

**City of Mission
Regular Meeting Agenda
Wednesday, January 20, 2016
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

PUBLIC HEARING

1. SPECIAL PRESENTATIONS

- Johnson County Update, Commissioner Shaffer

2. ISSUANCE OF NOTES AND BONDS

3. 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 requests, an item may be removed from the consent agenda for further consideration and separate motion.***

CONSENT AGENDA - GENERAL

- 3a. [Minutes of the December 16, 2015 City Council Meeting](#)

CONSENT AGENDA - Finance & Administration Committee

[Finance & Administration Committee Meeting Packet 1-6-16](#)
[Finance & Administration Committee Meeting Minutes 1-6-16](#)

- 3b. 2016 Legislative Policy
3c. Resolution Declaring Surplus Property
3d. Ordinance Amending Municipal Court Fees
3e. Resolution - Destruction of Certain Records

CONSENT AGENDA - Community Development Committee

[Community Development Committee Meeting Packet 1-6-16](#)
[Community Development Committee Meeting Minutes 1-6-16](#)

- 3f. Street Sign ID Replacement
3g. Replacement of Hydraulic Lift

COMMUNITY COMMITTEE REPORTS

Approved Minutes from Board and Commission meetings are available on the City of Mission website under the "[Agendas & Minutes](#)" tab.

4. PUBLIC COMMENTS

5. ACTION ITEMS

Planning Commission

5a. Gateway Preliminary Site Plan

Miscellaneous

6. COMMITTEE REPORTS

Finance & Administration, Arcie Rothrock

[Finance & Administration Committee Meeting Packet 1-6-16](#)

[Finance & Administration Committee Meeting Minutes 1-6-16](#)

Community Development, Pat Quinn

[Community Development Committee Meeting Packet 1-6-16](#)

[Community Development Committee Meeting Minutes 1-6-16](#)

6a. Resolution of Support for Brinshore Development

7. UNFINISHED BUSINESS

8. NEW BUSINESS

9. MAYOR'S REPORT

Appointments

Mission Convention & Visitors Bureau

- Cathy & Carl Casey
- Celia Dalton
- Lynn Kring
- Kevin Fullerton
- Jose Ramirez
- Karen Laughton

Parks & Recreation Commission

- Nathan Dormer, Ward III
- Erin Beaslin, Ward IV
- Jim Sloss, Non-resident

Sustainability Commission

- Terry Baugh, Ward I
- David Greenlee, Ward III
- John Arnett, Ward IV
- Paul Pattee, Ward IV

Tree Board

- Karin Capron, Ward II
- Brian Schmid, Ward III
- David Schwenk, Ward III
- Maril Crabtree, Ward IV
- Jacque Gameson, Ward IV

Appointment of City Officials

- Donald Chamblin, City Treasurer
- Keith Drill, Municipal Court Judge
- David Bell, Municipal Court Judge Pro-tem
- Nathan Owings, Municipal Court Judge Pro-tem
- Robert Scott, Municipal Court Judge Pro-tem

Appointment of Bond Counsel, Financial Advisor, and Land Use Attorney

- Gilmore & Bell, Bond Counsel (Contract expires January 18, 2017)
- Ehlers, Inc., Financial Advisor (Contract expires January 18, 2017)
- Lathrop & Gage, Land Use Attorney (Contract expires January 18, 2017)

10. CITY ADMINISTRATOR'S REPORT

EXECUTIVE SESSION

ADJOURNMENT

City of Mission	Item Number:	5a.
ACTION ITEM SUMMARY	Date:	1/15/2016
Community Development	From:	Laura Smith

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

RE: Gateway Revised Preliminary Site Development Plan

RECOMMENDATION: The City Council approve Case #15-10 Revised Preliminary Site Plan for The Gateway Project with the conditions recommended by the Planning Commission as well as a 28th condition as follows: No construction or building permits will be issued until construction phasing is agreed to by the City and the Developer in an approved Development Agreement.

DETAILS:

In 2005 The Cameron Group, LLC, purchased the Mission Mall property with plans to build a mixed-use development on the site. In 2006 the Planning Commission reviewed and approved the rezoning and preliminary site plan for the redevelopment of the subject property for urban development composed of retail, office, hotel, restaurant, and residential uses. Since the “MXD” zoning and preliminary site plan was first approved the project has evolved through several revisions reflected in revised plans presented to the Planning Commission and City Council in 2007, 2008, and 2012. Each of these plan approvals included a range of stipulations for site development issues, and requirements for additional details to be provided with final plan reviews.

