

MINUTES OF THE PLANNING COMMISSION MEETING

June 24, 2019

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, June 24, 2019. Members also present: Pete Christiansen, Jami Casper, Robin Dukelow, Stuart Braden, Brad Davidson, Charlie Troppito and Frank Bruce. Burton Taylor was absent. Also, in attendance: Brian Scott, Assistant City Administrator and Audrey McClanahan, Secretary to the Planning Commission.

Approval of Minutes from the May 20, 2019 Meeting

Comm. Dukelow moved and Comm. Troppito seconded a motion to approve the minutes of the May 20, 2019 Planning Commission meeting.

The vote was taken (8-0-1). The **motion carried**. Comm. Christiansen abstained from the vote.

New Business

Public Hearing - Application # 19-03: Amendment of Preliminary and Final Site Development Plan Review – Tidal Wave Auto Wash (Case # 17 -11)

Mr. Scott: This is preliminary and final site development plan review for Tidal Wave Auto Wash. This was originally Case #17-11, presented to you about a year ago. The property is located at 6501 Johnson Drive, which is the former site of Valero gas and convenience station. The property is within the Form Based Code. Currently, the property is zoned CP-2B, which is Planned Retail and Service District, and the proposed carwash is allowable in the zoning district. The property is also located within the Form Based Code district, specially Block 1 of the FBC. When first presented last year, in March of 2017, there was rather extensive discussion with staff and the Commission regarding the application of the Form Based Code. Staff has been working with Mr. Hardin, the applicant, for the better part of a year and a half to try to apply as much of the Form Based Code [coughing] project. Of course, we went through all of that. The Form Based Code is not so much about the use, but more about the design of the building, and how that design plays in with the corridor. Trying to bring buildings up to the sidewalk with a zero-setback line, try to create a more divergent feel along the Johnson Drive corridor from Lamar, west to Metcalf.

Doing the Form Based Code requires a two-story building in that particular block. I will compliment Mr. Hardin, who has attempted to make a two-story building into a car wash. He proposed having the car wash bays themselves be a tunnel at the back of the property. The front of the property would be the building, and the lower level of the building would be the final detailing of the cars, vacuuming, etc. The second level would be the regional offices for his company. There would be staff there, provide training, so forth.

So, that's what was agreed upon. He decided because he did not score the necessary score for a pass/review of the Planning Commission, that we treat it as preliminary and final development plan, a more traditional two-step property. So, we approved the preliminary development plan. That was recommended to the City Council and they approved it on April of last year. The applicant came back the following day with a final

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development plan. We reviewed that, and we presented it to you all, and it was approved by you.

The conditions that were asked for in the preliminary development plan were met in terms of materials, landscaping, site layout, etc. Mr. Hardin can speak more to this in a second, but he's had difficulty making the numbers on this project work, building a two-story building. So, he is requesting this amendment to essentially remove the two-story building and replace it with a one-story building, which would be the bays where vehicles are vacuumed and detailed. Other than two-story versus one-story, everything else is the same. The same material, landscaping, same street scape would be called for. Johnson Drive design guidelines as well as the Form Based Code. The building essentially looks the same other than it's one story. I'm going to stop there, and I will give the floor to Mr. Hardin, and he can present the case.

Petty Hardin, Applicant, appeared before the Planning Commission and made the following comments:

Mr. Hardin: Thank you all for hearing me again. I know it's been about a year since we saw each other last. I know it looks like nothing has been happening with the property, but we have been working diligently behind the scenes to make it work. I know you know we've been working on it at least, I've owned it at least two and a half years, and dealing with the City and staff for at least a year and a half, like Mr. Scott mentioned. I don't want to go back the whole two and a half years and rehash it all, but about nine months ago, I guess, when we got approval for the project, at that point, we released contractor to remove the underground storage tanks from the gas station. So, that contractor did that. There were some concerns, and I heard grumblings about contamination. So, I waited and didn't do anything until we got the final results from that. We do have a "No Further Action" letter from the State of Kansas with no contaminations. That's the first thing. That could have killed the project at that point. So, once we got that clearance, then we went ahead and turned the architects and engineers and everybody loose to compile the full set of drawings that we would do two things with. Number one, submit to the City for a building permit, and at the same time, let out for bids for contractors to bid on the main parts of the project.

