

AGENDA

- I. **Call to Order**
- II. **Approval of Minutes from November 25, 2024**
- III. **New Business**
 1. *Election of Chair for 2025*
 2. *Appointment of Brian Scott as Planning Commission Secretary*
 3. *Public Hearing - Case #25-01 Barkley Square Second Plat*
 4. *Public Hearing - Case #25-02 Lot Split for 6029 Outlook*
- IV. **Old Business**
 1. *Case #24 – 13 Planning Commission By-Laws*
- V. **Planning Commission Comments**
- VI. **Staff Updates**
 1. *Zoning Code Update Phase I*

CITY OF MISSION PLANNING COMMISSION

November 25, 2024

7:00 PM

Mission City Hall - 6090 Woodson

Members Present:

Stuart Braden
Cynthia Smith
Kevin Schmidt
Kelsey Brown
Amy Richards
Robin Dukelow (Vice Chair)
Mike Lee (Chair)

Staff Present:

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

Members Absent:

Megan Cullinane
Wayne Snyder

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

I. CALL TO ORDER

CHAIRMAN LEE: Okay. It's 7:00. We'll call this meeting to order. The public is invited to participate.

Ms. Steffens, you want to call the roll?

MS. STEFFENS: Cynthia Smith.

MS. SMITH: Here.

MS. STEFFENS: Stuart Braden.

MR. BRADEN: Here.

MS. STEFFENS: Kevin Schmidt.

MR. SCHMIDT: Present.

MS. STEFFENS: Robin Dukelow.

MS. DUKELOW: Present.

MS. STEFFENS: Mike Lee.

MR. LEE: Here.

MS. STEFFENS: Amy Richards.

MS. RICHARDS: Present.

MS. STEFFENS: Kelsey Brown.

MS. BROWN: Here.

II. APPROVAL OF MINUTES FROM SEPTEMBER 23, 2024

MR. LEE: Okay. The first item is the approval of the Minutes from the September 25th, 2024, meeting. Is there anyone who would like to make any changes? I'm not hearing any. I'll entertain a motion to approve.

MS. DUKELOW: Mr. Chairman, I move to accept the minutes of the Planning Commission Meeting held on September 23, 2024, as presented.

MR. LEE: Do we have a second?

MR. SCHMIDT: Second.

MR. LEE: Call the roll, please.

MS. STEFFENS: Kelsey Brown.

MS. BROWN: Aye.

MS. STEFFENS: Amy Richards.

MS. RICHARDS: Aye.

MS. STEFFENS: Robin Dukelow.

MS. DUKELOW: Aye.

MS. STEFFENS: Cynthia Smith.

MS. SMITH: Aye.

MS. STEFFENS: Mike Lee.

MR. LEE: Aye.

MS. STEFFENS: Stuart Braden.

MR. BRADEN: Aye.

MS. STEFFENS: Kevin Schmidt.

MR. SCHMIDT: Aye.

Motion 1: **Robin Dukelow - Ward IV/Kevin Schmidt - Ward III:** Approve the Minutes from the September 23, 2024, Planning Commission meeting as presented. **Motion carried 7-0-0.**

III. NEW BUSINESS

1. *Case #24-18 Cloud House Mural*

MR. LEE: New Business. We have one item under New Business tonight, Case 24-18. This is the Cloud House mural. The applicant is Timothy Ely, and he's requesting approval of a mural that has been applied to the exterior facade of a building located at 5929 Woodson. Karie, do you want to --

MS. KNELLER: All right. Thank you, Mr. Chair. Again, this is Case 24-18, Cloud House Mural, located at 5929 Woodson. The operating business is an event space for weddings and gatherings and also offers yoga and meditation classes.

The applicant has painted a cloud motif on the exterior north face of the building, but did not submit a mural application prior to installation, which is what we require to go to the Planning Commission for approval.

Following the discovery that the mural was painted on the building facade, the Community Development Department reached out to the applicant to ask for submittal, and they complied and submitted an application in September of 2024. The applicant submitted all necessary documentation with elevation and renderings that show the existing mural placement on the building facade, a maintenance plan, and a résumé that includes qualifications.

The maintenance plan outlines quarterly inspections, biannual cleaning, paint touch-ups as needed, removal of graffiti if needed, UV resistant sealing, and identification of structural damage, that may be something like water infiltration, to prevent damage of the mural, and funding allocation for routine maintenance.

Murals are defined under Chapter 430, Signs, in the Mission Municipal Code as any mosaic, painting, or graphic art, or a combination thereof, which is professionally applied to a building, and which does not convey a commercial message.

The City of Mission has adopted, well, has established guidelines for murals, which is to permit and encourage exterior murals that are original works of art and which foster a positive community identity and appearance. Murals are intended to contribute and advance streetscape aesthetics, architectural features, or character of a building, promote unique identity and sense of place, and encourage community engagement.

The guidelines include design standards, which should be -- that is a original work of art by a qualified artist of the highest quality of materials and application. It should also be appropriate for outdoor installation. And murals shall not contain symbols recognized as discriminatory or be construed as hate, symbols that can be construed as hate. And also, any kind of symbols that would be considered inappropriate or indecent by the community.

The applicant and artist states that they have been an artist in the Kansas City area since 1993. And the artist creates custom furniture, paintings, 3-D sculptures, and other custom piece, art pieces. Education includes graduation for the Paseo Academy of Fine and Performing Arts and attendance at the Kansas City Art Institute and Johnson County Community College.

The applicant is Tim Ely, and he is here with us this evening if you have questions. And that concludes my staff report.

MR. LEE: Does the applicant have anything to say?

MR. ELY: [Inaudible; talking off mic] that you all approve it. [Inaudible; talking off mic] since I live right next door to [inaudible; talking off mic].

MR. LEE: Now, you are the business owner, or you are the person that did the painting.

MR. ELY: I am both.

MR. LEE: Okay. Gotcha. Okay. All right. Questions? Anybody have any?

Could you tell me how we got this far without the process of going through the City and getting your approval ahead of time?

MR. ELY: [Inaudible; talking off mic].

MR. LEE: So, in other words, you didn't do due diligence and contact anyone here at the City.

MR. ELY: Not at the City, no. Thinking of the sign, I did get permission to get a sign done though. I didn't think I would need [inaudible]. I did get permission from the owners of the building, which is the property between [inaudible].

MR. LEE: Any other comments or questions? Okay.

MS. DUKELOW: Mr. Chairman, if there are no more comments or questions, I'll make a motion to approve Case No. 24-18, the Cloud House Mural that has been applied to the north facade of the building located at 5929 Woodson Street as stated.

MR. BRADEN: Second.

MR. LEE: Call the roll, please.

MS. STEFFENS: Kelsey Brown.

MS. BROWN: Aye.

MS. STEFFENS: Mike Lee.

MR. LEE: Nay.

MS. STEFFENS: Kevin Schmidt.

MR. SCHMIDT: Aye.

MS. STEFFENS: Cynthia Smith.

MS. SMITH: Aye.

MS. STEFFENS: Amy Richards.

MS. RICHARDS: Aye.

MS. STEFFENS: Robin Dukelow.

MS. DUKELOW: Aye.

MS. STEFFENS: Stuart Braden.

MR. BRADEN: Aye.

MS. STEFFENS: The ayes have passed.

MR. LEE: Thank you.

Motion 2: Robin Dukelow - Ward IV/Stuart Braden - Ward I: Case #24-18, the Cloud House Mural as presented. Motion carried 6-1-0 with Mike Lee - Ward IV voting no.

2. Case #24-13 Planning Commission Bylaws

MR. LEE: The next item we have is Case 24-17. This will be the Planning Commission Bylaws. Karie.

MS. KNELLER: Yeah. Okay. Again, Case #24-13, the Mission Community Development, or sorry. The Planning Commission Bylaws Update. The City of Mission's Planning Commission adopted a set of bylaws back in 2005. We have drafted an update to those bylaws for you to consider. Not for action this evening, but for you to consider and ask questions and continue to have a dialogue, I guess, between staff and yourselves up until the time that we bring this to the Planning Commission anticipated for January.

It's a more extensive set of rules, a little more comprehensive than what we have currently on the books. It consists of a purpose statement, members, powers and duties and roles, and established rules for meetings and public hearings, and it also addresses ethics.

The proposed bylaws constitute commission membership, powers, duties. They cover the number of members and residency requirements, appointment of members, term duration, required attendance, resignation rules and vacancies, and applicable committees. The bylaws establish officers of the commission, titles and roles as well as nominations and the functions and duties of each.

There are three kinds of meetings that were outlined in the bylaws. Regular meetings, which are scheduled on the -- currently on the fourth Monday of each month. And meetings may be rescheduled or canceled if needed and if a deadline has been offered -- if no applications have been submitted by the deadline offered in the established schedule. Official action may be taken at regular meetings. And then there's, excuse me, formal special meetings, which are for training purposes, work sessions, or needed to distribute information. These are also open to the public, as are the regular

meetings. No formal action is taken at informal special meetings. I'm sorry. The next thing is informal special meetings. Those are for training. Formal special meetings may be scheduled as needed by the Commission chair. Informal meetings are another type that may be scheduled in addition to regular meetings for training work sessions and as needed to distribute information, and those are also open to the public. No formal action is taken at informal special meetings. And then there's executive sessions, which are closed to the public and may be used for discussing confidential issues such as legal issues.

The order of business is established in the bylaws, which states the standard for the timeline and agenda of each meeting. The chair has authority to set or change the agenda for just cause. It begins with the chair establishing whether a quorum of members is present at each meeting, followed by approval or amendment of the previous meeting's minutes, staff reporting on the agenda items, questions and responses with applicants and attendants and/or questions for staff.

These bylaws establish necessitation of recordings and minutes of regular and special meetings, retention of such recordings and minutes. And informal meetings and executive sessions need not be recorded.

All official action may only be taken if a quorum of members is present and by majority vote. An affirmative vote of the majority is sufficient to pass motions. If a quorum is not present, the chair may proceed to adjourn the meeting until another date, at later date that's announced publicly at that meeting.

There's a prescribed order which includes roll call, new business, old business discussions, staff updates and official adjournment. Public hearings will be first on the agenda. And items that require a public hearing are as such, zoning amendments, comprehensive plan reviews, area plan reviews, and resolutions or bylaw amendments.

Public hearings are stipulated in Kansas State Statute 12-756 for preliminary development plans, preliminary plats, special use permits, rezoning applications, zoning text amendments and comprehensive plan amendments. These are posted in *The Legal Record* at least 20 days in advance of the public hearing. And the property owner, all property owners within 200 feet of the subject property, if it's applicable for that particular case, will receive a notice by mail of the case number, subject property address, site map, legal description, summary of the proposal, meeting time, date and location.

There are standing rules that govern each meeting. Those are also established by the bylaws for conduct, time limits, and they're subject to discretion of the commission chair. The chair may declare a public hearing closed at his or her discretion, his, her, their discretion. The bylaws also establish the proceedings for motions and seconds according to *Robert's Rules*. These also allow for abstention from voting for any member due to conflict of interest, *ex parte* communications, or any form of perceived misconduct prior to the meeting. The standing rules may be amended, and those, all those conflicts of interests and *ex parte* contacts are also defined in the bylaws. The standing rules may be amended or repealed by affirmative vote of three-fourths of quorum.

That's all I have for the staff report, and we're open for discussion.

MR. LEE: Questions or comments?

MR. BRADEN: Yes, Mr. Chair, I have several questions.

MR. LEE: Okay.

MR. BRADEN: In the beginning, let me find it again. It says that the Secretary, the Secretary of the Planning Commission, shall be the Director of the Community Development Department. Is that correct?

MS. DUKELOW: What page, Stuart?

MR. BRADEN: This is page 3 of 10.

MS. DUKELOW: Three of ten in the PDF. What page in the PDF?

MS. KNELLER: Three of ten?

MR. BRADEN: Yes. Under Secretary.

MS. DUKELOW: Are you looking at the page number at the bottom?

MR. BRADEN: Yeah.

MR. SCHMIDT: So, that would be page 20.

MS. KNELLER: I see what you're saying.

MS. DUKELOW: Twenty of eighty-six.

MS. KNELLER: The Secretary of the Planning Commission shall be the Director of the Community Development Department. The Secretary or their designee. So, the Community Development Director is the official Secretary, I suppose.

