

**City of Mission  
Regular Meeting Agenda  
Wednesday, September 19, 2018  
7:00 p.m.  
Mission City Hall**

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

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. PUBLIC HEARING**

**2. SPECIAL PRESENTATIONS**

- Proclamation Recognizing National Suicide Prevention Awareness Month
- Police Department Special Presentations
- Introduction of Jenna Dickman, Aquatics Coordinator
- Summer Camp Season Review and Mission Family Aquatic Center Season Review

**3. ISSUANCE OF NOTES AND BONDS**

3a. Ordinance Authorizing Issuance of IRBs - Mission Apartments LLC ([page 3](#))

**4. CONSENT AGENDA**

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

**CONSENT AGENDA - GENERAL**

4a. [Minutes of the August 15, 2018 City Council Meeting](#) and  
[Minutes of the August 15, 2018 Special City Council Meeting](#)

**CONSENT AGENDA - Finance & Administration Committee**

[Finance & Administration Committee Meeting Packet 9-5-18](#)  
[Finance & Administration Committee Meeting Minutes 9-5-18](#)

4b. Surplus Property Resolution

**CONSENT AGENDA - Community Development Committee**

[Community Development Committee Meeting Packet 9-5-18](#)  
[Community Development Committee Meeting Minutes 9-5-18](#)

4c. 52nd Street Mill & Overlay

- 4d. 2018 Concrete Repairs
- 4e. Granting of Utility Easement to Mission Apartments

**5. PUBLIC COMMENTS**

**6. ACTION ITEMS**

**Planning Commission** ([Minutes page 8](#))

- 6a. Preliminary Development Plan, 5438 Johnson Drive ([page 34](#))

**Miscellaneous**

**7. COMMITTEE REPORTS**

**Finance & Administration, Nick Schlossmacher**

[Finance & Administration Committee Meeting Packet 9-5-18](#)

[Finance & Administration Committee Meeting Minutes 9-5-18](#)

- 7a. Request to Revise Gateway CID #3 Implementation Date ([page 51](#))
- 7b. Ordinances Adopting STO and UPOC ([page 55](#))

**Community Development, Kristin Inman**

[Community Development Committee Meeting Packet 8-1-18](#)

Community Development Committee Meeting Minutes 8-1-18

**8. UNFINISHED BUSINESS**

**9. NEW BUSINESS**

**10. COMMENTS FROM THE CITY COUNCIL**

**11. MAYOR'S REPORT**  
**Appointments**

**12. CITY ADMINISTRATOR'S REPORT**

**13. EXECUTIVE SESSION**

**ADJOURNMENT**

<b>City of Mission</b>	Item Number:	3a.
<b>ACTION ITEM SUMMARY</b>	Date:	August 28, 2018
<b>ADMINISTRATION</b>	From:	Brian Scott

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

**RE:** Ordinance authorizing the issuance of Taxable Industrial Revenue Bonds, Series 2018 for the Mission Apartments, LLC Project.

**RECOMMENDATION:** Approve an ordinance authorizing the City of Mission to issue Industrial Revenue Bonds (IRBs) in one or more series in an aggregate principal amount not to exceed \$20,000,000 to finance the costs of acquiring, purchasing, constructing, installing and equipping commercial facilities, including land, buildings, structures, improvements, fixtures, machinery and equipment for the Mission Trails project located at 6201 Johnson Drive for the benefit of Mission Apartments, LLC its successors and assigns.

**DETAILS:** In connection with the redevelopment agreement approved in September 2017, The Mission Apartments, LLC requested the City issue Industrial Revenue Bonds (IRBs) for the Mission Trails project located at 6201 Johnson Drive. The IRBs provide a sales tax exemption only on the purchase of materials, furnishings, fixtures, and labor associated with the construction of the 200-unit apartment building and structured parking facility. The City Council passed Resolution 995 on September 20, 2017 establishing the intent and authority to issue the IRBs.

In order to approve the IRBs, the Council will consider an ordinance which authorizes the issuance of the taxable Industrial Revenue Bonds and authorizes the following:

- 1) Funds to be used for acquiring, purchasing, constructing and equipping the project;
- 2) Funds to pay a portion of the costs associated with issuing the bonds;
- 3) The City to enter into a trust indenture agreement;
- 4) The City to enter into a lease agreement and bond purchase agreement;
- 5) The City to execute any and all documents necessary in connection with issuance of said bonds.

The IRBs and the associated interest shall be special, limited obligations of the City payable solely out of the amounts derived by the City under a Lease Agreement. The bonds are not a general obligation of the City, and are not backed by the full faith and credit of the City. The bonds are not payable in any manner by taxation, but shall be payable solely from the funds provided for in the Indenture. The issuance of the bonds shall not directly, indirectly or contingently, obligate the City, the State or any other political subdivision thereof to levy any form of taxation or to make any appropriation for their payment.

The Developer will be responsible for reimbursing all costs incurred by the City in connection with the IRBs. Fees are estimated at approximately \$52,250.

**CFAA CONSIDERATIONS/IMPACTS: NA**

Related Statute/City Ordinance:	City Council Policy 112
Line Item Code/Description:	
Available Budget:	All fees reimbursed by developer

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE CITY OF MISSION, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (MISSION APARTMENTS, LLC PROJECT), SERIES 2018, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING COMMERCIAL FACILITIES, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE CITY TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS (SALES TAX EXEMPTION ONLY).**

**WHEREAS**, the City of Mission, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

**WHEREAS**, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (Mission Apartments, LLC Project), Series 2018 (the “Bonds”), in a principal amount not to exceed \$20,000,000, for the purpose of acquiring, purchasing, constructing, installing furnishing, and equipping commercial facilities for Mission Apartments, LLC, a Kansas limited liability company, or its successors and assigns (the “Company”), including land, buildings, structures, improvements, fixtures, machinery and equipment (the “Project”); and

**WHEREAS**, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and Security Bank of Kansas City, as Trustee (the “Trustee”); and

**WHEREAS**, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

**WHEREAS**, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

**WHEREAS**, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

**Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project.** The Issuer is hereby authorized to provide for the acquisition, purchase,

construction, installation, furnishing, and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

**Section 2. Authorization of and Security for the Bonds.** The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$20,000,000 (the “Bonds”), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

**Section 3. Authorization of Documents.** The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents (the “Bond Documents”), such officers’ signatures thereon being conclusive evidence of their approval thereof:

- (a) Trust Indenture, between the Issuer and the Trustee;
- (b) Base Lease Agreement, between the Company and the Issuer;
- (c) Lease Agreement, between the Issuer and the Company; and
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser.

**Section 4. Execution of Bond and Documents.** The Mayor of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor (or, in the Mayor’s absence, the acting Mayor) of the Issuer is hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

**Section 5. Pledge of the Project and Net Lease Rentals.** The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture

**Section 6. Further Authority.** The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer’s Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

**Section 7. Effective Date.** This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

**PASSED** by the governing body of the City of Mission, Kansas on September 19, 2018 and **APPROVED AND SIGNED** by the Mayor.

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Ronald E. Appletoft, Mayor

[SEAL]

ATTEST:

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Martha Sumrall, City Clerk

(Published in *The Legal Record* on September \_\_, 2018.)

**SUMMARY OF ORDINANCE NO. [\_\_\_\_]**

On September 19, 2018, the governing body of the City of Mission, Kansas passed an ordinance entitled:

**AN ORDINANCE AUTHORIZING THE CITY OF MISSION, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (MISSION APARTMENTS, LLC PROJECT), SERIES 2018, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING COMMERCIAL FACILITIES, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE CITY TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS (SALES TAX EXEMPTION ONLY).**

The Bonds approved by the Ordinance are being issued in the maximum principal amount of \$20,000,000, for the purpose of acquiring, constructing, furnishing, and equipping commercial facilities for Mission Apartments, LLC, a Kansas limited liability company, and constitute limited obligations of the City payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2018 Bonds, as provided in the Indenture. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 6090 Woodson. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at [www.missionks.org](http://www.missionks.org).

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: September 19, 2018.

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City Attorney

**DRAFT**  
**MINUTES OF THE PLANNING COMMISSION MEETING**  
**August 27, 2018**

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, August 27, 2018. Members also present: Stuart Braden, Brad Davidson, Jami Casper, Robin Dukelow, Burton Taylor, Charlie Troppito, Pete Christiansen and Frank Bruce. Also in attendance: Brian Scott, Assistant City Administrator, and Martha Sumrall, City Clerk.

**Approval of Minutes from the July 30, 2018 Meeting**

**Comm. Braden moved and Comm. Dukelow seconded** a motion to approve the minutes of the July 30, 2018, Planning Commission meeting.

The vote was taken (9-0). The **motion carried**.

**Case # 18-09 Public Hearing - Preliminary Site Development Plan for 5438 Johnson Drive**

Mr. Scott: The item before you tonight is a preliminary development plan for 5438 Johnson Drive. You all are probably familiar with this property. It's at the northeast corner of Johnson Drive and Nall and currently the site of the former Pride Cleaners facility. The building itself was built in the 1950s. I'm not sure how long it's been owned by Pride. In asking staff, it seems like it's been owned for quite a while. People remember that as being a Pride Cleaners for a long time. There is some thought that it might have been a gas station at one time, when it was first built. The building was built in 1950. It's currently zoned MS1 and actually lies in the East Gateway overlay district. Properties to the north are zoned MS2 with single-family homes there currently. The west is MS1, BP, convenience store, gas station on the other side of Nall. To the south is MS2 Main Street District, and that's the Mission Mart center and Kinko's office retailer. To the east is MS1 Main Street District 1, and that's Sully's Pub and restaurant.

The property itself is 11,564 square feet, just a little over a quarter of an acre. The building itself is 1,412 square feet. As I said, it was a Pride Cleaners, which closed as a retail operation earlier this year, back in the winter. The ownership is associated with Pride Cleaners and they are interested in demolishing that current structure and building an investment property. They have hired KEM Studio, an architectural firm, to design a structure that would maximize that site. So, the design before you tonight is a 4,420 square foot building that is built to the lot line on Johnson Drive, as well as Nall, with on-street parking both on Johnson Drive and Nall. There are four off-street parking spaces at the back of that lot. They are not sure at this point what the final use of the building will be. It obviously will have to be retail or service to comply with the zoning and the Johnson Drive guidelines. They're thinking possibly a one-story building, maybe a two-story building. A two-story building would obviously have residential and offices on the second floor. It's dependent on the land and the final design. They are proposing a building that is 28 feet in height at that location, which would essentially be a two-story building.

It does conform with the intent of the Main Street 1 District. The maximum height for buildings in Main Street 1 District are three stories and/or 45 feet. Front build-to line is zero. The side yard built-to line is also zero where the side yard abuts a public street. There is no rear yard setback required in the MS1.



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There are no parking requirements in the MS1 zoning district. On street parking may be constructed where adequate right-of-way is available, subject to good traffic-engineering design principles. No portion of any paved parking area that is hereafter constructed shall be permitted within six feet of a street line or lot line. Any parking and loading provided on private property shall be paved, striped, contain landscaping and screening as required in Chapter 415, Article III, Section 414.060. That actually does not comply because there are less than 25 parking spaces. There're only four off-street parking spaces at this location.

This also meets the intent of the East Gateway Overlay District. The property falls within this district. The overlay district generally prohibits any automotive-related uses, including sale or repair of vehicles. Though a specific tenant for this building has not yet been identified, the design of the proposed structure does not lend itself to such use.

Turning to the Johnson Drive Guidelines, the Johnson Drive Design Guidelines provide a wide range of recommended and required design elements applicable to the development. These include streetscaping and the relationship of buildings and their exterior facades to public streets, as well as building materials and screening. Many of these details are not required at the time of preliminary site development plan review, but will be fully evaluated with the final site development plan.

The proposed structure is shown filling in the corner at the intersection of two public streets, with a small amount of parking in the rear. Sidewalk width has been identified as eight (8) feet, which is in keeping with the design guidelines and Johnson Drive infrastructure improvements in place already. Room is limited for trees and other landscape elements, unfortunately, but there is possibility for landscaping with planter boxes strategically located around the building. The design is a more modern architectural theme with strong horizontal and vertical lines that partition the two street facades of the buildings. Inset, full-length windows are proposed on both facades, providing views into the building and allowing for a visual interplay between the interior of the building and the streetscape. The entrance to the structure will be at the corner of Johnson Drive and Nall Avenue, providing a focal point at the intersection. An inset courtyard is proposed along the Nall Avenue side of the building, which will further enhance the pedestrian orientation of the building and provide for activity along the sidewalk. The proposed building materials and architectural style are reflected in the design sketch shown on page seven of the applicant's submittal. A beige brick is proposed for the facade.

In terms of off-street public improvements, an existing fire hydrant along Nall Avenue in front of the building is proposed to be relocated to the north within acceptable standards provided by the Fire District and Johnson County Water One. The existing alleyway behind the building is approximately twelve feet in width, currently. The applicant is proposing to widen this alley to approximately twenty-five (25) feet. The brush that currently exists in this area will need to be cleared away, and an access agreement with the property owners to the east completed in order to accomplish this. This would allow for those on the east to be able to access...There is no alley, really. It's probably all (inaudible) property lines. Sometimes people think it's a City alley, and it's not. So, that would need an access agreement to allow those to the east to be able to access across their property and get out to Nall.

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A privacy fence along the back of the alley where the property adjoins a residential property will also be required. A sanitary sewer line currently exists to the east of the property within the Nall Avenue right-of-way. It is proposed that this development will connect to this line with the appropriate permits from Johnson County Wastewater. A detailed site survey will be required with the final site development plan showing all dimensions of the site, utilities and easements, and proposed improvements. Signs will be part of the final development site plan. As a mixed-use development, the subject property is encouraged to establish a private sign criteria to accomplish this.

Stormwater Management. The subject property generally drains southeasterly. There is an existing storm sewer along Johnson Drive. There is currently a storm sewer inlet in front of the property along Johnson Drive. The amount of overall impervious surface that is currently present will change little with the proposed development. A stormwater study will need to be completed, and final design plans will need to indicate proper stormwater management in accordance with the BMP.