When we did get our bids back, we were absolutely shocked at the construction cost. Not the land cost, not the building of the car wash facility itself. It is a little more expensive with a retaining wall in the back, a large retaining wall we have to incorporate into our new car wash building, but it was really the building up front that caused us a lot of difficulty. If you'll remember about a year ago, I've always said in order to be in Mission, I realize it's going to cost a lot of money, and from the beginning I allowed an extra million dollars in the budget to hopefully compensate and offset some of the expenses that the Form Based Code would inform. I was shocked to find that my million didn't go very far, and we exceeded that million by another \$700,000 to \$800,000.

So, with that, I started scratching my head, started talking to our contractors, my partners, looking at other projects, talking with other car wash operators. One of my first calls was actually to Brian at the City. We're very transparent on what our costs are, and what's all involved in the project. So, he and I sat down, and I asked his opinion of what can we do

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to cut some cost, or find a way to make this work? And he had some good ideas. There's a lot of stacked stone on the building, and that's very expensive. The windows, the insulation, the sprinkler system, stairwells for the second story, HVAC systems. We looked at actually building from the outside that same building but leaving it unfinished up top and have the shell, have the complete look of it. But the more we stripped it out, the more we sacrificed functionality of not being able to use the upstairs, as well as the aesthetics were starting to suffer, too, when you start pulling out features that, the things that cost money look the best. Especially the stacked stone and the things we just mentioned.

So, we've never been over budget on a project to this magnitude. We've always been able to make the numbers for the actual construction work. There's been plenty of situations where we couldn't afford land cost, things of that nature, that killed deals. But we do have six other locations that are under various stages of development in the metro area. This is just a different animal. We've got over 40 projects in other parts of the country that we made work. In the last six months we've really spent a lot of time trying to do everything we can. I can't emphasize that enough. But we've run into these problems, and it's definitely a direct result of the Form Based Code. I'm not here to bash it or anything like that. It is what it is. But it's caused us a lot of problems. And I look in the mirror and say I don't want to be part of the problem; I want to be part of the solution. I know ways that we can make this work if we can redesign this building. That's what we've done in the last three months, is really focused on a complete overhaul of that building, and that's what we've come up with to be the only option that would make this project stay alive. Because it's kind of been derailed, so to speak. And I'm glad Mr. Scott called me a couple months ago and asked me about the status of it. That's when we were able to sit down and start talking about it.

So, that leads us to where we are tonight. One thing I'd like you all to please keep in mind is that this building, like Mr. Scott said, is not an income-producing building. The car wash in the back is the tunnel that generates the revenue. So, as the customers exit the car wash, included in their price, they can vacuum if they choose in the middle of a parking lot in an uncovered area, or up under this structure in the shade, if there's inclement weather, or if it's too hot, or whatever. The upstairs wasn't going to generate any money for us. The downstairs sure doesn't. We're used to spending, on a regular car wash, there are 11 vacuum stalls in this current design. We're used to spending maybe \$150,000 on a canopy, like a gas station, rectangular canopy. And plugging in \$1.7 to \$1.8 million for this building, the only option we had was to redesign it, and that's what I'm here for tonight, is to propose that to you. I think you may have seen some electronic versions. We've taken the original building, like Mr. Scott said, and left all the key features in it. Made it as nice as we could possibly make it. And that's the final product that we came up with. We can make that work and go fast on new drawings. In the big picture, with this redesigned building, it's my belief that we can achieve everything that the building needs to achieve. There are three things in particular. Functionality – It will serve its purpose; the customers will still be able to vacuum like they need to. Aesthetically, it's going to look as good, in my opinion, as the other one, if not better. It's going to fit in just fine, and most importantly for me, it's the difference between a deal or not a deal – the economics we can make work with this. I think everybody involved with this project, if this is approved

