

MINUTES OF THE PLANNING COMMISSION MEETING

May 20, 2019

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, May 20, 2019. Members also present: Jami Casper, Robin Dukelow, Stuart Braden, Burton Taylor, Brad Davidson, Charlie Troppito and Frank Bruce. Pete Christiansen was absent. Also in attendance: Brian Scott, Assistant City Administrator; Martha Sumrall, City Clerk; Audrey McClanahan, Office Assistant; and Jim Brown, Building Official

Approval of Minutes from the April 22, 2019 Meeting

Comm. Dukelow moved and Comm. Braden seconded a motion to approve the minutes of the April 22, 2019, Planning Commission meeting.

The vote was taken (7-0-1). The motion carried. Comm. Davidson abstained from the vote.

New Business

Appointment of Audrey McClanahan as Planning Commission Secretary

Brian Scott, Assistant City Administrator, introduced Audrey McClanahan as the new office assistant in the Community Development Department, and the new secretary to the Planning Commission.

Comm. Troppito moved and Comm. Bruce seconded a motion to appoint Audrey McClanahan as Planning Commission Secretary.

The vote was taken (8-0). The motion carried.

Case # 19-02. Non-Conforming Situation Permit, 6591 Johnson Drive

Mr. Scott: This is an application for a non-conforming situation permit. The address is 6591 Johnson Drive. This is the former Taco Bell restaurant located at the north entrance of the Mission West Shopping Center. They wish to repurpose the building to a Slim Chickens restaurant. In doing so, they want to make a number of renovations to the building, both interior and exterior. The situation may sound familiar. We had the same situation with McDonald's back in late fall/December. The same rules apply. This property is within the Form Based Code. The underlying zoning C-2B, Retail Service, is applicable to this type of use, so it is appropriate. We do have Form Based Code for all properties along Johnson Drive, Lamar to Metcalf. That makes it a non-conforming site improvement, currently. Again, as with the McDonald's we had back in the fall, the rule for non-conforming situation permit or site improvement is really anything that is 10 percent or greater in value in terms of improvements, requiring a non-conforming situation permit granted by the Planning Commission. That is in conformance with Section 420.190 of our zoning ordinance. They basically want to re-skin the entire building. They would cover up the EFIS with a fiber cement board. There are metal awnings over the entrance and windows on the sides, as well as lights extending out from the building that shine down onto the metal awning.

MINUTES OF THE PLANNING COMMISSION MEETING

May 20, 2019

Signage. I did ask them to reduce the size of that chicken so that it would comply with our sign regulations, which require no more than 10 percent on each face of the building. The front and two sides; no signage on the back. They are also wanting to add onto the front of the building a kind of front porch, if you will, which I think is a nice addition and gives it a little more of a human scale and interaction with Johnson Drive. I don't believe it's large enough that there would actually be outdoor dining. It's a pretty small site to begin with. But it would give that kind of appearance and feel.

They also want to make some minor improvements to the parking lot. Essentially, everything that is grayed out are areas where they would like to make improvements. To the west, that kind of gray box, it shows the parking stalls. That's grass. They'd like to take that out and put parking in there. Likewise, down at the bottom on the south side, that kind of grayed-out area, which shows about 15 or so parking spaces. That's currently a very narrow grass median. They'd like to take that out and put parking in. They'd like to create a solid drive-through lane that wraps behind the building. They originally had a sign board on the island to the west. We asked them to move it to directly behind the building, the menu board, so it provides more of a queuing area for vehicles. It gets them out of the entrance coming into the shopping center.

Finally, some additional parking on the east grassy area where it starts to slope up to the property immediately to the east, the future Tidal Wave. Take that out a little bit and increase parking. And then, they would rebuild the trash receptacle on the southeast corner. All of these were reviewed by our traffic engineering consultant, and he didn't have comments.

There is a landscaping plan in your packet, which is in conformance with our Johnson Drive design guidelines. A representative from Slim Chickens is here, as well as Block and Company, the owner of the building. That concludes my report.

Comm. Dukelow: I just heard you say that they intend to rebuild the trash receptacle at the southeast...?

Mr. Scott: Yes.

Comm. Dukelow: Is that in addition to the service yard that's shown on the northeast corner? Which contains a grease bin and a couple of dumpsters?

Mr. Scott: Yes. So, that's new as well, what you see in the northeast corner, top, and then the southeast corner would be a larger area. Essentially, it's there now, so it would be rebuilt.

