090 Woodson, Mission, Kansas 66202, is hereby granted for the subject property as described below subject to the stipulations in Section 2 and all other laws and regulations.

BLOCK 4 MISSION VILLAGE LT 1 EX W 10' IN ST & LT 2 EX
ELY TR 9.92' ON N & 10.83' ON S BLK 4 MIC 750

Section 2. Stipulations of the Special Use Permit - The Special Use Permit referenced in Section 1 of this Ordinance is hereby granted subject to the following stipulations:

- A. The Special Use Permit is contingent upon the property remaining as-is regarding site design and building structure; should the site be redeveloped in the future, the Special Use Permit may be reevaluated.
- B. The Special Use Permit shall become void if the facility is vacant for six months or more.
- C. If the special use is determined to be in violation at any time of the five conditions of 445.230(B), the Special Use Permit shall become void and violations shall be corrected and an application for a new Special Use Permit shall be made.
- D. The Special Use Permit shall have an initial 5-year term limit that will require an application for renewal at the end of the term.

Section 3. Zoning Remains - The approval of this Special Use Permit shall not change the zoning currently assigned to the property by the Official Zoning Map.

Section 4. Effective Date - This Ordinance shall take effect and be in force from and after its adoption and publication according to law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION
on this 20th day of September 2023.

APPROVED BY THE MAYOR on this 20th day of September 2023.

Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

APPROVED AS TO FORM:

David Martin, City Attorney
Payne & Jones, Chartered
King 2 Building
11000 King Street

Overland Park, Kansas 66210



AT A GLANCE

Applicant:
Leland Lynch, Discount Sales Outlet

Case Number:
23-17

Location:
5470 Martway Street

Project Name:
Discount Sales Special Use Permit

Property ID:
KP37500004 0001

Project Summary:
The applicant requests a Special Use Permit for business operations that include warehouse storage of mattresses and other furniture items to be sold on-line. Delivery and pickup will be provided via a loading dock on the south side of the building, and customers do not enter the premises to conduct transactions.

Current Zoning:
MS2

Proposed Zoning:
N/A

Current Land Use:
Commercial

Staff Contact:
Karie Kneller, Planner

Proposed Land Use:
Warehouse/Storage

Public Hearing Required

Legal Notice:
August 8, 2023



Property Background and Information

The subject property is located at 5470 Martway Street, at the northeast corner of Nall Avenue and Martway Street. The structure is approximately 10,000 square feet, and the warehouse activity will occur in approximately 5,000 square feet in the basement of the existing structure. Primary vehicular access to the facility is from Martway Street, where a loading dock is located on the south side of the existing structure. The proposed warehouse facility is within the lower level of the structure, below grade. The business owner/applicant has been storing mattress goods on premises, and City Staff requested an inspection of the current operations upon learning of the warehouse operations on site prior to accepting an application for a Special Use Permit. Planning staff received an inspection memo from the Mission Building Official following an inspection that cited some fire code violations according to the Fire Marshall that would be reevaluated following the initial inspection. No building code violations were noted during the initial inspection.

On August 1, 2023, the Building Official conducted a follow-up inspection to confirm compliance with fire and building codes. An email from the Building Official to the City Planner confirmed that the storage area was compliant and there were no outstanding items to address to conform with fire and building codes. The letter of no violations is part of the Planning Commission packet for this application.

Project Proposal

The applicant has applied for a Special Use Permit to conduct warehouse operations for new mattresses, bed frames and other furniture-related items from the basement of the property at 5470 Martway Street. Business transactions are conducted on-line and customers do not enter the site to conduct business. Goods are sold and delivered from the facility and the facility receives new goods at the loading dock located on the south side of the building.

Plan Review and Analysis

Mission Comprehensive Plan

The 2007 and updated draft 2023 Comprehensive Plan's Future Land Use map shows a mixed-use, medium density land use for the subject property and property directly adjacent to the east, and surrounding future land uses include Office on the southeast and southwest corner of Nall Avenue and Martway across the street from the proposed warehousing activity. Capitol Federal is the existing business on the west side of Nall, and other commercial and/or office operations surround the subject property.

Analysis: A small warehousing activity on the south side of the building at the northeast corner of Nall and Martway would not be out of context with the future land use plan or existing operations adjacent to the proposed use as a means to utilize and existing structure.

Municipal Code

Under Article III, “Special Use Permits” in the City of Mission municipal code, the following stipulations apply:

§440.140(E) “Criteria for Considering Applications”

- The character of the neighborhood and extent that the use would be in harmony with nearby properties
- The extent to which approval would detrimentally affect nearby properties
- Relative benefit to public welfare by retaining applicable restrictions compared to the destruction of the value of the property or hardship to the owner with denying the request
- The Comprehensive Plan
- The extent to which utilities and public services are adequate
- The extent that the use creates excessive pollution or environmental harm
- The extent to which there is a need for the use in the community
- The economic impact of the use on the community
- The ability of the applicant to satisfy any requirements imposed
- The recommendation of professional staff

Analysis: It is Staff’s interpretation that (a) a Special Use Permit for the use of the property as a warehouse facility meets all applicable criteria in Article III, §440.140; (b) the facility and its surrounding property are harmonious with nearby properties and does not detrimentally affect public health or property values; (c) the use is consistent with the Comprehensive Plan as mixed-use, medium-density adjacent to office and commercial uses, and the property has adequate access to utilities and public services; (d) excessive pollution or environmental harm have not been reported to Staff’s knowledge, and the operation has not negatively impacted the community economically; (e) the applicant has thus far met all requirements imposed by the City and other regulatory bodies, including an inspection by the City’s Building Official; (f) the warehouse facility benefits public welfare by providing an on-line service to non-profit organizations in the region.

Under §445.210 of the City’s municipal code, Special Use Permits may be for a specified time period or continual. Revocation of a Special Use Permit may be granted if any of the following conditions are met:

- Non-compliance with any applicable requirement

- Non-compliance with any special conditions imposed at the time of approval
- Violation of any provisions of the Code
- Where conditions of the neighborhood have changed to the extent that approval would be unwarranted
- Violation of any State or Federal law or regulation

Recommendation

It is Staff's determination that the warehouse facility does not currently violate any established municipal requirements and does not currently violate any State or Federal regulations. It is Staff's interpretation that the future land use plan for the property is not consistent with either vertical or horizontal mixed-use operation on the site, but utilizing an existing structure for the proposed purpose does not directly violate the future land use plan. However, if the property is redeveloped in the future, the mixed-use allocation of land would not fit the context of the Comprehensive Plan's intent. Therefore, Staff recommends that the Planning Commission recommend approval for the Special Use Permit on the following conditions:

1. The Special Use Permit is contingent upon the property remaining as-is regarding site design and building structure; should the site be redeveloped in the future, the Special Use Permit may be reevaluated.
2. The Special Use Permit shall become void if the facility is vacant for six months or more.
3. If the special use is determined to be in violation at any time of the five conditions of 445.210, the Special Use Permit shall become void and violations shall be corrected and a new application for a Special Use Permit shall be under review by the Planning Commission.
4. Staff recommends an initial 10-year term limit on the Special Use Permit that shall require an application for renewal at the end of the term.

Planning Commission Action

Case #23-17 will be considered by the Planning Commission at their August 28, 2023 public hearing.

City Council Action

Contingent upon Planning Commission approval, Case #23-17 will be considered by the City Council at their August 28, 2023 public hearing.



Discount Sales Special Use Permit



Community Development Department
6090 Woodson Street
Mission, KS 66202
913-676-8360

Development Application

Permit # _____

Applicant Name: Leland Lynch	Company: Discount Sales Outlet
Address: 5470 Martway	
City/State/Zip: Mission, KS 66202	
Telephone: 913 645 5919	
Email: lee@discountsalesoutlet.com	
Property Owner Name: Taula Rose	Company: Woodsonia Real Estate
Address: 17007 Marcy Street Suite 2	
City/State/Zip: Omaha NE 68118	
Telephone: 402 212 1172	
Email: michael@woodsonia.net	
Firm Preparing Application: Leland Lynch	Company: Discount Sales Outlet
Address: same as applicant	
City/State/Zip:	
Telephone:	
Email:	
*All correspondence on this application should be sent to (check one) <input checked="" type="checkbox"/> Applicant _____ Owner _____ Firm _____	
Application Type	
Rezoning <input type="checkbox"/> SUP <input checked="" type="checkbox"/> Plat <input type="checkbox"/> Site Plan <input type="checkbox"/> PDP <input type="checkbox"/> FDP <input type="checkbox"/> Lot Split <input type="checkbox"/> Other (Specify): _____	
Description of Request	
Please provide a brief description of the request: Storage Area for on-line sales	

June 9, 2023

Re: Use of space 5470 Martway , Mission , Ks

To Karie Kneller , City Planner

The space below the Fed Ex Building will be used to store mattresses, bed frames and other furniture-related items. All merchandise is received directly from the manufacturer and is brand new. I have worked hand in hand for many years (over 10 yrs.) with the Salvation Army, Restart and Catholic charities to provide mattress for their Homeless Vets programs known as The Supportive Services for Veteran Families (SSVF). These charities have grants with The Department of Veterans Affairs to help homeless Vets regain control of their lives. I served in the United States Airforce so early on I took a particular interest in being a part of their Mission. As the years have passed their dependance has grown on my company's ability to provide affordable bedding and deliver and setup, since the Covid Pandemic I have been their sole provider for these services. We deliver a 100-mile radius of KC that includes Topeka, Manhattan, Leavenworth as well as the entire Kansas City Metro . I have attached letters from The Directors of The Salvation Army and Restart as to the relationship they have with my company As well as a few of the case workers that I deal with on a weekly basis by text or email, feel free to contact them.

The Salvation Army and Restart are my biggest users and to this date this year we have delivered for the Salvation Army 63 Vets, Restart 25 Vets Catholic Charities has had only a few .

