

MINUTES OF THE PLANNING COMMISSION MEETING
JULY 27, 2020

Virtual Through Zoom

DRAFT

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:06 PM Monday, July 27, 2020. Members also present: Pete Christiansen, Jordon McGee, Robin Dukelow (arrived after roll call and approval of minutes), Stuart Braden, Charlie Troppito and Frank Bruce. Burton Taylor and Brad Davidson were absent. Also in attendance: Brian Scott, Assistant City Administrator, Kaitlyn Service, Planner, and Audrey McClanahan, Secretary to the Planning Commission.

Chair Lee: Our meeting tonight is being held virtually via Zoom. Commissioners, staff, and the applicant are still joining us remotely. The public is invited to participate by using the instructions included in the Planning Commission calendar item listed on the front page of missionks.org. Public participants will be allowed to make public comment through the comments feature. Please note that comments are visible by all participants. If you wish to make a public comment, please state your name and city of residence for the record. Please be conscientious of others trying to speak and speak slowly and clearly. If I need to confirm something that may have been difficult to hear, I will ask for clarification. With that, we will start the meeting.

Approval of Minutes from the April 27, 2020 Meeting

Comm. Braden moved and Comm. Bruce seconded a motion to approve the minutes of the April 27, 2020, Planning Commission meeting.

The vote was taken (6-0). The **motion carried**.

New Business

Case #20-04 Non-Conforming Situation Permit – 6350 Johnson Drive

Mr. Scott: I'm going to hand this over to our planner. She's going to present the report for you. Kaitlyn, take it away.

Ms. Service: This is an application for a non-conforming situation permit for the property located at Johnson Drive and Russell Street, formerly Qdoba, before that it was Schlotzsky's. They are seeking a non-conforming situation permit, similar to one that we've seen recently with Johnny's Barbecue. The property is currently developed with a one-story building that was built in 1993. The applicant would like to convert it to a Taco Bell. As proposed, the property will remain really similar to how it was when it was Qdoba, with some changes to the exterior that are outlined in the Planning Commission packet, including the re-installment of the drive-through window, which was there with Schlotzsky's. Qdoba removed the drive-through window for a couple years, and then, this application proposes to reinstall the drive-through window. The building is non-conforming to the Form Based Code for the West Gateway that applies to the property. This is Box X. The Form Based Code envisions a multi-story building with retail on the first floor, residential and office space on the upper floors. It also suggests some townhomes along Russell Street. So, essentially, it envisions a two to four story building with some

MINUTES OF THE PLANNING COMMISSION MEETING
JULY 27, 2020

townhouses on that residential street, with some parking in the interior of the lot. Since the applicant is just requesting to keep the existing building and continue to use it as is, just wants that building permit to invest in the property and convert it into the Taco Bell. They are not redeveloping the entire parcel. That's the reason that they're seeing the non-conforming situation permit. Since the repairs and renovations exceed 10 percent of the structural value, this is the process for them to be able to move forward with that.

The Planning Commission packet includes site plan information, elevations showing exterior changes to the building. There are photometric lighting plans, landscaping plan. We can get into those if there are any questions on anything specifically there. Also, I believe the applicant is here with us, and she had sent us a PowerPoint, if the Planning Commission would like to hear that.

Chair Lee: Yes, go ahead.

[Accessing/loading PowerPoint]

Aaron March, Attorney with Rouse Frets White Goss Law Firm, appeared before the Planning Commission and made the following comments:

Mr. March: I'm here today on behalf of the applicant. We are seeking approval of the non-conforming situation permit, essentially because we want to invest more than 10 percent of the current value of the property. I can't see the slides on my screen.

[Adjusting screen]

Mr. March: What I have here are simply slides of the existing facility. Brian, if you wouldn't mind going through those.

Mr. Scott: Yeah, showing the front of the building right now.

Mr. March: What we are talking about doing is, if you will, re-skinning the building. We're not changing the footprint. We're keeping the patio. We're taking off all the things that made this a Qdoba and converting it into what will look like the new, modern iterations of Taco Bell. I thought it was important for you to see the building and see that the drive-through, there's plenty of stacking for cars for the drive-through, parking is existing. This is an allowed use, and if we were only spending less money, we wouldn't need to come in and get the approval of the non-conforming situation permit. But, our investment is about \$350,000 on the shell improvements and the landscaping. If there are specific questions you have on the operations, we've got Chris Czyz with the developer here, Rosa Paddock and Karissa Pankratz. They're the architect and landscape architect. We'd be happy to discuss with you the specifics of the architecture and design, and that was included within your packet.

Immediately to our east is a CVS, to the west is Starbucks, so it's not that we won't fit in with the existing environment there. We'd like to make the investment and would ask for your approval. I'd be happy to answer any questions that you might have.

Chair Lee: Thank you.