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and we go forward, I think everyone wins. And what I mean by that is, I think that Tidal Wave builds another parking spot, we win. I believe the City will be very pleased with the final product of what we build. We've got several other locations that are going now. We've got one in Raytown you can look at, but that really wouldn't do a lot of good because this is such a different animal. But I've always tried to stress how we operate, in a Chik-fil-a type manner, customer service, aesthetics, curb appeal – all those things. So, I think the community will appreciate it, I think the customers will rave about it, and our employees will have a great place to work. So, I think it accomplishes all those goals. With that, it's pretty simple. I'm asking for your recommendation for approval to move forward with this redesigned building. That's really all I have tonight. Again, I appreciate your time, and I respect that. I'll be glad to answer any questions.

Chair Lee: Any questions? [None.] Thank you.

The Chairman opened the public hearing. There being no one to be heard, he closed the public hearing.

Comm. Bruce: Mr. Chairman, I am not a great proponent of Form Based Code. I'll put that right at the top. I have reviewed the Form Based Code. I don't see where there's any mechanism to address a business like this in the Form Based Code. That being said, if I lived across the street, I wouldn't want even a two, let alone a five-story building, across Johnson Drive from my residence. So, I don't really have a lot heartburn with a one-story building that replaces a blanket building that has been there for an extremely long time, not generating revenue to the City of Mission.

Also, if you go back to the minutes from the March 26, 2018 meeting, on pages 36 and 37, Mr. Heaven stated that the Form Based Code is a guideline, and he charged the Planning Commission with responsibility to make decisions for the best interests of the City/businesses in the City. And it's obvious to me that the people have gone way above and beyond a normal car wash motif to get something that would come close to the Form Based Code. And moving it up to Johnson Drive, having a ghost building face there, to start the car wash operation. Which otherwise I'm assuming wouldn't be visible to the public. Anyway, I really don't see a problem moving forward with the adjusted plan.

Comm. Troppito: As the other Ward 3 Planning Commissioner, we're pretty much in the same idea. I view this as an improvement over the previous plan that we reviewed. I also want to note that among those improvements, the key one of those isn't what you see, it's what occurred in terms of below ground, with the environmental remediation, and the expense of that. And it benefits the rest of the city, besides the revenues that were just mentioned. I believe, the way I interpret the Form Based Code, this is a fit, and an improvement.

Comm. Davidson: Brian, do you happen to have a drawing of the elevation of the original building? If not, that's okay. I agree with Charlie and Frank. I think that is a type of rendering, of taking off the top floor. I have no problem with it, as well. I have a question of the applicant. On most facilities that you have, the vacuum area, which is, in the case of this building, on Johnson Drive, it's basically just an open canopy in most cases?

Mr. Hardin: This is the first out of 46 locations that we've ever enclosed like this on three sides.

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Comm. Davidson: Okay. So, there's a lot of added expense. I can see that with this structure, trying to meet the best you can with the Form Based Code. I have no issues with it either. I like the jut-out of the building material, the turret in the middle, the dormers that breaks up the rooflines. And is that a standing seam roof on that building?

Mr. Hardin: Yes.

Comm. Davidson: I think it looks absolutely great for what you had to work with, to bring it down to one level. The plate lines on the first, are they the exact same elevation height-wise?

Mr. Hardin: [inaudible-off microphone]

Comm. Davidson: But you're not raising the plate line of the first floor, like it was, let's just say on...

Mr. Hardin: I don't know offhand what that is. I can tell you that the height of the proposed... The highest point on top of this cupola here, that would be 28 feet, 7 ½ inches, all the way from the ground to the very top. Showing from the ground to the top, the main roof line shows to be 20 feet 10 ½ inches to the main roofline up here. Then from the ground to the gutter line or the eve would be 12 feet 8 ½ inches.

Comm. Davidson: Okay. So, I'm just looking at the original drawing of the first floor, you know, the elevation of the first-floor wall height is probably around [inaudible]. I think it looks great and I have no problem, Mr. Chairman.