Although the entire space is 10,000 sq ft will be using only around 5000. I have rented this space since 1997 and at that time I was told by the City that if its for storage there wasn't anything I needed .

There will not be any signage needed , no customer has ever been in the warehouse .

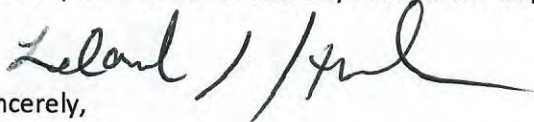
There will not be any hours of operation. We simply store the product

We deliver on Tuesday, Thursday, and Saturday's . We load up and go deliver only .

We use the loading dock area located on the Martway side of Fed Ex

The only employee that I will have is my delivery man , Danny Vela who has been with me for over 15 years .

As an outcome of the Inspection by the Fire Inspector we have become aware of the fire codes related to the space and have hired Day Constuction to perform these updates which should take place shortly


Sincerely,

Karie Kneller

From: Jim Brown
Sent: Thursday, June 8, 2023 12:38 PM
To: Karie Kneller
Subject: Discount Sales Outlet- Bldg/Fire Code Analysis for SUP
Attachments: MISSION- CODE ANALYSIS LETTER- Discount Sales Outlet- Warehouse.pdf

Karie,

The Fire Marshal and I met on-site with the owner of Discount Sales Outlet this morning to investigate and evaluate the proposed basement storage area. (we referenced the code analysis attached, as a guide for this investigation)

Our onsite-investigation revealed:

1. The existing building was constructed in 1955. The exterior basement walls are concrete and the floor ceiling assembly separating the lower and upper floors is a ribbed concrete design which typically equates to not less than a 2-hour fire resistance rating.
2. All storage of mattresses in the west portion of the basement will be completely removed.
3. The existing fire doors in the fire separation wall assembly will be secured thereby restricting access to the west portion of the basement to the Fed Ex space only.
4. Currently Fed Ex does not use this basement space for any purpose.
5. In the east portion of the basement an existing vault (which served a previous bank) remains.
6. The vault serves as its own independent fire area and the existing construction would equate to no less than a 3 hour(or greater) fire resistance rating.
7. The remaining inventory of mattresses will be relocated to the existing lower level vault. This reduced area of storage would not require the installation of a fire sprinkler system.
8. The existing ceiling height in the basement area is compliant.
9. There are no existing issues with egress, travel distance or exiting components.
10. The Fire Marshal has scheduled a follow-up inspection August 1, 2023 to re-inspect for compliance.

Jim Brown, CBO, LEED Green Assoc.

Building Official

6090 Woodson St. | Mission, KS 66202 | 913.676.8363

jbrown@missionks.org



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Karie Kneller

From: Jim Brown
Sent: Tuesday, August 22, 2023 1:05 PM
To: Karie Kneller
Subject: Fw: Discount Sales Outlet- Bldg/Fire Code Analysis for SUP
Attachments: MISSION- CODE ANALYSIS LETTER- Discount Sales Outlet- Warehouse.pdf

Karie,

As a condition of the inspection report provided June 8, 2023, (below) a follow-up inspection was performed on August 1, 2023.

All items noted in the inspection report have been satisfactorily addressed. The storage area is compliant with no outstanding items.

Jim Brown, CBO, LEED Green Assoc.

Building Official
6090 Woodson St. | Mission, KS 66202 | 913.676.8363
jbrown@missionks.org



From: Jim Brown <jbrown@missionks.org>
Sent: Thursday, June 8, 2023 12:37 PM
To: Karie Kneller <KKneller@missionks.org>
Subject: Discount Sales Outlet- Bldg/Fire Code Analysis for SUP

Karie,

The Fire Marshal and I met on-site with the owner of Discount Sales Outlet this morning to investigate and evaluate the proposed basement storage area. (we referenced the code analysis attached, as a guide for this investigation)

Our onsite-investigation revealed:

1. The existing building was constructed in 1955. The exterior basement walls are concrete and the floor ceiling assembly separating the lower and upper floors is a ribbed concrete design which typically equates to not less than a 2-hour fire resistance rating.
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Jim Brown, CBO, LEED Green Assoc.

Building Official

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Kansas & Western Missouri Division

The Salvation Army

"...there is no reward equal to that of doing the most good to the most people in the most need." -Evangeline Booth

June 8, 2023

Re: The Salvation Army SSVF Program and Discount Sales Outlet

To Whom It May Concern:

The Supportive Services for Veteran Families (SSVF) program, developed as part of The Department of Veterans Affairs strategic plan to end Veteran homelessness, assists single Veterans and Veterans with Families who need assistance in obtaining or maintaining permanent housing. In the Kansas City area, Discount Sales Outlet has for over 10 years supplied mattresses to Veterans we have served and continue to serve as part of SSVF in the Kansas and Western Missouri Division of The Salvation Army.

When a Veteran needs a mattress, the SSVF Case Manager will reach out to Mr. Lee Lynch of Discount Sales Outlet and provide him with the Veteran's name, need, contact information, and address. Discount Sales Outlet will contact the client and arrange for a delivery date and time, usually within 24-48 hours, and in some cases less than that for emergencies. SSVF has been extremely pleased with the quality of the service and mattresses provided by Discount Sales.

Discount Sales Outlet has grown to be a very dependable source and has helped the SSVF program accomplish the mission of helping Veterans maintain permanent housing by providing them with just some of the basic needs necessary to help prevent homelessness. We look forward to continuing our relationship with Discount Sales Outlet and many more years of working hand in hand to help provide Veterans what they need.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. R. Thom".

Matthew R. Thom
Director, Supportive Services for Veteran Families

DIVISIONAL HEADQUARTERS

3637 Broadway, Kansas City, MO 64111

Phone 816.756.1455

www.salarmymokan.org

Brian Peddle
General

Commissioner Brad Bailey
Territorial Commander

Major Kelly J Collins
Divisional Commander



918 East 9th Street, Kansas City, MO 64106-3072
(816) 472-5664 • (816) 472-6127 • 24 Hour Youth Hotline (816) 309-9048
www.reStartinc.org

June 6, 2023

To whom this may concern:

This letter is to communicate to you the ongoing partnership reStart's Supportive Services for Veteran families (SSVF) has had with Discount Sales. Our agency received the (SSVF) grant in FY14 and has been working with Discount Sales to rapidly house homeless veterans. Discount Sales aligns with our mission to house homeless veterans rapidly by responding to email or text the same day and within 24-48 hours delivering a bed and bedding to recently housed veterans.

Discount Sale is needed and is a staple in the community meeting the immediate demands of the (SSVF) programs for beds.

If you require additional information, please reach out by email or phone at: (816) 214-2584.

Sincerely

Robin Johnson

City of Mission	Item Number:	8a.
ACTION ITEM SUMMARY	Date:	September 20, 2023
Administration	From:	Dan Madden/Laura Smith

Action items require a vote to recommend the item to the full City Council for further action.

RE: Amendment to Chapter 620 of the Mission Municipal Code, Massage Establishments

RECOMMENDATION: Adopt Amendments to Chapter 620 of the Mission Municipal Code, Massage Establishments.

DETAILS: As new forms of body work establishments open or evolve in the City of Mission ordinances governing these establishments are reviewed. During a recent review it was determined that updates to the Mission Municipal Code regulating massage establishments would be warranted.

Currently, Mission Municipal Code regulates massage establishments, as well as the persons who provide massages. Massage establishments, as well as the massage therapists require background checks as well as educational requirements that help to ensure the safety of those who seek their services. In addition to those requirements, massage establishments can be inspected by City staff to make sure they are in compliance with all regulations related to their operations.

Other businesses that provide services similar in nature and are equally intimate are currently not regulated in the same fashion. To rectify this, staff recommends amending Chapter 620 of the Mission Municipal Code, Massage Establishments. The specific articles to be amended include:

620.010 Definitions

Changes to this section include updating the definition of massage to include subspecialties of massage, and other services similar in nature to massage. The definition also specifically excludes certain health care providers.

620.090 Issuance of Business Permit

Changes to this section were made to more clearly define reasons applications for a Massage Establishment Permit can be denied.

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

City of Mission	Item Number:	8a.
ACTION ITEM SUMMARY	Date:	September 20, 2023
Administration	From:	Dan Madden/Laura Smith

Action items require a vote to recommend the item to the full City Council for further action.

620.100 Issuance of Massage Therapist Permit

Changes to this section were made to more clearly define reasons applications for a Massage Therapist Permit can be denied.

620.220 Exceptions

Changes to this section were to remove antiquated language and clearly illustrate that healthcare professionals are not subject to other requirements that massage therapists are subject to.

A red-lined copy of the proposed changes as well as a clean copy of the proposed code is included in the packet for your review. If approved, the ordinance changes would become effective on September 27, 2023 following publication in the Legal Record on September 26. The revised ordinance provisions would apply to all existing businesses, whether currently licensed as massage establishments or not, meaning there would be no “grandfathering” under the proposed code changes.

UPDATE: Following the Finance and Administration Committee meeting on September 6, 2023, section 620.220 was amended to match the language used in the proposed definition of Massage Therapy or Massage in 620.010.

CFAA CONSIDERATIONS/IMPACTS: Massage therapy, along with other services similar in nature provide residents and visitors services that aid in the health of our community. Regulation of these services is vital to the safety and security of the residents and visitors who utilize these services.

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

**CITY OF MISSION
ORDINANCE NO _____**

**AN ORDINANCE AMENDING SECTIONS 620.010, 620.090, 620.100, AND 620.220 OF
CHAPTER 620, RELATED TO EXPANDING AND IDENTIFYING PERMIT/LICENSE
REQUIREMENTS FOR MASSAGE THERAPISTS AND MASSAGE
ESTABLISHMENTS, IN THE MUNICIPAL CODE OF MISSION, KANSAS**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS
AS FOLLOWS:

SECTION 1: Section 620.010 of Chapter 620 of the Municipal Code of Mission, Kansas, is hereby deleted and replaced with as follows.