MINUTES OF THE PLANNING COMMISSION MEETING
JULY 27, 2020

Comm. Troppito: Mr. Chair, I have a question about the traffic pattern, ingress and egress on Russell Avenue. Is that going to change from what it is now?

Mr. March: No. On site plan #1, it shows the existing curb cut off of Russell Avenue, where it is today. And then, the connection to the east that goes to the CVS lot. So, the traffic situation would be exactly the same.

Comm. Troppito: Thank you.

Chair Lee: Other questions?

Comm. Dukelow: I have a question regarding the drive-through. I recall several years ago when there was a Taco Bell, I think it was, in the location where Starbucks is currently. There was an ongoing issue, I'll say, with the drive-through, because it was immediately adjacent to a resident. I was in the area just a couple days ago and I deliberately drove through that Starbucks location, and it seems that their speaker is, it's probably a better quality than the speaker was when we had that issue several years ago. I'm just wondering what the ordinance is at this time for the locations. I also want to acknowledge that there's quite an elevation change between the former Qdoba property and Russell. Like I said, there's a huge elevation change, and there's also trees along that side, so I don't anticipate there would be an issue with the drive-through speaker, but I wanted to bring that up for consideration. Is there currently any sort of ordinance for the distance of a drive-through speaker when adjacent to residential property?

Mr. Scott: No, there is nothing in the codes right now that speaks directly to a drive-through speaker, a speaker for a drive-through restaurant. I think we have some provisions that may speak more to music being played kind of business. Sometimes restaurants will play music outdoors, or you might have, like a loudspeaker system for a particular establishment. You know, so-and-so in line three type of thing, an announcement system. We do, to a certain degree, try to regulate that. I don't believe that's in the proposal before you tonight. It's just the drive-through speaker. If that's something that would be... I would be hard pressed, if anybody would complain about hearing that, if that was an issue, we would probably just address that with management, see if there's something they could do to turn down the volume of that a little bit. There is the elevation, like you said, there is a wall there, a retaining wall that kind of holds up Russell Avenue, for lack of a better term, on that site. And then, directly to the north, I believe there is an office building. Brill's office building. I don't know that there's any real close by residential other than what's on the other side of Russell, just behind the Starbucks. That would be the closest residential.

Ms. Dukelow: Right. I believe there's just one property, maybe two, that would be even considered adjacent.

Mr. Scott: Yeah.

Chair Lee: Brian, did the Qdoba not have a drive-through?

Mr. Scott: The Qdoba restaurant did not have a drive-through.

MINUTES OF THE PLANNING COMMISSION MEETING
JULY 27, 2020

Chair Lee: I know Schlotzsky's did originally, but it was on the other side, the other elevation, wasn't it?

Mr. Scott: Correct. The Schlotzsky's did, but when Qdoba moved in, they took out that drive-through. That was not a component of their operation.

Chair Lee: Other questions of the applicant? [None.]

Mr. Scott: Do you all have the proposed motion that was sent earlier today?

Chair Lee: Yes.

Comm. Troppito: I'll make a motion of approval. I move that the Planning Commission approve the non-conforming situation permit for Application No. 20-04, allowing the applicant to make modifications to the exterior façade of the building at 6350 Johnson Drive, including installation of a drive-through window, once applicable building permits have been reviewed and issued.

Comm. Braden: Second.

The vote was taken (7-0). **The motion passed.**

Mr. March: Could I just interject? It's been a pleasure working with your staff on this. These are challenging times, and Bruce and Kaitlyn made this as painless as you can make this type of application, and the comments that we received from them were constructive, and I think resulted in a better site plan and a better project. So, thank you very much.

Old Business

Chair Lee: Any old business, Brian?

Mr. Scott: No.

Comm. Dukelow: May I ask a question? I was going to ask about the old Johnny's site. Is The Other Place still planning to occupy that?

Mr. Scott: No. The Other Place did not exercise their option to purchase the property.

Chair Lee: Oh. I was wondering why the For Sale sign was there.

Mr. Scott: Yeah, as you'll recall, we did that back in February, I believe, and it was right on the cusp of this whole pandemic. Just with the pandemic coming on and all the stay-in-place orders, and bars having to close and everything, they really saw a drop in their business at their other locations. They just decided that it would not be financially feasible at this time to purchase that property and open up another restaurant. That's kind of where we're at. We've had some folks call and inquire about the property. I think we may have a potential applicant looking to do something with that. I just heard about it today, so I don't have a whole lot of information on that.

Chair Lee: The apartments by Rock Creek, are those proceeding? What's the status on that?