At this time the applicant is proposing significant changes to the previously approved plan and is requesting a revised preliminary site plan approval for the entire development. The applicant intends to proceed to file a final site development plan and to begin construction of the entire project as a single phase.

Planning Commission Action

The Planning Commission, at their September 28, 2015 meeting, voted 7-0 to recommend approval of the Case with twenty-seven (27) recommended conditions as contained in the staff report. Minutes of the meeting are included in the packet.

City Council Action

The City Council, at their October 21, 2015 meeting, voted to table consideration of Case # 15-10 until such time as a work session could be conducted with the applicant.

City Council Action

The City Council, at their November 18, 2015 meeting, voted to remand Case # 15-10 to the Planning Commission with conditions 1-27 and 28 (included below)

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

City of Mission	Item Number:	5a.
ACTION ITEM SUMMARY	Date:	1/15/2016
Community Development	From:	Laura Smith

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

1. The entire development shall be subject to the recommendations of the Design Guidelines for the Johnson Drive Corridor, including frontages along Johnson Drive, Shawnee Mission Pkwy, Roe Avenue, and Roeland Drive. Plans submitted for Final Plan Review shall comply with said Design Guidelines as well as any more restrictive requirements within the “MXD” zoning regulations or as established by the rezoning stipulations. (Rezoning-1)
2. The street level of all buildings along public right-of-way shall incorporate window glazing consistent with the Design Guidelines for the Johnson Drive Corridor. Flat, blank (windowless and un-modulated) or false windows shall be prohibited along public right-of-way. (Rezoning-2)
3. Entrances should be oriented to engage the primary public street. Large buildings that front multiple streets should provide multiple entrances and provide entrances convenient to parking areas. Provide a public entrance for Building A along Johnson Drive. (Comments 9.22.15)
4. The appearance of Building “A” facing the intersection of Roe Ave. and Johnson Drive shall have a signature design and shall be oriented to provide a visual appearance consistent with the remainder of the development. (Rezoning-9)
5. Provide additional massing studies/views to demonstrate how the Building “A” truck loading area will be screened from view from Roe Avenue. Any visible wall elevations along Roe Ave should be finished with the same architectural appearance and detailing as the remainder of the structure visible from Johnson Drive and Shawnee Mission Pkwy. (Comments 9.22.15)
6. Provide additional massing studies/views to demonstrate how the development design will create a gateway into the community at the Johnson Drive/Roe Avenue intersection. (Comments 9.22.15)
7. The exterior of the parking structure visible from public right-of-way shall be finished with a façade treatment consistent with the architectural character of the entire development. (Rezoning-10)

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

City of Mission	Item Number:	5a.
ACTION ITEM SUMMARY	Date:	1/15/2016
Community Development	From:	Laura Smith

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

8. Plans need to demonstrate the visibility of the upper deck of the parking structure from Shawnee Mission Parkway and Roeland Drive. Screening may be required in various locations to reduce views of the parking deck. Unscreened views of the Building “A” rooftop will be acceptable if designed as a green roof. (Comments 9.22.15)
9. Plans need to demonstrate how the appearance of the upper deck of the parking structure and the rooftops of surrounding buildings will be enhanced for the views from the residential buildings “C”, “D”, “E”, and “B”. HVAC units, antennas, skylights, exhaust fans/vents or other similar elements should be screened from view of these buildings and the public streets. (Comments 9.22.15)
10. A list of special conditions / standards for this development shall be included within an Architectural Standards / Tenant Criteria Booklet. The booklet shall include a list of architectural features, such as awnings, balconies, bay windows etc., that may be permitted to encroach the public sidewalk and also include the maximum distance of encroachment. (Rezoning-13)
11. Unique and creative signage shall be permitted within the development. Sign standards shall be provided in the Architectural Standards / Tenant Criteria Booklet, and shall be reviewed for approval by the Planning Commission with Final Plan Review. (Rezoning-14)
12. Any outdoor seating areas proposed within public right-of-way shall be identified and reviewed with the Final Plan Review. (Rezoning-12)
13. Lighting within the site shall be consistent with the architectural and pedestrian character of the development. Lighting on the site shall be directed away or screened from existing residential properties. (Rezoning-15)
14. Final plans will need to demonstrate safe accommodations for multi-modal Rock Creek Trail traffic from the current terminus of the trail along Roeland Drive to Roeland Park. (Rezoning-18)
15. A continuous public sidewalk shall be provided along Roeland Drive, Johnson Drive, and Roe Avenue. The Roe Avenue sidewalk shall link sidewalks at the intersection of Johnson Drive with a sidewalk extending under Shawnee Mission Pkwy. Sidewalk improvements shall include pedestrian connections/crosswalks