Section 620.010 **Definitions.**

As used in this Chapter, the following terms shall have these prescribed meanings:

BUSINESS PREMISES

Those premises where a private or public commercial enterprise is conducted, but specifically not to include businesses conducted in a private residence, premises used for joint residential and business purposes, hotels and motels.

EMPLOYEE

Any person, other than massage therapist who renders any service to a permittee under this Chapter, who receives compensation from the permittee or patron.

IN-OFFICE MASSAGE THERAPY

Massage that is conducted in the business premises of a massage client and is limited to massage therapy applied only while the massage client is fully clothed.

MASSAGE OR MASSAGE THERAPY

Any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. The regulation of massage therapy in this Chapter includes, but is not limited to, subspecialties of massage therapy such as acupressure, healing touch, cupping, reiki, reflexology, rolfing and trigger point. Massage therapy does not include the touching in any fashion of a patron's pubic region, human genitals, perineum, anal region, and the

area of the female breast that includes the areola and nipple. Massage therapy does not include a licensed healing arts practitioner performing the services for which they are licensed, only if the services provided are performed directly by the licensed healing arts practitioner. For purposes of this Section, a licensed healing art practitioner is an individual licensed in the State of Kansas to practice any of the following: medicine, chiropractics, athletic training, occupational therapy, physical therapy, midwifery, or advanced practice registered nursing.

MASSAGE ESTABLISHMENT

Any establishment having a place of business where any person engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in "Massage" above for compensation but does not include "in-office massage therapy establishments".

MASSAGE THERAPIST

Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

PATRON

Any person who utilizes or receives the services of any establishment subject to the provisions of this Chapter and under such circumstances that it is reasonably expected that he/she will pay money or give any other consideration therefor, provided a person under the age of twelve (12) may utilize or receive massage therapy from a licensed massage therapist if accompanied at all times during such service by a parent or legal guardian and, provided further, a person ages twelve (12) through eighteen (18) may also utilize or receive such massage therapy if a parent or legal guardian has authorized such therapy in writing.

SECTION 2: Section 620.090 of Chapter 620 of the Municipal Code of Mission, Kansas, is hereby deleted and replaced with as follows.

Section 620.090 Issuance of Business Permit.

- A. After the filing of an application in the proper form, the City Clerk shall examine the application and after such examination shall issue a permit for a massage establishment unless the City Clerk finds that:
1. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.
 2. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws including, but not limited to, the City's building, zoning and property maintenance regulations.

3. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; any of the officers and directors, if the applicant is a corporation; any of the partners, including limited partners, if the applicant is a partnership; any of the members, if the applicant is a limited liability company; or the manager or other person principally in charge of the operation of the business, having been convicted of or diverted on:
 - a. A person felony, as defined by Kansas law;
 - b. A non-person felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application;
 - c. An offense involving sexual misconduct with children;
 - d. Obscenity;
 - e. Solicitation of a lewd or unlawful act;
 - f. Pandering or other sexually related offenses;
 - g. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction; or
 - h. Any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years immediately preceding the date of the application.
4. The applicant has made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.
5. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; any of the officers and directors, if the applicant is a corporation; any of the partners, including limited partners, if the applicant is a partnership; or any of the members, if the applicant is a limited liability company; or the manager or other person principally in charge of the operation of the business, has had a massage establishment or therapist permit or license denied, revoked or suspended or has voluntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) years prior to the date of application.
6. The applicant, if an individual, or any of the officers and directors, if the applicant

is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or any members, if the applicant is a limited liability company; or the manager or other person principally in charge of the operation of the business is not over the age of eighteen (18) years.

7. The manager or other person principally in charge of the operation of the business would be ineligible to receive a permit under the provisions of this Chapter.
- B. Any massage establishment permit issued under the provisions of this Chapter shall at all times be displayed by the permittee in an open and conspicuous place on the premises where the permitted business is conducted.
 - C. The records of the City shall show the action taken on the application.
 - D. If the application is denied, the applicant shall be immediately notified by United States first class mail, postage prepaid, mailed to the applicant's home mailing address as identified in the application packet, which cannot be the establishment address, with the exception of an establishment in the therapist's home.
 - E. Upon denial, the applicant shall be ineligible to reapply for any license or permit under this Chapter for a period of one year from the date of denial. A denied applicant can seek a waiver of the one-year ineligibility from the Chief of Police, in writing, upon a showing of good cause or other relevant factors.

SECTION 3: Section 620.100 of Chapter 620 of the Municipal Code of Mission, Kansas, is hereby deleted and replaced with as follows.

Section 620.100 Issuance of Massage Therapist Permit.

- A. The City Clerk shall issue a massage therapist permit within twenty-one (21) days following application, unless he/she finds that:
 1. The application for the massage therapist permit has been convicted of or diverted on:
 - a. A person felony, as defined by Kansas law;
 - b. A non-person felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application;
 - c. An offense involving sexual misconduct with children;
 - d. Obscenity;
 - e. Solicitation of a lewd or unlawful act;

- f. Pandering or other sexually related offenses;
 - g. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction; or
 - h. Any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years immediately preceding the date of the application.
2. The applicant has made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.
 3. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.
 4. The applicant has had a massage establishment or therapist permit or license denied, revoked or suspended or has voluntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) years prior to the date of application.
 5. The applicant has not attained the age of 18 years.
 6. The applicant does not satisfy one or more of the other requirements set forth in this Chapter.
- B. The records of the City shall show the action taken on the application.
- C. If the application is denied, the applicant shall be immediately notified by United States first class mail, postage prepaid, mailed to the applicant's home mailing address as identified in the application packet, which cannot be the establishment address, with the exception of an establishment in the therapist's home.
- D. Upon denial, the applicant shall be ineligible to reapply for any license or permit under this Chapter for a period of one year from the date of denial. A denied applicant can seek a waiver of the one-year ineligibility from the Chief of Police, in writing, upon a showing of good cause or other relevant factors.

SECTION 4: Section 620.220 of Chapter 620 of the Municipal Code of Mission, Kansas, is hereby deleted and replaced with as follows.

Section 620.220 Exceptions.

The education, CPR and First Aid provisions of Section 620.070 shall not apply to an

individual licensed in the State of Kansas to practice any of the following: medicine, chiropractics, athletic training, occupational therapy, physical therapy, midwifery, or advanced practice registered nursing. All other applicable provisions of this Chapter 620 still apply.

SECTION 5: This Ordinance shall be in force and take effect from after publication according to law.

PASSED AND APPROVED by the City Council this 20th day of September, 2023.

APPROVED by the Mayor this 20th day of September, 2023.

Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

APPROVED BY:

PAYNE & JONES, CHARTERED

David K. Martin, City Attorney
11000 King, Suite 200
PO Box 25625
Overland Park, KS 66225-5625
(913) 469-4100
(913) 469-8182

Chapter 620. Massage Establishments

Section 620.010. Definitions.

[Ord. No. 882 §1, 6-8-1994; CC 2000 §5-601; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]
As used in this Chapter, the following terms shall have these prescribed meanings:

BUSINESS PREMISES

Those premises where a private or public commercial enterprise is conducted, but specifically not to include businesses conducted in a private residence, premises used for joint residential and business purposes, hotels and motels.

EMPLOYEE

Any person other than massage therapist who renders any service to a permittee under this Chapter, who receives compensation from the permittee or patron.

IN-OFFICE MASSAGE THERAPY

Massage that is conducted in the business premises of a massage client and is limited to massage therapy applied only while the massage client is fully clothed.

MASSAGE

Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. Massage as defined herein does not include the touching in any fashion of human genitalia.

MASSAGE ESTABLISHMENT

Any establishment having a place of business where any person engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in "Massage" above for compensation but does not include "in-office massage therapy establishments."

MASSAGE THERAPIST

Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

PATRON

Any person who utilizes or receives the services of any establishment subject to the provisions of this Chapter and under such circumstances that it is reasonably expected that he/she will pay money or give any other consideration therefor, provided a person under the age of twelve (12) may utilize or receive massage therapy from a licensed massage therapist if accompanied at all times during such service by a parent or legal guardian and, provided, further, a person ages twelve (12) through eighteen (18) may also utilize or receive such massage therapy if a parent or legal guardian has authorized such therapy in writing.

Section 620.020. Permit Required.

[Ord. No. 882 §2, 6-8-1994; CC 2000 §5-602; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022] No person, firm, partnership, association or corporation shall operate a massage establishment, as defined herein, without first having obtained a permit therefor issued by the City Clerk of this City. Such permit shall be valid only from July first (1st) to June thirtieth (30th) of each calendar year.

Section 620.030. (Reserved)

[1] *Editor's Note: Former Section 620.030, Limitations On In-Office Massage Therapy Permits, which derived from Ord. No. 882 §3, 6-8-1994; CC 2000 §5-603; Ord. No. 1218 §1, 12-13-2006, was repealed 9-21-2022 by Ord. No. 1556.*

Section 620.035. Restriction To Licensed Premises.

[Ord. No. 1556, 9-21-2022]

- A. All massage therapy, other than in-office massage therapy, provided under the provisions of this Chapter, shall be conducted on the premises of a licensed massage establishment, except:
1. Massage therapy may be conducted at a private residence that has been approved by the City Clerk and Community Development Director or designee for a home occupation permit subject to the conditions associated with such home occupation permit, as provided in Chapter **605**, Article **IV**. When operating under a home occupation permit, only individuals residing in the home will be allowed to operate on premise.
 2. Massage therapy may be conducted at a private residence at the direction of and under the direct supervision of a licensed healing arts practitioner.

Section 620.040. Massage Therapist Permit Required.