Finally, the Mission Sustainability Commission has developed a rating and certification system. The applicant will be asked to submit their proposal to the Sustainability Commission for rating prior to submission of the final site development plan.

This does meet all the considerations of site plans under 440.160 in the City's Municipal Zoning Code. Staff does make a recommendation, with the following conditions:

1. Detailed site survey will be required with the final site development plan indicating site dimensions; building dimensions; on-street and off-street parking dimensions; dimensions of interior traffic ways; sidewalk width; placement and dimensions for all off-site, public improvements, landscape and streetscape improvements; and dedication of public-right-of way.
2. Detailed building drawings will be required with the final site development plan indicating dimensions, number of stories, materials, and finishings.
3. Private sign criteria plan will be required with the final site development plan.
4. A final traffic study and final stormwater drainage design plan must be submitted for review with the final site development plan. The appropriate text, maps, drawings and tables must be included.
5. Staff reserves the right to provide additional comments or stipulations on development plans until all traffic or storm drainage related concerns have been addressed.

And there is an item 6 that I added that I don't have in my draft, but it's in your packet. It pertains to Phase 1 environmental study being done on the property to identify potential contaminants from the dry cleaning establishment that was there.

I believe the applicants are here tonight. I'd invite them to make comments or share about their application.

Chair Lee: Please step forward and identify yourself.

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*Brad Satterwhite, Partner, KEM Studio, Mike Schwaller, Architect, KEM Studio, Jeff Rouse, JKM Equities, all introduced themselves.*

Mr. Satterwhite: Thank you for the report and overview. I think that is all consistent with what we are trying to do, to give you a short background from the owner's perspective, which at this stage is to try to put forth the basics of the planning approach to gain some level of approval in this preliminary stage, so that we can continue to market the site to the types of uses that were outlined by Mr. Scott. So, that's where we are today. That's why some of the things will still need to be vetted out in the final development plan as to the exact materials and details.

The only real clarifications that I have relative to what was in the report is that the intent is for either a two-story building or a one story use with a two-story volume structure. So, whether that ranges between 20 and 28 feet, the intent is to stay consistent with the streets along Johnson Drive. For example, just to the west where Mission Repair is, is about 28 feet in total height from the base to the top of the parapet. So, we would be looking in that range or a foot or two higher. The other thing is that they are not affiliated with Pride Cleaners. Pride Cleaners occupied the space, but they are not part of the ownership group. That's the second point.

The third one, I know we're trying to gain an understanding of the dedication of right-of-way relative to both Johnson Drive and Nall Avenue as the owner tries to navigate, not what's required by planning - which the plans that are in place as far as no parking and a mixed-use shared parking development is fantastic, but more from what would be required from a market standpoint, a lending standpoint, relative to tenants going in there. Mr. Rouse may have a couple questions relative to the nuance of that.

Beyond that, the last thing I would say is really trying to encompass all the things that are outlined in this area of the development plans relative to quality materials, real materials, pedestrian/human interaction at the street level, responding to the environment to create spaces that, they want to be outside the building as well as inside the building, and really solidify what is a really fantastic corner at Johnson Drive and Nall, giving it more presence than it has today. So, I'm happy to field any questions from you all.

Comm. Troppito: I have some questions. This isn't necessarily architecturally-related. And staff can also chime in. What's the timeframe for this project?

Mr. Rouse: Yeah, so, also to clarify some of the overview. So, Pride's is actually, they are still there. They are occupying that space currently, and they are projected to be there until the end of October. So, we're starting to get close to winter. We've not secured a tenant. We need to get this phase of it, this conceptual site plan, make sure we get the proper feedback from the Commission and from the City in terms of what we would be allowed before we can really go forward and market this property toward prospective tenants. Figure out what their design needs are, their building needs, and try to come up with an agreement that is financially feasible from a rate of return type of calculation. In a perfect world, we would like to be able to get to that approval. There is demolition that needs to be done, remediation that needs to be done there, which I can go into further detail if you need. But, we're looking at potentially breaking ground in the spring, and then,

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if we can secure a tenant, having something there early summer, middle of next summer. I think that's a realistic timeline.

Comm. Troppito: How is this project going to be financed? Is there going to be a loan from a financial institution? Or are you self-financing?

Mr. Rouse: We own the land; we don't have any debt on the land right now. So, we would be taking out a loan from a financial institution.

Comm. Troppito: Okay. Are you aware of any existing adverse environmental conditions affecting this property?

Mr. Rouse: Yes, I am.

Comm. Troppito: What are they?

Mr. Rouse: So, as the staff report mentioned, it was originally constructed as a gas station. It has been a dry cleaners, I'm not sure the exact timeframe, but for many, many years. And there is existing contamination in the ground, below the surface, that is part of the dry cleaning. It has been accepted into the dry cleaning fund. The deductible for the dry cleaning fund has been paid. So, the cost of cleaning up that dry cleaning contamination is completely handled by the State of Kansas, Department of Health and Environment.

Comm. Troppito: You have a separate fund?

Mr. Rouse: The fund is solvent. The fund has money, and we are in it. It is our understanding from conversations that we've had with the State of Kansas that if the building is removed as part of a redevelopment process, they would take that opportunity to perform the clean-up that needs to be done. We would not be able to secure our financing or a tenant that would be able to support that kind of building unless there is a clean environmental condition.

Comm. Troppito: Are you aware of any past environmental site assessments done on this property? Phase 1 or Phase 2?

Mr. Rouse: We had Phase 1 and Phase 2 completed when we purchased the property in 2012.

Comm. Troppito: And were these submitted as part of your application?

Mr. Rouse: No, they were not

Comm. Troppito: Was it mentioned to staff? Why I'm asking the question is there are several environmental-related statements in the staff report that I think add that dimension (inaudible) staff comments (inaudible) different.

Mr. Satterwhite: The architect was not aware of the environmental studies done, so we went with what...

Comm. Troppito: And you weren't asked.

Mr. Rouse: And we weren't asked.

Comm. Troppito: Thank you. That's all the questions I have at this point.

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Comm. Davidson: I'm curious about the easement on the north side of the property, or the business to the east, I guess is using it, and they need access to the back of that, their business, I assume. So, I guess that has been, just like a handshake-type of agreement that they can access on the back of your property as it sits at this point in time?

Mr. Rouse: There is a written agreement. There is a written access agreement that they have the right over that north part of the property.

Comm. Davidson: Is that the triangle that's there that's highlighted on the back side of the property? Right there.

Mr. Rouse: Yeah, that is it there. And that would be maintained. Within the conceptual site plan, that would be maintained. That was actually another point about the staff report. It talked about that there would need to be an agreement in place. There is already one in place.

Comm. Davidson: Okay, because Brian said that there needs to be one in place, and my question was, what's in place currently because of what's going on. That answers my question.

Chair Lee: Any additional questions at this time for the applicant? Thank you.

*[Chair Lee opened the public hearing.]*

*Cindy Rubiare, 5825 Nall, appeared before the Planning Commission and made the following comments:*

Ms. Rubiare: My maiden name is Bryant. The Bryant's have owned the house on the north end of this property since the 1930s. Currently, one of us is living there. I'm in and out of there daily. Just housekeeping stuff. That site was formerly a gas station. Mission puts out this booklet. This booklet is from May 2016. That's a picture of the first gas station in Mission, at the corner of Johnson Drive and Nall. So, just FYI, yeah, there was a gas station a long time ago.

I haven't gone through the entire plan in front of you, but from what I saw, it mentions a sidewalk along both Johnson Drive and Nall. I can tell you that no sidewalk exists on the east side of Nall from Johnson Drive to 58th, right in front of the house we own. So, I'm not sure what sidewalk they are referring to. It would be nice if there was, but there is not. They mentioned on-street parking on both streets. From personal experience, I can tell you that backing out of our driveway onto Nall is perilous. People turn right there quickly at Johnson Drive and Nall. People come out of the gas station, sometimes quickly without signaling. So, if I want to back out, I have to be real careful. I haven't been hit yet. I just want you all to take that into account. I know they want parking. I know every business in Mission wants more parking. It would be a selling point for them to be able to provide more. I think that's something that has to be considered.

I'm also concerned about light and noise pollution. They have nobody lined up to move into what they want to build, but when they do, I'm concerned about potential light and noise problems. The family member who lives in that house is already putting up with some light and noise from Sully's Bar, which is right next to the drycleaners, across the

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alley from us. There used to be noise from the BP gas station. They used to have music at their pumps 24 hours, and at night, they got a little loud unless you asked them to turn it down. Which they would do, and then they would turn it right back up.

I'm also concerned. I know you all don't know what's going to come into that place in the future, what you are building for. I am very concerned that Mission would allow another bar there. Besides Sully's Bar, there just east of their property, I know a new microbrewery has been approved just west of us on Johnson Drive. The Peanut Bar and Grill is one block south and two blocks east of us. The Lucky Brewgrill is about three blocks east of us on Johnson Drive. I'm concerned that Mission might not want to concentrate bars in that area. Now, it might not affect too many people besides us. We're the only house affected on this proposal, but it's still our house, and we still have someone living there.

With the way things go, we understand business, we understand what may not be feasible is for us to have a house there forever. We have been approached by Pride Cleaners, the owners of this property, asking if we would like to sell. We said no, we just did some remodeling. We're not interested in selling. Somebody is living there. They said, in case we did, what did you want for it. Parking. Parking. Which we've heard before. Beverly, who owns the business a little farther east of here...I can't think of the name, it's a beauty supply place. Beverly, the owner, has approached us in the past, asking if they could buy our property. We said no. What do you want it for? Parking. I know Mission needs more parking but, again, we still live there, and we still like living there. That's all I've got. I appreciate the opportunity to talk to you. Thank you.

Chair Lee: Anyone else who would like to speak?

*[Chair Lee closed the public hearing.]*

Com. Davidson: I've got one. Could the applicant maybe, even though they might not be in complete design with that home the lady just spoke about, and to your property, of what that easement area and stuff, how that's going to be landscaped or buffered in any way?

Mr. Satterwhite: Well, we would be increasing...Currently, it's 12 feet between their property line and the alley, I guess the south side of the alley. We would be doubling that, from 12 feet to around 25 feet. We've also included plans for a privacy fence. Whether or not that's a high fence or something more substantial, we can talk about that. But we want to separate ourselves from the single-family residences to the north.

Comm. Davidson: That 12-foot easement that is in place now, you're going to double it? But there still has to be, I guess vehicle access within that easement. Basically, it's going to have a basically 12-foot-wide alley with an additional 10 or 12 foot type landscape buffer, or something like that?

Mr. Satterwhite: If you work your way dimensionally from this back property line, the drive will increase to 25 feet from the 12. Then, the depth of a parking stall, and then, a sidewalk between the parking stall and the building, so that when getting out of the car, you can walk between the building and the car (inaudible). So, the building that we're proposing right now would align with this edge right here of this adjacent building, very close to that (inaudible). We haven't talked, from a specific development plan, about other additional

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buffers with plant material in front of the fence or between the buildings, but to the extent that we...

[crosstalk]

Mr. Rouse: And I will say, I want to thank you for coming out tonight. We've had lots of discussions with the family of that house, have been very open about what we're trying to do there, which is that, you know, we see ourselves as, we want to be good stewards. We want to build something that the City of Mission wants. We want to build something that, the benefit is helpful to reinvigorating that entire corridor. That's my wife and I, that's our goal. We don't want to build a suburban retail center that doesn't jive with the guidelines of the plan. So, we're willing to work with the family and provide an appropriate buffer that will allow them to stay in the house peacefully as long as they want to stay there.

Ms. Rubiare: I can tell you, too, we have bushes that separate our property from that alley that runs kind of east west. And the people that operate the bar now added a patio in the back. It helps a lot because it restricts the number of cars that park back there, that run through our bushes, and that have backed into a fence that is no longer... It's gone because it's just gotten broken so badly by getting backed into. Now, that doesn't happen so much, but I'm just warning you, if you put a fence in, here's what's going to happen.

Chair Lee: We have closed the public hearing.

Comm. Troppito: I have a question of staff. That's really hard for me to see. Could you dim the lights a little bit? It's hard to read that print. That's better, thank you.

Comm. Davidson: I just have one comment about the parking along Nall. I totally agree with you as far as that's, the parking there, you know, on the west side of the building on Nall, I live just up Nall and know how people drive. I know how they drive on Johnson Drive, as well. And we have slim parking all along Johnson Drive. That's why I requested the speed limit to go from 30 to 25, and I really think it needs to be 20. I think all the speed limits along Johnson Drive and all these angled parking situations need to be slowed down and enforced. Because I do know people come around Johnson Drive, taking the turn and going north on Nall, you're backing out of a stall, and I'm just saying, that's a concern I think can be addressed. But I understand your comment regarding that situation. There's not a lot of space, a lot of square footage on this property, so property is tough to get. That's just a comment.

Comm. Bruce: Do you have any idea what type of business you are targeting?

Mr. Rouse: Well, we've gotten a lot of interest from a microbrewery like the ones that are going in down the street. We've had some interest from a medical office, dental. We've tried to get more of a full-service type of restaurant because we thought that with the visibility of the corner, that would be ideal. But, the fact of the matter is, even with this design, if part of it was maximized, maximized parking, we still wouldn't have nearly as much parking as any kind of restaurant is going to want. So, we've scaled back to some of the other retail uses that don't need as much parking. But that's the interest that we've had. But, until we get to the conceptual site plan approval, or at least good guidance from the City, it's really hard for us to push it because it is a challenging site. A lot of the tenants

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and brokers have just said, "Oh, you don't have enough parking." That's the initial reaction. So, we've got to get to this phase, and then, we can really get the marketing to find the right tenant.

Comm. Dukelow: Mr. Chairman, if there are no further questions, I'll make a motion.

Comm. Troppito: I was going to ask staff to bring up the presentation in relation to the motions made.