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

City of Mission	Item Number:	5a.
ACTION ITEM SUMMARY	Date:	1/15/2016
Community Development	From:	Laura Smith

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

across adjacent intersections. These improvements shall be designed to meet ADA and MUTCD criteria and provide functional pedestrian connections to the Rock Creek Trail, transit center, transit stops, and across Shawnee Mission Parkway (Zoning & GBA)

16. Street trees should be planted between the curb and walking path of the sidewalk thus providing a more pleasant pedestrian experience separated from traffic. Minimum sidewalk width along Johnson Drive is an unobstructed walking surface of 8' and 5' unobstructed width along Roeland Drive. Minimum widths may need to be increased to accommodate additional features such as trail connections or building entrances. Sidewalks and on-street parking should be located in the public right-of-way. Dedication of right-of-way should be resolved with the final plat or by separate document. (Comments 9.22.15)
17. Several missing links in pedestrian circulation need to be addressed. Provide a walkway connection from Roe Ave along the south side of Building "A" to provide a direct pedestrian connection to the lower level of retail; from the north side of Drive 2 to Building "C"; from the north side of Drive 3 to Building "D"; from the west side of Drive 4 to the rear of building "E"; crossing Drive 4 to the front of Building "A"; from public stair on Level 2 to the hotel lobby.(Comments 9.22.15)
18. Street right-of-way, off-site traffic improvements, permitted points of access, pedestrian connectivity, etc. shall be determined prior to approval of a replat and final development plan for the subject property and shall be consistent with the Design Guidelines for the Johnson Drive Corridor and the East Gateway Streetscape Standards. (Rezoning-3 & 4)
19. The developer shall be responsible for streetscape improvements along perimeter roadways and intersections.(Rezoning-5)
20. The developer shall be responsible for implementation of recommended storm water and other utility improvements unless otherwise described in a development agreement with the City of Mission. Required easements shall be coordinated with the City and other utility providers and identified with the final plat and final development plan for the property. (Rezoning-6)
21. A utility and infrastructure plan shall be submitted prior to approval of the development plan. (Rezoning-7)

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

City of Mission	Item Number:	5a.
ACTION ITEM SUMMARY	Date:	1/15/2016
Community Development	From:	Laura Smith

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

22. Buildings submitted for Final Plan review shall be designed in accordance with the requirements of city staff, city consultants, and other utility providers to maintain adequate clearance from storm water structures and other utilities. (Rezoning-8)
23. The City of Mission reserves the right to impose time limits on large vehicle deliveries to the site. (Rezoning-17)
24. The City of Mission reserves the right to limit access to a right-in /right-out configuration for vehicular entrances along Roe Ave and the southernmost access point along Roeland Drive. (Rezoning-19&20)
25. Provide additional detail at final site plan regarding vehicle turning accommodations, using the appropriate design vehicles previously identified, for the retail dock area along Roe Avenue, emergency access for the Fire District at each access drive and along all primary internal service routes, school bus/tour bus circulation and parking, and other service delivery routes on the interior of the site. (GBA)
26. A final traffic study and final stormwater drainage design plan must be submitted for review with the final site plan. The appropriate text, maps, drawings and tables must be included. (GBA)
27. Staff reserves the right to provide additional comments or stipulations on development plans until all traffic or storm drainage related concerns have been addressed. (GBA)
28. No construction or building permits will be issued until construction phasing is agreed to by the City and the Developer in an approved Development Agreement. (City Council 11-18-15)

The Planning Commission was asked to consider the following question:

“Reconsider the exception given from the requirements for a discount superstore in a MXD zone. Specifically, the Planning Commission should consider whether or not the proposed discount superstore meets the overall intent of MXD zoning.”