[Ord. No. 882 §4, 6-8-1994; CC 2000 §5-604; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022] No person shall perform massage therapy unless he/she has a valid massage therapist's permit issued by the City pursuant to the provisions of this Chapter.

Section 620.050. Application For Business Permit — Fees.

[Ord. No. 882 §5, 6-8-1994; CC 2000 §5-605; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

- A. Every applicant for a permit to maintain, operate or conduct any establishment covered by this Chapter shall file an application with the City Clerk and pay an initial filing fee as set out in Section **103.050(D)** of this Code which shall not be refundable or prorated. Every applicant for a renewal permit to maintain, operate or conduct any establishment covered by this Chapter shall file an application with the City Clerk and pay a renewal filing fee calculated on the basis of the square footage occupied by the business without regard to use, including outside area, in accordance with the schedule set out in Section **103.050(D)** of this Code.
- B. The initial and renewal application for a permit to operate any such establishment shall set forth the exact nature of the services to be provided, the proposed place of business and facilities therefor and the name, address and telephone number of each applicant, including any stockholder holding more than ten percent (10%) of the stock of the corporation, any partner, when a partnership is involved, and any manager.
- C. If applicable, any applicant for a permit shall provide a current complete description of and legible floor plan(s) of the business premises and storage areas and containing all areas in which the applicant desires to conduct the business.

- D. Each applicant shall provide a complete description for any other business to be operating on the same premises or on adjoining premises owned or controlled by the applicant.
- E. In addition to the foregoing, any applicant for a permit shall furnish the following information with the original application and any renewal application:
 - 1. Written proof that the applicant is at least eighteen (18) years old.
 - 2. Two (2) portrait photographs at least two (2) inches by two (2) inches and fingerprints taken by the Police Department of the City.
 - 3. Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of application.
 - 4. The massage, massage establishment, and business license history of the applicant; whether such person, in previously operating in this or another City or State under license, has had such license revoked or suspended, the reason therefor and the business activity or occupation subsequent to such action of suspension or revocation.
 - 5. Any criminal convictions, except minor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof.
 - 6. Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
 - 7. Applicants for renewal of an existing license need provide only that information or documentation necessary to insure up-to-date renewal application processing.

Section 620.060. Application For Massage Therapist Permits — Fees.

[Ord. No. 882 §6, 6-8-1994; CC 2000 §5-606; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

- A. Any person employed to perform massage therapy, as defined herein, shall file a written application with the City Clerk and pay an annual filing fee as set out in Section **103.050(D)** of this Code which shall not be refundable or prorated. This fee shall cover the cost of processing the application to include the FBI fingerprint fee and the KBI fingerprint fee. Only one (1) massage therapist permit shall be required regardless of the activity or activities permitted by this Chapter.
- B. The application for a massage therapist permit application shall contain the following:
 - 1. Name, address and telephone number.
 - 2. Two (2) portrait photographs at least two (2) inches by two (2) inches.
 - 3. Applicant's weight, height, color of hair and eyes and fingerprints taken by the Mission Police Department.
 - 4. Written evidence that the applicant is at least eighteen (18) years old.
 - 5. Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of application.
 - 6. Whether such person has ever been convicted of or diverted on any crime except minor traffic violations. If any person mentioned in this Subsection has been so convicted, a statement must be made giving the place and court in which the conviction was obtained and the sentence imposed as a result of such conviction.

7. Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
- C. The application for a massage therapist permit renewal application shall contain the following:
1. Name, address and telephone number.
 2. Two (2) portrait photographs at least two (2) inches by two (2) inches.
 3. Whether such person has ever been convicted of or diverted on any crime except minor traffic violations since the time of the last issued license. If any person mentioned in this Subsection has been so convicted, a statement must be made giving the place and court in which the conviction was obtained and the sentence imposed as a result of such conviction.
 4. Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

Section 620.070. Education Requirements — Massage Therapist.

[Ord. No. 882 §7, 6-8-1994; CC 2000 §5-607; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

- A. To be eligible for a massage therapist license, an applicant shall provide proof of the following at the time of application:
1. Educational Requirements. An initial applicant shall provide proof that the applicant:
 - a. Has successfully completed a course of instruction made up of not less than five hundred (500) hours of instruction in the theory, method or practice of massage from a National Certification Board for Therapeutic Massage and Bodywork approved school; or
 - b. Has passed the National Certification Examination for Therapeutic Massage and Bodywork.
 2. CPR And First Aid. An applicant upon initial application and upon renewal shall provide proof of current certification in first aid and in cardiopulmonary resuscitation (CPR) by the American Heart Association or the equivalent.
 3. Continuing Education Requirements. An applicant upon initial application and upon renewal shall provide proof of compliance with continuing education requirements of the National Certification Board for Therapeutic Massage and Bodywork or the American Massage Therapy Association in effect at the time of application.

Section 620.080. Identification Cards.

[Ord. No. 882 §8, 6-8-1994; CC 2000 §5-608; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

All or any persons issued a permit by the City Clerk under the provisions of this Chapter shall, at all times when working in an establishment subject to the provisions of this Chapter, have in their possession a valid identification card issued by the City bearing the person's permit number, the person's physical description and a photograph of such person. Such identification cards shall be laminated to prevent alteration. Provided, that all persons granted permits under this Chapter shall at all times keep their permits available for inspection upon request of any person who by law may inspect same.

Section 620.090. Issuance of Business Permit.

[Ord. No. 882 §9, 6-8-1994; CC 2000 §5-609; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

- A. After the filing of an application in the proper form, the City Clerk shall examine the application and after such examination shall issue a permit for a massage establishment unless the City Clerk finds that:
1. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.
 2. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning and property maintenance regulations.
 3. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation, any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, having been convicted of or diverted on:
 - a. Felony which involves the use, or threat of use, of physical force;
 - b. Felony not involving the use, or threat of use, of physical force that is less than five (5) years old from date of application;
 - c. Any offense involving "an unlawful sex act" which shall be defined as: rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal sodomy, lewd and lascivious behavior, sexual battery or aggravated sexual battery, as each is defined by State Statutes;
 - d. Obscenity;
 - e. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction;
 - f. Solicitation of a lewd or unlawful act;
 - g. Prostitution;
 - h. Promoting prostitution; or
 - i. Other sexually related offenses.
 4. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.
 5. The applicant has had a massage establishment, as defined herein, or other similar permit or license denied, revoked or suspended for any of the above causes by the City or any other State or local agency within five (5) years prior to the date of the application.
 6. The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business is not over the age of eighteen (18) years.
 7. The manager or other person principally in charge of the operation of the business would be ineligible to receive a permit under the provisions of this Chapter.
- B. Any massage establishment permit issued under the provisions of this Chapter shall at all times be displayed by the permittee in an open and conspicuous place on the premises where the permitted business is conducted.

- C. If a massage establishment permit is denied, the applicant shall be notified via the contact method(s) as set forth on the application, and the notice shall state the basis for the denial. Any applicant aggrieved by the denial may seek judicial review to the County District Court as provided by law.

Section 620.100. Issuance of Massage Therapist Permit.

[Ord. No. 882 §10, 6-8-1994; CC 2000 §5-610; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

- A. The City Clerk shall issue a massage therapist permit within twenty-one (21) days following application, unless he/she finds that:
1. The application for the massage therapist permit has been convicted of or diverted on:
 - a. Felony which involves the use, or threat of use, of physical force;
 - b. Felony not involving the use, or threat of use, of physical force that is less than five (5) years old from date of application;
 - c. Any offense involving an "unlawful sex act" which shall be defined as: rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal sodomy, lewd and lascivious behavior, sexual battery or aggravated sexual battery, as each is defined by State Statutes;
 - d. Obscenity;
 - e. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction;
 - f. Solicitation of a lewd or unlawful act;
 - g. Prostitution;
 - h. Promoting prostitution; or
 - i. Other sexually related acts.
 2. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.
 3. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.
 4. The applicant has not successfully completed a resident course of study or learning as required under the provisions of this Chapter.

Section 620.110. Revocation or Suspension of Business Permit.

[Ord. No. 882 §11, 6-8-1994; CC 2000 §5-611; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

- A. Any permit issued for a massage establishment may be revoked or suspended by the Police Chief after a public hearing before the Police Chief where it is found that any of the provisions of this Chapter are violated or the provisions for issuance of any permit are violated or where the permittee or any employee of the permittee, including a massage therapist, has been convicted of or diverted on any offense found in Sections **620.080** and **620.090** herein and the permittee has actual or constructive knowledge of the violation or conviction or, in any case, where the permittee

or licensee refused to permit any duly authorized Police Officer or health inspector of the City to inspect the premises or the operations of the permittee or if the permittee or its employees are determined to have a communicable disease.

- B. The Police Chief, before revoking or suspending any permit, shall give the permittee at least ten (10) days' written notice of the charges against him/her/them and the opportunity for a public hearing before the Police Chief, at which time the permittee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.
- C. All revocations or suspensions by the Police Chief are appealable to the Governing Body within ten (10) days of the date the Police Chief issued the revocation or suspension, provided, the appeal must be in writing and delivered to the City Clerk.

Section 620.120. Revocation or Suspension of Massage Therapist Permit.

[Ord. No. 882 §12, 6-8-1994; CC 2000 §5-612; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

- A. A massage therapist permit issued by the City Clerk shall be revoked or suspended after a public hearing before the Police Chief or a designated representative where it appears that the employee has been convicted of or diverted on any offense enumerated in Section **620.080** or **620.100** or for violation of any of the provisions of this Chapter to include the application standards.
- B. The City Clerk, before revoking or suspending any employee permit, shall give the employee at least ten (10) days' written notice of the examination into his/her conviction record and the opportunity for a public hearing before the Police Chief or his/her designated representative, at which hearing the relevant facts regarding the occurrence of the conviction shall be determined.
- C. All revocations or suspensions by the Police Chief are appealable to the Governing Body within ten (10) days of the date the Police Chief issued the revocation or suspension, provided, the appeal must be in writing and delivered to the City Clerk.