Mr. Scott: PowerPoint? (Attached)

Comm. Troppito: Yes. Assuming it's going to...

[crosstalk]

Comm. Troppito: I'm not sure what happened to your resolution settings. Basically, what you are seeing here are the results of some work I did on this myself, observations I made as a result of a site visit, and some follow-up on line. This is an aerial view, it's consistent with what you've seen already, so let's go onto the next slide, please. You're not going to be able to read the narrative on the left side. This is a view of the back side, actually the easterly-facing view. You see the red arrow there. I made a site visit on Saturday, 8/25, and what's behind that fence is a small metal dumpster, and it contains bagged materials, some of which you can see are related to dry cleaners. There's also bagged and unbagged materials around the dumpster, laying on the ground. So, you know, it's hazardous waste in there of an unknown type. And I always wanted to get in there and figure out what it was. That would be the job of the environmental assessor to do.

But, I will point out that it may contain, or may have contained in the past, potentially hazardous waste that would be consistent with its use as a dry cleaning business. And such hazardous waste includes such things as contaminated rags and spent filters from dry cleaning equipment. Again, that's the job of the environmental assessor to determine. Go onto the next slide, please.

This one is probably difficult to read. It's a search I did of the USEPA online databases, which confirms that Pride Cleaners is a registered hazardous waste generator at this location. So, that confirms that hazardous waste has been generated here on the site. Next slide, please.

This is a Sanborn map extract that I did. At this point, it's old news tonight because...Thank you, ma'am, for presenting the magazine article. This was just another confirmation that that was, in fact, used as a gasoline service station. This map is from 1963. Sanborn actually used a process of conducting environmental site assessments, one of the documents that's reviewed by an environmental assessor, to review the past site history. Can we go onto the next one?

I took a picture here. Again, this is hard for you to see on that screen, I realize, but the red arrow points to what appeared to me to be a sealed and welded top of a stand pipe that's usually associated with an underground storage tank. This is usually for a known - in this case, unknown - hazardous material and liquids. This is at the northeast corner of the property. That's something that an environmental assessor would look at and review and make a finding from there. But, what I was saying, whether it's a (inaudible) oil tank,



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or whatever kind of tank it is, that would certainly be consistent with past use as a gasoline service station. Go onto the next slide.

So, I did some other EPA records search. That indicates that there is no record on file - that I can find anyway - of any underground storage tanks registered for that site. There's no record of underground storage tanks as being properly removed from the site. The lack of these records is inconsistent with past use of this site as a gasoline service station, which raises questions. Lack of such records could also indicate the UST's are there, are still in place, and more investigation and assessment should be performed for the use as a gasoline service station, apart from anything to do with what's going on with the site in connection to being a dry cleaning establishment. Next slide.

This is a KDHE database search results. Basically, it confirms what is already stated, that there has been a Phase II environmental site assessment performed for this property; that significant environmental contamination has been found; that remediation is required; and, that remediations listed in the database as being active. Next slide.

Groundwater contamination is confirmed. The site has known groundwater contamination from dry cleaning use as confirmed by a Phase II environmental site assessment. The current extent to which contamination has spread is undetermined at this point. There's a screen shot of the record, of the search I did. And, an expanded site assessment has been proposed, presumably to determine the scope and extent of both on-site and off-site contamination. That's the purpose of the Phase II environmental assessment. Not just contamination on the property, but has it spread off site, too. Next page, please.

So, here are some conclusions that I'm offering to you. If you look on the right, there's a picture of the potential of PCE - Perchloroethylene - for on-site and off-site contamination, how it plumes and spread, how it can go into, potentially sanitary sewers and stormwater sewers, groundwater. On-site and publicly -available data indicates substantive information indicating: That environmental contamination is confirmed to exist as a result of past land use as a dry cleaning establishment; that potential undetermined environmental contamination may also exist from past use as a gasoline service station; the presence of either an existing UST On the site or a UST that could have been removed without being reported as required, which in either case requires further environmental assessment; the scope and extent of known and unknown contamination; in other words, the contamination plume to the subject property and to off-site properties is unknown at this point, requiring further investigation in the form of a Phase I and Phase II environmental study and assessment. Lastly, that Phase I and II ESA's should be conducted in accordance with accepted and required ASTM standards to assure that they are properly conducted. In other words, that they are consistent with standard methodologies and conducted by qualified environmental professionals as described in the relevant ASTM standards.

Mr. Chair, that's the conclusion of my report. I am available for questions. If there are no questions, Ms. Dukelow can proceed with her motion. Well, one other thing. Can you bring up the proposed amendments? There are two I am making to staff recommendations as a result of these findings. One is an amended stipulation 6, which is to specify that the (inaudible) Phase I is conducted by (inaudible) investigation of the entire site history, not just the site history of the cleaners. Basically, 7 says if the Phase I

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Environmental assessment recommends further environmental inquiry in the form of a Phase II environmental site assessment, and such assessment shall be conducted in compliance with ASTM Standard Practice E1903-11 for environmental site assessments: Phase II environmental site assessment process and will need to be completed and submitted with the final site development plan. I'd be happy to second the motion as long as it contains the amendment to stipulation 6 and the addition of stipulation 7.

Comm. Christiansen: Mr. Chairman, I have a question. The owners acknowledge that the health department (inaudible) Kansas State Health Department to mitigate the site. These phases that we're calling in, why are we being so explicit with the certain standards? It's a federal law that they have to abide by. It states that the Kansas Health Department requires them to meet that. I don't see the need to explicitly state that ASTM standard for each phase when the owners acknowledge it, there is a state, Kansas State Health Department, there's a fund for it, and they still have to go through the mitigation process, so if they do find a tank, they have to deal with it. But in this preliminary setting, I don't think that's necessary for this approval. The owner is looking to get direction from us as a Planning Commission as what they want to see there. The final site plan will come, and we can make those adjustments then. If there is a tank on site, by federal law, they have to deal with it. Same with the contaminants in the ground. So, by pinning these so early on, it's almost like we're scaring away business. What they're looking for is guidance on what they want to build, and what they want to see there. The neighbors, they're willing to work with us and the City to build and develop a property that's going to help this city grow. And that's why I don't think these stipulations are necessary for this plan approval.

Comm. Troppito: I'd like to respond to that. Six is there because staff recommended a Phase I environmental site assessment. It wasn't really required, but the way it was phrased, it didn't really require that it be done in a certain way. Now, in my experience with past environmental business is that there is a lot of people out there doing Phase I environmental assessments that haven't been historically, they are not in compliance with the standards. They're performed by people who really do not have the qualifications to perform (inaudible). So, I just want to tighten that up and make sure that what we get as a part of our decision process is a quality document, which will be done by professional standards in the way it should be done. That tightens that up. So, it doesn't really add anything except to what staff is already bringing in here in item 6, except to simply say that it needs to be done in conformance with the standards. And, it also needs to include complete site history. The reason for that is that the assessment conducted by KDHE appears to be only done in connection with its use as a dry cleaning store. The other reason for that is the applicant indicated that their intent is to have this commence (inaudible). Well, every financial institution that I know of is going to require this ASTM, Phase I conducted by ASTM standards. So, we're not really requiring anything that they aren't going to require anyway.

Now, number 7 recommends if this (inaudible). I look at 6 as more of a clarification. Seven is an addition, and the way it reads is that if the Phase I requires further environmental inquiry, it too shall be conducted with ASTM standard practices. And it will need to be completed and submitted with the final site development plan. So, if you're Phase I (inaudible) Phase II, well, why would we not want to see that?

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Comm. Christiansen: Well, why do we need to have this tonight? Why not have it with the final site development plan?

Comm. Troppito: Well, this is a follow-up by staff, and if it's the consensus of the Commission, we should leave in reference to 6 to begin with. In the staff report.

Comm. Dukelow: It's my understanding that if a Phase I environmental assessment per ASTM standards comes back with indications of contamination, then it is, the owner is required to perform a Phase II assessment. And any site remediation that would be required as a result of those assessments would also be required. You're not going to get footings and foundations in if there's tanks under there. Believe me. They're (inaudible) site. They're not going to be able to build on a tank.

Comm. Troppito: I understand.

Comm. Christiansen: Mr. Chairman, are we sure that this ASTM standard is applicable by law for us? This might be a question for staff. Can we require this phase if it's not...? That might be outside of our jurisdiction, to even be discussing this.

Mr. Scott: I don't know exactly what's applicable by law. Frankly, this is a little over my head. I was aware of the nature of the property. That's why I asked for Phase I to at least demonstrate if there are any environmental contaminants on the property, and if there is, Phase II would kick in, and all those issues would have to be addressed before any construction occurs on the property. Whether it's ASTM, or any other standard, frankly, I don't know. We would do a review, our engineering staff would do a review of the environmental report that was submitted by the applicant. They would be looking for acceptable standards. But I can't speak to what that is.

Comm. Troppito: My question for you, is staff's recommendation 6, the way it reads now: *A Phase I Environmental Site Assessment will need to be completed and report submitted with the Final Site Development Plan.* So, that raises the question - Why is it even in there to begin with? Where did this recommendation come from? From the city attorney? You?

Mr. Scott: It's myself. It's based on my limited knowledge of the property. Obviously, it was a dry cleaning establishment. I'm aware of dry cleaning contaminants, etc.

Comm. Troppito: And you felt it was necessary.

Mr. Scott: Yeah. And I also had heard that there was a convenience store. Thank you for the information that confirmed that. Or a gas station, excuse me. So, that was my requirement. I'm not opposed to any of this, if that's the direction the commission wants to go.

Comm. Davidson: Mr. Chairman and Brian, maybe...And I understand Charlie's concern, or whatever. Charlie, what if the City required this ASTM inspection to be from a licensed ASTM company or inspector? I think that would...Basically what I'm hearing Charlie saying, that's his concern. Because I know you can find an inspector anywhere. So, make sure that they comply with ASTM.

Comm. Troppito: Well, the standards themselves define any (inaudible) environmental systems. That's one of the reasons the standards exist. And includes but not limited to licensed professional engineer, and licensed professional geologist. Can include

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professionals with environmental science degrees, (inaudible) who worked under a licensed professional for 10 years. So, the standards are there for a reason. Just to guarantee that you get a professional, quality report that can be relied upon. And that's what I presume we would want as a part of our decision-making process, and City Council would want as a part of their decision-making process. Something that you could count on. And those specifications provide for that. That's why they are there.

Comm. Christiansen: Mr. Chairman, I'm not opposed to the due process of having the site mitigated and all the proper testing done. What I am more concerned about is these are state and federal standards that are law. What I'm asking is - and this might be directed to staff - are we even allowed to require this as part of the Planning Commission? I mean, we can make recommendations on, more of a generic as a Phase I, but if our law doesn't specifically call for the ASTM standard, I'm by no means an environmental engineer, so I'm just not comfortable with being so explicit as to name an exact standard when the state law and federal law dictates that.

Chair Lee: I always (inaudible) there's some language in there that indicates (inaudible)

Comm. Braden: Correct.

[crosstalk]

Comm. Christiansen: If we stipulate this and they come back and state or federal law requires a different one - and I'm not sure how many there are, different types of tests, and they come back with one that's required by law and not by this point...You know, I'm just saying, let's not be so specific as to...Let's just call it, you know, the way it was written originally I think is sufficient, and let the state law and federal law on mitigating those contaminants, if they are found, to tell them, you know, there's already a fund in place to mitigate it. Let's just leave it at that. There's no reason to get into these details, especially on a preliminary site plan. If we feel it is necessary on a final site plan, let's address it then.

Comm. Troppito: Well, this is directly (inaudible).

Comm. Davidson: But we're still allowed to make more comments per the final site plan.

Comm. Dukelow: As an example, I mean, I agree with what my fellow commissioner just said, and I think of this is almost analogous with specifying the (inaudible) of the concrete. Or, specifying the steel, or anything else. I think we've probably gotten into too much detail with this.

Comm. Troppito: [Inaudible.]

Unidentified: Would the applicant want to speak on...?

Chair Lee: I don't think.... (inaudible)

Comm. Dukelow: Mr. Chairman, I will make a motion, if that would be agreeable. I make a motion to recommend approval of the preliminary site development plan for Case No. 18-09, 5438 Johnson Drive, to the City Council, with the following stipulations:

1. Detailed site survey will be required with the final site development plan indicating site dimensions; building dimensions; on-street and off-street

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- parking dimensions; dimensions of interior traffic ways; sidewalk width; placement and dimensions for all off-site, public improvements, landscape and streetscape improvements; and dedication of public-right-of way.
2. Detailed building drawings will be required with the final site development plan indicating dimensions, number of stories, materials, and finishings.
  3. Private sign criteria plan will be required with the final site development plan.
  4. A final traffic study and final stormwater drainage design plan must be submitted for review with the final site development plan. The appropriate text, maps, drawings and tables must be included.
  5. Staff reserves the right to provide additional comments or stipulations on development plans until all traffic or storm drainage related concerns have been addressed.
  6. A Phase I Environmental Site Assessment **and required subsequent assessments** will need to be completed and report submitted with the Final Site Development Plan.

Mr. Braden: Second.

Chair Lee: Call the roll, please.

Comm. Troppito: [Inaudible] amendment. Motion to amend.

Ms. Dukelow: So we will...?

[crosstalk]

Ms. Dukelow: We vote on the amendment, and then, back to the original motion?

[crosstalk]

Comm. Troppito: The motion to amend is to accept what she proposed for item 6, and environmental assessments must include investigation and complete site history of all land uses of this site, including operation as a gasoline filling station. (Inaudible).

Ms. Dukelow: So that was your... [crosstalk]. I'll second your proposed amendment.

Chair Lee: Make sure everyone is clear, we are voting on the amendment first, and then we'll vote on the original motion. Call the roll, please.

The vote was taken (9-0). The **motion carried**.

Comm. Troppito: Mr. Chairman, I have a motion.

[crosstalk]

Chair Lee: That was your...

[crosstalk]

Chair Lee: We're back to the original motion.