MINUTES OF THE PLANNING COMMISSION MEETING
JULY 27, 2020

Mr. Scott: Yes. They submitted their application for a preliminary development plan a few weeks ago. Kaitlyn and I have reviewed those plans, sent comments back. I just received our engineer's report on the stormwater and transportation review. I didn't get a chance to read it today, I was going to do it tomorrow, then send comments back to the applicant. They are proceeding towards the August 24th meeting. That's really their goal. I think they will probably hit that. If you've been following that, it's a Sunflower group. They are a pretty reputable developer here in the Kansas City area, really the larger Midwest. They've done projects in St. Louis, I think maybe Denver, Omaha. They are based here in Kansas City, and a lot of their projects are primarily multifamily. They've kind of developed a market niche for taking older properties in more densely urban areas and refurbishing them using historic tax credits, into, like, loft apartments, or some kind of apartments. That market has started to dry up a little bit for them, so they're looking for other projects, more out in the suburbs. They saw an opportunity with the Mission Bowl site for a potential multifamily project. It would be about 160 apartment units, kind of a mix of one bedroom, two bedroom, and studio-type apartments. It would have all the amenities that we've seen with some of the other applications of recent. There would actually be a pool on the top deck of the building, and outdoor pool, a workout facility, a general lounge setting with a large screen television, gourmet type of kitchen for the residents. Some of those types of amenities. That would be, like I said, at the old Mission Bowl site at 5399 Martway. We did a neighborhood meeting with the neighbors that lived behind the property, probably two months ago? Kaitlyn? Something like that.

Ms. Service: Yes.

Mr. Scott: I did not participate in that meeting, I was actually on vacation that week, but Kaitlyn and Laura did. They thought it went relatively well, and of course, there are folks who have lots of questions about what's being built in their back yard. Yeah, I think they're more curious than anything else. I didn't really sense an overwhelming feeling of opposition to the project.

Comm. Braden: Okay. How many stories?

Mr. Scott: They're asking for five. They want to basically build a building up and put parking on the ground floor, then four stories of apartment units.

Comm. Troppito: How far along are they on financing of this project?

Mr. Scott: That's a good question. I don't know that they've actually talked to a lender yet. I know they had some lenders that were interested.

Comm. Troppito: But no commitment yet, right?

Mr. Scott: I don't think there's any formal commitment on construction loan yet, not. There are some banks here in Mission that caught wind of what is being proposed and have gone so far as to reach out to the developer and say they are interested in giving a construction loan.

Comm. Troppito: Yes. That's why I asked.

Mr. Scott: That's my understanding. That's what the developer has told me.

MINUTES OF THE PLANNING COMMISSION MEETING
JULY 27, 2020

Comm. Troppito: Which leads me to another point, when it's time to discuss it, I guess, under PC comments. I have a brief point to make about the Gateway project. Then or now?

Chair Lee: Go ahead. You've got the floor.

Comm. Troppito: Okay. Well, I suppose everyone has reviewed the KC Star article about the Gateway project. Of course, it was all Mission-centric, being about the Mission project, but the discussion, you know, which was reasonable, but the discussion I think really should have looked out a little bit further across the country, and across the state of Kansas. I mean, there are just literally thousands of construction projects on hold now, waiting construction. Why I bring that up is because in looking at that article on line, there were a lot of public comments there that I think dealt with some misconceptions, going way back to when the old Mission Mall was closed. Anyway, the main point is, if anyone cares to go to [ConstructionConnect.com\delayed-projects](http://ConstructionConnect.com/delayed-projects), you will see a map, and you can click on any state in the United States and it will bring up a whole list of delayed projects, including those in the state of Kansas. So, the point is that Mission Gateway's issues with financing certainly aren't anything out of the ordinary with what's going on across the country related to coronavirus. It is having a financial impact on these construction projects. That's a point I think the City needs to make.

Mr. Scott: Yes, very much so. I try to bring that point home anytime I talk to somebody about the project. It's a complicated project with a lot of twists and turns, and COVID has really thrown it for a loop.

Comm. Troppito: Well, again, that's [ConstructionConnect.com\delayed-projects](http://ConstructionConnect.com/delayed-projects). I'll send you the link, Brian.

Mr. Scott: Okay. Thank you for sharing.

Chair Lee: Very good.

Staff Updates

Mr. Scott informed the Commission that August 6 will be the first meeting with the steering committee to kick off the Comprehensive Land Use Plan update. The consultants will create a webpage regarding that plan update.

Comm. Troppito brought up environmental data reports. He requested staff look into the cost of acquiring such report. He would like to explore the cost of gaining online access for the City as a whole.

Comm. Dukelow brought up the corner of Lamar and Martway. Mr. Scott said it will be addressed in the near future.

ADJOURNMENT

With no other agenda items, **Comm. Dukelow moved and Comm. Christiansen seconded a motion to adjourn.** (Vote was unanimous). The **motion carried.** The meeting adjourned at 7:36 P.M.

MINUTES OF THE PLANNING COMMISSION MEETING
JULY 27, 2020

Mike Lee, Chair

ATTEST:

Audrey McClanahan, Secretary