Comm. Braden: Personally, I don't have an issue with a one-story car wash. I do wonder how, in future cases where we have a Form Based Code, for two stories, how that affects that. If that diminishes the regulations that we set forth. I'm struggling with the question. [inaudible] struggling with the question also of how that affects regulating the Form Based Code.

Comm. Bruce: Mr. Chairman, again, Mr. Heaven answered that question. I believe it was Robin asked that, if we would be setting a precedent. And the answer was no. We're professionals in our discipline here. And while I have the floor, I might also mention that having been a member of the sustainability committee, I was very pleased with the report that they gave, and with what Tidal Wave does in trying to protect the environment. It seems like that was very strong suit on their part and they seem to be a regular corporate citizen to boot.

Comm. Dukelow: I struggle with it because of the two-story requirement. I mean as it stated we came to the conclusion last time that while it didn't meet the Form Based Code, it met the intent because the building fronting Johnson Drive was two stories. And I might add at this point, I don't see a building. It's a carport. A building would imply enclosed conditions. In my personal opinion, it's not a building, it's a carport. That I struggle with. There is also a provision in the Form Based Code for low-rise building types and that would be in the case where the site was no larger than half an acre. And honestly, I can't support the idea of it extending more anyway, so, like I said, I'm have a hard time... I'm having a hard time recommending or not recommending this because I feel it's not really the intent of what we want to see along the Johnson Drive corridor. And I'm at one story, although yes, it's a lovely car wash. I know it's an ugly site now and it's been an ugly site

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for several years. I mean, I don't mean an ugly site. It's not an ugly project. Don't get me wrong. My only concern is that we've got a lot of examples of developments that have occurred in the Gateway where we have required two stories or at least 60 or 40 percent. I mean, what is the square footage of the building, because the building is just [inaudible]. Technically. I struggle with that. How do you even say what the square footage of the building is when three-fourths of your construction is not technically a building? [inaudible]. Maybe the cupola would make up the 40 or 60 percent. I'll have to come up with something more intelligible by the time we call the roll, because, like I said, I'm struggling with it. Thank you.

Comm. Bruce: Mr. Chairman, Form Based Code is like telling everybody to wear an 8 ½ shoe. Some people are very happy with that; some aren't. I happen to know of people that have intended to create a business in Mission, in the West Gateway, that would have been very beneficial to Mission because it was on empty property that is currently over there. Revenue generate for the city. But, because of the Form Based Code, they choose to go to [inaudible] ridge to building their restaurant because restaurants don't lend themselves to Form Based Code, as well as this car wash. And it's nice to say that the Form Based Code is a wonderful thing, but it's also to say that the City of Mission is looking for corporate partners that are willing to come in here and invest in our cities, upgrade existing property, or vacant property that will revenue-generate for the city going forward.

Now, I'm personally not in favor of approving anything that is even marginal, but something that's certainly attractive to our business community is not a high-risk thing where I'm concerned.

Comm. Dukelow: That is an interesting perspective that Frank just shared. And I'm going to go off of what I said previously, and then what he said, because what he made me realize – and which I alluded to previously – is that our success with the Form Based Code has been more applicable to larger development parcels. The case being over there where we've got the chicken place, Mission Commons, and where we've got the Natural Grocers. Because those sites were big enough to give the developer more flexibility and the ability to go ahead and provide the restaurant, the nail salon, and those other places, along with their square footage, in a building type where they can generate revenue with that additional square footage above the first floor.

Comm. Casper: I'd like to say that I appreciate the effort that's been put forth so far, and also the effort in coming up with a solution that will work for you, and possibly the city. I don't have a problem with a one-story building. I think the location and placement of it on the project is what we're looking for and it will be one of the nicest-looking carwashes around, hopefully. I don't have an issue with the one-story. Thank you.

Comm. Christiansen: I want to thank you for having faith in our city and coming back and being willing to put in hours of effort to build in our city. I too don't have an issue with the single story, if we're calling it that, being a carport that's not occupiable. I don't know if I would consider it a building. I was in a couple areas where Form Based Code had been applied. I haven't seen much success in it either. Robin, you mentioned the Five Guys. I don't know if the space has ever been occupied above them.