The vote was taken (9-0). The **motion carried**.

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Comm. Troppito: Motion to add stipulation 7, rephrased as: *If the Phase I Environmental Site Assessment recommends further environmental inquiry...*

Unidentified: I don't think we can do that, Chair.

[crosstalk]

Chair Lee: Okay. Thank you. Item 4, do we have any old business? Any PC comments? [None].

**Staff Update**

Staff provided an update and announced there will be no meeting in September. Comm. Dukelow asked for an update on the car wash and the redevelopment of office buildings. Mr. Scott reported that nothing new has happened on either of those projects.

**ADJOURNMENT**

With no other agenda items, **Comm. Christiansen moved and Comm. Braden seconded a motion to adjourn.** (Vote was unanimous). The **motion carried.** The meeting adjourned at 8:10 P.M.

\_\_\_\_\_  
Mike Lee, Chair

**ATTEST:**

\_\_\_\_\_  
Martha Sumrall, Secretary



# Environmental Related Observations

Charlie Troppito, 8/27/18

Case # 18-09

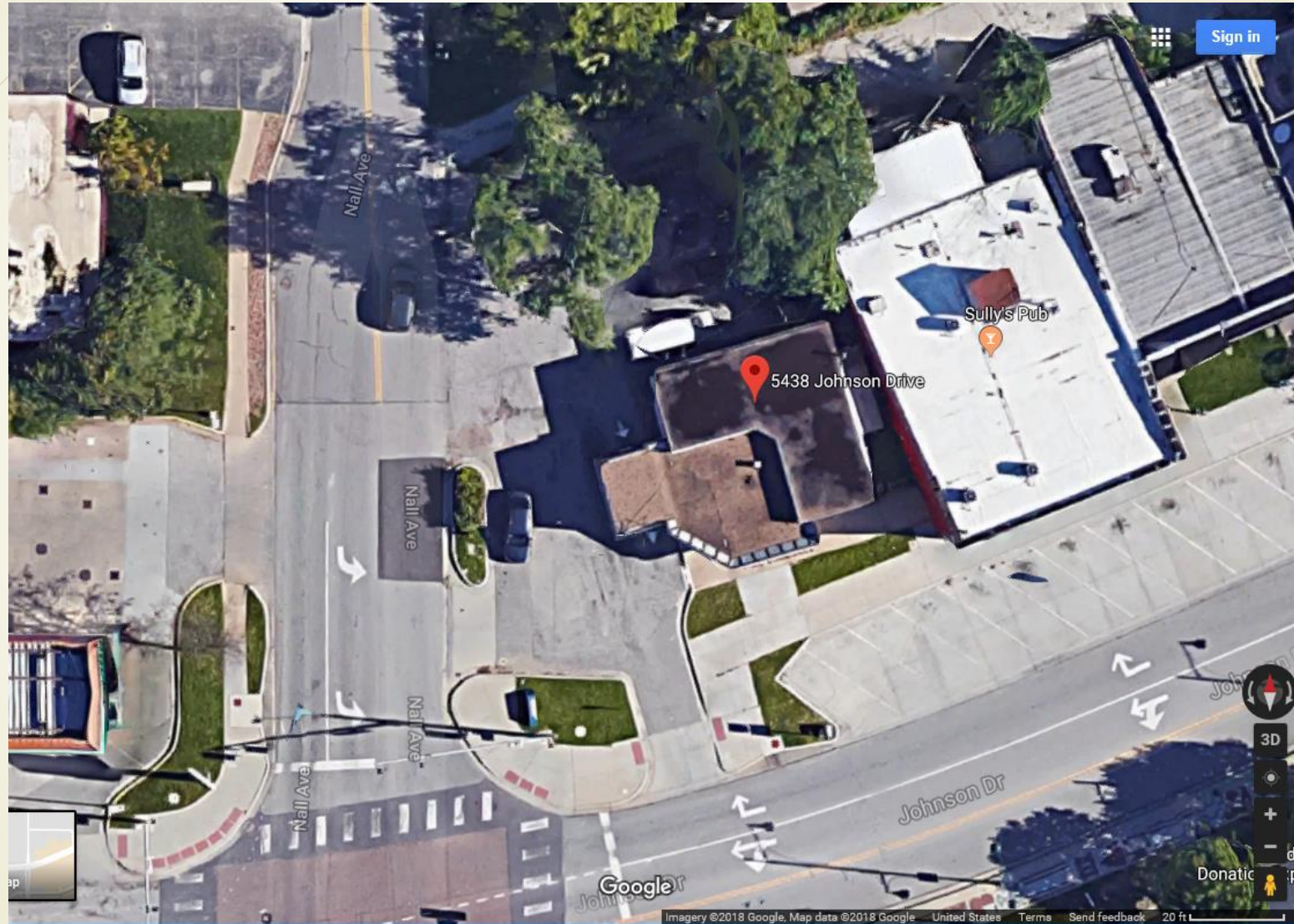
Preliminary Site Development Plan

5438 Johnson Drive

Mission, KS 66205



# Google Map Aerial View





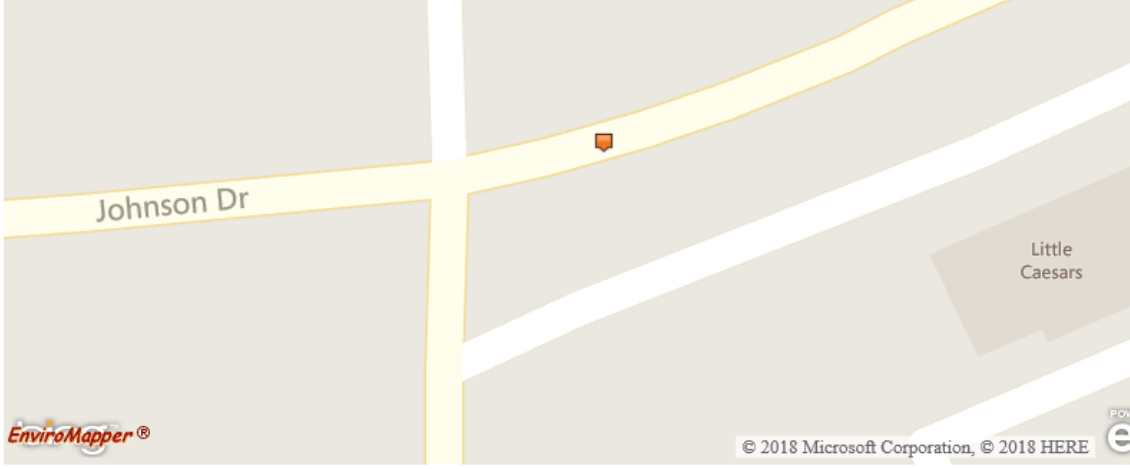
# Exterior Solid Waste Storage Area: North Side of Existing Structure

- ▶ Easterly facing view
- ▶ Site visit on 8/25/18 confirmed small metal dumpster behind the fence with bagged materials and waste materials lying on the ground outside of the dumpster.
- ▶ May currently contain or may have in the past contained potentially hazardous wastes consistent with use as a dry cleaning business.
- ▶ Such hazardous wastes can include contaminated rags and spent filters from dry cleaning equipment.



# Pride Cleaners is a Registered Hazardous Waste Generator

- Search of USEPA online databases confirm that Pride Cleaners is a registered hazardous waste generator at this location.



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Showing 1 to 1 of 1 entries Show 10 entries Search:

[First](#) [Previous](#) [1](#) [Next](#) [Last](#)

HANDLER ID	NAME	STREET	CITY	COUNTY	STATE	ZIP CODE	LATITUDE/LONGITUDE
<a href="#">KSD981123797</a>	PRIDE CLNRS 1005	5438 JOHNSON DR	MISSION	JOHNSON	KS	66205	39.02237/-94.64874

Showing 1 to 1 of 1 entries Show 10 entries Search:

[First](#) [Previous](#) [1](#) [Next](#) [Last](#)

# Past Land Use of Site Includes Use as a Gasoline Service Station

- 1963 certified Sanborn map image extract zoomed to location of subject property.



# Site Visit of 8/25/18: Indication of Possible Underground Storage Tank

- ▶ Photo of apparent sealed welded top stand pipe associated with potential underground storage tank for unknown potentially hazardous petroleum liquids at NE corner of subject property.
- ▶ Could be related to past uses of property as either a dry cleaning or gasoline service station.



# Follow up Records Search Findings

USEPA records search findings indicate that:

- ▶ There is no record of Underground Storage Tank(s) (UST's) registered for this site.
- ▶ There is no record of UST's having been properly removed from this site
- ▶ The lack of such records is inconsistent with past use of this site as a gasoline service station
- ▶ Lack of such records could indicate that UST's are still in place and that further investigation/assessment should be preformed

# KDHE Database Search Results-8/25/18

- ▶ Search results show the subject property:
  - ▶ Has had a Phase II Environmental Site Assessment conducted
  - ▶ That significant environmental contamination was found
  - ▶ That remediation is required
  - ▶ That remediation is listed as active

The screenshot shows the Kansas Department of Health and Environment website. At the top, there is a banner with the state logo and the motto "AD ASTRA PER ASPERA". Below the banner are navigation buttons for Home, Public Health, Environment, Health Care Finance, Laboratories, and News. The main content area is titled "Kansas Department Of Health And Environment Bureau Of Environmental Remediation Identified Sites List Information". It includes a search bar, a "Sites Found: 2835" indicator, and an "Export to Excel" button. A table lists identified sites with columns for Site Name, Address, City, County, and Site Status. A red arrow points to the site "PRIDE CLEANERS #31005 - 5438 JOHNSON DRIVE".

**Identified Sites List Information**

This site is best viewed with Internet Explorer 7 or above

Click The Site Name To View Site Information

Sites Found: 2835

Site Status Codes: A=Active, R=Resolved, E=Resolved with Restrictions, T=Transferred out of Bureau

Site Name [ Other Names ]	Address	City	County	Site Status
<a href="#">PRIDE CLEANERS # 1031</a>	10372 MASTIN ST, WYCLIFF PLAZA SHOPPING CENTER	OVERLAND PARK	JO	A
<a href="#">PRIDE CLEANERS #1022</a>	12242 STATE LINE ROAD	LEAWOOD	JO	A
<a href="#">PRIDE CLEANERS #1040</a>	8748 W. 135TH STREET	OVERLAND PARK	JO	A
<a href="#">PRIDE CLEANERS #26 - 7940 W. 151ST [Q CLEANERS]</a>	7940 W 151ST STREET	OVERLAND PARK	JO	A
<a href="#">PRIDE CLEANERS #31005 - 5438 JOHNSON DRIVE</a>	5438 JOHNSON DRIVE	MISSION	JO	A
<a href="#">PRIDE CLEANERS #31018 - 7632 STATE LINE</a>	7632 STATE LINE RD.	PRAIRIE VILLAGE	JO	A
<a href="#">PRIDE CLEANERS - 10330 METCALF AVE</a>	10330 METCALF AVE	OVERLAND PARK	JO	A
<a href="#">PRIDE CLEANERS - 11226 W 75TH</a>	11226 W 75TH	SHAWNEE	JO	A
<a href="#">PRIDE CLEANERS - 117 S MUR LEN</a>	117 S MUR LEN	OLATHE	JO	A
<a href="#">PRIDE CLEANERS - 5924 BROADMORE [JOHNSON DRIVE &amp; BROADMOOR ST]</a>	5924 BROADMORE	MISSION	JO	A
<a href="#">PRIDE CLEANERS - 7824 QUIVIRA</a>	7824 QUIVERA ROAD	LENEXA	JO	A

# Groundwater Contamination is Confirmed

Findings of KDHE records search conducted 8/25/18:

- Site has known groundwater contamination from dry cleaning use confirmed by a Phase II Environmental Site Assessment
- The current extent to which contamination has spread is undetermined
- An expanded site assessment has been proposed, presumably to determine the scope and extent of both onsite and offsite contamination

[ISL Search](#) >> [ISL Results](#) >>

**Kansas Department of Health and Environment  
Bureau of Environmental Remediation  
Identified Sites List Information**

**Project Code:** C404671672      **Site Status:** Active  
**Site Name:** PRIDE CLEANERS #31005 - 5438 JOHNSON DRIVE  
**CERCLIS Number:**  
**Other Names:**  
**Address:** 5438 JOHNSON DRIVE      **City:** MISSION  
**Zip Code:**  
**County:** JO      **River Basin:** KS - Lower Republican  
**Latitude:** 39.02236      **Longitude:** -94.647973  
**Program Name:** Drycleaning      **Project Manager:** BRANHAM, J.  
**Contaminants:** VOC

**Environmental Use Control In Place?** No

**Site Narrative:**

The site was accepted into Dry Cleaning Trust Fund and prioritized for fund expenditures in August 2002. The site did not rank high enough for immediate funding. Groundwater contamination has been identified on-site, however the remaining downgradient contaminant plume has not been delineated. The site is waiting to be funded to complete a groundwater investigation.