Section 620.130. Processing and Investigation of Application.

[Ord. No. 882 §13, 6-8-1994; CC 2000 §5-613; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

- A. Upon receipt of an application for a massage establishment license or massage therapy license, the City Clerk shall provide copies of such application to the Police Chief and Community Development Director. The Police Chief and Community Development Director shall report the results of their investigations, as set forth herein, to the City Clerk in a timely manner such that the City Clerk may comply with the applicable time restrictions for issuance or denial of a license.
- B. It shall be the duty of the Police Chief to investigate the application and to determine whether the information contained in the application is accurate and whether the applicant is qualified to be issued a massage establishment license or massage therapy license.
- C. It shall be the duty of the Community Development Director or designee to determine whether the structure where the massage establishment business is proposed to be located complies with the requirements of the City's applicable health, zoning, building and property maintenance codes.

Section 620.140. Inspection — Immediate Right of Entry.

[Ord. No. 882 §14, 6-8-1994; CC 2000 §5-614; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

- A. The Police Department and the City Code Inspector may from time to time make an inspection of each permitted massage establishment in this City and any locations where in-office massage therapy is performed, for the purpose of determining that the provisions of this Chapter are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer immediate access to the premises or to hinder such officer in any manner.
- B. Provided, that any failure on the part of any permittee or employee to grant immediate access to such inspector shall be grounds for the revocation or suspension of any massage establishment or massage therapist permit.

Section 620.150. Operation Regulations.

[Ord. No. 882 §15, 6-8-1994; CC 2000 §5-615; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

- A. The operation of any such massage establishment shall be subject to the following regulations:
 - 1. License To Be Posted. A massage establishment license shall, at all times, be displayed by the licensee in an open and conspicuous place on the premises where the licensed business is conducted.
 - 2. Limited To Premises. It is unlawful to operate a massage establishment at any other premises than specified in the license.
 - 3. Supervision. The licensee shall have the massage establishment supervised at all times when open for business. The licensee or a person employed by the business shall be present and personally supervise the massage establishment and shall not violate, or permit others to violate, any applicable provision of this Chapter. The violation of any provision of this Chapter by any employee of the licensee shall be deemed a violation by the licensee.
 - 4. Conduct Of Premises. A massage establishment licensee shall at all times be responsible for the conduct of business on the licensed premises and for any act or conduct of the licensee's employees which constitutes a violation of the provisions of this Chapter. Any violation of any City, State or Federal laws committed on the licensed premises by any such licensee or employee affecting the eligibility or suitability of such person to hold a license may be grounds for suspension or revocation of a license.
 - 5. Massage Therapist License Required.
 - a. It is unlawful for a massage establishment licensee to personally conduct massage therapy or in-office massage therapy unless the licensee holds a valid massage therapist license issued by the City.
 - b. It is unlawful for any massage establishment licensee to permit or allow massage therapy on the licensed premises by anyone other than a licensed massage therapist.
 - 6. Hours. Each massage establishment shall be closed and operations shall cease between the hours of 8:30 P.M. and 6:00 A.M. each day except:
 - a. A massage therapist may conduct in-office massage therapy on business premises having bona fide evening and night shifts; and
 - b. A massage therapist who is operating pursuant to a home occupation license shall be subject to the hours restrictions set forth in applicable City home occupation regulations.

7. Customer Number. It is unlawful for massage establishment licensee to allow multiple customers to be treated in the same room at the same time unless it is two (2) people being treated on two (2) separate massage tables or chairs by two (2) separate massage therapists.
8. Danger To Safety, Health. No service shall be given which is clearly dangerous or harmful in the opinion of the Code Inspector to the safety or health of any person and after such notice, in writing, has been delivered to the licensee from such Code Inspector or other designated individual.
9. Alcoholic Beverages. No alcoholic beverages or cereal malt beverages, nor the consumption thereof, shall be allowed, permitted or suffered to be done in or upon any massage establishment permitted under the provisions of this Chapter or during in-office massage therapy.
10. Conduct Of Premises. All massage establishment licensees permitted under the provisions of this Chapter shall at all times be responsible for the conduct of business on their permitted premises and for any act or conduct of his/her employees which constitutes a violation of the provisions of this Chapter. Any violation of the City, State or Federal laws committed on the permitted premises by any such permittee or employee affecting the eligibility or suitability of such person to hold a license or permit may be grounds for suspension or revocation of same.
11. Cleanliness. Every portion of a permitted massage establishment, including appliances and personnel, shall be kept clean and operated in a sanitary condition.
12. Dressing Rooms. Licensees shall provide a private dressing room on the licensed premises.
13. Attire. All employees and massage therapists working at the massage establishment must be modestly attired. Diaphanous, flimsy, transparent, form-fitting or tight clothing is prohibited. Clothing must cover the employees' and massage therapist's chests at all times.
14. Patron Attire. The private parts of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage therapist. Any contact with a patron's genital area is strictly prohibited.
15. Linens. All permitted establishments, when applicable, shall be provided with clean, laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in approved, sanitary manner.
16. Facilities. Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned after each use.
17. Locked Premises. No massage therapy may be offered or provided within any cubicle, room, booth or other a within the licensed premises which is fitted with a door than cannot be unlocked from the inside.

Section 620.160. Supervision.

[Ord. No. 882 §16, 6-8-1994; CC 2000 §5-616; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

A permitted massage establishment shall have the premises supervised at all times when open for business. Any business rendering massage services shall have one (1) person who qualifies as a massage therapist on the premises at all times while the establishment is open. The massage therapist shall personally supervise the business and shall not violate or permit others to violate any applicable provision of this Chapter. The violation of any such provision by any agent or employee of the permitted massage establishment shall constitute a violation by the permitted massage establishment.

Section 620.170. Employee and Patron Registers.

[Ord. No. 882 §17, 6-8-1994; CC 2000 §5-617; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

- A. All massage establishments permitted under the provisions of this Chapter shall keep and maintain on their premises a current register of all their massage therapists showing such employee's name, address and permit number. Such register shall be open to inspection at all reasonable times by any health inspector or members of the City Police Department.
- B. Every person who engages in or conducts a permitted massage establishment shall keep a daily register, approved as to form by the Police Department, of all patrons with names, ages (if under eighteen (18)), addresses and hours of arrival and, if applicable, the rooms or cubicles assigned. The daily register shall at all times during business hours be subject to inspection by City health officials and by the Police Department and shall be kept on file for one (1) year.

Section 620.180. Persons Under Age Eighteen Years Old Prohibited On Premises.

[Ord. No. 882 §18, 6-8-1994; CC 2000 §5-618; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

No person shall permit any person under the age of eighteen (18) years of age to come or remain on the premises of any permitted business establishment as massage therapist or employee. No massage therapist or massage establishment shall perform or permit any massage to be provided to a person under the age of twelve (12) except in the presence of such child's parent or legal guardian. No massage therapist or massage establishment shall perform or permit any massage to be provided to a person between the ages of twelve (12) through eighteen (18) without the written authority of the child's parent or guardian and such written evidence of authority shall be kept with the daily register required pursuant to Section **620.170** of this Code.

Section 620.190. Advertising.

[Ord. No. 882 §19, 6-8-1994; CC 2000 §5-619; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

No massage establishment granted a permit under provisions of this Chapter shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services as described in Section **620.010** or that employees or massage therapists are dressed in any manner other than described in Section **620.150**, nor shall any massage establishment indicate in the text of such advertising that any service is available other than those services described in Section **620.010**.

Section 620.200. Transfer of Permits — Other Licenses and Fees.

[Ord. No. 882 §20, 6-8-1994; CC 2000 §5-620; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

- A. No massage establishment or massage therapist permits are transferable, separate or divisible and such authority as a permit confers shall be conferred only on the permittee named therein.
- B. Any applications made, fees paid and permits obtained under the provisions of this Chapter shall be in addition to and not in lieu of any other fees, permits or licenses required to be paid or obtained under any other ordinances of this City.

Section 620.210. Applicability To Existing Businesses.

[Ord. No. 882 §21, 6-8-1994; CC 2000 §5-621; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

The operators of any existing massage establishment are required to comply with all provisions of this Chapter.

Section 620.220. Exceptions.

[Ord. No. 882 §22, 6-8-1994; CC 2000 §5-622; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

The provisions of this Chapter shall not apply to hospitals, nursing homes, sanitariums or persons holding an unrevoked certificate to practice the healing arts, persons holding an unrevoked license to practice as a registered professional nurse under State law working under the direction and supervision of any licensed healing arts practitioner, persons licensed to practice as a physical therapist under State law, or persons working under the direction and supervision of any licensed healing arts practitioner or such persons or in any such establishment, nor shall this Chapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by this State.

Section 620.230. Further Regulations.

[Ord. No. 882 §23, 6-8-1994; CC 2000 §5-623; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

The City Administrator or his/her designee or the Code Inspector may, after a public hearing, make and enforce reasonable rules and regulations not in conflict with, but to carry out, the intent of this Chapter.

Section 620.240. Restriction of Business To Premises.

[Ord. No. 882 §24, 6-8-1994; CC 2000 §5-624; Ord. No. 1218 §1, 12-13-2006; Ord. No. 1556, 9-21-2022]

- A. All licensed massage establishments shall be operated from a commercial business premise. Sole practitioners (therapists who work alone), are required to have both a massage therapist permit and massage establishment permit and to work from a licensed premise.
- B. Massage therapy is not permitted in the guest rooms of hotels unless the hotel is licensed as a massage establishment and the massage therapy is conducted by a licensed massage therapist employed by the hotel.

Proposed Amendments to Chapter 620. Massage Establishments

Section 620.010. Definitions.