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

City of Mission	Item Number:	5a.
ACTION ITEM SUMMARY	Date:	1/15/2016
Community Development	From:	Laura Smith

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

Planning Commission Action

The Planning Commission, at their December 28, 2015 meeting, voted 7-1-1 to recommend approval of the Case with the twenty-seven (27) recommended conditions as contained in the staff report, plus the addition of the twenty-eighth condition as suggested by the City Council. A copy of the Staff report from the meeting and draft minutes are included in the packet.

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

STAFF REPORT
Planning Commission Meeting December 28, 2015

AGENDA ITEM NO.: 2

PROJECT NUMBER / TITLE: Application # 15-10

REQUEST: Revised Preliminary Site Development Plan for The Gateway Development - **On Remand from the City Council**

LOCATION: Property located on the south side of Johnson Drive between Roeland Dr, Shawnee Mission Pkwy, and Roe Ave

PROPERTY OWNER: The Gateway Developers, LLC
Cameron Group, LLC
6007 Fair Lakes Rd, Ste 100
East Syracuse, NY

STAFF CONTACT: Laura Smith



ADVERTISEMENT: September 8, 2015-The Legal Record newspaper

PUBLIC HEARING: Planning Commission meeting, September 28, 2015

Property Information:

The subject property is the site of the former Mission Mall and is zoned Planned Mixed Use District "MXD". This district is intended to encourage a variety of land uses in closer proximity to one another than would be possible with more conventional zoning districts, and to encourage building configurations that create a distinctive and memorable sense of place. Developments in this district are allowed and expected to have a mixture of residential, office and retail uses, along with public spaces, entertainment uses and other specialty facilities that are compatible in both character and function.

Developments are also expected to utilize shared parking facilities linked to multiple buildings and uses by an attractive and logical pedestrian network that places more emphasis on the quality of the pedestrian experience than is generally found in typical suburban development. Buildings are intended to be primarily multi-story structures with differing uses organized vertically rather than the horizontal separation of uses that commonly results from conventional zoning districts. The property is also subject to the Mission, Kansas *Design Guidelines* for the Johnson Drive Corridor.

Surrounding properties are zoned and developed as follows:

Office zoned properties are located to the north, in the City of Roeland Park, “RP-3” Planned Townhome District and “C-2A” Pedestrian Oriented Business District to the west, and “R-1” Single-Family Residential District to the east and south.

Comprehensive Plan Future Land Use Recommendation for this area:

The Comprehensive Plan indicates this area is appropriate for Mixed Use High-Density to be composed of a pedestrian friendly mix of neighborhood and community office uses, retail-commercial and service-commercial uses, institutional, civic, and medium to high density residential.

Project Background:

Planning Commission Action

The Planning Commission, at their September 28, 2015 meeting, voted 7-0 to recommend approval of Case # 15-10 to the City Council with conditions 1-27 as recommended by staff. A copy of that staff report and the minutes from the September 28th meeting are included as reference in the packet.

Excerpted from the September 28, 2015 Staff report is the summary/analysis of the proposed project as it relates to MXD zoning:

“The proposed development conforms with the Comprehensive plan and meets the overall intent of the “MXD” zoning district. The proposed preliminary site development plan demonstrates a mix of three to four distinct uses within an area approximately equal to four city blocks. Those uses are arranged vertically in buildings “B”, “C”, “D”, and “E”. In addition, 75 percent of the total floor area of the development is located in multi-story buildings which are a minimum of 4-stories in height. These uses will utilize shared parking which is to be centrally located, screened from view from the public realm, and multi-storied. For the most part, parking will not be reserved by use. Pedestrian connections via public sidewalks, and private boardwalks or walkways are designed to make all portions of the development easily accessible on foot. Special attention to streetscape features such as sidewalk widths, shade trees, pedestrian scale street lights, and amenities like seating and landscaping will make the quality of the pedestrian experience inviting and lively. All of these features when combined with a coordinated architectural style contribute to create a distinctive sense of place which is compact, urban, and active.”

City Council Action

The City Council, at their October 21, 2015 meeting, voted to table consideration of Case # 15-10 until such time as a work session could be conducted with the applicant. That work session was conducted on November 16, 2015. Materials provided at that work session are included in the packet.

City Council Action

The City Council, at their November 18, 2015 meeting, voted to remand Case # 15-10 to the Planning Commission with conditions 1-27 and 28 (included below) to:

“Reconsider the exception given from the requirements for a discount superstore in a MXD zone. Specifically, the Planning Commission should consider whether or not the proposed discount superstore meets the overall intent of MXD zoning.”