MR. BRADEN: Okay.

MS. KNELLER: But the designee in this case would be Kim. He's designated her as the Secretary.

MR. BRADEN: And then the other question I had was, and I might not be reading this correctly, but it says under -- on page 6 of 10 in the draft. Yeah. The paragraph at the top of the page says agenda items may be added as deemed necessary by staff prior to the meeting if items do not require public notice. These items include, but are not limited to, the following: zoning, text amendments, Comprehensive Plan reviews, area plan reviews, and resolutions and/or bylaw amendments.

And then under Public Hearings, it says the following items on the agenda require a public hearing and shall be in accordance with K.S.A. 12-756: preliminary development plans, preliminary plats, special use permits, rezoning applications, zoning text amendments, and amendments to the Comprehensive Plan. So, in the paragraph it said, amendments can be made without public notice, which says text amendments, but then on the following paragraph it says zoning text amendments have to be.

MS. KNELLER: So, if you read that first paragraph, agenda items may be added if they do not require a public notice. Oh, so we need to strike the zoning text amendments from that.

MR. SCOTT: Yeah.

MS. KNELLER: But Comprehensive Plan reviews can be.

MR. SCOTT: Yeah.

MS. KNELLER: Area plan reviews can be. We'll need to strike bylaw amendments, won't we?

MR. SCOTT: No. So --

MS. KNELLER: No. That's not for a public hearing, so that would be --

MR. SCOTT: The zoning text amendments, then Comprehensive Plan amendments all require a public notice. But if you're just going to have a review or discussion of the Comprehensive Plan or area plan, that wouldn't necessarily require public notice. It's just when we actually make an amendment, so.

MS. KNELLER: We will need to strike zoning text amendments from that paragraph above.

MR. BRADEN: Okay.

MR. SCOTT: Yeah.

MR. BRADEN: That's all I have, Mr. Chair.

MR. LEE: Anyone else?

MR. SCOTT: Our next step after this is for a legal review. So, we kind of wanted to get this in front of you all to get your thoughts and ideas before we give it to the attorneys to review.

MS. KNELLER: And if you, I mean if you kind of want to let it sink in a little bit more and chew on it a little bit more before that actual hearing for action, just send us both, Brian and I, an e-mail and we can go over that with you if you need clarification about anything or feel like anything needs to be added or subtracted or, you know, if you just have concerns about something in there.

MR. SCOTT: This will make for a good read after you've had your turkey and kind of sitting back and --

MS. KNELLER: All that stuffing and stuff.

MR. SCOTT: Yeah.

MS. KNELLER: Feeling all cozy.

MR. SCOTT: I did not know we had bylaws. So, we have a lot of electronic records, some paper copies and three-ring binders sitting on shelves, and I looked through all of that. And I've seen bylaws for the Board of Zoning Appeals, which our attorney suggested probably need to be polished up a little bit. But I never saw bylaws for the Planning Commission. And I've always thought we should probably have a set of ground rules. And it wasn't until I had mentioned this to Commissioner Lee that he said we actually have a set of bylaws, and he shared with me his copy, which is I think the photocopy that you have here in your packet.

MS. DUKELOW: [Inaudible; talking off mic]

MR. SCOTT: Yeah, they were pretty thin.

MR. LEE: Yes, they were.

MS. KNELLER: This was a compilation of a bit of research that I did really early on when I was hired as the planner to look at other area bylaws, Overland Park, Prairie Village, Roeland Park to see what they had, and I kind of gleaned a little bit from each of those. So, they're not an exact copy of any one jurisdiction, but kind of a compilation of several.

MR. SCOTT: And Karie started that work three years ago, then we got flooded with applications and everything got pushed to the side.

MS. KNELLER: I finished it three years ago. But we had a review process --

MR. SCOTT: Yeah.

MS. KNELLER: -- that we were not able to go through right away. And so, it's finally coming before you now.

MR. LEE: Very good.

IV. OLD BUSINESS

MR. LEE: How about No. 5, Old Business?

MR. SCOTT: I'm sorry.

MR. LEE: Do we have any Old Business tonight?

MR. SCOTT: Not tonight. No, Chair.

V. PLANNING COMMISSION COMMENTS

MR. LEE: Any comments from the Planning Commissioners?

VI. STAFF UPDATES

1. *Tree Preservation Ordinance Adopted*

MR. LEE: Any Staff Updates?

MR. SCOTT: A couple updates. One of the items that was identified as a recommendation in the Comprehensive Plan Land Use Plan that we adopted last December was a -- to have an official tree ordinance for the City if you will. And we actually had one on the books. We've had one on the books for several years now, Chapter 200. And our new Deputy City Administrator for Administration of Finance has had some experience with that type of work with his previous employer. So, he kind of took it on to review that existing code that we have in place and update it. And so that's what he's been working on this summer. Karie and I have been helping him as well as Penn Almoney, our Director of Public Works. He was the staff liaison to the Parks, Tree, Parks and Recreation Commission.

So, what you have before you tonight in your packet is kind of a result of that work that was considered by the City Council at their meeting earlier this month and approved. And much of the first part of the ordinance is similar to what we had before. We just created a Definitions section. Identified kind of duties and responsibilities of the Parks, Recreation, and Tree Commission. That's the correct terminology.

And then we kept the body of -- the list of permissible trees, that was updated. We have some new trees that have been recently added as, I won't say endangered, but prohibited trees rather. The best example being the Bradford pear. The Bradford pear is not allowed in the state of Kansas anymore.

And then we kind of refined a little bit the planting trees within utility easements, sight distance triangles.

And then the diseased trees we kept. That's original from the code.

Article 4, Tree Protection and Tree Removal is all new. And that really speaks to the preservation of existing trees on property that is under development. And it's going to be primarily commercial development. They'll fit these parameters. So, it talks about opportunities to try to preserve existing trees on the site, the diameter of those trees. How to protect those trees in terms of cordoning off kind of a fenced area around that tree and identifying that, and not allowing anything to be stacked in that fenced-off area or any disturbance of the soil or anything like that or the tree roots. So, it goes into great detail about all of that.

We had talked with the City Council this summer about what to do if a tree is taken down. Do we try to encourage residents to replant a tree or require that. And the City Council kind of shied away from that, frankly. They were concerned about placing any burden on residents that had to take down a dead tree, then replace it. Or if they took down a tree of their own wish for whatever reason, having to replace that. So, through some discussion about maybe making a contribution to a tree fund. So, I think we're going to explore that a little bit further. And then also some education of the resident just about taking care of trees and proper planting and what to do with a diseased tree or a dead tree. So, but they really kind of shied away from any provisions, which I know is kind of common in other tree ordinance's requirements that if one tree is taken down, it has to be replaced. But they didn't want to go that direction, so.

So anyway, I wanted to provide this to you all for your information. If you have any questions, feel free to ask.

MR. LEE: Go ahead.

MS. DUKELOW: [Inaudible; talking off mic] It was 33 of 86. Under the details for Tree Protection, it says it would require protective fencing around any trees during a building/construction project that are not designated for removal, which makes complete sense to me. But then there's a question as to whether or not it pertains to projects, residential, commercial, or both. And I guess I don't understand why if the tree is designated to be maintained, then I don't understand why there's a question as to whether or not fencing around said tree should be required.

MR. SCOTT: So, this is Article 4, Tree Protection and Tree Removal. The purpose of this article is to preserve and protect trees in the City. Create an attractive -- Prior to demolition or construction for any new commercial project or significant changes, as defined in §440 of the City of Mission -- The following procedures shall be followed. It is the responsibility of the developer and/or contractor and their subcontractors prior to the issuance of any permit for any new commercial or significant residential project. A Tree Protection Removal Plan shall be submitted to the City for approval to ensure preservation of trees and vegetation in accordance with this article. The property has tree protection by this Section. As part of the site plan associated with the development, existing trees will be retained.

So, they're required to submit a, basically a site plan showing us all of the trees on the property and those that will be removed and those that will be protected.

MS. KNELLER: So, the fencing will be required for all retained trees on site.

MR. SCOTT: Yeah. And the fencing is intended to protect the tree that's going to be retained.

MS. DUKELOW: [Inaudible; talking off mic] There is just a small paragraph that --

MS. KNELLER: I'm on page 34 of 86 of the PDF for the packet. And it says, adding a new article to Section 240, that's the third bullet on that page.

MS. DUKELOW: Uh-huh.

MS. KNELLER: And it says under that, the sub bullet requires a tree protection removal plan prior to issuing a permit for any such projects. And it says trees, the plan will show all existing trees on the property and identify ones for removal and ones that will be retained and locations of tree protection fencing, which is now required for all retained trees according to the site plan.

MS. DUKELOW: Is that in conflict with page 33 of 86, bullet one?

MS. KNELLER: Require protective fencing around any trees during a building/construction project that are not designated for removal.

MS. DUKELOW: Does that make --

MS. KNELLER: That are not.

MS. DUKELOW: But then the next sentence is, it questions whether or not it should be required for residential, commercial, or both. My question is, if the trees are to be protected because they're retained, why wouldn't they be required to have fencing?

MS. KNELLER: Why wouldn't who? I'm sorry. I didn't catch the last part.

MS. DUKELOW: If the trees are required to be protected because they are designated to be maintained, why are we questioning whether or not -- I don't understand --

MS. KNELLER: Currently we don't require -- yeah. Currently we don't require, for residential builds, we don't require a landscape plan for that. I've been asking for them when I get, when the building official gets a permit for, you know, an addition or a complete redevelopment of a residential home, I've been asking for a landscape plan. It's not part of our code currently. This Tree Protection ordinance kind of goes a step further to say, you know, there's a question here about whether we I think want to require that on residential properties. I think that's all it's really saying because we don't -- we're not touching or reaching into residential home ownership and that property ownership with this tree ordinance. It's mostly for commercial, redevelopment, or new developments.

But we do require with this no trees -- prohibited trees can't be planted. So, that's why I ask for that landscape plan by and large because we don't really have requirements on residential properties for like number of trees that have to be planted and such. But I always look at that to make sure that they're native or not on the prohibited trees list. And I ask them to plant native landscaping in general.

It's something that's not currently codified for residential properties, but it's just something as practice, you know, I feel like it's good practice for a planner that's reviewing documents that, you know, we look at the prohibited trees in general for the whole city and adhere to that.

MS. DUKELOW: Thank you.

MR. LEE: I have a question. If I filled one of those out and I had a prohibited tree, I don't have to remove it, do I?

MS. KNELLER: I think you do because it's prohibited city wide. We just don't require -- there's nothing in the code that requires that they submit a landscape plan with residential rebuilds or new builds, not specifically. You know, when we are looking at preliminary plans, we don't require those to go to the Community Development Department for the Development Review Committee for residential at all. They don't come to Planning Commission for a public hearing. So, all of that, what the requirements are for preliminary development plans and final development plans, those are all listed under -- it's basically under commercial developments, and so we don't have anything specifically that speaks to residential development. But I've asked the building official to send me plans so that I can ensure that, you know, what's being planted there, I mean, in addition to making sure setbacks are correct and all of that according to the zoning code. But as far as landscape plans, we don't require them per code in residential builds.

MS. SMITH: I have a question. Is that going to change?

MS. KNELLER: We don't have plans for that to change. I think Brian may be able to speak to this more. But I think we decided that we weren't going to have that kind of overreach into residential property owners and their properties, but that we had more teeth with commercial developments.

MS. SMITH: Okay. Actually, I have a unrelated question, just out of curiosity. On page 35 of the PDF, it talks about six months jail time. What is that for?

MS. KNELLER: Brian.

MR. SCOTT: Follow the rules. Yeah.

MS. KNELLER: Well, I mean, it's kind of standard practice that if you don't pay the fines that are levied on you, that you're going to get some jail time if it goes to court and the judge decides that's what needs to happen. I think that would happen in very rare cases.

MR. SCOTT: You have to have a penalty clause to enforce it, and that's kind of the standard language we use.

MS. KNELLER: It's what we use when we send the letter, like you better comply or -- no. I mean, there has to be, you know, a consequence, right, so.

MS. RICHARDS: So, something that stuck out to me, and I'm just making a comment, and maybe you have some insight. The list of approved trees for streets and parks, I was just looking at the list. And there was one meeting that we were talking about Mohawk Park and a resident was here talking about, you know, the plans. And someone, a gentleman kind of requested and asked, you know, it would be great to incorporate more native plants and trees, which is something that we --

MS. KNELLER: He mentioned the Pawpaw tree, right?