As used in this Chapter, the following terms shall have these prescribed meanings:

BUSINESS PREMISES

Those premises where a private or public commercial enterprise is conducted, but specifically not to include businesses conducted in a private residence, premises used for joint residential and business purposes, hotels and motels.

EMPLOYEE

Any person other than massage therapist who renders any service to a permittee under this Chapter, who receives compensation from the permittee or patron.

IN-OFFICE MESSAGE THERAPY

Massage that is conducted in the business premises of a massage client and is limited to massage therapy applied only while the massage client is fully clothed.

MESSAGE THERAPY OR MASSAGE

~~Any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. The regulation of massage therapy in this Chapter includes, but is not limited to, subspecialties of massage therapy such as acupressure, healing touch, cupping, reiki, reflexology, rolfing and trigger point. Massage therapy does not include the touching in any fashion of a patron's pubic region, human genitals, perineum, anal region, and the area of the female breast that includes the areola and nipple. Massage therapy does not include a licensed healing arts practitioner performing the services for which they are licensed, only if the services provided are performed directly by the licensed healing arts practitioner. For purposes of this Section, a licensed healing art practitioner is an individual licensed in the State of Kansas to practice any of the following: medicine, chiropractics, athletic training, occupational therapy, physical therapy, midwifery, or advanced practice registered nursing. Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. Massage as defined herein does not include the touching in any fashion of human genitalia.~~

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MESSAGE ESTABLISHMENT

Any establishment having a place of business where any person engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in "Massage" above for compensation but does not include "in-office massage therapy establishments."

MESSAGE THERAPIST

Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

PATRON

Any person who utilizes or receives the services of any establishment subject to the provisions of this Chapter and under such circumstances that it is reasonably expected that he/she will pay money or give any other consideration therefor, provided a person under the age of twelve (12) may utilize or receive massage therapy from a licensed massage therapist if accompanied at all times during such service by a parent or legal guardian and, provided, further, a person ages twelve (12) through eighteen (18) may also utilize or receive such massage therapy if a parent or legal guardian has authorized such therapy in writing.

Section 620.090. Issuance of Business Permit.

A. After the filing of an application in the proper form, the City Clerk shall examine the application and after such examination shall issue a permit for a massage establishment unless the City Clerk finds that:

1. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.
2. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning and property maintenance regulations.
3. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; any of the officers and directors, if the applicant is a corporation; ~~or~~ any of the partners, including limited partners, if the applicant is a partnership; or any of the members, if the applicant is a limited liability company; and/or the manager or other person principally in charge of the operation of the business, having been convicted of or diverted on:
 - a. A person felony, as defined by Kansas law;
 - b. A non-person felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application;
 - c. An offense involving sexual misconduct with children;
 - d. Obscenity;

e. Solicitation of a lewd or unlawful act;

f. Pandering or other sexually related offense;

g. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction; or

h. Any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years immediately preceding the date of the application.

a. Felony which involves the use, or threat of use, of physical force;

b. Felony not involving the use, or threat of use, of physical force that is less than five (5) years old from date of application;

c. Any offense involving "an unlawful sex act" which shall be defined as: rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal sodomy, lewd and lascivious behavior, sexual battery or aggravated sexual battery, as each is defined by State Statutes;

d. Obscenity;

e. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction;

f. Solicitation of a lewd or unlawful act;

g. Prostitution;

h. Promoting prostitution; or

i. Other sexually related offenses.

4. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.

5. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; any of the officers and directors, if the applicant is a corporation; any of the partners, including limited partners, if the applicant is a partnership; or any of the members, if the applicant is a limited liability company; and the manager or other person principally in charge of the operation of the business. The applicant has had a massage establishment or therapist permit or license denied, revoked or suspended or has voluntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) years prior to the date of application. has had a massage establishment, as defined herein, or other similar permit or license denied;

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~~revoked or suspended for any of the above causes by the City or any other State or local agency within five (5) years prior to the date of the application.~~

6. The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; ~~or any members, if the applicant is a limited liability company; and or~~ the manager or other person principally in charge of the operation of the business is not over the age of eighteen (18) years.

7. The manager or other person principally in charge of the operation of the business would be ineligible to receive a permit under the provisions of this Chapter.

B. Any massage establishment permit issued under the provisions of this Chapter shall at all times be displayed by the permittee in an open and conspicuous place on the premises where the permitted business is conducted.

C. The records of the City shall show the action taken on the application.

D. If the application is denied, the applicant shall be immediately notified by United States first class mail, postage prepaid, mailed to the applicant's home mailing address as identified in the application packet, which cannot be the establishment address, with the exception of an establishment in the therapist's home.

E. Upon denial, the applicant shall be ineligible to reapply for any license or permit under this Chapter for a period of one year from the date of denial. A denied applicant can seek a waiver of the one-year ineligibility from the Chief of Police, in writing, upon a showing of good cause or other relevant factors.

~~C. If a massage establishment permit is denied, the applicant shall be notified via the contact method(s) as set forth on the application, and the notice shall state the basis for the denial. Any applicant aggrieved by the denial may seek judicial review to the County District Court as provided by law.~~

Section 620.100. Issuance of Massage Therapist Permit.

A. The City Clerk shall issue a massage therapist permit within twenty-one (21) days following application, unless he/she finds that:

1. The application for the massage therapist permit has been convicted of or diverted on:

- a. ~~A person felony, as defined by Kansas law; Felony which involves the use, or threat of use, of physical force;~~
- b. ~~A non-person felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application; Felony not involving the use, or threat of use, of physical force that is less than five (5) years old from date of application;~~
- c. ~~An offense involving sexual misconduct with children; Any offense involving an "unlawful sex act" which shall be defined as: rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy, aggravated criminal~~

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~~ecstasy, lewd and lascivious behavior, sexual battery or aggravated sexual battery, as each is defined by State Statutes;~~

d. Obscenity;

~~e. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction;~~

~~f. e.~~ Solicitation of a lewd or unlawful act;

~~g. Prostitution;~~

~~f. h. Pandering or other sexually related offense; Promoting prostitution; or~~

~~g. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction; or~~

~~i. h. Any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years immediately preceding the date of the application. Other sexually related acts.~~

2. The applicant has ~~knowingly~~ made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.

3. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.

4. ~~The applicant has had a massage establishment or therapist permit or license denied, revoked or suspended or has voluntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) years prior to the date of application. The applicant has not successfully completed a resident course of study or learning as required under the provisions of this Chapter.~~

5. The applicant has not attained the age of 18 years.

6. The applicant does not satisfy one or more of the other requirements set forth in this Chapter.

B. The records of the City shall show the action taken on the application.

C. If the application is denied, the applicant shall be immediately notified by United States first class mail, postage prepaid, mailed to the applicant's home mailing address as identified in the application

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~~packet, which cannot be the establishment address, with the exception of an establishment in the therapist's home.~~

~~D. Upon denial, the applicant shall be ineligible to reapply for any license or permit under this Chapter for a period of one year from the date of denial. A denied applicant can seek a waiver of the one-year ineligibility from the Chief of Police, in writing, upon a showing of good cause or other relevant factors.~~

Section 620.220. Exceptions.

~~The education, CPR and First Aid provisions of Section 620.070 shall not apply to persons holding an unrevoked certificate to practice the healing arts, persons licensed to practice as a registered professional nurse under the laws of this state, or persons licensed to practice as a physical therapist under the laws of this state. All other applicable provisions of this Chapter 620 still apply. The education, CPR and First Aid provisions of Section 620.070 shall not apply to an individual licensed in the State of Kansas to practice any of the following: medicine, chiropractics, athletic training, occupational therapy, physical therapy, midwifery, or advanced practice registered nursing. All other applicable provisions of this Chapter 620 still apply.~~

~~The provisions of this Chapter shall not apply to hospitals, nursing homes, sanitariums or persons holding an unrevoked certificate to practice the healing arts, persons holding an unrevoked license to practice as a registered professional nurse under State law working under the direction and supervision of any licensed healing arts practitioner, persons licensed to practice as a physical therapist under State law, or persons working under the direction and supervision of any licensed healing arts practitioner or such persons or in any such establishment, nor shall this Chapter apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by this State.~~

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Proposed Amendments to Chapter 620. Massage Establishments

Section 620.010. Definitions.

As used in this Chapter, the following terms shall have these prescribed meanings:

BUSINESS PREMISES

Those premises where a private or public commercial enterprise is conducted, but specifically not to include businesses conducted in a private residence, premises used for joint residential and business purposes, hotels and motels.

EMPLOYEE

Any person other than massage therapist who renders any service to a permittee under this Chapter, who receives compensation from the permittee or patron.

IN-OFFICE MASSAGE THERAPY

Massage that is conducted in the business premises of a massage client and is limited to massage therapy applied only while the massage client is fully clothed.

MASSAGE THERAPY OR MASSAGE

Any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external parts of the human body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice. The regulation of massage therapy in this Chapter includes, but is not limited to, subspecialties of massage therapy such as acupressure, healing touch, cupping, reiki, reflexology, rolfing and trigger point. Massage therapy does not include the touching in any fashion of a patron's pubic region, human genitals, perineum, anal region, and the area of the female breast that includes the areola and nipple. Massage therapy does not include a licensed healing arts practitioner performing the services for which they are licensed, only if the services provided are performed directly by the licensed healing arts practitioner. For purposes of this Section, a licensed healing art practitioner is an individual licensed in the State of Kansas to practice any of the following: medicine, chiropractics, athletic training, occupational therapy, physical therapy, midwifery, or advanced practice registered nursing.

MASSAGE ESTABLISHMENT

Any establishment having a place of business where any person engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in "Massage" above for compensation but does not include "in-office massage therapy establishments."

MESSAGE THERAPIST

Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined.