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Mr. Scott: Just within the last six months.

Comm. Christiansen: So, just recently. So, I see no issue with this. I think it is important to, even though the Form Based Code is a guideline, I do think we should set the correct precedent for other developers or business owners that come before us, to show them what we're envisioning and what the City is envisioning. [inaudible] line of work with this code. The Form Based Code might not have been thought about for a car wash, obviously, or having a two-story building on the front side of it, though.

Chair Lee: Well, I also have mixed feelings. I understand both parts of it. I will say that when I mentioned to others that we were going to have a two-story car wash, everybody seemed quite shocked and surprised. And if that's what you have, I think everybody in Kansas City would recognize it as that – a two-story car wash. I agree with Robin that the larger the projects, the easier the Form Based Code is to work with. We have one other bank that's going to go in on Johnson Drive [inaudible] down the street from the park. I have mixed feelings. I mean, I believe the Form Based Code could work. Certainly, it's easier to work with for a bigger project. So, I have mixed feelings. [inaudible].

Comm. Troppito: Well, if there's no further discussion, Mr. Chairman, I move that the Planning Commission recommend to City Council approval of Case #19-03: Amendment of the Preliminary and Final Site Development Plan for Tidal Wave Auto Spa at 6501 Johnson Drive, which entails removing the second floor of the building at the front of the property, with all conditions from the original preliminary and final development plan still required.

Comm. Bruce: I'll second that.

Unidentified: Do we need to address the fact that it is a canopy [inaudible]?

Mr. Scott: How do I define a building?

Comm. Dukelow: Conditioned, occupiable space.

Mr. Scott: It's an occupiable space.

Comm. Dukelow: Not my definition of it [inaudible].

Comm. Troppito: [inaudible] motion...

[crosstalk]

Mr. Scott: Occupiable space?

Unidentified: Yeah. A structure, not so much.

Comm. Dukelow: [inaudible]

Comm. Troppito: I agree with substituting the word "structure."

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

Case #19-04 Non-Conforming Situation Permit, 5966 Barkley

Mr. Scott: This particular item is a non-conforming situation permit at 5966 Barkley. The applicant is Richard Jacobsen, president of Valvoline Instant Oil Change. The property is and has been since it was constructed back in the 1990's, an oil change/lube operation.

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I believe at one time it was a Valvoline then it was sold. Most recently it operated as a JC Speedy oil change. That particular business closed this winter. Mr. Jacobsen was interested in purchasing the property and reestablishing a Valvoline. He wants to make some changes to the building, minor changes. Replace the wood parapet around the roof line with an EFIS. One portion of that roof line would actually pop over just a bit to allow room for the Valvoline sign. That is within the amount of EFIS in the code. They want to paint the brick; I said no, we like the color of that brick, so they agreed to that. I asked for more landscaping on the site which they agreed to.

The parking lot needs a little help, so they're going to go in and patch it, seal coat it and stripe it. They are providing some parking spaces on site. There is also a drainage issue. I'm not sure where the water is coming from but it's going to drain across the front lawn on the south side and across the sidewalk. There's some moss on the sidewalk. They are aware of that and they'll make efforts to address that previous to the building. That is the case. The applicant is here tonight if you have any questions.

Chair Lee: [inaudible]

Mark Abeln, Architect, appeared before the Planning Commission and made the following comments:

Mr. Abeln: I'm an architect, working on this project. I'm really just here to answer any questions. I think you mentioned that even a half acre is not regulated by the Form Based Code...

Comm. Dukelow: I think there's [inaudible] to provide...

Mr. Abeln: We're even under that, so I guess we're non-conforming, but we're still conforming to the code. If you have any questions, I'd be happy to answer.

Unidentified: [inaudible]

Mr. Abeln: I don't know what the percentage is exactly. I can figure it up pretty easy. Can't hold me to it, but it's probably 20 percent, somewhere in that area.

Unidentified: So that's below the threshold.

Mr. Scott: Ballpark, right about 25 percent.

Unidentified: Really, this is the same situation we just had last month.