While you can entertain public comments, the remand proceedings are not a public hearing. The required public hearing was held and closed when the matter was first considered on September 28, 2015. No protest petitions were received.

Subsequent to the November 18, 2015 meeting, the Developer had indicated that he plans to incorporate a green roof on a portion of Building “A” and has provided conceptual drawings to indicate such. The proposed changes fall within the scope which would be considered as a part of final plan review, and do not necessitate a revised preliminary site development plan. It is reasonable, at this time, for the Planning Commission to review and discuss this new element so that any comments may be forwarded on to the City Council. The revised plan sheet and conceptual renderings for the green roof concept have been included in the packet.

Conditions Associated with Approval of the Preliminary Site Development Plan

While the development is generally in conformance with zoning and site planning requirements, several details do remain unresolved. Many of these details are beyond the required scope of a preliminary site plan and therefore not deficiencies in the submitted plans. The recommendation for approval contained conditions which are both carry-overs from the original rezoning of the property in 2006 under Ordinance #1203 and specific directions for revisions to be included in a future and separate final site plan submittal. Conditions placed on the rezoning of the property which are still applicable to the development are included below as noted in parenthesis as Rezoning. The sources of all other conditions are noted as such.

1. The entire development shall be subject to the recommendations of the Design Guidelines for the Johnson Drive Corridor, including frontages along Johnson Drive, Shawnee Mission Pkwy, Roe Avenue, and Roeland Drive. Plans submitted for Final Plan Review shall comply with said Design Guidelines as well as any more restrictive requirements within the “MXD” zoning regulations or as established by the rezoning stipulations. (Rezoning-1)

2. The street level of all buildings along public right-of-way shall incorporate window glazing consistent with the Design Guidelines for the Johnson Drive Corridor. Flat, blank (windowless and un-modulated) or false windows shall be prohibited along public right-of-way. (Rezoning-2)
3. Entrances should be oriented to engage the primary public street. Large buildings that front multiple streets should provide multiple entrances and provide entrances convenient to parking areas. Provide a public entrance for Building A along Johnson Drive. (Comments 9.22.15)
4. The appearance of Building "A" facing the intersection of Roe Ave. and Johnson Drive shall have a signature design and shall be oriented to provide a visual appearance consistent with the remainder of the development. (Rezoning-9)
5. Provide additional massing studies/views to demonstrate how the Building "A" truck loading area will be screened from view from Roe Avenue. Any visible wall elevations along Roe Ave should be finished with the same architectural appearance and detailing as the remainder of the structure visible from Johnson Drive and Shawnee Mission Pkwy. (Comments 9.22.15)
6. Provide additional massing studies/views to demonstrate how the development design will create a gateway into the community at the Johnson Drive/Roe Avenue intersection. (Comments 9.22.15)
7. The exterior of the parking structure visible from public right-of-way shall be finished with a façade treatment consistent with the architectural character of the entire development. (Rezoning-10)
8. Plans need to demonstrate the visibility of the upper deck of the parking structure from Shawnee Mission Parkway and Roeland Drive. Screening may be required in various locations to reduce views of the parking deck. Unscreened views of the Building "A" rooftop will be acceptable if designed as a green roof. (Comments 9.22.15)
9. Plans need to demonstrate how the appearance of the upper deck of the parking structure and the rooftops of surrounding buildings will be enhanced for the views from the residential buildings "C", "D", "E", and "B". HVAC units, antennas, skylights, exhaust fans/vents or other similar elements should be screened from view of these buildings and the public streets. (Comments 9.22.15)
10. A list of special conditions / standards for this development shall be included within an Architectural Standards / Tenant Criteria Booklet. The booklet shall include a list of architectural features, such as awnings, balconies, bay windows etc., that may be permitted to encroach the public sidewalk and also include the maximum distance of encroachment. (Rezoning-13)