MS. RICHARDS: Yes. And that's not on the list.

MS. KNELLER: Yeah.

MS. RICHARDS: I just thought that was curious.

MS. KNELLER: Well, so, I mean it would be hard to, I think Pawpaws, they drop a fruit and seeds and things like that. I think it could be --

MS. RICHARDS: Oh, they're a fruit tree.

MS. KNELLER: Yeah. It could be one of those things where it could be sort of a hazard, if it's, I mean --

MS. RICHARDS: [Inaudible].

MS. KNELLER: -- there would have to be very specific places that you would be able to plant those. I don't know that we just went that far to include fruit trees in the ordinance.

MS. RICHARDS: Well, I think fruit trees are not accepted. If you went down a little further, I think they're on the no list.

MS. KNELLER: They're all on the list fruit?

MR. SCOTT: Yeah.

MS. RICHARDS: Fruit as in like --

MR. SCOTT: We don't want any fruit dropping in the streets and making a mess and, yeah.

MS. RICHARDS: Yeah. Yeah. Anyway, just something I was --

MS. KNELLER: Okay. That's good to remember.

MS. RICHARDS: Because I actually saw a Pawpaw tree this fall, and I was like, oh my gosh, that's it.

MS. KNELLER: I've never seen one.

MS. RICHARDS: It's a really interesting looking tree.

MS. KNELLER: I've never seen one. And now, like I didn't even think that that would be on the prohibited trees list.

MS. RICHARDS: Yeah. I saw it in Weston. But that's -- I was -- it was just one of the things I noticed.

MS. BROWN: I could be wrong, but I thought when I was reading it, it said that they were -- fruit trees were prohibited as street trees, but they weren't on the park-wide prohibited list.

MS. RICHARDS: Park.

MR. SCOTT: Yeah.

MS. BROWN: Okay.

MR. SCOTT: Right.

MS. KNELLER: That's a good distinction.

MR. SCOTT: Yeah.

MS. KNELLER: Because we don't want them dropping on the street or sidewalks where people are trying to walk. But if you've got an open area, I would imagine it wouldn't be a problem, I don't think, unless they attracted insects or something. I don't - - but I don't see a problem. And you know, there's large urban orchards and things like that that people have planted in the Kansas City area, and I don't think they've had problems with things like that, so.

MR. SCOTT: Yeah. Sometimes they can be a problem mowing, but it kind of depends on the fruit or the nut.

2. Zoning Code Update Phase 1

MS. RICHARDS: Is there a Zoning Code Update Phase 1?

MR. SCOTT: Uh-huh. Yep. You want to go into the next item?

MR. LEE: Uh-huh.

MR. SCOTT: So, I mentioned this last time we met. We had drafted a request for proposals earlier this summer and issued that soliciting assistance. We're updating our zoning code. We received three proposals. We narrowed it down to two for further consideration. We had an interview panel with Chairman Lee, Councilmember Chocie, City Administrator Smith, then Karie and I.

And after interviewing those two firms, both which were excellent, we landed on Orion Planning + Design. They're based out of Montana, but they have staff spread all over the country. So, a lot of these folks kind of work from home and then go to a particular location to work on a project. And they've done a number of projects throughout the nation. None really here in the region, but Honolulu or not, Maui, I think, was one of the places they did. It sounded pretty exotic. Anyway, we thought they were a very good firm, had good experience. And I think kind of the collective thought of the group was they get us. You know, they sort of understand some of the issues we're dealing with and had kind of feeling for what our community is like. So, we selected them. Made a recommendation to the City Council, which was approved at the meeting this month.

We're approaching it in kind of a two-phase process. So, Phase 1 is going to be an audit of our current zoning code. So, they're going to come here. They're going to start reviewing our Comprehensive Land Use Plan and the various area studies and master plans we've adopted over the years. They're going to review, obviously, our current zoning code. And then Karie and I have kind of started working on a list of pain points with our zoning codes, sort of things that caused, you know, questions or irritations over the years. We'll share that with them.

They are planning to come out sometime in probably February for kind of a community engagement process. We'll provide an opportunity for them to meet with you all, with the City Council. Karie and I will take them out on a tour of the community and show them all the things that are going on. We'll kind of go over all the material that they've gathered so far. We'll create a landing page or a landing site on our website where we can sort of lay out all the parameters of the information they're gathering. Maybe create a survey tool where people can leave comments or answer questions. It will be a very heavily involved public engagement process through all of this.

They will take all that information and go back and analyze it and they'll draft up a, kind of an audit, if you will, sort of a set of recommendations for how to attack updating our zoning code based on what they've learned. And then that'll be Phase 2.

So, phase one will take about six months. They'll have the audit completed sometime early summer. We'll present that to the City Council and the Planning Commission for everyone's consideration. And then once that's been approved, we'll negotiate with them for Phase 2, which would be the actual update of the zoning code itself, so.

MS. RICHARDS: How will you provide the pain points? Is that something you'll, you know, is that a report or verbal or --

MS. KNELLER: I mean, we've been keeping -- so, I have downloaded the entire land use and zoning portion of the code. And as I go through and we have any questions about what is the code's intent anywhere or where we see conflicts, I've been making notes in there since really day one. Since I started here, we started going through. There were things that Danielle Sitzman, the prior planner, two planners ago, had put together in a binder. And I took a lot of those notes and digitized them into the PDF and then continued to take more notes as I found other things that were either in conflict or I had questions about why, or we need to update these portions because they're outdated or no longer relevant portions. So, I have that. And I think -- and I took -- I've taken some of Brian's notes that he sent me individually and incorporated those in there too.

MR. SCOTT: Yeah. I started a document with this, you know, pain points with the Form Based Code, the frustrations we've had with that trying to implement it. Concerns about kind of the McMansions that are being built in Prairie Village and a fear that those will start coming towards us and some of those things.

MS. RICHARDS: The reason I ask is I just think it would be informative to see kind of that -- that would help. I mean, we've seen some of it, but to actually see what you're, you know, providing them.

MS. KNELLER: We [inaudible] all the time.

MS. RICHARDS: What you're providing as pain points, I think it's just a good reminder --

MS. KNELLER: Yeah.

MS. RICHARDS: -- and informative for.

MS. KNELLER: Yeah.

MS. RICHARDS: -- this, being in this position.

MS. KNELLER: And I think the code is never going to be perfect. And I think a lot of jurisdictions struggle with this too, that sometimes there's either perceived conflicts that may or may not be conflicts. There's some gray areas sometimes that you kind of have to make a judgment call on. And you're never going to be able to eliminate all of those gray areas. But where there's actually, like, legitimate conflicts, like the fence has to be 5 feet around a pool, but later in another part of the code it says it needs to be 6 feet around a pool. You know, that's happened where you just have these conflicts of fence heights, for instance. You're like, well, which one do you go with? Well, you go with the more conservative because it's more safety, you know. So, to clean that up and just language like, there are things like meat lockers and discotheques that we are permitting, and it's just those uses are not really relevant anymore. So, to clean it up to make the language more simple to read as well, less maybe, I wouldn't say we have jargon, but we have a lot of wordiness in our code.

MR. SCOTT: Yeah. We don't have any -- like diagrams are really beneficial to kind of convey the intent for what's being proposed in the code, you know, on a --

MS. KNELLER: Like a diagram to show what is a setback, what's a front yard, what's a side yard. So, if you go into the website and on the permitting page, you can go to the fences, fence permits. And I ended up creating a document, a graphic, to show front yard, side yard, back yard and where those conflict on certain properties. Like if somebody is trying to put a fence on, what does that mean for how high your fence needs to be, or where it where it can be in that yard. So, it just helps to have, because I had a lot of questions about that. Well, what do you mean it can be 3 feet in the front yard, but this is my front yard. Well, that's somebody else's side yard, for instance, or vice versa. And so, what does that mean for your neighbor? You can't put a 5-foot fence in somebody's front yard at all. Like, even if it is your side yard, right, because you've got orientation of homes on a block that may conflict with somebody being able to put a 6-foot fence on their side yard if it's somebody else's front yard. So, I created a graphic to show that so that it's a little bit more clear what we're talking about visually on a block when you have different orientations. So, things like that, setbacks, design standards maybe. You know when we're talking about, let's say, the pitch of a roof, you know. I get additions that come onto my desk that I review, and the code says that the roof needs to be consistent with the pitch of the primary structure or some words like that. But what does that mean? You know, like some people don't really quite understand. Well, it is. It slants. And it's like, well, no, like the pitch is a three over, I don't know. Three over whatever it is, and this one doesn't pitch enough. It's not consistent. You want it to have a consistency of pitch on the roof for design.

MR. SCHMIDT: [Inaudible; talking off mic]

MS. KNELLER: So, yeah. Incorporating some of those things into our code is what we're looking at doing. A lot of jurisdictions, if you go into their code, they have all of these diagrams that kind of point to the visual aspect of what the code is trying to say.

MS. RICHARDS: Cool.

MR. LEE: Anything else?

MR. SCOTT: Not for us.

VII. ADJOURNMENT

MR. LEE: Then I'd entertain a motion to adjourn.

MS. DUKELOW: Mr. Chairman, I'll make a motion to adjourn.

MR. LEE: Thank you.

MS. DUKELOW: You're welcome.

MR. LEE: Do we have a second?

MS. RICHARDS: Second.

MR. LEE: Call the roll.

MS. STEFFENS: Cynthia Smith.

MS. SMITH: Aye.

MS. STEFFENS: Kevin Schmidt.

MR. SCHMIDT: Aye.

MS. STEFFENS: Amy Richards.

MS. RICHARDS: Aye.

MS. STEFFENS: Kelsey Brown.

MS. BROWN: Aye.

MS. STEFFENS: Mike Lee.

MR. LEE: Aye.

MS. STEFFENS: Robin Dukelow.

MS. DUKELOW: Aye.

MS. STEFFENS: Oh, Stuart Braden.

MR. BRADEN: Aye.

MS. STEFFENS: I knew I was missing one. Passed. Motion passes.

Motion 3: Robin Dukelow - Ward IV/Amy Richards - Ward IV: Adjourn.
Motion carried 7-0-0.

(Mission Planning Commission Meeting adjourned at 7:46 p.m.)

CERTIFICATE

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

/das _____

December 5, 2024

Deborah A. Sweeney

APPROVED BY:

Kimberly Steffens, Permit Technician



MEMORANDUM

To: Chairman Lee and Members of the Planning Commission

From: Brian Scott, Deputy City Administrator Planning and Development Services

Date: January 27, 2025

Regarding: Appointment of Planning Commission Secretary

Ms. Kimberly Steffens has served as our Planning Commission Secretary for the past three years. Due to her recent resignation, I would suggest that the Planning Commission appointment myself in that role.

The Planning Secretary is more than just the minute taker at the Planning Commission meetings. The Planning Secretary serves as the official record keeper for the Planning Commission receiving and recording applications for the Commission's consideration, maintaining all case files, keeping the official transcripts of all meetings, and signing plats prior to recording with the Register of Deeds. Appointing myself would be in keeping with the draft by-laws that are presently reviewing.

Proposed Motion: Mr. Chair, I move to appointment Mr. Brian Scott as the Planning Commission Secretary for the City of Mission, Kansas, effectively immediately.



AT A GLANCE

Applicant:

Hy-Vee, Inc.

Case Number:

Case #25-01

Location:

6655 Martway Street

Project Name:

Barkley Square Second Plat, a Replat of Lots 1, 3, & 4

Property ID:

KP05660000 0001

Project Summary:

Applicant is requesting approval of a preliminary and final plat of Lots 1, 3 & 4 of Barkley Square (property located at 6655 Martway Street).

Current Zoning:

CP-2

Proposed Zoning:

N/A

Staff Contact:

Brian Scott, Deputy City Administrator

Current Land Use:

Grocery Store / Convenience Store / Gas Station

Proposed Land Use:

Grocery Store / Convenience Store / Gas Station

Public Hearing Required

Legal Notice:

The Legal Record January 21, 2025



Property Background and Information

The subject property is addressed as 6655 Martway, site of the Hy-Vee grocery store and adjoining convenience store and gas station. The property was first platted as Barkley Square, Lots 1 thru 4, in 1991 when development plans for the store were approved. The property was platted at that time as four lots. Lot 1 was the largest lot at 407,870 square feet and was the location for the grocery store and parking area. Lot 2 was 57,110 square feet and is now where the Sonic restaurant is located. Lots 3 and 4 were approximately 19,000 square feet each. They were most likely intended to be out parcels for future development. These lots are now where the Hy-Vee Fresh convenience store and gas station are located.