Comm. Dukelow: In this case, this light area, that's half an acre?

Mr. Abeln: Yes, 20,900. One hundred and ninety by 110.

Comm. Dukelow: I guess my biggest question is, what are the improvements you're going to make to the building?

Mr. Abeln: We're going to put EFIS on the top band where there's certainly a wood band. That will help that quite a bit, I think. We're going to add new overhead doors, all glass. We're going to take down the wood deck. And new signage, obviously. We're going to have new landscaping. We worked it out with the City, you know, some groupings of plants and what-not. There's a pretty serious drainage issue at the front of the drive, south side, on the east side of the south side. The east two bays have a pretty serious water

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problem and the water problem is from a sump. That's going to be taken care of. We're going to have all new pavement, which is pretty expensive. Basically, what's there, but it's going to have to be taken apart and patched and coated. That's it.

Richard Jacobsen, Applicant, appeared before the Planning Commission and made the following comments:

Mr. Jacobsen: I own Westco Lube, which is a [inaudible] franchisee. One of the improvements that's important to us, and I believe would be important to everyone sitting here, is we'll replace all the oil storage tanks in the facility, both new and used. Some other things on the main level which doesn't quite meet code because you're supposed to have secondary containment, which they did not, so, all of ours will be in the basement. There's going to be no floor drains, so the basement acts as secondary containment. But we go a second step past that, in that all oil tanks that we purchase either for the storage of fresh oil or used oil, they are all double-wall tanks. In essence, we've got three layers of protection, and we've got two layers of double wall on the tank, and the containment of the basement with no floor drains. We do that because we want to be safe, too.

Comm. Braden: Do you have sensors for the tank to check for leaks?

Mr. Jacobsen: No, we do not. I'm not aware of any manufacturers in this field that have that. They do on gas, I know that, but on the oil, I don't. That's what we're doing that, and that's a substantial cost, but we do that in all of our facilities.

Comm. Bruce: Are there any floor drains in the basement?

Mr. Jacobsen: I don't believe there's any there now. I mean, I've been in that basement twice and I don't think there's any, but if we find any down there, you know, which we've had in previous circumstances, we go in and cement them over. They will definitely be contained because we don't want that either.

Mr. Abel: There's probably not in that there's water in the basement now.

Comm. Bruce: So, the water is being pumped out through the...

Mr. Abel: [inaudible].

Comm. Bruce: And it's surface water?

Mr. Abel: Yeah. From the foundation drain, I believe. [inaudible].

Comm. Dukelow: And this is a continued use?

Mr. Jacobsen: Correct.

Unidentified: On the green space on the north side, I guess, of the entrance, the north entrance, that green space right there, is that your property? Because the drive-through on the back side, that belongs to the barbecue, correct?

[inaudible, shuffling papers, crosstalk.]

Mr. Abel: Yeah, the green space on the north side would be ours.

Unidentified: Okay.

[inaudible]

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Mr. Abeln: Right. Since I don't have a site plan. But that green space to the north is ours.

Mr. Jacobsen: One of the things that we do on all our properties, we'll go in and put in an irrigation system in all the landscaped areas. We definitely will.

Comm. Davidson: And then, basically, the footprint of the parked surface, you were going to add some parking spaces some place in the project. That's mainly going to be fixing old curbs, and new curbing area to create a few more parking spaces, and then a mill and overlay, or something like that, or asphalt?

Mr. Abeln: It depends on what we find. If it's too far, we're going to put in a new surface all the way across, if it comes to that. We've got another project going right now and that's what we're doing there, too.

Comm. Davidson: My other question on that is, as far as drainage, like, not talking about the gravel and water that was coming over the sidewalk [inaudible]. As far as any of the sheeting of rainwater, is it all flowing in the right direction as far as stormwater, you know, and all that. Because I'm not sure when this structure was originally built, but there could have been some mistakes as far as rainwater direction...

[inaudible] [crosstalk]

Comm. Davidson: Well, I've just driven by that property for many, many years, so I'd like to bring it up.