**Legal Description:**

Township	Range	Section	Parcel	Description
12	25E	04		

**Actions Completed:**

Activity Type	Activity	Start	Completed
ASSESSMENT	Phase II Assessment		05/20/2002
PRP IDENTIFICATION/NEGOTIATION	Application to Program	07/11/2002	08/12/2002

**Actions Underway:**

Activity Type	Activity	Start	Completed

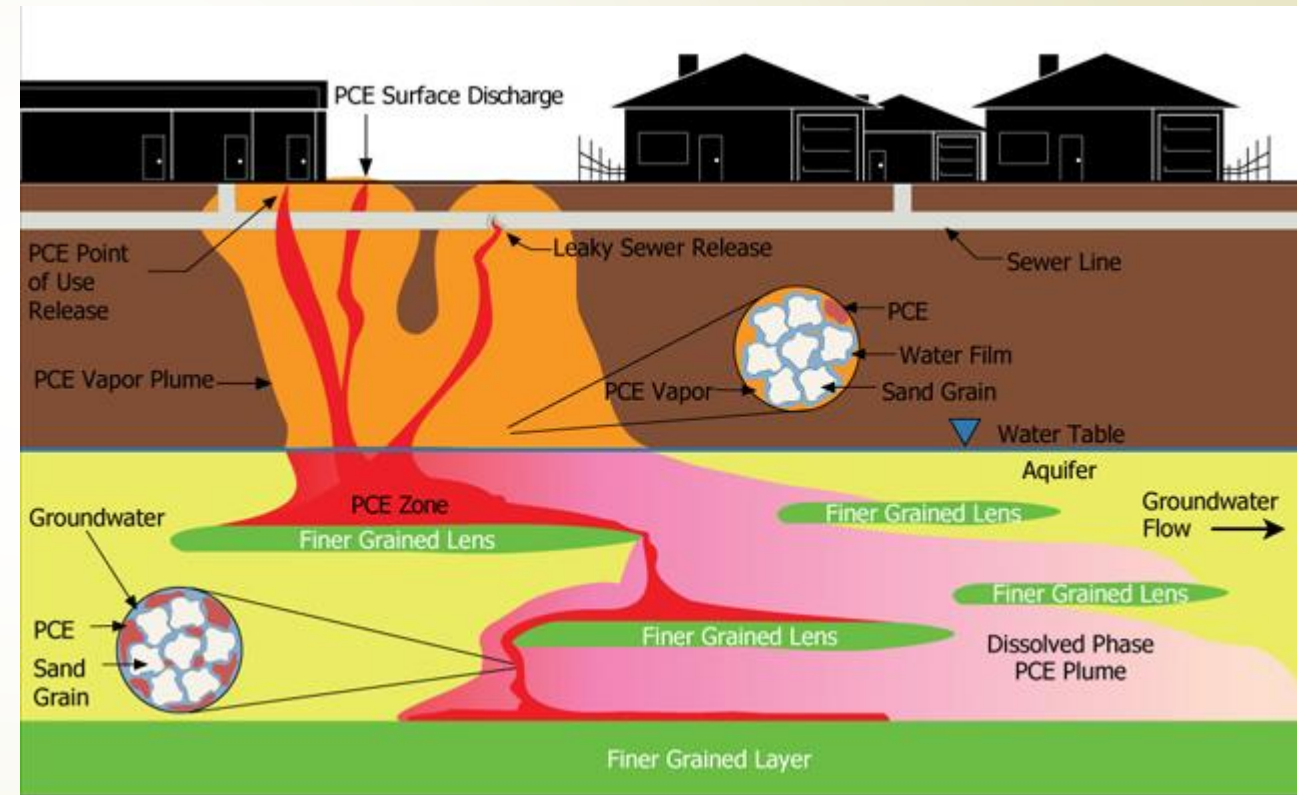
**Actions Proposed:**

Activity Type	Activity	Start	Completed
ASSESSMENT	Expanded Site Assessment		

# Conclusions

- ▶ On site and publically available data indicates substantive information indicating:
  - ▶ That environmental contamination is confirmed to exist on site as a result of past land use as a dry cleaning establishment.
  - ▶ That Potential undetermined environmental contamination may also exist from past land use as a gasoline service station.
  - ▶ The presence of either an existing UST on site or a UST that could have been removed without being reported as required, which in either case requires further environmental assessment.
  - ▶ The scope and extent of known and unknown contamination e.g. the contamination plume, to the subject property and to offsite properties is unknown requiring further investigation at the Phase I and Phase II ESA levels.
  - ▶ That Phase I and II ESA's should be conducted in accordance with accepted/required ASTM standards to assure they are properly conducted, i.e. are consistent with approved standard methodologies and conducted by qualified environmental professionals as described in the relevant ASTM standards.

Potential PCE onsite/offsite contamination plume example



PCE or Perchloroethylene is only one of the hazardous solvents used by dry cleaners. Other volatile organic compounds (VOCs) could have similar contamination plumes.



### **Amended stipulation 6 and proposed stipulation 7**

6. A Phase I Environmental Site Assessment conducted in compliance with ASTM standard E1527-13, Practice for Environmental Site Assessments: Phase I Environmental Site Assessment (ESA) Process, will need to be completed and submitted with the Final Site Development Plan. The scope of said ESA must include investigation of the complete site history of all past land uses at the site including but not limited to operation as a gasoline filling station and any prior Phase I or Phase II environmental site assessments as may be reasonably attainable and the current status as an active Kansas Department of Health and Environment environmental remediation site.

7. If the Phase I Environmental Site Assessment recommends further environmental inquiry in the form of a Phase II Environmental Site Assessment, such assessment shall be conducted in compliance with ASTM Standard Practice E1903-11 for Environmental Site Assessments: Phase II Environmental Site Assessment Process and will need to be completed and submitted with the Final Site Development Plan.

<b>City of Mission</b>	Item Number:	6a.
<b>ACTION ITEM SUMMARY</b>	Date:	August 24, 2018
<b>COMMUNITY DEVELOPMENT</b>	From:	Brian Scott

**RE:** Preliminary Site Development Plan for 5438 Johnson Drive

**DETAILS:** The property addressed as 5438 Johnson Drive is located at the northeast corner of Johnson Drive and Nall Avenue. The total land area of the property is 11,564 square feet (.27 acres). The current structure on the property is a one-story building 1,412 square feet in size. The structure was built in 1950.

The current structure has been a Pride Cleaners retail outlet for sometime. The property is owned by JKM Equities, LLC. The ownership is interested in demolishing the current structure and building a new structure on the site as an investment opportunity. They have engaged KEM Studio, an architectural firm, to design a new structure that maximizes the area of the site while still keeping within the design guidelines of the Johnson Drive corridor and the East Gateway Redevelopment Plan. No tenant or specific use has been identified for the new structure at this time.

The proposed structure will have an approximate footprint of 4,420 square feet and a proposed height of 28 feet. Though a building of 28 feet in height would typically be two stories, it has not yet been determined whether the proposed structure would be an actual two-story building or a tall, one-story building. Given the limited size of the property, code requirements, and development costs, it may be cost prohibitive to construct an actual two-story structure. Nevertheless, the intent of the design is to construct a structure that would be in keeping with the massing of existing buildings in the immediate area and provide a “presence” at an important crossroads in the community.

The proposed design indicates a structure that will be built to the sidewalk along both Johnson Drive and Nall Avenue with on-street parking on both streets. The structure would be built at the lot line, and adjoining the building to the east (site of Sully’s Pub).

The Planning Commission held a public hearing at its meeting on August 27th to consider an application for a preliminary site development plan for construction of a new structure at 5438 Johnson Drive. At the conclusion of the public hearing, and upon due consideration, the Planning Commission voted 9-0 to approve for recommendation to the City Council the proposed preliminary site development plan for 5438 Johnson Drive.

Related Statute/City Ordinance:	Including but not limited to 455.090, 410.010, 405.020, 415.010
Line Item Code/Description:	NA
Available Budget:	NA

**STAFF REPORT**  
**Planning Commission Meeting August 27, 2018**

**AGENDA ITEM NO.:**

**PROJECT NUMBER / TITLE:** Case # 18-09

**REQUEST:** Preliminary Site Development Plan

**LOCATION:** 5438 Johnson Drive

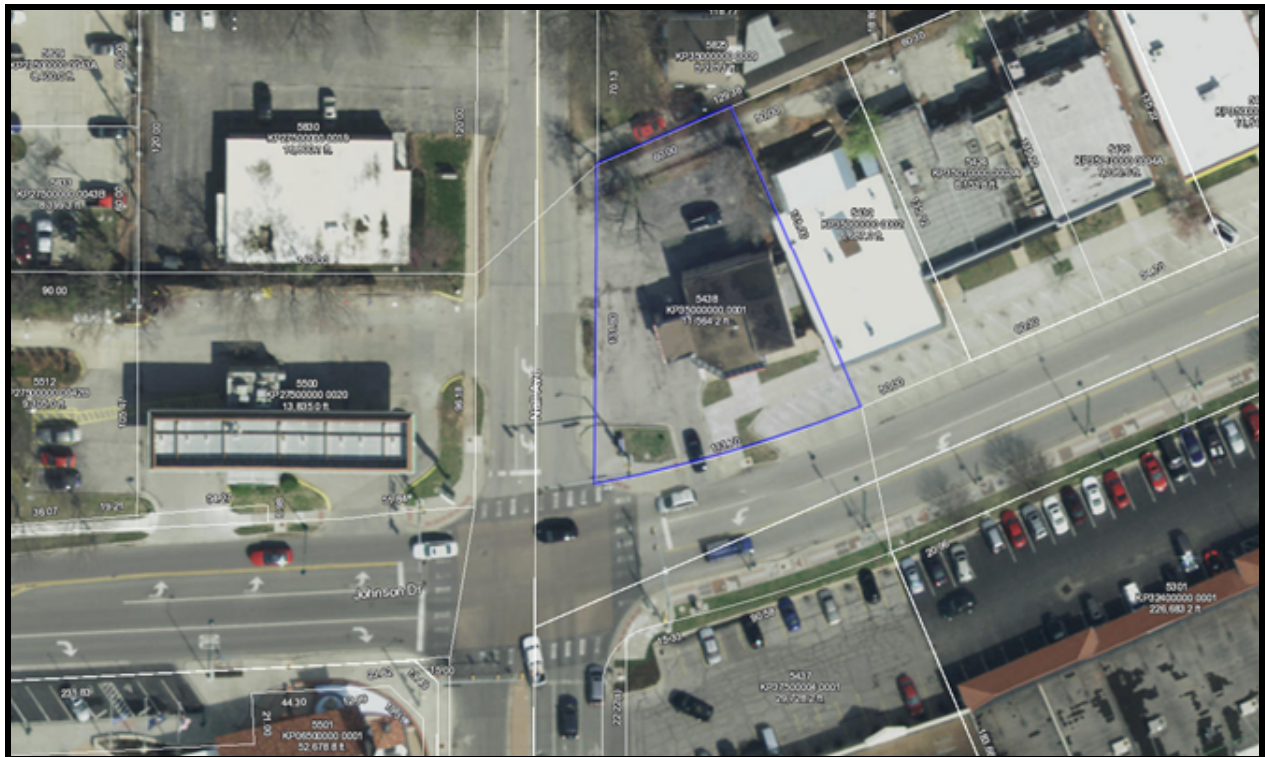
**APPLICANT:** Mike Schwaller, KEM Studio

**PROPERTY OWNER:** JKM Equities, LLC  
444 W. 58th Terr.  
Kansas City, MO 64113

**STAFF CONTACT:** Brian Scott, Assistant City Administrator

**ADVERTISEMENT:** 8/7/18-The Legal Record newspaper

**PUBLIC HEARING:** 8/27/18 Planning Commission meeting



**Property Information:**

The subject property is located at 5438 Johnson Drive, and is the site of a former Pride Cleaners retail outlet. The property is zoned Main Street District 1 “MS1.” It is located in the East Gateway Overlay District and is subject to the Mission, Kansas *Design Guidelines* for the Johnson Drive Corridor. “MS1” was assigned to this property at the time of the city initiated rezoning of the entire downtown in 2006. The District was designed to reinforce and encourage the existing character within the core of the downtown.

**Surrounding properties are zoned and developed as follows:**

North: “MS2” Main Street District 2 - single-family home  
West: “MS1” Main Street District 1- BP, convenience store/gas station/car wash  
South: “MS2” Main Street District 2 - Mission Mart, general retail center  
East: “MS1” Main Street District 1 - Sully’s Pub, restaurant

**Comprehensive Plan Future Land Use Recommendation for this area:**

The Comprehensive Plan indicates this area is appropriate for the Downtown District to maintain the historic community characterized by small businesses and a pedestrian oriented environment. The ground floor is appropriate for retail with upper floors including housing units or office uses. The proposed project is in conformance with the intent of the Comprehensive Plan.

**Project Background:**

The subject property is located at the northeast corner of Johnson Drive and Nall Avenue. The total land area of the property is 11,564 square feet (.27 acres). The current structure on the property is a one-story building 1,412 square feet in size. The structure was built in 1950.

Pride Cleaners closed this retail outlet sometime in the past year. The property is owned by JKM Equities, LLC, which is affiliated with Pride Cleaners. The ownership is interested in demolishing the current structure and building a new structure on the site as an investment opportunity. They have engaged KEM Studio, an architectural firm, to design a new structure that maximizes the area of the site while still keeping within the design guidelines of the Johnson Drive corridor and the East Gateway Redevelopment Plan. No tenant or specific use has been identified for the new structure at this time.

**Plan Review**

The applicant is proposing to build a structure on the property with an approximate footprint of 4,420 square feet and a proposed height of 28 feet. Though a building of 28 feet in height would typically be two stories, it has not yet been determined whether the proposed structure would be an actual two-story building or a tall, one-story building. Given the limited size of the property, code requirements, and development costs, it may be cost prohibitive to construct an actual two-story structure. Nevertheless, the intent of the design is to construct a structure that would be in keeping with the massing of existing buildings in the immediate area and provide a “presence” at an important

crossroads in the community.

The proposed design indicates a structure that will be built to the sidewalk along both Johnson Drive and Nall Avenue with on-street parking on both streets. The structure would be built at the lot line, and adjoining the building to the east (site of Sully's Pub).

	<b>Use</b>	<b>Approx. Area</b>
Retail (1st Floor)	Restaurant/Retail/Service	4,420 Sq Ft
Residential or Office (Possible 2nd Floor)	Lease Apartments/Office	4,420 Sq Ft
	<b>Total</b>	<b>8,840 Sq Ft</b>
<b>Parking Provided</b>	<b>Surface (inc on-street)</b>	<b>14</b>

### MS1 Main Street District 1

The intent of the MS1 zoning district is expressed in Section 410.160 of the Mission Municipal Code as follows:

The zoning of property as "MS1" Main Street District 1 is intended to provide development opportunities consistent with the existing character within the core of Downtown Mission. Downtown Mission is the original commercial district within the City. The majority of buildings in the core of downtown have been constructed to the public right-of-way. Public parking lots are available and on-street parking is present to serve the downtown businesses. The result is a character unique to downtown that is not found elsewhere in the City. The "MS1" District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. This district restricts automobile oriented uses and does not allow offices on the ground floor level. The district is also intended to allow multi-story buildings with office and residential uses above the ground floor level. Multi-story buildings with top-floor setbacks are encouraged within this district as described in the Mission/Rock Creek Redevelopment Masterplan. In addition, the district is intended to allow flexibility from the normal development standards found elsewhere in the City.