11. Unique and creative signage shall be permitted within the development. Sign standards shall be provided in the Architectural Standards / Tenant Criteria Booklet, and shall be reviewed for approval by the Planning Commission with Final Plan Review. (Rezoning-14)
12. Any outdoor seating areas proposed within public right-of-way shall be identified and reviewed with the Final Plan Review. (Rezoning-12)
13. Lighting within the site shall be consistent with the architectural and pedestrian character of the development. Lighting on the site shall be directed away or screened from existing residential properties. (Rezoning-15)
14. Final plans will need to demonstrate safe accommodations for multi-modal Rock Creek Trail traffic from the current terminus of the trail along Roeland Drive to Roeland Park. (Rezoning-18)
15. A continuous public sidewalk shall be provided along Roeland Drive, Johnson Drive, and Roe Avenue. The Roe Avenue sidewalk shall link sidewalks at the intersection of Johnson Drive with a sidewalk extending under Shawnee Mission Pkwy. Sidewalk improvements shall include pedestrian connections/crosswalks across adjacent intersections. These improvements shall be designed to meet ADA and MUTCD criteria and provide functional pedestrian connections to the Rock Creek Trail, transit center, transit stops, and across Shawnee Mission Parkway (Zoning & GBA)
16. Street trees should be planted between the curb and walking path of the sidewalk thus providing a more pleasant pedestrian experience separated from traffic. Minimum sidewalk width along Johnson Drive is an unobstructed walking surface of 8' and 5' unobstructed width along Roeland Drive. Minimum widths may need to be increased to accommodate additional features such as trail connections or building entrances. Sidewalks and on-street parking should be located in the public right-of-way. Dedication of right-of-way should be resolved with the final plat or by separate document. (Comments 9.22.15)
17. Several missing links in pedestrian circulation need to be addressed. Provide a walkway connection from Roe Ave along the south side of Building "A" to provide a direct pedestrian connection to the lower level of retail; from the north side of Drive 2 to Building "C"; from the north side of Drive 3 to Building "D"; from the west side of Drive 4 to the rear of building "E"; crossing Drive 4 to the front of Building "A"; from public stair on Level 2 to the hotel lobby. (Comments 9.22.15)
18. Street right-of-way, off-site traffic improvements, permitted points of access, pedestrian connectivity, etc. shall be determined prior to approval of a replat and final development plan for the subject property and shall be consistent with the Design Guidelines for the Johnson Drive Corridor and the East Gateway Streetscape Standards. (Rezoning-3 & 4)

19. The developer shall be responsible for streetscape improvements along perimeter roadways and intersections.(Rezoning-5)
20. The developer shall be responsible for implementation of recommended storm water and other utility improvements unless otherwise described in a development agreement with the City of Mission. Required easements shall be coordinated with the City and other utility providers and identified with the final plat and final development plan for the property. (Rezoning-6)
21. A utility and infrastructure plan shall be submitted prior to approval of the development plan. (Rezoning-7)
22. Buildings submitted for Final Plan review shall be designed in accordance with the requirements of city staff, city consultants, and other utility providers to maintain adequate clearance from storm water structures and other utilities. (Rezoning-8)
23. The City of Mission reserves the right to impose time limits on large vehicle deliveries to the site. (Rezoning-17)
24. The City of Mission reserves the right to limit access to a right-in /right-out configuration for vehicular entrances along Roe Ave and the southernmost access point along Roeland Drive. (Rezoning-19&20)
25. Provide additional detail at final site plan regarding vehicle turning accommodations, using the appropriate design vehicles previously identified, for the retail dock area along Roe Avenue, emergency access for the Fire District at each access drive and along all primary internal service routes, school bus/tour bus circulation and parking, and other service delivery routes on the interior of the site. (GBA)
26. A final traffic study and final stormwater drainage design plan must be submitted for review with the final site plan. The appropriate text, maps, drawings and tables must be included. (GBA)
27. Staff reserves the right to provide additional comments or stipulations on development plans until all traffic or storm drainage related concerns have been addressed. (GBA)
28. No construction or building permits will be issued until construction phasing is agreed to by the City and the Developer in an approved Development Agreement. (City Council 11-18-15)

MINUTES OF THE PLANNING COMMISSION MEETING - DRAFT
December 28, 2015

The regular meeting of the Mission Planning Commission was called to order by Chair Mike Lee at 7:00 PM Monday, December 28, 2015. Members also present: Scott Babcock, Stuart Braden, Jim Brown, Frank Bruce, Brad Davidson, Robin Dukelow, Carla Mills, and Charlie Troppito. Also in attendance: City Administrator Laura Smith, City Clerk Martha Sumrall, City Land Use Attorney Pete Heaven.