Mr. Abeln: Yeah, and the reality is, there are mistakes, and it does kind of go into the building, which is why they have that foundation drain. That is, you know, you're observing it enough to have seen it, and it is a problem, and we intend to address that. [inaudible] So, I mean, we need to assess it, and we don't have our topo survey back yet, but we hope to address that in the redoing of the pavement. Anything we can do at that time to get any water away. We don't want to have any water in the building, obviously, or going towards the building. And we're going to pick up that sump pump in the interim also, and pump that straight into the sewer system.

Comm. Davidson: What do you mean...?

Mr. Abeln: If the sump pump is dumping all that water out on the sidewalk...

Comm. Davidson: Oh, that's what it's from. It's from the basement....

[crosstalk]

Mr. Abeln: Well, it's an outside sump pump. An exterior sump pump going to the foundation drain. It must have had water infiltrating into...

[crosstalk]

Comm. Davidson: ... later point in time.

Mr. Abeln: I don't know. But I believe [inaudible] problems, clearly, so they're pumping water [inaudible] outside on the foundation.

Comm. Davidson: That's all my questions.

Comm. Troppito: Do your facilities also have oil spill kits at the ready?

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Mr. Jacobsen: Yes, we do. We have them under all of our storage. And not to get into the details, but under each of the pit openings there is a catwalk, you know, the individual is servicing the vehicle from underneath, and below that is a catch pan. But if any of the oil, if the catch pan doesn't catch it and they make a mistake, instead of it going down and going all over the floor, it hits the catch pan underneath this and runs to a containment bucket, if you will. It just makes a safer environment for our people working, too.

Comm. Braden: First of all, I'm understanding or just confirming that you're not adding any more pavement, just repairing.

Mr. Abel: Correct.

Comm. Braden: Okay. And then, for staff, I saw multiple signs. I don't look [inaudible] calculations but I assume we're in conformance with the code as far as area.

Mr. Scott: They actually submitted a sign package. I think they may be a little over in the front, so let's talk about shrinking that down a little bit.

Comm. Braden: Okay.

Mr. Scott: I was kind of kind of looking [inaudible].

Comm. Dukelow: One comment or question. So, you mentioned irrigation. Will those be smart controllers so they're not running when it's raining?

Mr. Jacobsen: I believe they're the smartest they've got. But yes, that's what we do. But I will say that we've had trouble with those in the past. Sometimes they're not performing like they should, but we do. That's part of our package.

Comm. Dukelow: A combination of planting appropriate plant material and smart controllers can make a big difference. My next question, I hate to ask this but, why is this non-conforming?

Mr. Scott: It's within the Form Based Code district, and because of value of improvements greater than 10 percent. I think a \$1,000 is [inaudible]. Obviously, the improvements have been greater than \$1,000...

Comm. Dukelow: [inaudible] Thank you. That's all I have.

Chair Lee: Anything else? I'll entertain a motion.

Comm. Braden: Mr. Chair, I would move that the Planning Commission adopt the findings of fact contained in the staff report and grant a non-conforming situation permit for Case #19-04, 5966 Barkley; Permit for Non-Conforming Situation, with the following conditions: The surface of the lot will need to be patched, seal coated and re-stripped. Draining issues on the south side of the building where water runs across the existing sidewalk will need to be addressed.

Comm. Dukelow: Second.

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

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Old Business

Follow-up on Case #19-02, Non-Conforming Situation Permit – 6591 Johnson Drive

Mr. Scott: This is from the application that we had last month for the former Taco Bell, which is going to be a Slim Chickens. Commissioner Dukelow suggested redoing the parking on the far west of the lot. The original suggestion was to have angled parking. The applicant did submit some drawings for angled parking. We discussed those. Their concern was that, that parking is not only for the proposed Slim Chickens, but also for some other uses in the shopping center, and folks might have difficulty coming into the shopping center from the north, and then swinging around to that angled parking. They might be forced to either drive through the shopping center to get to the angled parking or just skip it altogether. Try to reduce the amount of traffic going through the shopping center; it may be best to have straight perpendicular parking where somebody can pull right into that. They did provide a four-foot grass area or strip between the two parking rows. So, we agreed with that and thought that was a nice comprise to the project.