MS1 zoning provides for a variety of permitted uses on the ground floor of buildings including prepared food and food for home establishments, entertainment (including drinking establishments with an SUP), speciality retail/convenient retail and select services. Residential or office use is permitted on the upper floors of buildings within the MS1 zoning district.

The maximum height of buildings in the MS1 zoning district is three stories and/or forty-five (45) feet. The front build-to line is zero (0). The side yard build-to line is also zero (0) where the side yard abuts a public street. No rear yard setback is required.

There are no parking requirements in the MS1 zoning district. On street parking may be constructed where adequate right-of-way is available, subject to good traffic-engineering design principles. No portion of any paved parking area that is hereafter constructed shall be permitted within six (6) feet of a street line or lot line. Any parking and loading provided on private property shall be paved, stripped, contain landscaping and

screening as required in Chapter 415, Article III, Section 415.060.

**Staff Comments - Zoning:** The proposed structure meets the intent of the MS1 zoning district in that the proposed structure will be positioned to sit at the sidewalk along Johnson Drive and Nall Avenue. This will provide an interaction with the sidewalk and streetscape, complimenting the pedestrian oriented design of the Johnson Drive corridor. The height of the proposed structure is in keeping with the pedestrian scale for this area. The intended use is retail on the ground floor with a possible second floor for office or residential uses. Parking would be limited to on-street parking with four (4) off-street parking spaces on site at the rear of the building.

The proposed twenty-eight (28) foot height of the building is within the height limitation of the MS1 zoning district and will provide a “human scale” to the building while complimenting the height and massing of other buildings in the area. Though the building may not actually be two stories, the vertical and horizontal lines with widows below and above the main horizontal beam provide the look of a two-story building.

Ten (10) on street parking stalls will be provided, three (3) on Johnson Drive and seven (7) on Nall Avenue. Four (4) on-street parking spaces in front of the property along Johnson Drive already exist. Four (4) off-street parking spaces will be provided at the rear of the building. Requirements of Chapter 415 for off-street parking landscape are not applicable here given that there is less than 25 parking spaces.

	<b>Permitted</b>	<b>Proposed</b>
Building Height	3 Stories or 45 Feet	2 Stories / 28.8 Feet
Front Setback	Zero Build Line (ROW)	Zero Build Line
Side Yard Setback	Zero Build Line (ROW)	Zero Build Line
Rear Yard Setback	None	32 Feet

Because of the site’s use as a dry cleaner it may be a possible brownfield due to contaminants from the dry cleaning process. A Phase I Environmental Site Assessment will need to be completed and report submitted with the Final Site Development Plan.

#### East Gateway Overlay District.

The property falls within the East Gateway Overlay District. The overlay district generally prohibits any automotive related uses including sale or repair of vehicles. Though a specific tenant for this building has not yet been identified, the design of the proposed structure does not lend itself to such uses. Structures built in the East Gateway Overlay District must conform to the principles of the Johnson Drive Guidelines, please see below.

#### Johnson Drive Design Guidelines

The Johnson Drive Design Guidelines provide a wide range of recommended and required design elements applicable to the development. These include streetscaping and the relationship of buildings and their exterior facades to public streets as well as building materials and screening. Many of these details are not required at the time of preliminary site development plan review, but will be fully evaluated with the final site

development plan.

**Staff Comments - Johnson Drive Design Guidelines:** The proposed structure is shown filling in the corner at the intersection of two public streets, with a small amount of parking behind the structure. Sidewalk width has been identified as eight (8) feet, which is in keeping with the design guidelines and Johnson Drive infrastructure improvements in place already. Room is limited for trees and other landscape elements that are called out in the Johnson Drive guidelines. Landscaping can be provided with planter boxes strategically placed around the building.

A more modern architectural theme is proposed for the structure with strong horizontal and vertical lines that partition the two street facades of the buildings. Inset, full-length windows are proposed on both facades providing views into the building and allowing for a visual interplay between the interior of the building and the streetscape. The entrance to the structure will be at the corner of Johnson Drive and Nall Avenue providing a focal point at the intersection. An inset courtyard is proposed along the Nall Avenue side of the building, which will further enhance the pedestrian orientation of the building and provide for activity along the sidewalk. The proposed building materials and architectural style are reflected in the design sketch shown on page seven of the applicant's submittal. A beige brick is proposed for the facade.

Specific details of design elements and compliance with Johnson Drive Design Guidelines will be reviewed at the time of final site development plan submittal.

#### On Site/Off-Site Public Improvements

The owner is responsible for installation of on-street parking and streetscaping (sidewalk, street trees, benches, bike racks, street lights, etc) around the perimeter of the development. Off-site improvements identified in review of the final traffic and stormwater studies will also be the responsibility of the owner.

**Staff Notes - Public Improvements:** A minimum 8-foot wide sidewalk clear zone along Johnson Drive and Nall Avenue has been provided. Space for any streetscape amenity zone (street trees, tree wells, street lights, signage, etc.) is limited to the area immediately at the intersection of Johnson Drive and Nall Avenue. Additional details are needed with the final site development plan to ensure the Johnson Drive frontage provides adequate sidewalk dimensions and a comfortable pedestrian environment for a successful retail and walking atmosphere. Street right-of-way dedication will be required with the final site development plan and plat.

An existing fire hydrant along Nall Avenue, in front of the building, is proposed to be relocated to the north within acceptable standards provided by the Consolidated Fire District #2 and Johnson County Water One.

The existing alleyway behind the building is approximately twelve (12) feet wide. The applicant is proposing to widen this alley to approximately twenty-five (25) feet. The brush that currently exists in this area will need to be cleared away, and an access agreement with the property owners to the east completed in order to accomplish this.

Evidence of the access agreement will be required at the time the building permit is issued. A privacy fence along the back of the alley where the property adjoins a residential property will also be required.

A sanitary sewer line currently exists to the west of the property within the Nall Avenue right-of-way. It is proposed that this development will connect to this line with the appropriate permits from Johnson County Wastewater.

A detailed site survey will be required with the final site development plan showing all dimensions of the site, utilities and easements, and proposed improvements.

### Signs

As a mixed-use development, the subject property is encouraged to establish a private sign criteria as an alternative to the specific sign requirements of this district.

**Staff Notes-Signs:** The city's sign code indicates criteria shall be for the purpose of ensuring harmony and visual quality throughout the development. The size, colors, materials, styles of lettering, appearance of logos, types of illumination and location of signs must be set out in such criteria. Signs may wait to be addressed in this manner until the final site development plan is submitted.

### Stormwater Management

The Manual of Best Management Practices (BMP) for Stormwater Control, developed by the Kansas City chapter of the American Public Works Association, suggests regional stormwater management goals and, in conjunction with APWA Section 5600, provides a package of technical tools for meeting these goals and NPDES Phase II requirements. The stormwater management goals address both water quantity and water quality. A basic goal for any new development is to maintain or improve pre-development peak flows, runoff volumes and water quality. In other words, development should not increase the velocity or quantity of runoff, or the amount of pollutants leaving the site.

**Staff Notes- Stormwater:** The subject property generally drains southeasterly. There is an existing storm sewer along Johnson Drive. There is currently a storm sewer inlet in front of the property along Johnson Drive. The amount of overall impervious surface that is currently present will change little with the proposed development. A stormwater study will need to be completed, and final design plans will need to indicate proper storm water management in accordance with the BMP.

### Sustainable design and construction practices

The Mission Sustainability Commission has developed a rating and certification system for development projects.

**Staff Notes - Sustainability:** The proposed plans will need to be reviewed by the Sustainability Commission and a final scoring completed prior to the Planning Commission's consideration of the final site development plan.



**Code Review: Consideration of Site Plans (440.160)**

Site plans shall be approved upon determination of the following criteria:

1. The site is capable of accommodating the building(s), parking areas and drives with appropriate open space.

*The site is capable of accommodating the proposed structure, parking areas, and drives.*

2. The plan provides for safe and easy ingress, egress and internal traffic circulation.

*There is adequate space on the site to allow for circulation of residents, customers, and the public with no impact to traffic on adjacent public streets. A traffic/trip generation study will need to be submitted for review at the time of the final site development plan.*

3. The plan is consistent with good land planning and site engineering design principles.

*The proposed project is in preliminary conformance with the Johnson Drive design guidelines for building placement and massing.*

4. An appropriate degree of harmony will prevail between the architectural quality of the proposed building(s) and the surrounding neighborhood.

*The proposed project is subject to the design guidelines for the Johnson Drive corridor, which will ensure architectural harmony as the final site plan is prepared. The design concept expressed at preliminary site plan indicates a modern style architecture with brick facade, which is complimentary with other buildings in the area and conforms with the design guidelines.*

5. The plan represents an overall development pattern that is consistent with the Comprehensive Plan and other adopted planning policies.

*The proposed mixed use building is consistent with the intent of the Comprehensive Plan to encourage greater density and mix of uses in the East Gateway District.*

6. Right-of-way for any abutting thoroughfare has been dedicated pursuant to the provisions of Chapter 455.

*Any required right-of-way changes for this site to accommodate such things as public sidewalks and on-street parking will be addressed with the final site development plan preparation of a revised final plat.*

**Staff Recommendation**

The proposed development conforms with the Comprehensive plan, meets the overall intent of the “MS1” zoning district, and complies with the required findings for Section 405.090 and 440.160. Therefore, Staff recommends the Planning Commission recommend approval of the Preliminary Site Development Plan for Case # 18-09 - 5438 Johnson Drive to the City Council with the following stipulations:

1. Detailed site survey will be required with the final site development plan indicating site dimensions; building dimensions; on-street and off-street parking dimensions; dimensions of interior traffic ways; sidewalk width; placement and dimensions for all off-site, public improvements, landscape and streetscape improvements; and dedication of public-right-of way.
2. Detailed building drawings will be required with the final site development plan indicating dimensions, number of stories, materials, and finishings.
3. Private sign criteria plan will be required with the final site development plan.
4. A final traffic study and final stormwater drainage design plan must be submitted for review with the final site development plan. The appropriate text, maps, drawings and tables must be included.
5. Staff reserves the right to provide additional comments or stipulations on development plans until all traffic or storm drainage related concerns have been addressed.
6. A Phase I Environmental Site Assessment will need to be completed and report submitted with the Final Site Development Plan.

### **Planning Commission Recommendation**

The Planning Commission held a public hearing at its regular meeting on August 27, 2018 to take comment on this application. At the conclusion of the public hearing, and upon due consideration, the Planning Commission voted 9-0 to recommend to the City Council approval of the Preliminary Site Development Plan for Case # 18-09 - 5438 Johnson Drive to the City Council with the following stipulations:

1. Detailed site survey will be required with the final site development plan indicating site dimensions; building dimensions; on-street and off-street parking dimensions; dimensions of interior traffic ways; sidewalk width; placement and dimensions for all off-site, public improvements, landscape and streetscape improvements; and dedication of public-right-of way.
2. Detailed building drawings will be required with the final site development plan indicating dimensions, number of stories, materials, and finishings.
3. Private sign criteria plan will be required with the final site development plan.
4. A final traffic study and final stormwater drainage design plan must be submitted for review with the final site development plan. The appropriate text, maps, drawings and tables must be included.
5. Staff reserves the right to provide additional comments or stipulations on

development plans until all traffic or storm drainage related concerns have been addressed.

6. A Phase I Environmental Site Assessment and required subsequent assessments (Amended) will need to be completed and report submitted with the Final Site Development Plan.

**City Council Action**

If approved by the Planning Commission for recommendation to the City Council, the City Council will consider this application at its regularly scheduled meeting on September 19, 2018.

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BETTER DESIGN  
BETTER LIVING™

# PROJECT INFO

THE WHAT

- PROJECT INFO
- CONTEXT
- SITE ANALYSIS
- VISUALIZATION

## OWNER:

Jeff and Angela Rouse  
JKM Equities, LLC  
444 W. 58th Terr  
Kansas City, MO 64113  
(816) 916-5533  
jrouse@hopkinsappraisal.com

## ARCHITECT:

KEM STUDIO  
1515 Genessee St - Suite 11  
Kansas City, MO 64102  
Contact : Mike Schwaller, NCARB  
(816) 756-1808  
mschwaller@kemstudio.com

*The following proposed project adheres to the guidelines stipulated below per the 'Mission, Kansas Design Guidelines for the Johnson Drive Corridor':*

### COMMERCIAL CORRIDOR IN MISSION

- District: Downtown District, Subdistrict: East Gateway District

### POTENTIAL USES:

- Retail
- Food, entertainment
- Housing, office

### GOALS

- Promote architecture that is compatible in form and proportion with neighboring buildings.
- Incorporate a variety of forms, materials, and colors in the design of buildings and groups of buildings, while maintaining a composition that results in a unified appearance.
- Create buildings that are located and designed to provide visual interest and create enjoyable human scaled space.
- No planned landscaping, however if designed; features and screening to minimize the impact of surface parking.
- Replace marginal buildings with memorable ones.
- Facilitate recruitment of additional retail businesses.

### ARCHITECTURAL CHARACTER

- The Mission Style Architectural Character has informed the design of many buildings within the District. Mission, however, is a collection of building types and architectural styles and benefits from this diversity. These guidelines inform development and redevelopment that is compatible in form and proportion with neighboring buildings.
- It is important that new development be authentic to today's building technologies and user needs. Contrived or unnatural styles should be avoided.
- Humanize the Street.