Project Proposal

The applicant is requesting a replat of Lot 1, 3 & 4 of the original Barkley Square for the purpose of cleaning-up the property lines to reflect the uses that are in existence. Lot 2 of the original lot is now under different ownership and will not be included in this replat.

Plan Review and Analysis

Subdivision of property falls under Chapter 455 – Subdivisions - of the Mission Municipal Code. This chapter provides guidelines for the filing of a Preliminary Plat and a Final Plat, which pertains to the subdivision of property into individual lots for sale. A plat should indicate the boundary of the entire plat and the individual lots within the plat (if any), as well as any streets and/or easements for public utilities.

The original Barkley Square plat indicated four lots. Lot number 2 was eventually sold to another party for use as a Sonic restaurant. Lots 1, 3, and 4 remain in the possession of the original owner of the property. They are requesting a replat of these lots from three to two to better indicate the current use of the property as a grocery store (the new Lot 1) and the convenience store and gas station (the new Lot 2).

Chapter 455 of the Mission Municipal Code pertains to the subdivision of property within the city and is commonly referred to as the “Subdivision Code.” There are no provisions in Chapter 455 to the replatting of an existing plat. Thus staff is treating this application as a preliminary and final plat in one step.

The original Barkley Square plat created in 1991 dedicated 12 feet of right-of-way along the south side of Matway Street as well as easements for stormwater sewer and other utilities. These dedications remain in place with the new Barkley Square Second Plat.

Both the preliminary and final plat presented for the Commission’s consideration comply with all other requirements of Chapter 455.



**Barkley Square
Second Plat**

Recommendation

Staff recommends that the Planning Commission approve both the preliminary and final plat as submitted to be known as Barkley Square Second Plat.

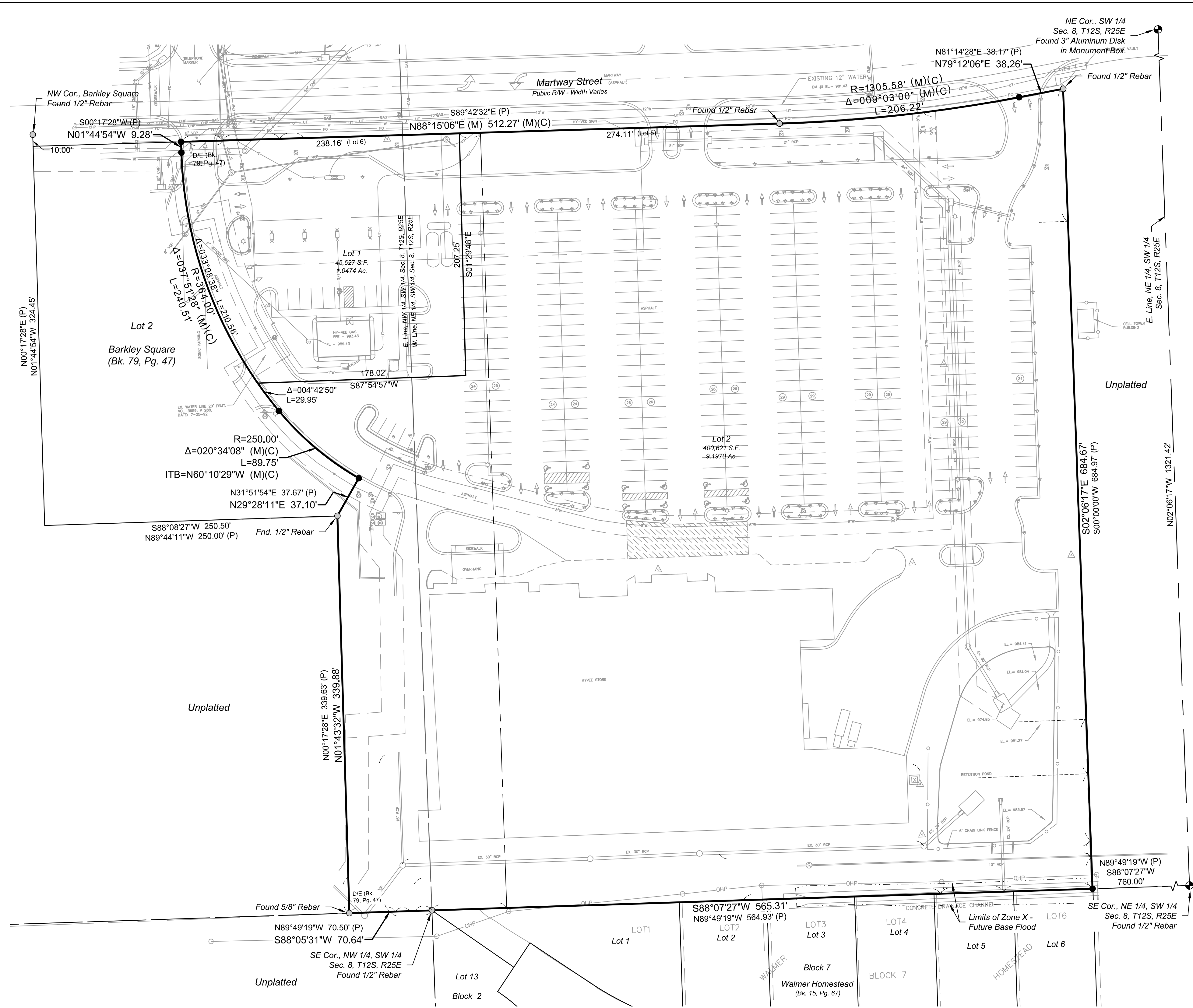
Planning Commission Action

The Planning Commission will consider Case #25-01 at its January 27, 2025 meeting.

City Council Action

No Action.

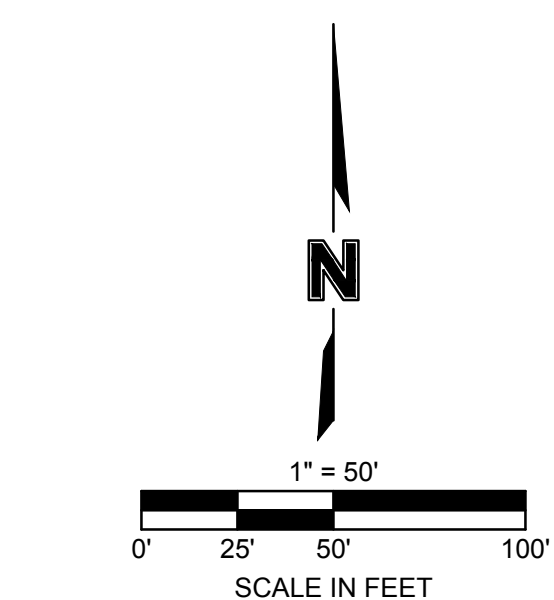
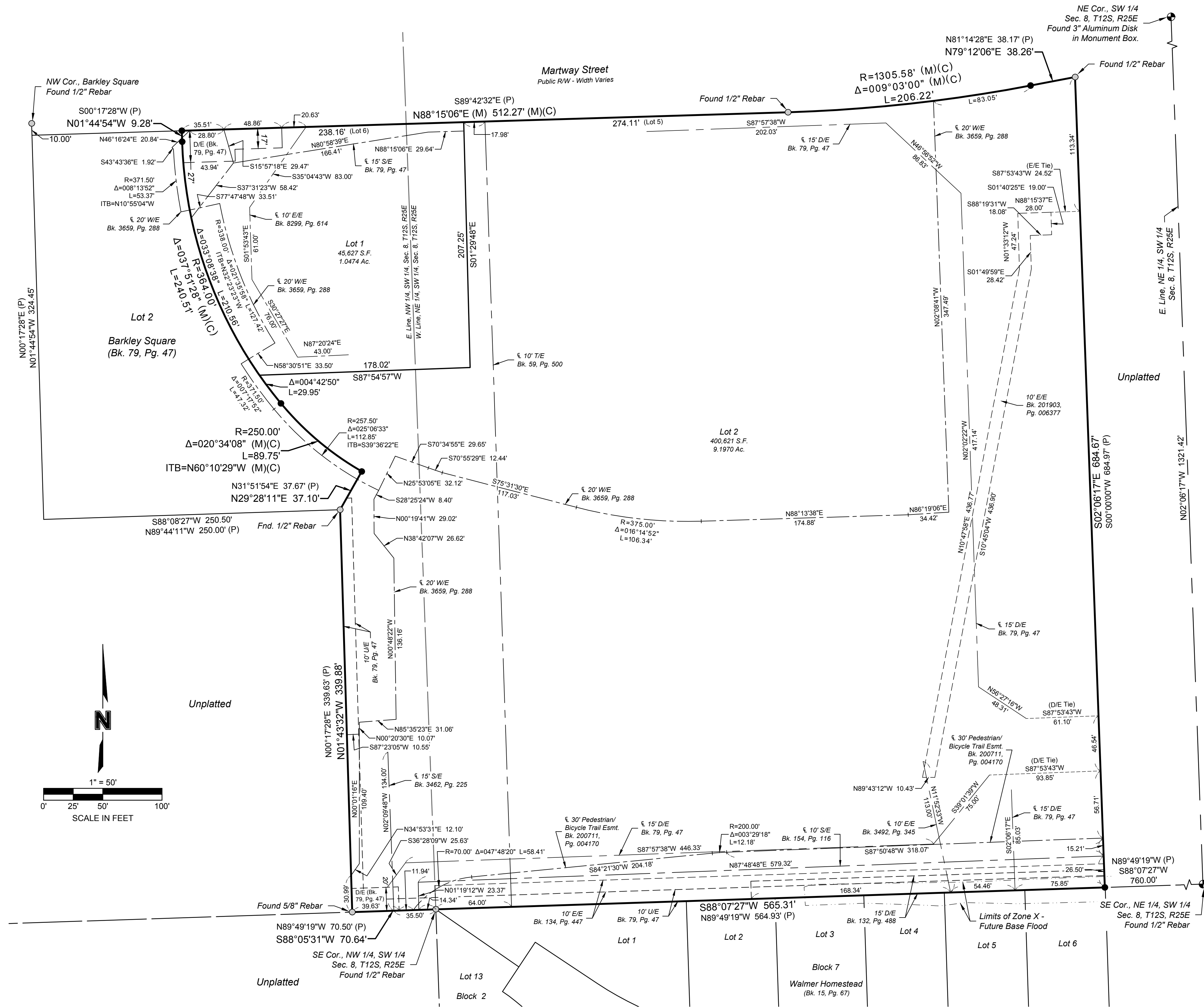
DWG: F:\2024\03501-04000\024-03773\40-Design\Exhibits\2024.10.31_Lot Split Exhibit\EXHIBIT_02403773.dwg
 DATE: Nov 05, 2024 3:18pm XREFS: 102745_DRIVE_XTOPO Has Prop from 2014 V_XBDUL_183593_61ST_BROADMOOR 0711BASE (2)
 USER: bkimmich



REV. NO.	DATE	REVISIONS DESCRIPTION	BY

Final Plat Barkley Square, Second Plat

A replat of Lots 1, 3 and 4, Barkley Square, a subdivision in the Southwest Quarter of Section 8,
Township 12 South, Range 26 East, in the City of Mission, Johnson County, Kansas



Lot Summary Table		
Lot 1	45,627 S.F.	1.0474 Ac.
Lot 2	400,621 S.F.	9.1970 Ac.
Total	446,248 S.F.	10.2444 Ac.