Comm. Dukelow: And is it to be rebuilt? It's not shown on this plan. Because I'm not seeing it at all here.

Mr. Scott: It's on the site plan, I believe. It's currently right here, and move that over... They are correct. There would be a new, smaller area to the north.

Comm. Dukelow: So the intent is to rebuild that, demolish it in its entirety and rebuild it per the details, in the exact same location, and at the exact same size?

MINUTES OF THE PLANNING COMMISSION MEETING

May 20, 2019

Mr. Scott: A little larger. Yes. Both were adjusted so that it's easier for the trucks to get in. To form a table in this that's straight.

[Multiple voices, examining documents...?]

Comm. Dukelow: Okay, I think I understand. So the little back-up, the little driveway there must be for the truck to back around...? It's not clear...

Mr. Scott: I think I misunderstood the plans, as well. That trash receptacle is going to be removed entirely and this will be a drive-through that connects it to the rest of the shopping center. This will be an area for your dumpster and trash.

Comm. Dukelow: That was my original thought. What is the little driveway for, that is adjacent there.

Mr. Scott: That might be a great question for Block.

Rick Wiser, Executive Vice President, Block and Company, appeared before the Planning Commission and made the following comments:

Mr. Wiser: Our goal is to maximize our parking for the entire development and the use of the site. So, we have spaced in every available parking space that we could provide for that. The very large oversized dumpster is coming out entirely, and we're putting one about half the size – or smaller – to the north. It would be half embedded into the hillside there. It's a pretty steep grade there, so that will be below probably the sight line of the drive lane on Johnson Drive. It will also open up the visibility to the other shopping center to the east, to the license bureau. And connect the drive lane there. It will help the circulation and the traffic flow, I think, and greatly improve the tight little corner, getting around that building.

Comm. Casper: I have a question. With changing the flow of traffic around the entire development, is there going to be improvements to the entire parking lot of the development?

Mr. Wiser: We are continuously making improvements to the parking lot as we go along, as our budgets allow. This spring, we made several patches, replaced a lot of the speed bump berms directly in front of the east building, on the west side, and some patching there, as well. So, we are making those improvements now. That has all been completed in the last two to three weeks. Took care of some potholes there, etc.

Comm. Casper: The parking stalls to the south, that you're adding the small strip line, I guess, is there now. Are those going to have a curb on the south side of those stalls? Or is that going to be open up to the...?

Mr. Wiser: It will be opened up, and it will all sheet drain, as it currently does, to the south. Right now, there is a thin, narrow curb, and then a slight grade change on the east end. There is a super narrow strip of grass in there that's not really very visible. That was a three-car drive lane width going across there, but it was just very under-utilized. So, we saw an opportunity to shorten up the green space to the south side of the building and create a double drive lane and parking there. So, with the added completion of the lease spaces that were there for the Hobby Lobby, we now have Super Kids, and we have

MINUTES OF THE PLANNING COMMISSION MEETING

May 20, 2019

Planet Fitness, Dollar Tree, and the license bureau there, the KU Health Midwest practice there. All pretty high-end users for traffic flow, and we're really trying to benefit the entire site there by adding that parking for shared use.

Comm. Casper: Okay, that was my next question, was if those spaces right there mainly designed to be for Slim Chickens, because I can see people from the license bureau, etc....

Mr. Wisler: It's really intended to be a shared use. It's probably more than the Slim Chickens would use, and it really depends on peak hours, who will get there first and utilize it the most.

Comm. Casper: Sure. I was just going to say that if those were going to be, you know, for the restaurant, there will probably be parking issues with those businesses that you just explained. If it's the overall game plan.

Mr. Wisler: Yeah, the idea is to open it up and get a shared use. I think I saw it on the original site plan for this development, and that site, before it was a Taco Bell or a KFC, I think it was a parking lot. So, the idea is to try to open it up and benefit the site again.

Comm. Troppito: I had a hard time wrapping my head around the green space percentages before and after there. What would you estimate them to be?

Mr. Wisler: I let my traffic engineer do the green space qualifications and they still were compliant. I think we had above and beyond what was originally necessary. The lot to the north and the lot to the east. I did create some green space to the south end, and some islands. They're also going to benefit by moving a parking light to the middle of the south end to help to get the benefit of lighting at that end. It's fairly large. And then, moving around the rest of the space. We also developed a sight line plan if necessary for the City to review.

Comm. Troppito: You've got more now than they did, again, percentage wise?

Mr. Wisler: Well, at the south end, there wasn't a green space. The only green space that was [crosstalk] at the far west edge and the far right edge of those great ad areas. We are borrowing some of that back.