### DENSITY

- Realizing opportunities to increase building heights would increase density, make properties better utilized, and be an aesthetic improvement. A change such as this would also increase the opportunity to incorporate more mixed-use developments with second story office or residential uses.

### BUILDING PROPORTION AND SCALE

- Buildings should be designed to be compatible in scale and proportion to buildings within their immediate context on Johnson Drive. Designs should incorporate architectural elements that relate to the human scale.

### BUILDING ORIENTATION

- All buildings must be oriented parallel or perpendicular to public streets within the entire Johnson Drive Corridor.
- New construction and infill buildings shall be oriented to primary streets and must be built to the "build-to" line. Grade level retail or commercial uses shall have a minimum 75% of the street frontage built to the build to line.
- Buildings on corner lots shall incorporate a form that addresses both streets of the intersection. (Refer to Guidelines for Buildings – Building Facades, Entrances, for additional requirements).

### PARKING

- Parking lots and on-street parking shall be designed in such a way to provide a clear, direct path between the parking areas and the business destination. 90 degree stalls are not allowed at on-street parking areas on Johnson Drive.
- On-street parallel or angled parking shall be provided on Johnson Drive.

### BUILDING MATERIALS

- Designers, property owners, and developers are encouraged to creatively blend new construction with existing in ways consistent with a singular district. The selection of quality building materials is paramount to achieving this goal.
- Stucco plaster shall not be used for more than 25% of the façade area of any one story.
- Materials should not artificially simulate other materials. If brick is proposed, it shall be real brick – not Z-brick or other such imitation material.
- Predominant colors for building facades in Mission should match or complement the natural yellow, pale tan, brick, beige, brown and terra cotta tones existing throughout the Corridor.
- Never exceed a total of four colors on the building façade.

### BUILDING ROOFS

- No exposed scuppers, gutters or downspouts on the facades facing major streets.
- False roofs, including mansard roofs, are prohibited.
- Exposed gable or hip roofs are prohibited.
- Roof mounted mechanical equipment shall be hidden from pedestrian view by roof parapet walls.
- Roofing or infill development should not introduce a new roof form to the area.

# CONTEXT

THE SURROUNDING NEIGHBORHOOD

PROJECT INFO  
 CONTEXT  
 SITE ANALYSIS  
 VISUALIZATION

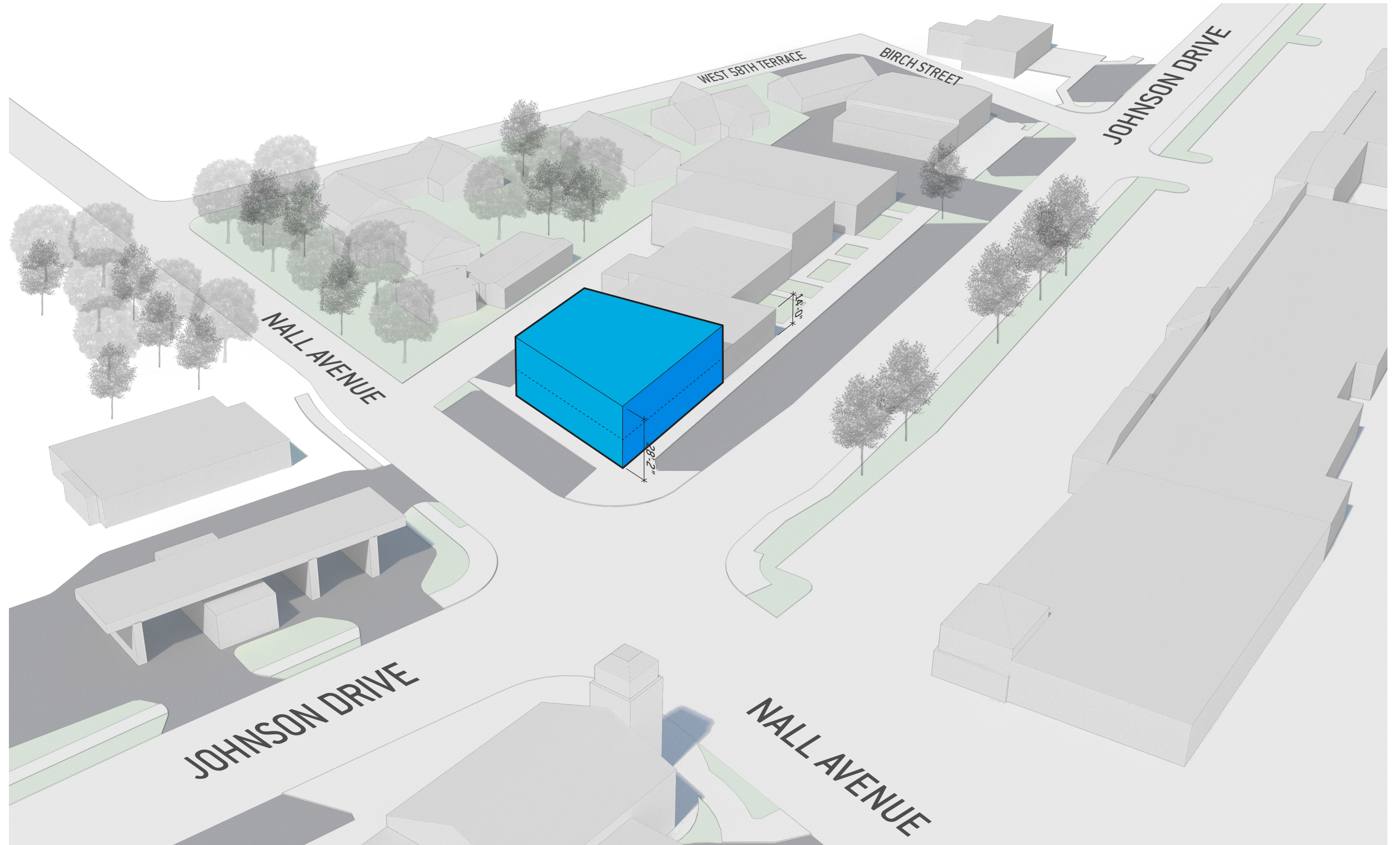
- 1 SULLY'S PUB
- 2 HEALTH SOURCE
- 3 PARAMI PETS
- 4 GRAND LIQUOR
- 5 MOSS PRINTING
- 6 LEND NATION
- 7 UPS STORE
- 8 RESIDENCE
- 9 RESIDENCE
- 10 OFFICE
- 11 BP GAS STATION
- 12 SPRINGBOARD CREATIVE / MISSION REPAIR
- 13 SCRIPT PRO
- 14 DOWNTOWN ROW STORE
- 15 CAPITOL FEDERAL
- 16 FED-EX OFFICE
- 17 MISSION MART SHOPPING CENTER
- EXISTING MANHOLE
- ▽ EXISTING INLET / STORM SEWER
- ▽ PROPOSED SURFACE INLET / STORM SEWER
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT



# CONTEXT

AXON LOOKING NORTHEAST

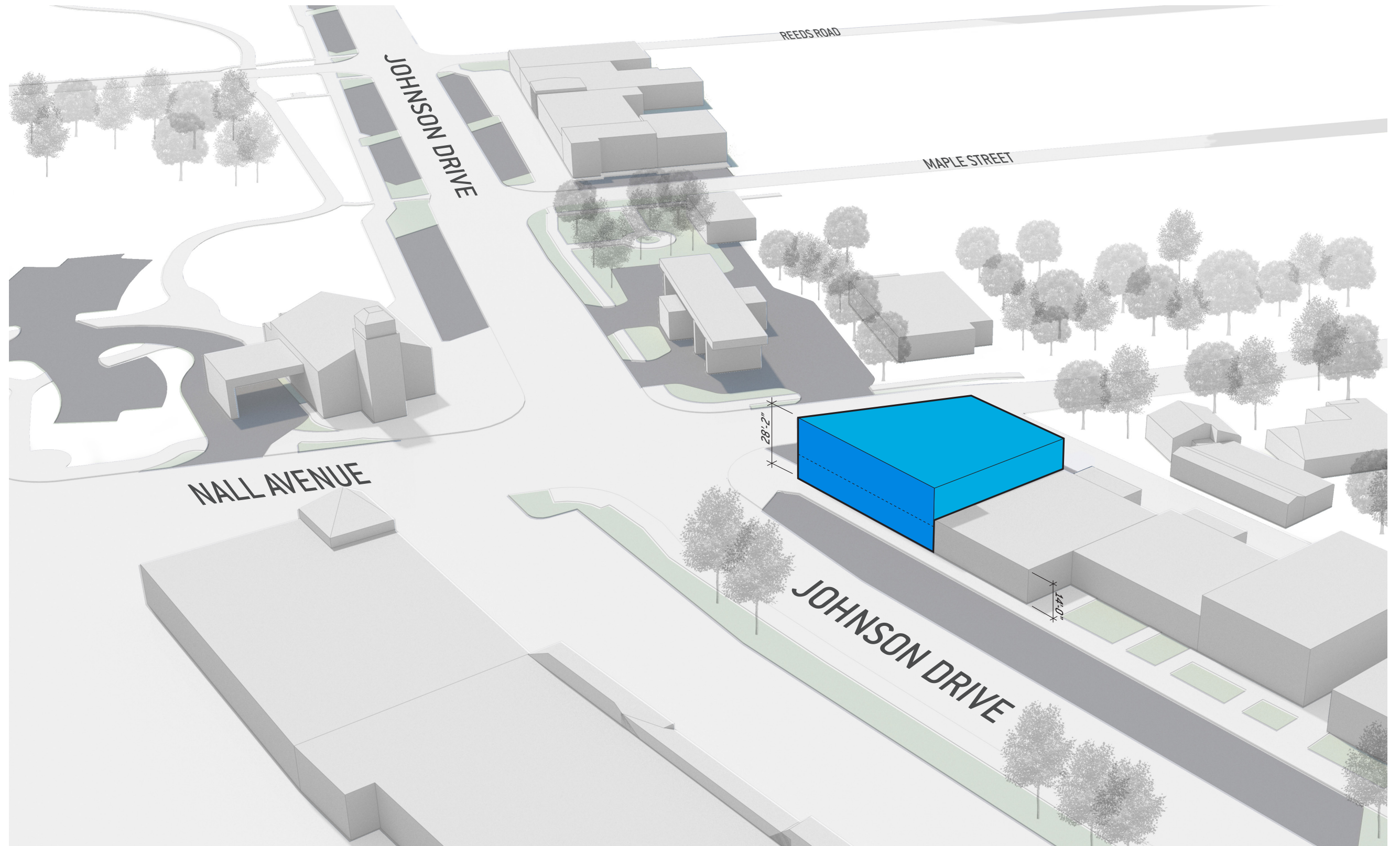
- PROJECT INFO
- CONTEXT
- SITE ANALYSIS
- VISUALIZATION



# CONTEXT

AXON LOOKING NORTHWEST

- PROJECT INFO
- CONTEXT
- SITE ANALYSIS
- VISUALIZATION





# SITE ANALYSIS

THE IMMEDIATE AREA

PROJECT INFO  
 CONTEXT  
 SITE ANALYSIS  
 VISUALIZATION

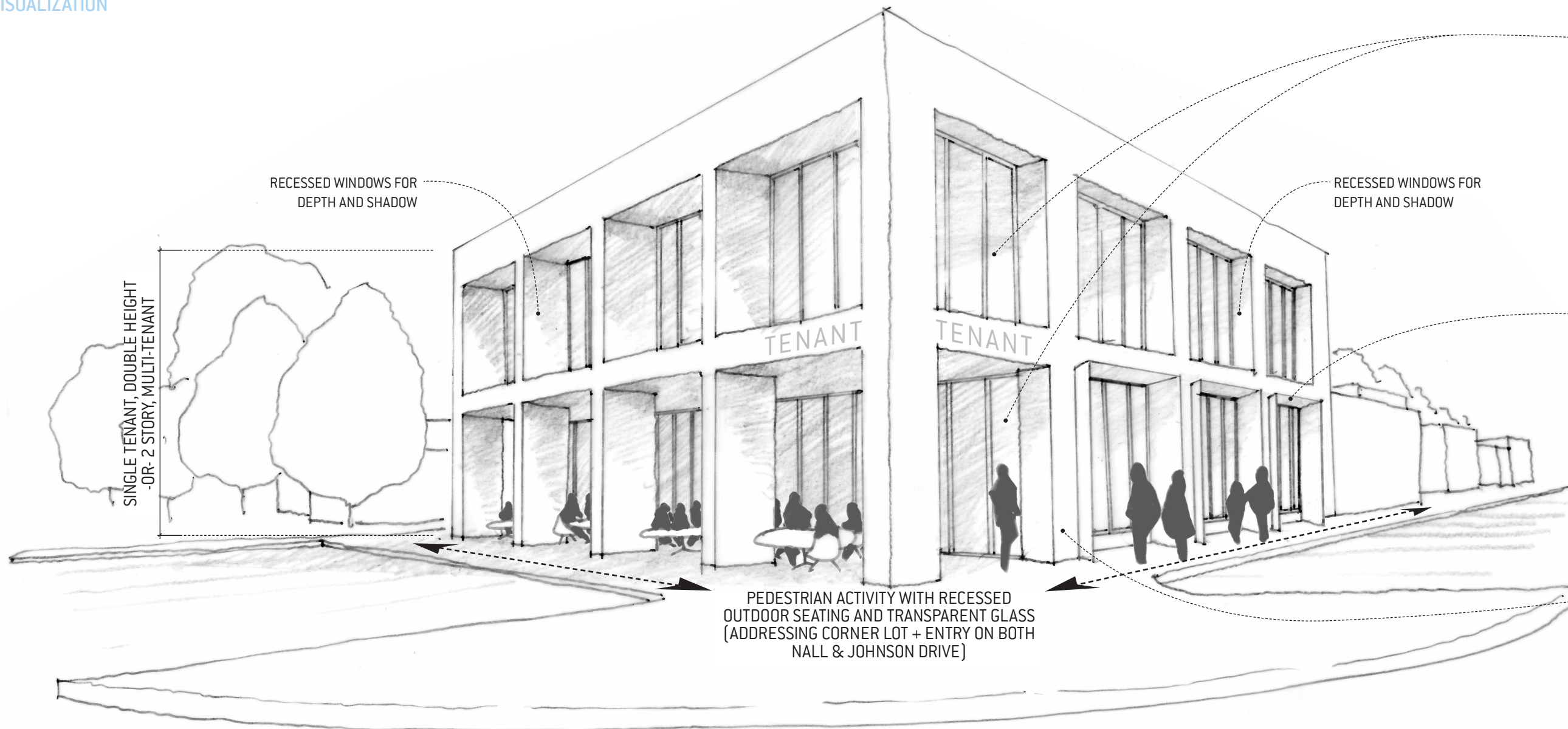
- 1 TRASH ENCLOSURE
- 2 REMOVE EXISTING FENCE TO EXTEND EXISTING ALLEY
- 3 NEW OFF-STREET PARKING
- 4 NEW ON-STREET PARKING (NALL AVENUE)
- 5 NEW ON-STREET PARKING (JOHNSON DRIVE)
- 6 PROPOSED LOCATION FOR NEW STORM SEWER
- 7 ACTIVATION OF CORNER / PEDESTRIAN ENTRY
- 8 NEW PRIVACY FENCE AT PROPERTY LINE