Surveyor's Notes

- Basis of Bearings - Held North 88°15'06" East along the North line of Lot 1, Barkley Square, referenced to the Kansas Coordinate System of 1983, North Zone. Distances shown hereon are ground distances in US Survey Feet. Dimensions shown match previously platted values, unless otherwise noted. Sectional information shown hereon is for locational purposes only, and is not part of this Survey's Theory of Location.
- According to the FEMA Flood Insurance Rate Map Number 20091C0023G, Revised August 3, 2009, the Subject Property lies within:
 - "OTHER AREAS, Zone X", defined as "Areas determined to be outside the 0.2% annual chance floodplain," and
 - "OTHER AREAS, Zone X (Future Base Flood)", defined as "Areas of 1% annual chance flood based on future conditions hydrology. No Base Flood Elevations determined."
- Subject Property contains 446,248 Square Feet or 10.2444 Acres, more or less.
- The plat lies within the required minimum error of closure of 1:10,000.

Property Description

All of Lots 1, 3 and 4, Barkley Square, a subdivision lying in the Southwest Quarter of Section 8, Township 12 South, Range 25 East, in the City of Mission, Johnson County, Kansas, containing 446,248 Square Feet, or 10.2444 Acres, more or less including 10.2444 Acres of Replatted Area.

Dedication

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying Plat, which subdivision shall be hereafter known as "Barkley Square, Second Plat".

Easements

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as a "Utility Easement" or "UE" is hereby granted to the City of Mission, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes.

Consent To Levy

The undersigned proprietor of the above described land hereby consents and agrees that the Governing Body of any special assessment district shall have the power to release such land proposed to be dedicated for streets and roads, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated road or street.

Execution

In testimony whereof, Hy-Vee, Inc., an Iowa Corporation has caused this instrument to be executed by a duly authorized representative of said company, on this _____ day of _____, 2025.

Phil Hoey, Vice President _____ Nathan Allen, Secretary _____

State of Iowa)
JSS:
County of Polk)

BE IT REMEMBERED that on this _____ day of _____, 2025, before me, the undersigned, a Notary Public in and for said County and State aforesaid, came Phil Hoey, Vice President of Hy-Vee, Inc., a corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Iowa, and Nathan Allen, Secretary of said Corporation who are personally known to me to be the same persons who executed as such officers the within instrument of behalf of said Corporation, and such persons duly acknowledged the execution of the same to the act and deed of said Corporation.

In witness whereof, I have hereunto set my hand and affixed my seal the day and year last above written.

My Commission Expires: _____

Approvals

APPROVED BY, the Planning Commission of the City of Mission, Johnson County, Kansas, this _____ day of _____, 2025.

Mike Lee, Planning Commission Chairperson _____

Brian Scott, Planning Commission Secretary _____

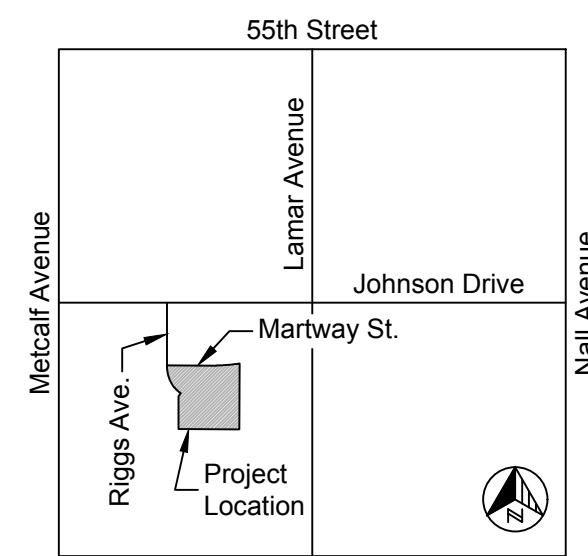
Certification

This is to certify that on July 23, 2024, this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for Boundary Surveys pursuant to K.A.R. 66-12-1.

Chris R. Sprague, PS-1632
Olsson, LS-114
csprague@olsson.com

LEGEND

- SECTION CORNER
- FOUND MONUMENT AS DESCRIBED
- SET 12"x24" REBAR W/ILC 114 CAP UNLESS OTHERWISE NOTED
- (C) CALCULATED DIMENSION FROM RECORD
- (M) MEASURED DIMENSION - THIS SURVEY
- (P) PREVIOUSLY PLATTED DIMENSION
- D/E DRAINAGE EASEMENT
- E/E ELECTRIC EASEMENT
- S/E SANITARY SEWER EASEMENT
- T/E TELEPHONE EASEMENT
- U/E UTILITY EASEMENT
- W/E WATERLINE EASEMENT

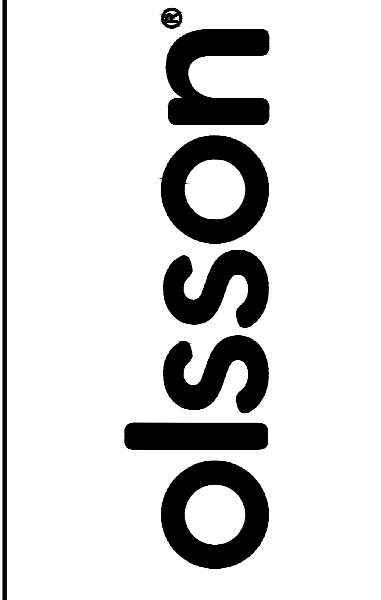


SECTION 8, T12S, R25E
VICINITY MAP
SCALE: 1" = 2000'

Property Owner/Prepared For:
Hy-Vee, Inc.
5820 Westown Parkway
West Des Moines, IA 50266

Prepared By:
Olsson

7301 W. 133rd Street, Suite 200
Overland Park, Kansas 66213
Telephone (913) 381-1170



7301 West 133rd Street
Suite 200
Overland Park, KS 66213
olsson.com
TEL 913.381.1170
FAX 913.381.1174
Olsson - Survey
Kansas COA #LS-114

REV. NO.	DATE	DESCRIPTION
1	2024.10.09	Revised to numbers.
2	2024.12.19	Revised scale and location map.
3	2024.12.23	Revised City signature block, Easement dedication, and Consent to Levy.
4	2025.01.03	Revised years in signature blocks.
5	2025.01.20	Revised signatures and/or titles.

Final Plat
Barkley Square, Second Plat

A replat of Lots 1, 3 and 4, Barkley Square, a subdivision in the Southwest Quarter of Section 8, Township 12 South, Range 26 East

City of Mission, Johnson County, Kansas

2024

SHEET
1 of 1

AT A GLANCE

Applicant:

Joe Elder Custom Homes, LLC

Case Number:

Case #25-02

Location:

6029 Outlook Street

Project Name:

Lot Split of Lot 156 of Missionhill Acres

Property ID:

KP27500000 0156

Lot 156 of Missionhill Acres

Project Summary:

Applicant is requesting to split the existing lot so that he can construct a new house on each lot.

Current Zoning:

R-1

Staff Contact:

Brian Scott, Deputy City Administrator

Proposed Zoning:

N/A

Current Land Use:

Residential

Proposed Land Use:

Residential

Public Hearing Required

Legal Notice:

The Legal Record January 21, 2025



Property Background and Information

The subject property is a residential lot addressed as 6029 Outlook. The property is Lot 156 of the Missionhill Acres subdivision, platted in August of 1926.

The existing house on the lot was a small, wood frame structure built in 1935. The house had two bedrooms with one bath and a total square footage of 744 sq. f.t. A one-car garage had been built on the south side of the house at a later date.

Project Proposal

The applicant is a partner of Red Jacket Properties, who recently purchased the property. They have demolished the existing house and are requesting to split the lot into two individual parcels with the intent of building a new house on each parcel for sale.

Plan Review and Analysis

Section 410.010 of the Mission Municipal Code pertains to single-family residential zoning. This section of the code outlines provisions for single-family housing including lot size, setbacks for a house, and the amount of area on the lot that a house can cover.

Section 410.010(I) speaks directly to minimum lot size:

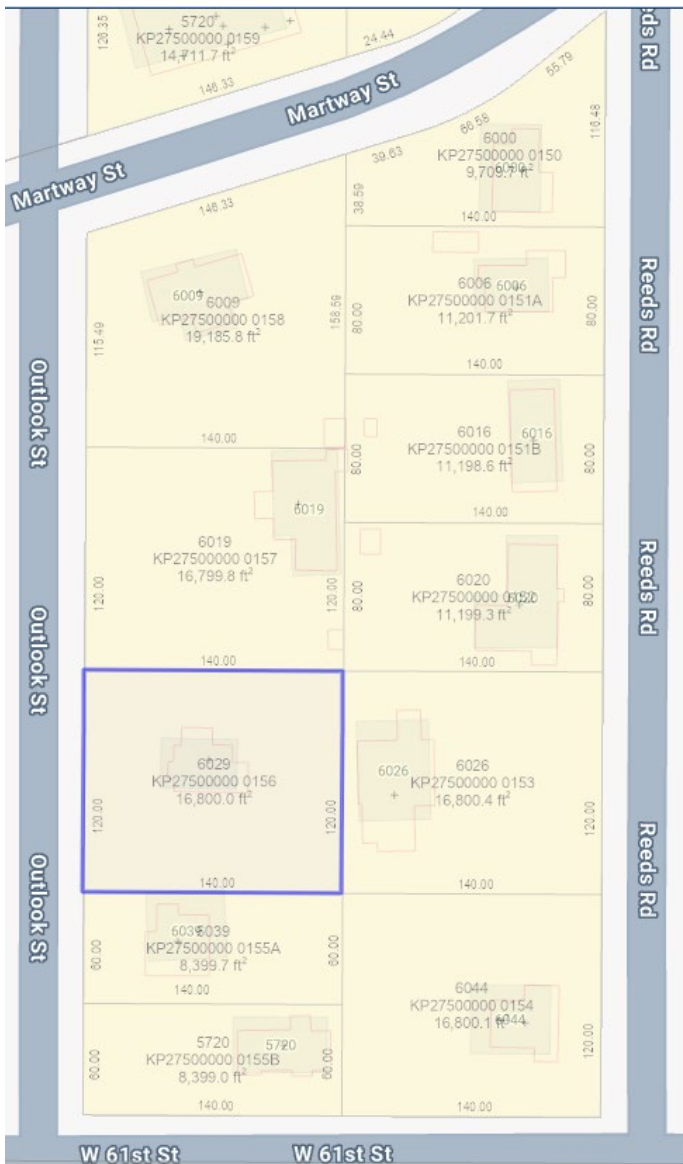
Minimum Lot Size. Any single-family dwelling hereafter constructed, reconstructed or altered shall require a lot having a width of not less than seventy (70) feet and an average depth of one hundred ten (110) feet, except that:

1. Any lot platted prior to October 8, 2003 and which has a width of sixty (60) feet and an average depth of one hundred ten (110) feet may be utilized for single-family dwelling.
2. Any lot may be split to a minimum width of sixty (60) feet and depth of one hundred ten (110) feet if it complements the overall character of the adjacent neighborhood. In considering applications for a lot split to a width of less than seventy (70) feet, the lot width of any newly created lot may not be less than seventy-five percent (75%) of the average front lot width of lots within the subject property's block.

The lot is currently 120 feet wide and 140 feet deep. Splitting the lot would create two lots, each 60 feet wide by 140 feet deep.

In applying the rule provided in subsection 2 above, we have traditionally looked at the block in which the lot is located; block being defined as a group of land parcels that are entirely surrounded by highways, streets, roads, or alleys. In this case most of the lots within this block are 120 feet wide, so the average width would be 103 feet. When the average width is multiplied by 75% we get 77 feet. Thus, this lot split would not be permissible.

In considering applications for a lot split to a width of less than seventy (70) feet, the lot width of any newly created lot may not be less than seventy-five percent (75%) of the average front lot width of lots within the subject property's block.