Comm. Troppito: You're putting in some trees...

Mr. Wisler: We are. We're going to take out some trees and add some new trees. A lot of oversized trees on the right side; a lot of storm damage to the trees on the left side, so we will be replacing those and getting something appropriate that the City will approve.

Comm. Troppito: I have some other questions that you may or may not be able to answer. Is there anybody here from management?

Mr. Wisler: I represent Block and Company, the owner of this site, the adjacent Runza and Mission West.

Comm. Troppito: All right, I'll just ask my questions. If you can answer them, fine, if you can't... Looking on your website, I noticed some of the reviews, and I noticed one of the

MINUTES OF THE PLANNING COMMISSION MEETING

May 20, 2019

things they seem to be famous for is their music. Are there any external speakers? Or is all the music to be contained within inside?

Mr. Wiser: I can't address that question. Their site plan for their store, they address that. I have been to a couple of Slim Chickens. I don't know if you have had the benefit of being to one. I know they play it internally. Now, they may with an exterior seating area, but this space will not have an exterior seating area. So, I do not foresee any external speakers. If that is an issue, I can certainly bring it up with the architects.

Gayle Walton, Architect, appeared before the Planning Commission and made the following comments:

Ms. Walton: We're here, representing the architects. There are no exterior speakers.

Comm. Troppito: Okay, thanks. A couple more questions. Again, this is operational. Restaurants like this produce a lot of grease. Do you know anything about the disposal policy, whether or not the grease will get recycled into biofuel, or not?

Ms. Walton: I'll have to get back to you on that, but I would assume that it's going to follow whatever your regulations are for the City.

Mr. Wiser: There are grease interceptors on site currently. It's at the southwest corner of the building, the two circles, adjacent to the building, that's the list of grease interceptors. That will be pumped on a regular basis.

Ms. Walton: You asked about bio feed...

Comm. Troppito: Biofuel. I was wondering if the company had a practice of disposing grease for purposes of people that make biofuel out of it. Or companies that collect it.

Mr. Wiser: They actually do do that. It is profitable for them to re-sell those elements.

Comm. Troppito: You're saying that they will do that or...?

Mr. Wiser: It's my understanding that some do.

[crosstalk]

Comm. Troppito: That's why I asked. I want to know if they do that.

Mr. Wiser: Slim Chickens has that practice, where they will hire a local contractor to pump them out. I don't know who their contract will be with, if they do that practice of re-selling to biofuels. I can find that out.

Ms. Walton: I do not know, but we can find out.

Comm. Troppito: Thank you. How about their to-go containers?

Mr. Wiser: It's usually just a paper tray or paper bag. It's paper.

Comm. Troppito: Okay. That's the end of my questions. Thank you.

Comm. Bruce: On the parking, on the extension on the east side, that goes into a hill side. After the lot is improved, what will the height be from the existing grade down to the parking lot?

MINUTES OF THE PLANNING COMMISSION MEETING

May 20, 2019

Mr. Wisner: We did a topo map, and I had my civil engineer send that out so you could look at that in detail. It's very flat until you get closer to the tall retaining wall. The retaining wall is fairly shallow at the north end; it gets much steeper towards the southeast corner. And we looked at any requirements for a retaining wall, and we don't believe that we're going to need that at all. That will be terraced back to the existing height that it is up against the retaining wall, and it will slope down at a suitable grade to cause erosion or any other issues. And we'll stabilize those.

Comm. Troppito: One other question. Normally, staff does at least a semi environmental review, including stormwater run-off. Did you make sure stormwater run-off [inaudible] increase or decrease?

Mr. Scott: Did I do a formal review of that? No. The impervious surface area in the new plan is essentially the same, as what's currently there.

Comm. Troppito: A little more, wouldn't you say so?

Mr. Scott: Yeah. So, additional green space with these islands, it's probably about an even change. Stormwater run-off is about the same as before. Impervious hasn't changed that much overall.

Comm. Troppito: So, no negative impact.

Mr. Scott: No.

Comm. Troppito: Good. Thank you.

Comm. Dukelow: I have a few questions. I understand that you're doing the site work for the parking and the other team is working on the building.

Mr. Wisner: That's right.

Comm. Dukelow: So, with regards to the parking lot, I would like to consider, if you would consider something for a moment. The additional parking that's coming on the west side, if each of those are 20 feet deep, the west row could be at an angle. And we could save a four-foot strip across the front of there, of green space. Additionally, that would help discourage people from backing out of there into the southbound incoming traffic and heading south, and it would encourage them to go towards Johnson Drive, which would be a safer route, I believe.