Comm. Braden: I guess I have one question, Mr. Chair. Is there a gap in there or some way for a person to walk across and back? Is there a sidewalk? I was wondering how to get from one part of that strip to the other without walking on the grass. [inaudible]

[No audible response]

Comm. Dukelow: I was going to ask about landscaping.

Mr. Scott: There's no landscaping proposed in the four-foot strip. We could certainly suggest that to the applicant with the final approval of the building permit. They may be putting in a crosswalk or something, avoiding walking in the grass.

Comm. Braden: [inaudible].

Comm. Troppito: Mr. Chairman, if you look at that layout, the traffic coming in front of the gym, there's an island that extends quite a ways to the west from that flow of traffic. So, as far as backing into traffic flow, they have to come and then move over that way to get there. I don't know if you can see it on that; I have it here.

Comm. Dukelow: You need to say it's 3 or wide through there. The driveway? The northwest drive is about three cars wide.

Mr. Scott: Probably about three cars wide.

Comm. Troppito: Down in that area, right where the gym is.

Mr. Scott: Yeah, the gym would be a little further south.

Comm. Troppito: Yeah and then most people continue straight unless they're going to turn right, so I don't think there's a lot of conflict there.

Mr. Scott: Yeah, they should be able to move in easily to one of these stalls. As opposed to swinging around and coming in at an angle. I just wanted to give you an update on that.

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PC Comments/CIP Committee Update

Mr. Scott provided the Commission with an update on the KC Climate Action Coalition. There is summit on September 14, 2019 at Johnson County Community College. There will be a number of keynote speakers. If anyone is interested in attending, please let him know. Comm. Troppito commented that he plans to attend. He urges the Sustainability Commission to look at bringing two technology companies to the Kansas City area that deal with sequestration and CO-2. That is one of his interests in attending this meeting.

Mr. Scott then mentioned the First Suburbs Coalition Regional Housing Summit to be held on Friday, July 19th, 2019. The City of Mission is a co-sponsor of this summit, along with the city of Gladstone. He can register anyone who is interested in attending.

Staff Updates

Mr. Scott then presented a proposal for update of the City of Mission's Comprehensive Land Use Plan. He has researched what other cities are doing and looked at the American Planning Association and looked through their examples, etc. Updates proposed include land use, scope of services, analysis of demographics and emerging trends, and other items. He also mentioned trends in housing development, analysis of commercial development and emerging trends, transportation network and natural environment.

Mr. Scott then brought up the Community Satisfaction Survey set for this summer or fall. Comm. Troppito asked about ways of accessing a cross-section, not just online, but also through mail [inaudible].... He asked if it is broad based. Mr. Scott responded that the survey will be done by ETC out of Olathe. They do telephone and mail surveys, as well as social media. He said ETC is very cautious about getting the appropriate number of applicants to establish validity of results.

Mr. Scott then provided an update on the East Gateway. He says the developer has turned all their attention to Synergy, a new tenant. Their goal is to open by May or June of next year. Plans have been reviewed and the developer has been preparing the pad site. They are waiting for approval from Johnson County Wastewater because the sewer line on the site has to be moved. Mr. Scott expects a building permit to be issued in the next week or so. The developer has been interviewing architects. Mr. Scott anticipates reviewing plans for the food hall next winter. Neighbors Construction pulled a building permit last summer on the apartments but they have pulled out of the project. Fogel-Anderson is now going to build the apartments. Developers are working on financing. Comm. Davidson asked if it's normal to begin working on a project before construction financing is in place. Mr. Scott responded that it is not out of the ordinary.

Comm. Dukelow asked about the progress in the brewery that was planned. Mr. Scott responded that the developer is still moving forward.

ADJOURNMENT

With no other agenda items, **Comm. Casper moved and Comm. Dukelow seconded a motion to adjourn.** (Vote was unanimous). The **motion carried.** The meeting adjourned at 8:15 P.M.

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Mike Lee, Chair

ATTEST:

Audrey McClanahan, Secretary