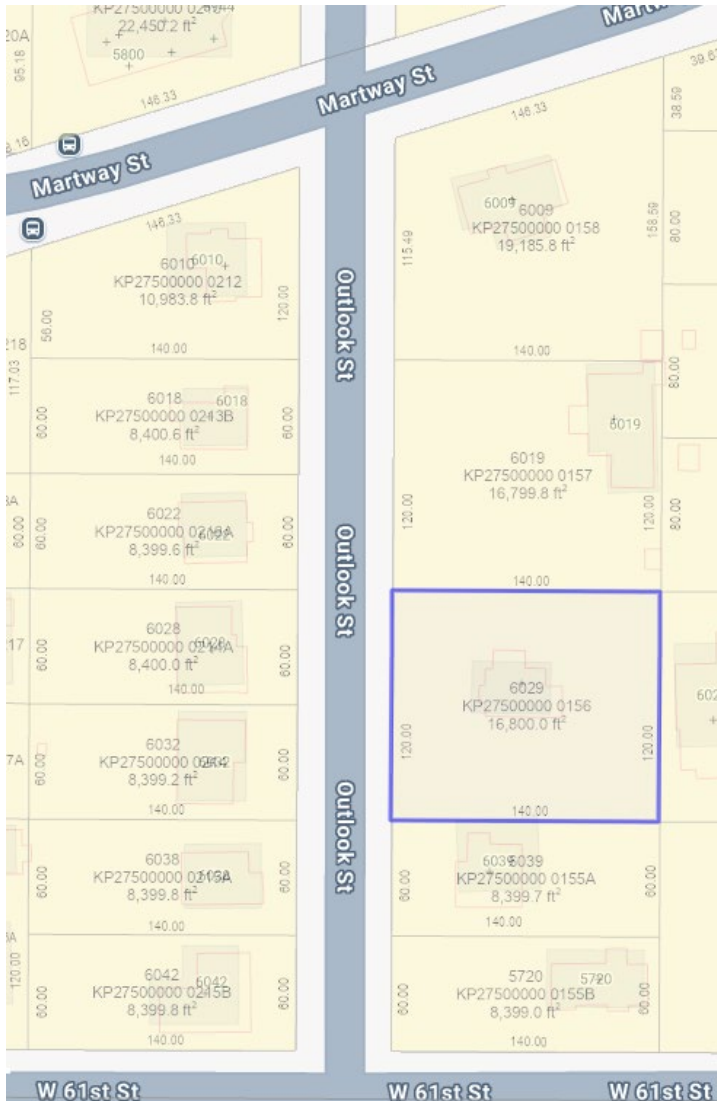
Block A

1	5705 W 61ST ST	
2	5711 W 61ST ST	
3	5720 W 61ST ST	60
4	5721 W 61ST ST	
5	5805 W 61ST ST	
6	6006 REEDS RD	80
7	6009 OUTLOOK ST	115
8	6010 OUTLOOK ST	
9	6016 REEDS RD	80
10	6018 OUTLOOK ST	
11	6019 OUTLOOK ST	
12	6019 REEDS RD	120
13	6019 WOODSON ST	120
14	6020 REEDS RD	80
15	6022 OUTLOOK ST	
16	6023 REEDS RD	
17	6023 WOODSON ST	
18	6026 REEDS RD	120
19	6027 WOODSON ST	
20	6028 OUTLOOK ST	
21	6029 OUTLOOK ST	120
22	6029 REEDS RD	
23	6029 WOODSO	
24	6032 OUTLOOK ST	
25	6038 OUTLOOK ST	
26	6039 OUTLOOK ST	120
27	6039 REEDS RD	
28	6039 WOODSON ST	
29	6042 OUTLOOK ST	
30	6044 REEDS RD	120

Average Frontage 103.1818 0.75 77.38636

However, the question becomes, “what is a block?” Chapter 455 of the Mission Municipal Code pertains to subdividing land in the city into subdivisions. It is commonly referred to as the City’s “Subdivision Code.” This chapter defines block as “A parcel of land entirely surrounded by streets or highways **or as otherwise determined by the City Engineer** (emphasis added).”

With this particular application, if we look at the block in question not as the area defined by Outlook, Martway, Reeds, and 61st Street, but rather as the parcels that abut either side of Outlook between Martway and 61st Street, the application of the rule for a lot split would work. Most of the lots on the west side of Outlook are smaller (60 feet wide). This brings the average lot width down and allows for a lot width of 60 feet for each of the two new lots created.



Block B

1	5705 W 61ST ST	
2	5711 W 61ST ST	
3	5720 W 61ST ST	60
4	5721 W 61ST ST	
5	5805 W 61ST ST	
6	6006 REEDS RD	
7	6009 OUTLOOK ST	115
8	6010 OUTLOOK ST	120
9	6016 REEDS RD	
10	6018 OUTLOOK ST	60
11	6019 OUTLOOK ST	120
12	6019 REEDS RD	
13	6019 WOODSON ST	
14	6020 REEDS RD	
15	6022 OUTLOOK ST	60
16	6023 REEDS RD	
17	6023 WOODSON ST	
18	6026 REEDS RD	
19	6027 WOODSON ST	
20	6028 OUTLOOK ST	60
21	6029 OUTLOOK ST	120
22	6029 REEDS RD	
23	6029 WOODSO	
24	6032 OUTLOOK ST	60
25	6038 OUTLOOK ST	60
26	6039 OUTLOOK ST	60
27	6039 REEDS RD	
28	6039 WOODSON ST	
29	6042 OUTLOOK ST	60
30	6044 REEDS RD	

Average Frontage 79.58333 0.75 59.6875

Recommendation

Staff recommends that the Planning Commission determine that in this particular application a block can be defined as those parcels that abut Outlook Street between Martway and 61st Street and the lot split of 6029 Outlook be permitted.

Planning Commission Action

The Planning Commission will consider Case #25-02 at its January 27, 2025 meeting.

City Council Action

The City Council will consider Case #25-02 at its February 12th meeting.

CERTIFICATE OF SURVEY

Lot 156, MISSION HILL ACRES,
Mission, Johnson, Kansas.

LOT SPLIT

PREPARED FOR:
RED JACKET PROPERTIES LLC
P.O. Box 70031
Leawood, KS 66207

PROPERTY ADDRESS:
6029 Outlook Street
Mission, KS 66202

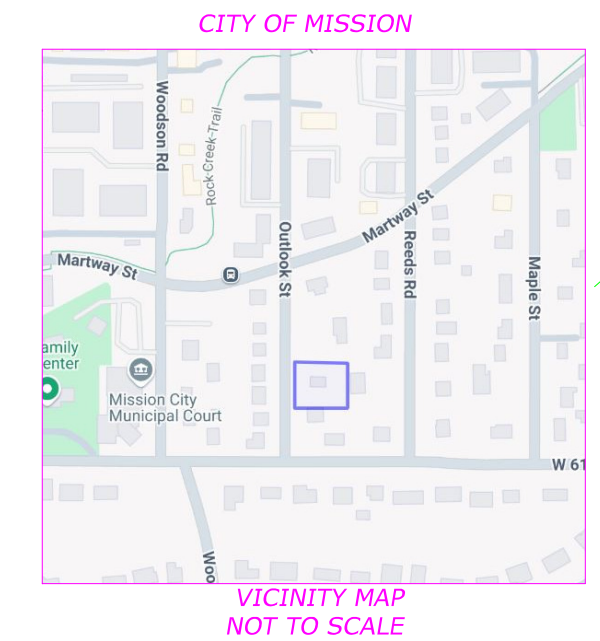
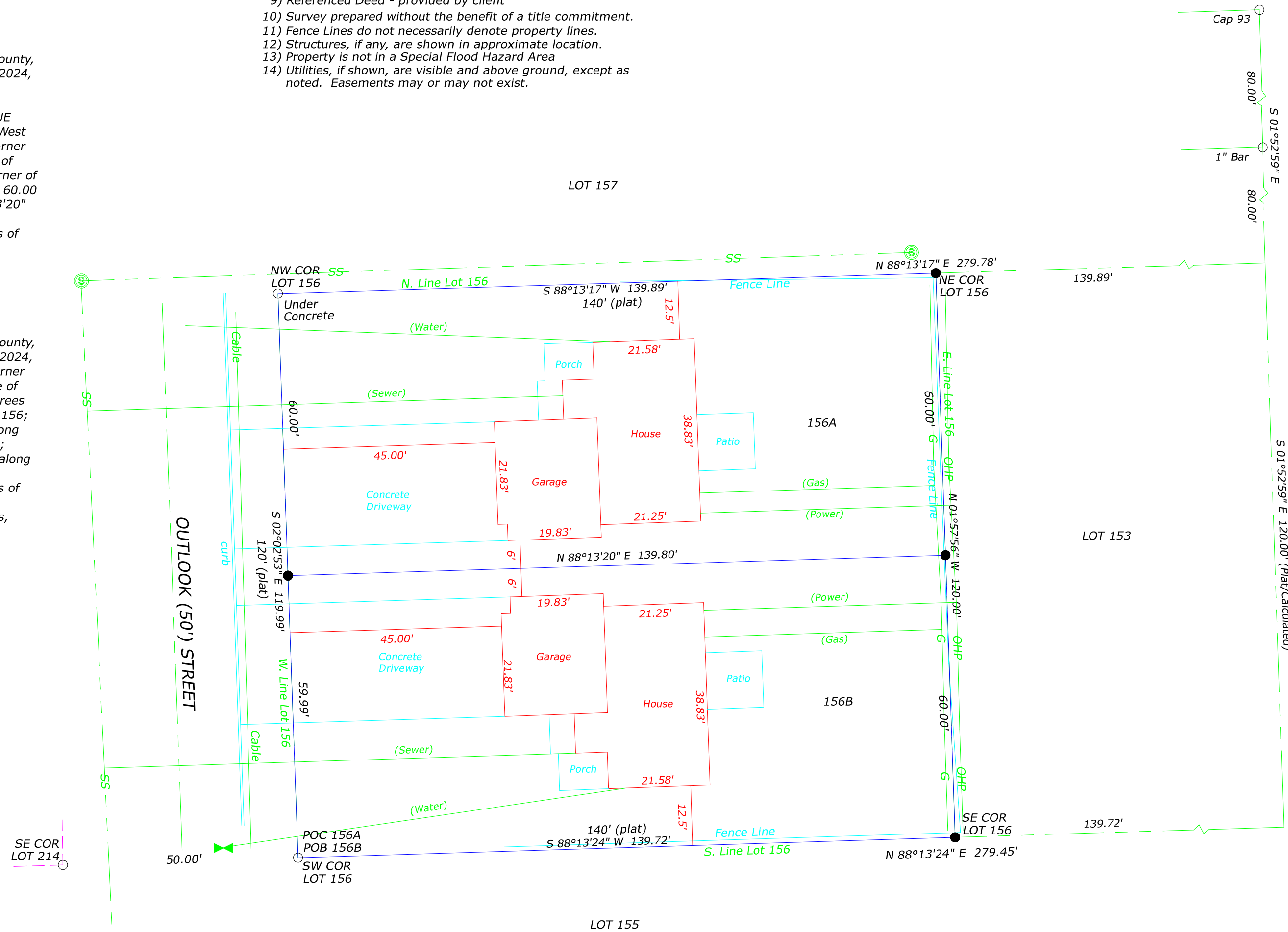
SURVEYOR'S DESCRIPTION:

156A:
A part of Lot 156, MISSION HILL ACRES, City of Mission, Johnson County, Kansas, as written by Joseph A. Herring PS-1296 on November 15, 2024, and more fully described as follows: Commencing at the Southwest corner of said Lot 156; thence North 02 degrees 02'53" West for a distance of 59.99 feet along the West line of said Lot 156 to the TRUE POINT OF BEGINNING; thence continuing North 02 degrees 02'53" West for a distance of 60.00 feet along said West line to the Northwest corner of said Lot 156; thence North 88 degrees 13'17" East for a distance of 139.89 feet along the North line of said Lot 156 to the Northeast corner of said Lot 156; thence South 01 degrees 57'56" East for a distance of 60.00 feet along the East line of said Lot 156; thence South 88 degrees 13'20" West for a distance of 139.80 feet to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 8385 Square Feet, 0.19 acres, more or less, including road right of way. Error of Closure: 1 - 40238

156B:
A part of Lot 156, MISSION HILL ACRES, City of Mission, Johnson County, Kansas, as written by Joseph A. Herring PS-1296 on November 15, 2024, and more fully described as follows: Beginning at the Southwest corner of said Lot 156; thence North 02 degrees 02'53" West for a distance of 59.99 feet along the West line of said Lot 156; thence North 88 degrees 13'20" East for a distance of 139.80 feet to the East line of said Lot 156; thence South 01 degrees 57'56" East for a distance of 60.00 feet along the East line of said Lot 156 to the Southeast corner of said Lot 156; thence South 88 degrees 13'24" West for a distance of 139.72 feet along the South line of said Lot 156 to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 8390.6 Square Feet, 0.19 acres, more or less, including road right of way. Error of Closure: 1 - 100352

NOTES:

- 1) This survey does not show ownership or easements, per agreement with client
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All record and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - Parent Lot - 1 : 79365, 16776 Square Feet (0.385 Acres) more or less
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Referenced Surveys - Recorded Plat - MISSION HILL ACRES
- 8) Road Records - Per Referenced Subdivision
- 9) Referenced Deed - provided by client
- 10) Survey prepared without the benefit of a title commitment.
- 11) Fence Lines do not necessarily denote property lines.
- 12) Structures, if any, are shown in approximate location.
- 13) Property is not in a Special Flood Hazard Area
- 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.