Mr. Wisner: We have looked at that. The civil engineers, I myself am an architect, and I've done some preliminary conceptual driveways on this. And that drive lane appeared to be two lanes; it's at least three to four lanes wide. It's excessively wide. So, I think this drawing makes it appear narrower than it is. Those spaces are about 9 feet wide by 19 feet deep. Angle parking, while it requires a shorter back-out lane, it requires a deeper stall because of the angle. The angle of the car is actually deeper on its axis.

Comm. Dukelow: We've got the parking on the west side to draw from regarding the depth that would be required to make that a parking area.

[crosstalk]

MINUTES OF THE PLANNING COMMISSION MEETING

May 20, 2019

Comm. Dukelow: I'm looking at the 16-foot dimension.

Mr. Wiser: If we could get the same number of parking spaces, I have no issues with it whatsoever. You're talking about having them angle towards the northeast?

Comm. Dukelow: Yes.

Mr. Wiser: So they'd back out, they would egress?

Comm. Dukelow: Yes.

Mr. Wiser: I don't see any issues with that. I could bring it to my engineer's attention, see if they want to resubmit it. If that's something the City would like to see.

Comm. Dukelow: Well, the advantage I see in that, you maintain your curb on the east side. You put a new curb on the west side. You'd have a four-foot planting strip there, and then the angular parking.

Mr. Wiser: I'd be happy to review that with the engineer.

Comm. Dukelow: That would be appreciated. I'm not sure that we... I mean, I don't know that we would need a resubmittal on that, but perhaps you could follow up with staff on that, and that would be additional opportunities for landscaping, as well. Thank you for considering that. I think it will help break up the massive open concrete parking area. And I know that is a very, very busy area. It's a very busy strip mall, between Planet Fitness, and the restaurants, I mean...

Mr. Wiser: It's very successful.

Comm. Dukelow: Yes. I've got a couple more questions. This one says about materials and methods... There's an Aldi mentioned on here. That's probably not accurate.

Mr. Wiser: That was in an original plan for [inaudible]. I think he left his [inaudible] out of there. And there was an error there.

Comm. Dukelow: Is the service yard to be completed by the architectural team or by...?

Mr. Wiser: By service yard, are you referring to the trash enclosure?

Comm. Dukelow: Yes...

[crosstalk]

Mr. Wiser: ... coordinate that with the architects to make sure that we're compliant with requirements of Slim Chickens. So, undersize it for any of their needs. So, they will be similar materials to the existing.

Comm. Dukelow: I have a couple of questions regarding that. The detail doesn't address the slope, it doesn't address the back of the wall at that location, and the parking, the drive is at 994, and the grade around the back of that wall is at 1,000. So, that's six feet below...

Mr. Wiser: Right, and that is to minimize visibility from Johnson Drive. So, the slopes will be very close to the current slopes in the parking lot adjacent paving materials. It will continue all the sheet draining as it is currently, going towards the south. But yes, to be

MINUTES OF THE PLANNING COMMISSION MEETING

May 20, 2019

able to berm that into the side of the building is a bad fit to minimize that additional structure. Of course, we'll landscape it as well.

Comm. Dukelow: I noticed the landscaping there, as well. I mean, I was pointing out that... if we're going to bid this thing, I mean, somebody ought to let the contractor know because the detail that is shown here doesn't address or take into account that the back of that wall is going to be [inaudible].

Mr. Wiser: We've had multiple contractors out to the site already. They've visualized it. Hopefully they'll recognize it.

Comm. Dukelow: Okay. One more question regarding that enclosure and the building. The detail on the enclosure says that it's going to be split-faced block to natural filled-in wainscot. But the...

[crosstalk]

Comm. Dukelow: ... is going to be painted.

Ms. Walton: Right. Well, on the existing building, the wainscot on the bottom of existing is a split face, which we're keeping. And then, above is where we're going to put the fiber cement board. So, that block that's below of the existing is what you're talking about matching.

Comm. Dukelow: And that will be painted. The block that's on the building?

Mr. Wiser: No.

Comm. Dukelow: P-4, is this going to be block wainscot?

Mr. Wiser: Okay. So, regarding that. Is it also the intent to paint the enclosure?

Mr. Wiser: The exposed portion of that block would need to match, make it uniform.

Comm. Dukelow: So, it's not actually split...