PATRON

Any person who utilizes or receives the services of any establishment subject to the provisions of this Chapter and under such circumstances that it is reasonably expected that he/she will pay money or give any other consideration therefor, provided a person under the age of twelve (12) may utilize or receive massage therapy from a licensed massage therapist if accompanied at all times during such service by a parent or legal guardian and, provided, further, a person ages twelve (12) through eighteen (18) may also utilize or receive such massage therapy if a parent or legal guardian has authorized such therapy in writing.

Section 620.090. Issuance of Business Permit.

A. After the filing of an application in the proper form, the City Clerk shall examine the application and after such examination shall issue a permit for a massage establishment unless the City Clerk finds that:

1. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.
2. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning and property maintenance regulations.
3. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; any of the officers and directors, if the applicant is a corporation; any of the partners, including limited partners, if the applicant is a partnership; or any of the members, if the applicant is a limited liability company; or the manager or other person principally in charge of the operation of the business, having been convicted of or diverted on:
 - a. A person felony, as defined by Kansas law;
 - b. A non-person felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application;
 - c. An offense involving sexual misconduct with children;
 - d. Obscenity;
 - e. Solicitation of a lewd or unlawful act;
 - f. Pandering or other sexually related offense;
 - g. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as

defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction; or

h. Any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years immediately preceding the date of the application.

4. The applicant has made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.

5. The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; any of the officers and directors, if the applicant is a corporation; any of the partners, including limited partners, if the applicant is a partnership; or any of the members, if the applicant is a limited liability company; and the manager or other person principally in charge of the operation of the business, has had a massage establishment or therapist permit or license denied, revoked or suspended or has voluntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) years prior to the date of application.

6. The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or any members, if the applicant is a limited liability company; or the manager or other person principally in charge of the operation of the business is not over the age of eighteen (18) years.

7. The manager or other person principally in charge of the operation of the business would be ineligible to receive a permit under the provisions of this Chapter.

B. Any massage establishment permit issued under the provisions of this Chapter shall at all times be displayed by the permittee in an open and conspicuous place on the premises where the permitted business is conducted.

C. The records of the City shall show the action taken on the application.

D. If the application is denied, the applicant shall be immediately notified by United States first class mail, postage prepaid, mailed to the applicant's home mailing address as identified in the application packet, which cannot be the establishment address, with the exception of an establishment in the therapist's home.

E. Upon denial, the applicant shall be ineligible to reapply for any license or permit under this Chapter for a period of one year from the date of denial. A denied applicant can seek a waiver of the one-year ineligibility from the Chief of Police, in writing, upon a showing of good cause or other relevant factors.

Section 620.100. Issuance of Massage Therapist Permit.

A. The City Clerk shall issue a massage therapist permit within twenty-one (21) days following application, unless he/she finds that:

1. The application for the massage therapist permit has been convicted of or diverted on:

- a. A person felony, as defined by Kansas law;
- b. A non-person felony, as defined by Kansas law, in the ten (10) years immediately preceding the date of the application;
- c. An offense involving sexual misconduct with children;
- d. Obscenity;
- e. Solicitation of a lewd or unlawful act;
- f. Pandering or other sexually related offense;
- g. Selling Sexual Relations as defined by K.S.A. 21-6419, Promoting the Sale of Sexual Relations as defined by K.S.A. 21-6420, or Buying Sexual Relations as defined by K.S.A. 21-6421, or any other conviction similar in nature which occurred in another jurisdiction; or
- h. Any violation of the law applicable to massage therapy arising out of the individual's prior massage establishment(s) or individual massage therapist license(s) in the ten (10) years immediately preceding the date of the application.

2. The applicant has made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.

3. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.

4. The applicant has had a massage establishment or therapist permit or license denied, revoked or suspended or has voluntarily surrendered the permit or license in lieu of revocation or suspension by the City or any other state or local agency within ten (10) years prior to the date of application.

5. The applicant has not attained the age of 18 years.

6. The applicant does not satisfy one or more of the other requirements set forth in this Chapter.

B. The records of the City shall show the action taken on the application.

C. If the application is denied, the applicant shall be immediately notified by United States first class mail, postage prepaid, mailed to the applicant's home mailing address as identified in the application packet, which cannot be the establishment address, with the exception of an establishment in the therapist's home.

D. Upon denial, the applicant shall be ineligible to reapply for any license or permit under this Chapter for a period of one year from the date of denial. A denied applicant can seek a waiver of the one-year ineligibility from the Chief of Police, in writing, upon a showing of good cause or other relevant factors.

Section 620.220. Exceptions.

The education, CPR and First Aid provisions of Section 620.070 shall not apply to an individual licensed in the State of Kansas to practice any of the following: medicine, chiropractics, athletic training, occupational therapy, physical therapy, midwifery, or advanced practice registered nursing. All other applicable provisions of this Chapter 620 still apply.

City of Mission	Item Number:	8b.
ACTION ITEM SUMMARY	Date:	September 6, 2022
Public Works	From:	Brent Morton

Action items require a vote to recommend the item to full City Council for further action.

RE: Interlocal Agreement for Public Improvements to Roe Avenue (Johnson Drive to 63rd Street) Street Rehabilitation Project

RECOMMENDATION: Approve an Agreement between the City of Mission, Kansas and the cities of Roeland Park and Fairway, Kansas for the public improvement of Roe Avenue from Johnson Drive to 63rd Street.

DETAILS: The City of Mission’s proposed CARS project for 2024 is the Roe Avenue (Johnson Drive to 63rd Street) Street Rehabilitation Project. This is a joint project between the cities of Mission, Roeland Park, and Fairway and has been approved by Johnson County for CARS funding up to 50% of the project’s construction and construction inspection costs.

The proposed improvements include a two-inch mill and overlay; new pavement markings; a new traffic signal at Johnson Drive and Roe Ave; pavement and median repairs; spot replacement of curb and gutter, sidewalks, and ADA ramps; Additionally, the improvements include installation of a five-foot wide sidewalk on the east side of Roe Ave within Mission and Roeland Park city limits.

The Interlocal Agreement outlines the purpose, project financing for design services, and project administration. The detailed scope of services and breakdown of costs is included in the Agreement.

Construction is estimated to begin in Spring 2024. The preliminary total project cost is \$1,845,657.00 (exclusive of easements) with estimated CARS funding of \$870,000.00. Estimated costs are as follows: Mission \$608,060.07; Roeland Park \$137,365.86; and Fairway \$215,174.50. There are no costs associated specifically with the execution of the interlocal agreement. It is the mechanism through which each participating city commits to funding their portion of the project.

CFAA CONSIDERATIONS/IMPACTS: The project includes improvements to streets and sidewalks to promote mobility and provide infrastructure that maximizes use and safety for users of all ages and abilities..

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	Street Sales Tax Fund/Capital Improvement Fund
Available Budget:	\$1,845,657.00

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF MISSION, KANSAS,
THE CITY OF FAIRWAY KANSAS, AND THE CITY OF ROELAND PARK,
KANSAS, FOR THE PUBLIC IMPROVEMENT OF ROE AVENUE FROM
JOHNSON DRIVE TO 63rd STREET**

THIS AGREEMENT is made and entered into this ____ day of _____, 2023, by and between the **City of Mission, Kansas** (hereinafter "Mission"), **City of Fairway, Kansas** (hereinafter "Fairway"), and the **City of Roeland Park, Kansas** (hereinafter "Roeland Park"), each party having been organized and now existing under the laws of the State of Kansas (hereinafter Mission, Fairway and Roeland Park may be referred to singularly as the "Party" and collectively as the "Parties").

WITNESSETH:

WHEREAS, the Parties hereto have determined it is in their best interest to make certain public improvements to **Roe Avenue**, as such improvements are hereinafter described and defined as the Improvements;

WHEREAS, the Parties are also jointly applying to the Board of County Commissioners of Johnson County, Kansas (the "County") for funding through a CARS Agreement pursuant to which the Improvements constitute an eligible project under the County Assistance Road System Program ("CARS");

WHEREAS, the governing bodies of each of the Parties hereto have determined to enter into this Agreement for the aforesaid public improvement, as authorized and provided by K.S.A. 12-2908 which authorizes any municipality to contract with any other municipality to perform any government service, activity or undertaking that each contracting municipality is authorized by law to perform;

WHEREAS, the Governing Body of Mission did approve and authorize its mayor to execute this Agreement by official vote of the Governing Body on the ____ day of _____, 20__; and

WHEREAS, the Governing Body of Fairway did approve and authorize its mayor to execute this Agreement by official vote of the Governing Body on the ____ day of _____, 20__; and

WHEREAS, the Governing Body of Roeland Park did approve and authorize its mayor to execute this Agreement by official vote of the Governing Body on the ____ day of _____, 20__.