- LEGEND:
- - 1/2" Rebar Set with Cap No.1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - POB - Point of Beginning
 - POC - Point of Commencing
 - NS - Not Set this Survey per agreement with client
 - ⊕ - Fire Hydrant
 - ⊗ - Water Valve/Meter
 - ⊙ - Sanitary Sewer Manhole
 - G— - Gas Line
 - SS— - Sanitary Sewer Line
 - OHP— - Overhead Power Line
 - (xxx) - Proposed Service Line

OWNER: RED JACKET PROPERTIES, LLC - Joseph Elder, Member

Joseph Elder, Member
RED JACKET PROPERTIES, LLC

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____ 2025, before me, a notary public in and for said County and State came Joseph Elder, Member of RED JACKET PROPERTIES, LLC, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC _____

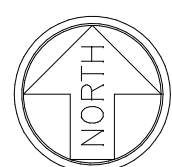
My Commission Expires: _____ (seal)

Approved by the Planning Commission of the City of Mission, Johnson County, Kansas, this _____ day of _____ 2025.

Mike Lee, Planning Commission Chair Brian Scott, Planning Commission Secretary

Approved by the Governing Body of the City of Mission, Johnson County, Kansas, this _____ day of _____ 2025.

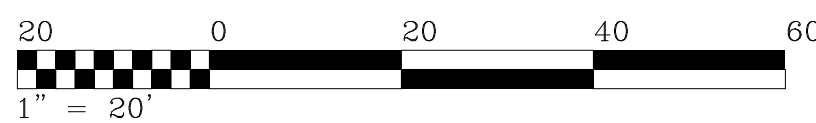
Solana Flora, Mayor Robyn Fulks, City Clerk



Scale 1" = 20'

Job # K-24-1851
November 15, 2024 Rev. 1/16/25

J. Herring, Inc. (dba)
HERRING SURVEYING COMPANY
315 North 5th Street, Leawood, KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@teamcash.com



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of November 2024 through January 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

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City of Mission, Kansas

Planning Commission Bylaws

Adopted (Month, Day, Year)

PURPOSE

The Planning Commission of the City of Mission is a quasi-judicial body made up predominantly of resident members who volunteer their time to review matters that come before the City regarding planning, development, and land use regulation. The Planning Commission advises the Governing Body of the City in matters of planning and community development, and formulates recommendations for the Governing Body in matters regarding application of zoning and land use regulations.

The authority and powers of the Planning Commission are derived from the Kansas state statutes (K.S.A. 12-744 et [alseq.](#)) and the Mission Municipal Code (Title IV, Chapter 400, Article I).

These bylaws serve as guidelines for the effective transaction of business and hearing procedures for the Planning Commission. In no way are these bylaws intended to supersede or replace the duties and powers derived from the state statutes or the Governing Body of the City of Mission.

COMMISSION MEMBERSHIP, POWERS, AND DUTIES

The requirements for membership on the Planning Commission are set forth in Title IV, Chapter 400, Article I of the Mission Municipal Code. Specific annotations are noted below.

Membership. The Planning Commission shall consist of nine (9) members, one (1) of whom may be a non-resident of the City of Mission. At least one (1) member shall be from each ward. The number of members may not be reduced unless a vacancy exists or unless the reduction takes effect at the end of a term (Section 400.020 and 400.030 of the Mission Municipal Code).

Appointment. The Mayor, with the consent of the City Council, shall appoint the members of the Planning Commission. Members of the Planning Commission shall be appointed at the first (1st) regular meeting of the Governing Body in December (Section 400.030 of Mission Municipal Code).

Terms of Office. Members shall be appointed for terms of two (2) years each, except as otherwise provided by Code. Members shall serve without compensation (Section 400.030 of the Mission Municipal Code).

Attendance. Members who cannot attend a meeting due to business, family, or other reasons shall notify the Planning Commission Chair and Secretary at least four (4) days prior to the meeting for the absence to be recorded as excused. Members must attend at least 75% of all regular meetings in a 12-month period unless they have an excused absence, or they may be subject to removal.

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Resignation. Members who wish to relinquish their appointment to the Planning Commission may do so by submitting their resignation in writing to the Mayor with a copy to the Secretary of the Planning Commission.

Vacancies and Removal. The Mayor may accept the resignation of any member. Vacancies shall be filled by appointment for the remainder of the member's term. Members may also be removed at any time by the Mayor with the consent of the City Council.

~~**Bylaws, Officers, and Meetings.** The Commission shall adopt bylaws for the transaction of business and hearing procedures. Officers shall be elected as determined in the Planning Commission's bylaws. Meetings shall be scheduled as determined in the Planning Commission's bylaws. Unless otherwise provided, no action by the Planning Commission shall be taken except by a majority vote of the membership thereof. (Section 400.040 through Section 400.060 of the Mission Municipal Code).~~

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Committees and Studies. The Commission from time to time may establish subcommittees, advisory committees, or technical committees to advise or assist in the activities of the Commission.

OFFICERS

Officers. Officers of the commission shall be the Chair, Vice-Chair, and Secretary.

Chair and Vice Chair. The Chair and Vice-Chair shall be elected by the Commission at its regular meeting in January each year, or the first formal meeting of the year, and shall serve for one (1) year; provided they may be re-elected for an additional term(s).

If the Chair resigns or is otherwise not able to fulfill the obligations of the position, the Vice Chair shall immediately assume the responsibilities of the Chair for the duration of the term. ~~The most recent past Chair shall then assume the responsibilities of the Vice Chair until a permanent Vice Chair is elected by the Commission for the duration of the term.~~

If the Vice Chair succeeds to the office of Chair pursuant to the immediately preceding paragraph, resigns, or is otherwise not able to fulfill the obligations of the Vice Chair, the most recent past Chair, ~~or their designee,~~ shall assume the responsibilities of the Vice Chair until a permanent Vice Chair is elected by the Commission for the remaining duration of the chair term. If there is no recent past Chair serving on the Commission, the Director of the Community Development Department (or the Director's designee) shall select a member to assume the responsibilities of the Vice Chair until a permanent Vice Chair is elected by the Commission for the duration of the term.

Secretary. The Director of the Community Development Department (or the Director's designee) shall serve as the Secretary of the Planning Commission. The Secretary will provide support for the Commission but will not be a member of the Commission.

Nominating Committee. At the Commission's last regular meeting in any given year, the Chair shall appoint a 3-person Nominating Committee, subject to the approval of a quorum of the current members. The current Chair and Vice-Chair shall not serve on the nominating committee.

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The Nominating Committee shall meet as necessary to nominate a slate of at least one candidate for the Chair and Vice-Chair positions. Working through the Secretary, the Nominating Committee shall present the slate of candidates to the full Commission at its regular meeting in January each year (or the first formal meeting of the year). In addition to the slate of candidates, other nominations can be made by members of the Commission at the first formal meeting of the year. If only one person is nominated for each position, the recommendations of the nominating committee may be affirmed by a voice vote. Otherwise, each position shall be voted upon individually.

FUNCTION AND DUTIES OF OFFICERS

Chair. The Chair shall preside at all meetings of the Commission and shall sign all Commission resolutions, subdivision plats, and other official papers and documents. The Chair may call special meetings at the Chair's discretion and may relinquish the duties of Chair for a particular meeting to the Vice-Chair or, if the Vice Chair is unavailable, another member of the Commission at the Chair's discretion. The Chair may not make or second motions. The Chair shall not initiate debate on applications. The Chair may offer comments, ask questions about any application, and vote on motions.

Vice Chair. The Vice-Chair shall serve in the absence of the Chair, and while so serving shall have all the authority and restrictions held by the Chair. In the absence of both the Chair and the Vice-Chair, the members shall choose a presiding officer from among the members present, who shall have for the duration of the meeting all the authority and restrictions held by the Chair.

Secretary. The Secretary of the Planning Commission shall be the Director of the Community Development Department. The Secretary and/or their designee shall attend all Commission meetings to perform the following duties:

1. Notify members of all meetings;
2. Publish notices of all meetings and public hearings as required by Kansas State statutes;
3. Propose the meeting agendas;
4. Coordinate committee meetings;
5. Secure all Commission and committee meeting locations and setup;
6. Keep a file of all official records, minutes, and reports of the Commission;
7. Attend to the correspondence of the Commission;
8. Present the Commission's recommendations to the Governing Body; and
9. Perform such other duties as requested by the commission which are deemed appropriate.

MEETINGS

The Planning Commission may conduct its business in one of the following types of meetings, ~~all of which are subject to the requirements of the Kansas Open Meetings Act (KOMA):~~

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Regular Meetings. A regularly scheduled meeting on the fourth Monday of each month, consisting of members of the Commission, Secretary, and City Staff shall be held unless there are no items on an official agenda as determined by the Secretary. Regular meetings are open to the public and agenda items are to be posted for public notice prior to the meeting. Official actions may be taken.

A Planning Commission Development Annual Schedule outlining each regular meeting for the year and the dates for application submittals and review shall be submitted to the commission by the last meeting of the preceding year for review and approval. If a regular meeting date falls on or near a holiday (or other significant event), the commission, when approving its annual schedule, may elect to reschedule or cancel that regular meeting date.

The Commission may also, through consultation with the Community Development Director or designee, for good cause, elect to cancel or change the date, time, or place of a regular meeting.

Commented [JT1]: Does the commission need to vote or can the Chair change on its own?

Formal Special Meetings. A meeting held in lieu of, or in addition to, a regular meeting may be called by the Chair. Formal special meetings are open to the public and agenda items are posted for public notice prior to the meeting; official actions may be taken.

Informal Special Meetings. A meeting for training purposes, work sessions, and/or as needed to distribute publicly-available materials deemed necessary to the members or staff to perform the regular duties of the commission may be called by the Chair or the Director of Community Development. Informal special meetings are open to the public and agenda items are posted for public notice prior to the meeting; no official action is taken.

Executive Session. An executive session, closed to the public, may be called exclusively to discuss confidential business under the following criteria: consultation with the City's legal counsel concerning legal matters; discussion regarding existing or potential litigation or mediation, arbitration, or administrative proceeding. Any commission member may make a motion to call an executive session at a regular or formal special meeting. No official action may be taken by the Planning Commission in an executive session.

Order of Business. At the appointed time, the Chair shall call to order each regular or formal special meeting and announce whether a quorum is present. No regular meeting shall continue without a quorum present. Upon the confirmation of a quorum, the Commission shall proceed to approve or amend the previous meeting's minutes. The commission, at the direction of the Chair, will then consider the items set forth in the agenda and any member may request reordering of the agenda items, stating the reason(s) therefore. The Chair may elect to proceed with the prescribed agenda or allow the reordering. Staff shall give a report for each agenda item, and the Commission may follow with questions pertaining to the item presented. The Commission shall allow the applicant to answer questions following the staff report. Should the business before the Commission not be completed during the regular or formal special session, the Chair may recess the meeting to a specific time, date, and place until the matters on the original agenda are acted upon; this may be at a regular meeting or a special formal meeting.

~~Open to the Public. All meetings of the Commission shall be open to the public in accordance with the requirements of K.S.A. 75-4317 et seq. (the Kansas Open Meetings Act). A meeting may be closed to the public and adjourned into an executive session until a specified time by a formal~~

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~~motion made and carried forth in accordance with applicable law. No binding action shall be taken by vote in an executive session.~~

Recordings and Minutes. The proceedings of all regular and formal special meetings of the Commission shall be recorded by the Secretary of the Commission. The recordings shall be retained for ~~a minimum period of~~ 60 days after approval of the minutes derived therefrom unless a longer retention period is otherwise requested by any member of the Commission. All motions shall be recorded, and an accurate record shall be made of all reasons for the motions or votes by members of the commission. The proposed minutes of each regular or formal special meeting shall be distributed to the Commission and other appropriate persons as soon as practical prior to each regular session. The original copy of the approved minutes shall be placed in the Commission's permanent record and shall become official records of the City. Informal special meetings will not be recorded nor shall minutes of the same be prepared.