[crosstalk]

Comm. Dukelow: It's CMU.

Mr. Wiser: It's CMU [crosstalk] some portion of it that's buried in the hillside, you might go with concrete. It would last longer. The block is somewhat impervious to water unless it's properly sealed. And paint is a benefit to sealing it.

Comm. Dukelow: Thank you.

Comm. Braden: Back to the layout of the site. I question, maybe I'm not seeing it correctly, but I question the usefulness of the drive entry on the west lot going to the south, through the drive-through queue lane. Is that really going to be useable if cars are backed up...?

Mr. Wiser: That's the idea there. One, we have a couple existing issues. There's a power pole, and a very narrow strip. We talked to Kansas City Power & Light, and from the far right - I'll step up to the screen a little bit - the power pole here, and it feeds underground to this power pole here, actually above ground. This power pole here comes down, feeds back into the building. I found out this week that that power pole continues to the west

MINUTES OF THE PLANNING COMMISSION MEETING

May 20, 2019

underground and feeds the former Runza, Planet Fitness and Super Kids goes up that power pole with three transformers continues on south. So, that's something that we're probably going to have to deal with one way or the other to keep that narrow strip there. So, it's not an ideal situation, but if we did have cars backing up, we'd have to have them queue there instead of an open strip. Power pole there, and some other additional green space. I know it's unusual. Some sites are restricted sometimes. We do the best we can.

Comm. Davidson: I had a question on that. Power poles is just one of my things, is probably the most unattractive thing on the planet, and we have a lot of them in Mission. Is there any possible way...? And of course, this is all driven by KCP&L, is to omit that, for this west pole that she talked about, and go underground?

Mr. Wiser: We looked into that, and I've been chasing that with my engineer at KCP&L. We talked with a KCP&L planner, who informed us that power pole does feed underground, continuing west. We assumed it went over, down, and then back to the building. That's not the case. Well, it does, but then it also continues with a primary feed towards the west underground. So, to go underground from that power pole, back to the power pole, and up again inside, I understand it's between \$30,000 and \$40,000.

Comm. Davidson: Well, I know there's a price tag with that. It's just the idea that one power pole out there with the overhead lines, that just...

Mr. Wiser: Right. We looked at it, and the price points come in pretty high. We'd have to have some consideration to maybe minimize some of our costs. If site improvements are extensive, then the landlord package is getting above what we had hoped it would be.

Comm. Davidson: Well, I just wanted to at least ask the question.

Mr. Wiser: Yeah, well, that's something that Brian brought to our attention. We looked at it, and we'll be doing our best to omit [inaudible]. Before we chased it with KCP&L, we were unaware that it also went underground towards the west as a primary feed to the remainder of the building. So, we would ask that we be able to keep the power pole versus omitting it. It's between \$30,000 and \$40,000, looking at cost estimates from my electrical contractors, to eliminate that power pole.

Chairman Lee: Thank you. Comments? [None.]

Comm. Dukelow: Mr. Chairman, I'll make a motion. I would move that the Planning Commission approve Case No. 19-02, Non-Conforming Situation Permit, for 6591 Johnson Drive, with the following stipulation: That the representative of Block coordinate with City staff to consider retaining four-foot green space along the existing curb line to the west, and using angled parking for the new parking area.

Mr. Wiser: I can certainly do a quick mock-up and forward that to the City for review, see how well that works out.

Comm. Troppito: Does that motion include the findings of fact as recommended by staff?

Comm. Dukelow: Including the findings of fact as recommended by staff.

Comm. Troppito: Second.

MINUTES OF THE PLANNING COMMISSION MEETING

May 20, 2019

The vote was taken (8-0). The **motion carried**.

Old Business - None

PC Comments/CIP Committee Update – None

Staff Updates

Mr. Scott stated that the next meeting is on June 25, 2019. Items on the agenda include applications by Tidal Wave and JC Speedy. Mr. Scott also said that the process for creating a comprehensive land use plan is moving forward. He anticipates that process will take about a year.

Comm. Dukelow inquired about possible changes on the east side of town and asked to see a revised preliminary development plan and asked if there have been substantial changes to that plan. Mr. Scott said there have not been any major changes to the plan and provided a brief overview.

ADJOURNMENT

With no other agenda items, **Comm. Braden moved and Comm. Dukelow seconded a motion to adjourn.** (Vote was unanimous). The **motion carried**. The meeting adjourned at 7:45 P.M.



Mike Lee, Chair

ATTEST:



Audrey McClanahan, Secretary