# VISUALIZATION

VIEW LOOKING NORTHEAST

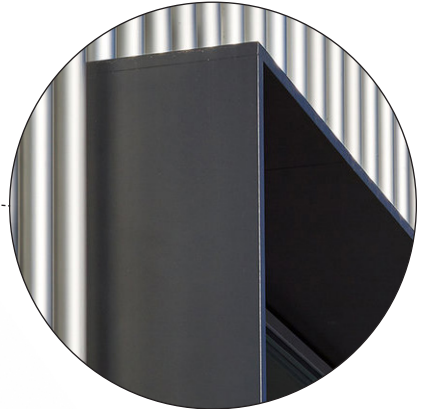
- PROJECT INFO
- CONTEXT
- SITE ANALYSIS
- VISUALIZATION



ANODIZED STOREFRONT



STEEL TRIM



PALE BRICK



<b>City of Mission</b>	Item Number:	7a.
<b>ACTION ITEM SUMMARY</b>	Date:	August 28, 2018
<b>Administration</b>	From:	Brian Scott

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

**RE:** Request for Revision of the Implementation Date of the Gateway CID #3

**RECOMMENDATION:** Approve the ordinance amending the implementation date for the Gateway Community Improvement District #3 to an effective date of July 1, 2020.

**DETAILS:** On October 18, 2017, the City Council approved Ordinance #1469 establishing the Mission Gateway Community Improvement District #3 with an implementation date of January 1, 2019.

The developer of the Gateway project has begun construction of the proposed development, but it will not be completed by January 1, 2019. The developer has requested that the implementation date be adjusted to July 1, 2020 (see attached letter).

This is not an approval of new incentives, just an extension of the date when CID taxes are collected. With no retailers on site generating sales tax until completion in July 2020, the developer would not want to activate the district early. Delaying activation preserves the entire 22 year duration for collection of revenues within the district, and provides the Council with the greatest degree of flexibility in evaluating how CID revenues might be used. Once activated, the CID “clock” can not be reset.

The State requires notice of any change to sales tax implementation dates prior to the first of the quarter immediately preceding the quarter the sales tax is to take effect. Meaning, we need to advise the State by September 30, 2018 in order to revise the January 1, 2019 implementation date. The attached ordinance, prepared by Gilmore & Bell, will amend the implementation date for the Gateway CID #3 to July 1, 2020.

**CFAA CONSIDERATIONS/IMPACTS:** N/A

Related Statute/City Ordinance:	K.S.A 12-6a26
Line Item Code/Description:	N/A
Available Budget:	N/A

(Published in *The Legal Record* on September \_\_\_\_, 2018)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE NO. 1469 OF THE CITY OF MISSION, KANSAS REGARDING THE MISSION GATEWAY COMMUNITY IMPROVEMENT DISTRICT #3.**

**WHEREAS**, K.S.A. 12-6a26 *et seq.* (the “Act”) authorizes the governing body of any city or county to create community improvement districts to finance projects within such defined area of the city or county and to levy a community improvement district sales tax upon property within the district to finance projects; and

**WHEREAS**, pursuant to a petition (“Petition”) Aryeh Realty, LLC, a Delaware limited liability company (the “Property Owner”) was filed with the City Clerk on June 16, 2017 and other proceedings of the City of Mission, Kansas (the “City”) duly held in accordance with the Act, the governing body of the City passed and published Ordinance No. 1469 authorizing the projects described in the Petition, creating the Mission Gateway Community Improvement District #3 (the “District”) and imposing a 1.0% community improvement district sales tax (the “CID Sales Tax”) to commence on January 1, 2019 in order to pay the costs of projects as described in the Petition; and

**WHEREAS**, the Property Owner has requested that the governing body of the City delay the commencement of the CID Sales Tax to July 1, 2020; and

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:**

**SECTION 1. Amendment of Ordinance No. 1469.** Section 3(a) of Ordinance No. 1469 is hereby amended to read as follows:

(a) The costs of the Projects will be financed with the CID Sales Tax levied pursuant to the provisions of the Act and reimbursed on a pay-as-you-go basis, as defined in the Act. The CID Sales Tax is hereby imposed at the rate of **1.0%** on the sale of tangible personal property at retail or rendering or furnishing services which are taxable pursuant to the Kansas Retailers’ Sales Tax Act (K.S.A. 79-3601 *et seq.*) within the District with such CID Sales Tax to commence on July 1, 2020 or such other date as the governing body of the City sets by ordinance and continue for a period of twenty-two (22) years or such earlier date as provided in a redevelopment agreement to be entered into between the City and the Property Owner.

**SECTION 2. Ratification.** Ordinance No. 1469 is hereby ratified and shall remain effect as amended above.

**SECTION 3. Effective Date.** This Ordinance shall take effect and be in force from and after its passage by the governing body and its publication once in the official City.

**PASSED** by the Governing Body on this 19th day of September 2018 and **APPROVED AND SIGNED** by the Mayor.

**CITY OF MISSION, KANSAS**

By: \_\_\_\_\_  
Ronald E. Appletoft, Mayor

[SEAL]

ATTEST:

\_\_\_\_\_  
Martha Sumrall, City Clerk



900 W. 48th Place, Suite 900, Kansas City, MO, 64112 • 816.753.1000

August 29, 2018

Matt R. Moriarity  
(816) 360-4184  
mmoriarity@polsinelli.com

**VIA ELECTRONIC MAIL TO:** [bscott@missionks.org](mailto:bscott@missionks.org)

Brian Scott  
City of Mission  
6090 Woodson  
Mission, KS 66202

**Re: Mission Gateway CID Sales Tax Extension**

Dear Brian:

This letter will confirm that, in connection with our prior discussions, the developer is requesting that the CID sales tax start date be extended to July 1, 2020.

Please contact me with any questions.

Sincerely,

A blue ink handwritten signature of Matt R. Moriarity, consisting of a stylized 'M' followed by a long horizontal line.

Matt R. Moriarity

cc: Matt Valenti  
Tom Valenti  
Korb Maxwell  
Laura Smith  
Gary Anderson  
Kevin Wempe  
Pete Heaven

<b>City of Mission</b>	Item Number:	7b.
<b>ACTION ITEM SUMMARY</b>	Date:	August 21, 2018
<b>POLICE</b>	From:	Ben Hadley

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

**RE:** Adoption of the Standard Traffic Ordinance (STO) and Uniform Public Offense Code (UPOC) Code Books for 2018

**RECOMMENDATION:** Approve the ordinances adopting the 2018 editions of the Standard Traffic Ordinance (STO) and the Uniform Public Offense Code (UPOC), as published by the League of Kansas Municipalities.

**DETAILS:** The *Uniform Public Offense Code* and the *Standard Traffic Offenses* code have been published by the League of Kansas Municipalities since 1980. They are updated each legislative session, and are designed to provide a comprehensive public offense ordinance and a comprehensive traffic code for Kansas cities. They do not take effect in a city until the governing body has passed and published ordinances incorporating them. When properly incorporated by reference, it is not necessary to publish the entirety of the codes, just the ordinances.

Currently, the police department and court are utilizing the 2017 versions of the above referenced codes. The 2018 versions became effective July 1, 2018, but we wait until the updated (printed) versions are available through the League before bringing the action item forward to the City Council. To maintain uniformity with agencies in the area and with the State of Kansas and the actions of the State Legislature, it is recommended that these codes be adopted. Additional ordinances passed to address local issues are already in place in the city's Municipal Code and should remain as currently adopted.

In the Standard Traffic Ordinances, those include:

- Article 7. Section 33 relating to maximum speed. Maximum Speed Limits are regulated by Mission Municipal Code Section 310.00.
- Article 20. Section 204 (b) School zone fines. School fines are regulated by Mission Municipal code 300.035.

In the Uniform Public Offense Code, they are:

- Article 9, Sections 9.9.1 and 9.9.2 relating to Unlawful Possession of Marijuana and Tetrahydrocannabinols and Possession of Drug Paraphernalia and Simulated Controlled Substances are deleted. Offenses concerning Drugs are regulated by Mission Municipal Code Chapter 215, Article III.
- Article 10, Sections 10.24, 10.25, and 10.26 relating to smoking prohibitions are deleted. Smoking restrictions are regulated by Mission Municipal Code Chapter 225. Article III.

Related Statute/City Ordinance:	
Line Item Code/Description:	01-30-206-03 Publications
Available Budget:	\$2,500

<b>City of Mission</b>	Item Number:	7b.
<b>ACTION ITEM SUMMARY</b>	Date:	August 21, 2018
<b>POLICE</b>	From:	Ben Hadley

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

- Article 11, Section 11.11 related to animal cruelty is deleted. Animal cruelty is regulated by Mission Municipal Code Chapter 210, Article 1.

Included with the packet is an article from the League's July publication which details the legislative changes impacting the 2018 STO and UPOC.

Along with the printed code books, licenses for electronic versions of the STO and UPOC were purchased so that the information can be placed on the City's website and on computers in patrol vehicles and workstations used by the court and police department personnel. The cost for updated ordinances was \$1,040.41.

**CFAA CONSIDERATIONS/IMPACTS: N/A**

Related Statute/City Ordinance:	
Line Item Code/Description:	01-30-206-03 Publications
Available Budget:	\$2,500



**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE ADOPTING THE STANDARD TRAFFIC ORDINANCE, 2018 EDITION, AND AMENDING THE CODE OF THE CITY OF MISSION.

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

Section 1. The Traffic Code of the City of Mission, 2018 Edition, Chapter 300, Section 300.010 is hereby amended as follows:

**CHAPTER 300: GENERAL PROVISIONS**

**Section 300.010: INCORPORATING STANDARD TRAFFIC ORDINANCE**

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Mission, Kansas, that a certain "Standard Traffic Ordinance for Kansas Cities," 2018 Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such Articles, Sections, parts or portions as are hereby omitted, deleted, modified or changed. No fewer than three (3) copies of the Standard Traffic Ordinance shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Mission" with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omissions or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked as may be deemed expedient.

Section 2. Article 7. Section 33 relating to maximum speed limits is deleted. Maximum speed limits are regulated by the Mission Municipal Code Section 310.010.

Section 3. Article 20, Section 204(b) of said Standard Traffic Ordinance relating to fines in school zones is hereby deleted. School zone fines are regulated by Mission Municipal Code Section 300.035.

Section 4. This Ordinance shall take effect and be in force from and after publication as required by law.

PASSED AND APPROVED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2018.

(SEAL)

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Ronald E. Appletoft, Mayor

ATTEST:

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Martha M. Sumrall, City Clerk

APPROVED BY:

PAYNE & JONES, CHTD.

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

## ORDINANCE \_\_\_\_\_

AN ORDINANCE ADOPTING THE UNIFORM PUBLIC OFFENSE CODE, 2018 EDITION, AND AMENDING THE CODE OF THE CITY OF MISSION.

BE IT ORDAINED by the Governing Body of the City of Mission, Kansas:

Section 1. Section 215.010 of the Code of the City of Mission, Kansas is hereby amended by adopting the Uniform Public Offense Code, 2018 edition, as follows:

### **§215.010: Incorporating Uniform Public Offense Code.**

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Mission, Kansas, that a certain code known as the “Uniform Public Offense Code,” 2018 Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such Articles, Sections, parts or portions as are hereby omitted, deleted, modified or changed. No fewer than three (3) copies of the Uniform Public Offense Code shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Mission” with all Sections or portions thereof intended to be omitted or changed clearly marked to show any such omissions or change and to which shall be attached a copy of this Chapter and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the Ordinance shall be supplied at the cost of the City such number of official copies of such Uniform Public Offense Code similarly marked as may be deemed expedient.

Section 2. Article 10, Sections 10.24, 10.25, and 10.26 relating to smoking prohibitions are deleted. Smoking restrictions are regulated by Mission Municipal Code Chapter 225, Article III.

Section 3. Article 11, Section 11.11 relating to animal cruelty is deleted. Animal cruelty is regulated by Mission Municipal Code Chapter 210, Article I.

Section 4. Article 9, Sections 9.9.1 and 9.9.2 relating to unlawful possession of marijuana and tetrahydrocannabinols and possession of drug paraphernalia and simulated controlled substances are deleted. Offenses concerning drugs are regulated by Mission Municipal Code Chapter 215, Article III.

Section 5. This Ordinance shall be in full force and effect after publication according to law.

PASSED AND APPROVED by the City Council this 19 day of September, 2018.

APPROVED by the Mayor this 19 day of September, 2018.

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Ronald E. Appletoft, Mayor

ATTEST:

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Martha M. Sumrall, City Clerk

APPROVED BY:

PAYNE & JONES, CHARTERED

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