NOW, THEREFORE, in consideration of the above recitals, the mutual covenants and agreements herein contained, and for other good and valuable considerations, the Parties hereto agree as follows:

1. PURPOSE OF AGREEMENT. The Parties hereto enter into this Agreement for the purpose of constructing those public improvements to **Roe Avenue**, including mill and overlay within the project limits, sidewalk, retaining walls, stormwater repairs, traffic signal removal and replacement, a crosswalk, concrete repairs and other related work (collectively, the "Improvements").
2. ESTIMATED PROJECT COST.
 - A. As of the date of this Agreement, the estimated cost of construction and engineering services for the Improvements covered by this Agreement, exclusive of the cost of right-of-way or easement acquisition, is One Million Eight Hundred Forty-Five Thousand Six Hundred Fifty-Seven and No/100 Dollars (\$1,845,657.00).
 - B. The cost of making the Improvements shall include:

- (1) Labor and material used in making the Improvements; and
 - (2) Such other expenses which are necessary in making the Improvements, exclusive of the cost of acquiring real property and any improvement thereon for the location of the Improvement. These expenses include engineering design, construction services, and material testing.
 - (3) Engineering services inclusive of survey, design, bidding, construction administration and construction inspection.
- C. Pursuant to the CARS Agreement, the Parties anticipate receipt of County CARS funding in the amount of Eight Hundred Seventy Thousand and No/100 Dollars (\$870,000.00)(City split Mission- \$556,800.00, Fairway- \$191,400.00, Roeland Park- \$121,800.00, Prairie Village- \$0) to help pay a portion of the cost of the Improvements. Notwithstanding anything in this Agreement to the contrary, in the event such funding is not made available for the Improvements, then either Mission, Fairway or Roeland Park may terminate this Agreement upon written notice to the other of them.
- D. Mission is coordinating with the City of Prairie Village for Prairie Village to contribute to the cost of the Improvements. Prairie Village is estimated to be paying Fifteen Thousand Fifty-Six Dollars and Fifty-Seven Cents (\$15,056.57) for the cost of the Improvements. After Mission enters into a separate contract(s) with Prairie Village, Mission shall notify the remaining cities the exact amount Prairie Village is paying for the Improvements. This subsection only requires Mission to coordinate with the City of Prairie Village and does not obligate Mission to enter into a contract with the City of Prairie Village. Mission is not responsible to ensure Prairie Village pays a certain amount towards the Improvements, but will use reasonable efforts to ensure Prairie Village contributes the estimated amount above. The City of Prairie Village is not using application of County CARS funds.
- E. The cost of making the said Improvements, after accounting for payment from Prairie Village, if any, shall be distributed between the Parties as follows:
- (1) Mission shall pay sixty-three and three tenths percent (**63.3%**) (the "Mission Percentage Share") of the local share balance of said Improvements (estimated as of the date of this Agreement to be **\$608,060.07** after application of County CARS funds).
 - (2) Fairway shall pay twenty-two and four tenths percent (**22.4%**) (the "Fairway Percentage Share") of the local share balance (after application of County CARS funds) of said Improvements (estimated as of the date of this Agreement to be **\$215,174.50** after application of County CARS funds).
 - (3) Roeland Park shall pay fourteen and three-tenths percent (**14.3%**) (the "Roeland Park Percentage Share") of the local share balance (after application of County CARS funds) of said Improvements (estimated as of the date of this Agreement to be **\$137,365.86** after application of County CARS funds).
3. FINANCING. Mission, Fairway, and Roeland Park shall each pay its portion of the cost with monies budgeted and appropriated funds. Each Party shall pay the cost of financing and/or bonding its share of the project cost.

4. MISSION ADMINISTRATION OF PROJECT. It is acknowledged and understood between the Parties that since there are three separate municipalities included within the proposed Improvements, it would be beneficial for one of the municipalities to have primary responsibility for the project so as to provide for the orderly design and construction of the Improvements. However, all parties shall have the right of review and comment on project decisions at any time throughout duration of this Agreement, and any subsequent agreements hereto. The Improvements shall be constructed, and the work administered by Mission acting by and through the Mission Director of Public Works (hereinafter the "PW Director"), who shall be the principal public official designated to administer the Improvements. The PW Director shall, among his or her several duties and responsibilities, assume and perform the following:
- A. Make all contracts for the Improvements, including soliciting bids by publication in the official newspaper of Mission. In the solicitation of bids, the most favorable bid shall be determined by Mission administering the project and the Governing Body of Fairway approving the lowest responsible bidder for the project, except that the Governing Body of Fairway and the Governing Body of Roeland Park reserve the right to reject the successful bidder in the event that the bid price exceeds the engineer's estimate. If all bids exceed the estimated cost of the Improvements, then either Mission, Fairway or Roeland Park shall have the right to reject the bid. In such case, the project shall be rebid at a later date.
 - C. Upon completion of the Improvements, the PW Director shall submit to Fairway and Roeland Park a final accounting of all costs incurred in making the Improvements for the purpose of apportioning the same among the Parties as provided herein.
 - D. Mission shall require performance and completion bonds for the Improvements from all contractors performing work on this Improvements (the "Contractors") and require that all Contractors discharge and satisfy any mechanics or materialman's liens that may be filed.
 - F. Mission shall require that any Contractor provide a two-year performance and maintenance bond for the Improvements. As "Project Administrator," Mission will, upon request of Fairway and Roeland Park, make any claim upon the maintenance bond or performance bond and require that the Contractor fully perform all obligations under the performance and maintenance bonds, and this obligation shall survive the termination of this Agreement and shall be in force and effect for the full term of the performance and maintenance bond.
 - G. Mission shall cause to be inserted in all contracts for construction a requirement that the Contractor defend, indemnify and save Mission, Fairway, and Roeland Park harmless from and against all liability for damages, costs, and expenses arising out of any claim, suit or action for injuries or damages sustained to persons or property by reason of the acts or omissions of the Contractor and the performance of its contract.
 - H. Mission shall cause to be inserted into all contracts for construction a requirement that the Contractor observe the provisions of the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and Sections 2-500 through 2-505 of Article IX entitled "Nondiscrimination" of Chapter 2, entitled "Administration" of the Code of the City of Mission.
 - I. To the fullest extent permitted by law, including but not limited to K.S.A. 16-121, as amended from time to time, Mission will cause any Contractor to name Fairway and Roeland Park as an additional insured on all insurance policies and as an additional obligee

on bonds issued for the Improvements; provided that, such policies or bonds shall not provide insurance for Fairway's and/or Roeland Park's negligence or intentional acts or omissions.

5. REIMBURSEMENT OF COSTS. Mission will pay all project costs owed to any Contractor, as those costs become due. Mission shall submit to Fairway and Roeland Park on or before the 10th day of each month, or as received, estimates of accrued costs of constructing the Improvements for the month immediately preceding the month the statement of costs is received along with any supporting documentation that substantiates such costs; provided that Fairway and Roeland Park shall within thirty (30) days after receipt of a statement of costs as aforesaid, remit the Fairway and Roeland Park Percentage Share of the accrued costs to Mission.
6. CONSTRUCTION OBSERVATION. Mission shall provide construction observation and services for the Improvements. Mission shall be responsible for ensuring compliance with contract specifications under any contract for construction of the Improvements. The Fairway Public Works Director and Roeland Park Public Works Director or such director's designee shall promptly report any deviation from any contract specifications or any inappropriate construction practices relating to work within its municipal boundaries to the Mission Public Works Director. Mission will take all reasonable actions to inform the Fairway Public Works Director and Roeland Park Public Works Director of project status and any deviation from any contract specifications or inappropriate construction practices relating to work within the Mission municipal boundaries.
7. DURATION AND TERMINATION OF AGREEMENT. The Parties hereto agree that except for the obligations of Mission which may arise after completion of the Improvements as set forth in Section 4, Paragraph F, above, this Agreement shall exist until the completion of the Improvements. Upon completion of the Project, Mission shall notify Fairway and Roeland Park of the completion in writing. Fairway and Roeland Park, as soon thereafter as reasonably possible, shall inspect the work, and if it determines it is satisfactory, shall so notify Mission in writing; upon such notification, Fairway and Roeland Park shall have no further obligation under this Agreement and this Agreement shall be deemed terminated. In the event Fairway and Roeland Park fail to so notify Mission within thirty (30) after completion of its acceptance or rejection of the work, the work shall be deemed accepted.
8. PLACING AGREEMENT IN FORCE. The administering body described in Section 4 hereof shall cause this Agreement to be executed in triplicate. Each Party hereto shall receive a duly executed copy of this Agreement for its official records.
7. AMENDMENTS. This Agreement cannot be modified or changed by any verbal statement, promise or agreement, and no modification, change nor amendment shall be binding on the Parties unless it shall have been agreed to in writing and signed by both Parties.
8. JURISDICTION; NATURE OF THE AGREEMENT. This Agreement shall be construed according to the laws of the State of Kansas and may be enforced in any court of competent jurisdiction. The Parties understand this contract is a contract between municipalities authorized pursuant to K.S.A. 12-2908 and is therefore not an interlocal cooperation agreement under the provisions of K.S.A. 12-2901 et seq..
9. CASH BASIS AND BUDGET LAWS. The right of the Parties to enter into this Agreement is subject to the provisions of the Cash Basis Law (K.S.A. 10-1100 et seq.), the Budget Law (K.S.A. 79-2935 et seq.), and other laws of the State of Kansas. This Agreement shall be construed and

interpreted in such a manner as to ensure the Parties shall at all times remain in conformity with such laws.

10. AMENDMENT TO CARRY OUT INTENT. If any provision, covenant, agreement or portion of this Agreement, or its application to any person, entity or property, is held invalid, the Parties shall take such reasonable measures including but not limited to reasonable amendment of this Agreement, to cure such invalidity where the invalidity contradicts the clear intent of the parties in entering into this Agreement; provided, however, nothing herein is intended to bind a future governing body of the Parties in a manner prohibited by the laws of the State of Kansas.
11. GOVERNING LAW; JURISDICTION. All questions concerning the construction, interpretation and validity of this Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Kansas, and any legal dispute arising therefrom shall be heard in the District Court of Johnson County, Kansas.

[Remainder of Page Intentionally Left Blank – Signature Pages Follow]

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed by each of the Parties hereto on the day and year first above written.

CITY OF MISSION, KANSAS

By: _____
Solana Flora, Mayor

ATTEST:

Robyn L. Fulks, City Clerk

APPROVED AS TO FORM:

David Martin, City Attorney

CITY OF ROELAND PARK, KANSAS

By: _____
Michael Poppa, Mayor

ATTEST:

Kelley Nielsen, City Clerk

APPROVED AS TO FORM:

Steve Mauer, City Attorney

CITY OF FAIRWAY, KANSAS

By: _____
Melanie Hepperly, Mayor

ATTEST:

Kim Young, City Clerk

APPROVED AS TO FORM:

Richard Cook, City Attorney