QUORUM

A majority of the Commission, including the Chair (9), shall constitute a quorum for transacting business and conducting hearings; provided, however, if a member submits their resignation in writing, said member shall not be counted for purposes of determining the quorum (see quorum table below). The affirmative vote of a majority of those members present and voting shall be sufficient for the passage of all motions; except that the adoption of an amendment to the Comprehensive Plan shall require a majority of all members (K.S.A 12-747). In the absence of a quorum at any meeting, the chair may adjourn the meeting to a specific time, date, and place, which shall be publicly announced at the meeting. Voting by secret ballot is prohibited.

Quorum Table

Total Number of Members	Quorum	Majority of Quorum
9	5	3
8	5	3
7	4	3
6	4	3
5	3	2

AGENDA

The order of business at all regular and formal special meetings shall be as follows, unless the Chair recommends or approves a reordering of the prescribed agenda items:

- I. Call to order
 - a. Roll call
 - b. Approval of previous meeting's minutes
- II. New Business
 - a. Preliminary and/or Final Plat review
 - b. Preliminary and/or Final Development Plan review
 - c. Preliminary and/or Final Site Plan review
 - d. Special Use Permit applications

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- e. Rezoning requests
- III. Old Business
 - a. Preliminary and/or Final Plat review
 - b. Preliminary and/or Final Development Plan review
 - c. Preliminary and/or Final Site Plan review
 - d. Special Use Permit applications
 - e. Rezoning requests
- IV. Commission Discussion
- V. Staff Updates
- VI. Adjournment

New and/or old items that require public hearings shall be considered by the Commission prior to consideration of items that do not require a public hearing. Agenda items may be added as deemed necessary by staff prior to the meeting if the items do not require public notice. These items include, but are not limited to, the following: Comprehensive Plan reviews, area plan reviews, and resolutions and/or bylaw amendments.

PUBLIC HEARINGS

The following items on the agenda require a public hearing and shall be in accordance with K.S.A 12-756: preliminary development plans, preliminary plats, special use permits, rezoning applications, zoning text amendments, and amendments to the comprehensive plan. Notice of public hearing items shall be published [in The Legal Record, as required by law](#), and letters shall be mailed by certified mail notifying property owners within at least 200 feet of the subject property for which an application is being considered by the Commission, a minimum of twenty (20) days in advance of the hearing.

Public and property owner notices shall contain the following information: Case number, subject property address(es), map of the subject property, legal description, summary of the proposal, and meeting time, date, and location.

STANDING RULES

To facilitate the successful and orderly management of its meetings, the Commission has declared the following to be standing rules, which shall govern the procedure for its meetings and the actions of its members.

1. The Chair shall preserve order and decorum of all meetings and shall decide questions of order subject to an appeal from the members present.
2. Prior to speaking, every member of the Commission shall address the Chair and shall not proceed until recognized by the Chair. The member shall confine their remarks to the matter under debate or discussion and shall refrain from a discussion of individual personalities.
3. An agenda item will begin with a staff presentation. At the conclusion of the staff presentation, the Chair will inquire if any members of the commission have any questions. The Chair will then invite the applicant to make its presentation. At the conclusion of the applicant's presentation, the Chair will inquire if any members of the Commission have any questions. If

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the item requires a public hearing, the Chair will then open the public hearing and direct all persons wishing to be heard at the hearing to raise their hands to be called upon by the Chair. All persons speaking at the hearing must state their first and last name and city of residence. Rebuttal by the applicant after the public hearing shall be at the discretion of the Chair. At the conclusion of the public hearing and any rebuttal, the matter will be back before the Commission for discussion, deliberation, and action.

4. Time limits (guidelines) on the presentations will be enforced as follows:
 - a. The staff presentation shall not exceed 20 minutes, exclusive of questions by the Commission.
 - b. The applicant's presentation shall not exceed 20 minutes, exclusive of questions by the Commission.
 - c. In general, it is advisable that individual speakers should not exceed 3 minutes, exclusive of questions. Speakers who represent a substantial number of persons may, at the discretion of the Chair, exceed the 3-minute limitation. The Chair has the discretion, based on the number of speakers, to shorten or extend the time guidelines for individual speakers.
 - d. Persons not able to be present for a public hearing may submit formal comments to staff prior to the hearing, which shall be read aloud by staff if permission is granted by the person(s) submitting the comments. Comments shall include the first and last name of the individual(s) and city of residence.
5. The Chair has the discretion to extend the specified time limits for matters that involve an unusual degree of complexity, scope or difficulty, or which have attracted an unusual amount of public participation and interest. All such adjustments shall be announced by the chair and shall be on an equitable basis.
6. The Chair may endeavor to educate and inform the parties to the hearing of the importance of honoring these rules so that all agenda items can be heard in a timely and efficient manner, and may encourage speakers to use time saving devices, such as requesting the Commission to take notice of the number of persons present who support the views of the speaker without the necessity of each of those supporters entering their individual comments on the record. If requested by a speaker, the Chair may note for the record that a specified number of individuals present have indicated their agreement with the comments of that speaker.
7. All statements by speakers shall be addressed directly to the Commission. If a speaker has a question for the applicant, staff or other speakers, that question shall be directed to the Chair who shall determine if, and when, the question will be addressed by the Chair to the person whose response is being requested.
8. When, in the judgment of the Chair, the public hearing has been completed, the Chair shall declare the public hearing closed. Once a public hearing, including rebuttal by the applicant, if any, has been completed, all persons in attendance may address the Commission only to respond to a question from the Commission and only with the permission of the Chair.
9. If the applicant is unable to attend the public hearing, or the Chair and/or Commission feel additional testimony or information is needed but the circumstances do not allow that to occur at the meeting, then a motion to extend the public hearing to a date certain may be made, thus holding open the public hearing. At the Chair's discretion, additional testimony may be accepted in writing or by email prior to the public hearing, or during the time a public hearing is held over, or even after the public hearing is closed.
10. Following the closing of the public hearing and/or comments by Planning Commission members, the Chair may entertain a motion made by another Planning Commission member

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to recommend approval or denial of the application to the City Council. The maker of motions to approve or deny an application should, in support of the motion, state for the record the reasons for making said motion. Any stipulations relating to the application, plans, development procedure, etc. should be listed following the motion to approve. Upon receiving the second, the motion may be discussed and, upon call for the question or at the discretion of the chair, brought to a vote.

11. Prior to the conclusion of each agenda item which involves stipulations or conditions recommended by the staff or members of the Commission, the Chair shall ask the applicant if the applicant agrees with those stipulations. The applicant may reply with a yes or no answer and, if appropriate, a brief statement for the record as to why the applicant objects to a stipulation or condition, but the applicant may not further discuss or re-argue issues pertaining to such stipulations or conditions.
12. Votes shall be by voice and by roll call. Any motion may be tabled or amended in accordance with Robert's Rules of Order Newly Revised. If the Commission feels that delaying an action would be in the best interests of the parties involved, the item may be continued to a certain date. Such a motion for continuance shall include a reason for the action and shall require a majority vote of those present.
13. Upon a motion to approve an agenda item and with a second, any member of the Commission may make a motion to amend the original motion prior to the roll call vote being taken. If a member of the Commission makes a motion to amend the original motion, another member must second the motion, after which the amendment shall be brought forth for discussion and a roll call vote of the Commission members. If another member does not second the amendment, the amendment shall fail to come forth consideration. An affirmative vote of the majority of the Commission shall result in passing the amendment. At the conclusion of the vote for the amendment, the original motion shall come forth for a vote of the Commission. The Chair may request a recitation of the original motion as amended for purpose of clarification. A majority vote in favor shall pass the motion with the amendment.
14. If a member of the Commission knows prior to the discussion of an agenda item that the member will abstain from voting on such matter, the member shall notify the Chair and leave the meeting room until the discussion and voting on such item has been completed. Prior to departing the member shall state for the record the reason for the member's abstention. Any member who decides to abstain after discussion of an agenda item shall state for the record the member's reasons for abstention.
15. Prior to the start of each regular Commission meeting, each member of the Commission who knows in advance that he or she must leave the meeting at a specific time shall notify the Chair of the time of their anticipated departure.
16. These Standing Rules may be amended or repealed for stated reasons by affirmative vote of three-fourths (3/4) of those members present at a regular or special meeting with a quorum present.

APPLICANT NOT IN ATTENDANCE

In the case an applicant or the applicant's agent is not in attendance when an item is called, the Chair may, at the Chair's discretion, set the item to the end of the agenda. At the time the item is called again, if the applicant is still not represented, the Commission may continue to a date certain, or approve or deny the application as it sees fit.

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CONFLICT OF INTEREST

When a member of the Commission has a conflict of interest on a particular item, the member shall so state for the record and vacate the member's seat. In such an event, the member shall not participate in the hearing, discussion, or vote on the item. If the vacation of a member due to conflict of interest will eliminate a quorum, the Commission shall continue the item to the next regular meeting. If the item is a public hearing, the Commission shall continue to a date certain.

A member shall not participate or vote on an item before the Commission if:

1. The member has a substantial interest in a particular item as defined by state law.
2. The member has expressed an individual opinion on the determination of a quasi-judicial matter or otherwise expressed him/herself in a way that infers an opinion has been formed prior to the Commission's hearing on the item.
3. The member owns property or is a prospective purchaser of property included in an application or within the statutory notification area.
4. Prior to any motion on an application, members of the Commission should disclose the nature of any *ex parte* contacts and of any information obtained through those contacts that may have a bearing on their decisions.
5. Members shall adhere to the responsibilities of appointed officials inasmuch as to protect the rights and interests of all the members of the public which he/she/they represent. This would prohibit actions deemed to be official misconduct, such as discrimination, nepotism, acceptance of improper gifts, private use of public resources, conflicts of interest, and the improper use or disclosure of confidential information.

Examples of misconduct are included below, but members are subject to provisions included in the City of Mission's Personnel Policies and Guidelines. Should anything in the by-laws conflict with these provisions, the City of Mission's Personnel Policies and Guidelines shall prevail.

Discrimination. Members of the Planning Commission shall not discriminate on the basis of sex, race, color, ethnic background, religion, age, national origin, gender, sexual orientation, disability, gender identity, or gender expression of employees in their employment with the City or individuals in their use and enjoyment of the services, privileges, and advantages of the City. This provision does not prohibit officials from making appointments, filling vacancies, or otherwise engaging the public in such way as to include community members with diverse backgrounds based on sex, race, color, ethnic background, religion, age, national origin, gender, sexual orientation, disability, gender identity, or gender expression.

Nepotism. To avoid conflicts of interest or perceptions of a conflict, family members of the Governing Body should not be appointed to serve as a member of the Planning Commission. For purposes of this provision, "family member" is defined as the spouse, child, or parent of the official.

Personal Gifts and Favors. Members of the Planning Commission shall not accept personal gifts where they know or should know a personal gift worth more than a nominal value (\$25.00 or more) would not be extended to them except for their official position, or where they know or should know a personal gift is intended to influence their official actions. This provision shall not

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apply to a) an award publicly presented in recognition of public service, b) gifts conferred on account of kinship or other personal, professional, or business relationships independent of the official status of the receiver, or c) trivial gifts involving no substantial risk of undermining official impartiality.

Private Use of Public Resources. Members of the Planning Commission shall not use public resources that they may use in their official capacity (e.g. City-owned vehicles, City staff time, equipment, supplies, property, etc.) for private gain, personal purposes, or other activities not related to City business unless otherwise authorized by law or City policy. Prohibited activities that are not related to City business include using public resources to post or otherwise interact on social media pages, pursue personal commercial endeavors, or conduct political activity to include the activity prohibited by K.S.A. 25-4169a, and amendments thereto.

Use or Disclosure of Confidential Information. Planning Commission Members shall not, without proper legal authorization, disclose any confidential or privileged information provided to them in their official capacity, nor use such information to advance their personal, financial, or other private interests. For the purposes of this provision, "confidential or privileged information" includes any material information discussed in a closed or executive meeting that is specifically related to the basis for the closed or executive meeting and has not previously been made available to the public, and any record or information therein that has not previously been made available to the public and the official knows or should know is confidential.