APPROVAL OF MINUTES FROM THE OCTOBER 26, 2015 MEETING

Ms. Dukelow moved and Mr. Braden seconded a motion to approve the minutes of the October 26th meeting. The vote was taken (9-0). The **motion carried**. Mr. Brown subsequently stated that he must **abstain** from voting on these minutes as he was not present at the meeting.

Old Business

Case #15-10 Revised Preliminary Site Development Plan for The Gateway Development
On Remand from City Council

Ms. Smith: I would invite Mr. Heaven to introduce this agenda item for the Planning Commission.

Mr. Heaven: We have a little bit of an odd situation tonight, only because it rarely happens in the City of Mission, and that is a remand. As most of you know, the purpose of a remand is to pose a question to the Planning Commission from the City Council for your deliberation, and report back to City Council. Tonight, we're talking about The Gateway Project. The remand question is: *Reconsider the exception given from the requirements for a discount superstore in an MXD zone. Specifically, the Planning Commission should consider whether or not the proposed discount superstore meets the overall intent of MXD zoning.* So, that is your issue tonight. As you know, discount supercenters do have requirements under our code. Those requirements can be relaxed in connection with an MXD development. You previously decided and recommended to City Council that this plan go forward with a recommendation of approval. The City Council has asked you to consider again about whether or not the project meets the overall intent of MXD.

Much has been said about the word "exception," which is used in our code. People have asked whether it's a verb, whether it's a noun, and how we deal it. Staff would recommend tonight that you discard the semantics for a moment and look at the entire project to determine the overall intent of MXD, and whether this project actually meets that intent. Your answer can be affirmative, it can be negative.

We will need a motion at the end of your deliberations. We would recommend that your first motion be in the affirmative. That is, to recommend to the City Council approval of that which you've already recommended approval. If that motion fails, and all other positive or affirmative motions fail, the motion would be to recommend denial of the project to City Council. If the Planning Commission cannot reach a consensus on the issue, then the report goes back to City Council that consensus could not be reached.

So, the bottom line is there's no wrong answer. The City Council would like guidance and assurance that you have considered the MXD regulations and that you believe and agree that

MINUTES OF THE PLANNING COMMISSION MEETING - DRAFT
December 28, 2015

this project does meet the intent of the code. Laura and I will be here to answer any questions you have.

Something else I should mention. You've had your legal public hearing. You do not have to have one tonight, but if you wish to ask the audience for input, you are welcome to do so. But there is no legal requirement. With that, we'll stand for questions. Thank you.

Ms. Dukelow: I will say what I think here, and I'm going to read it because I want to get it right:

Upon consideration of whether or not "the proposed discount superstore meets the overall intent of MXD zoning", the MXD zoning criteria requires ". . . developments in this district to have residential, office and retail uses along with public spaces, entertainment uses and other *specialty facilities that are compatible in both character and function*. . . . Buildings are intended to be *primarily multi-story structures with differing uses organized vertically rather than the horizontal separation* of uses that commonly results from conventional zoning districts.

I believe that in the proposed plan, the differing uses are not compatible in character & function and the differing uses are not *primarily* organized vertically across the development; instead, the development/site is *primarily* horizontally separated

1) Compatibility: I believe the proposed plan effectively ~~splits~~ splits the site into two distinct areas; one to the east of the parking garage and one to the west of the parking garage. as follows:

- a) On the east side of the parking garage the plan shows a 155,000 s.f. single story, single use building with a generous surface parking lot. (544 required/619 stalls provided)
- b) On the west side of the parking garage, the plan shows a mixed use structure with private structured parking, and a horizontally separated hotel. (level 2 =410 private, level 3 = 376)

The proposed uses are not compatible in character and function from east to west; rather the uses are separated horizontally.

2) Organization: Additionally, the differing uses are not *primarily* organized vertically. Instead, differing uses are horizontally separated and *secondarily* organized vertically in one building as follows:

- a) Mixed use bldg = 231,122
 - i) Level 1 retail & office = 56,075 sf / represents 24.25%
 - ii) Levels 2-4 residential = 175,047 sf / represents 75.75%
- b) 44% of the proposed floor area is in a single building that contains 24.25% mixed vertical uses.
 - i) Mixed use = 231,122
 - ii) Hotel = 138,610
 - iii) 1-Story retail = 154,469

MINUTES OF THE PLANNING COMMISSION MEETING - DRAFT
December 28, 2015

c) 1 in 3 buildings contains differing uses organized vertically.

3) If the development includes a superstore, I believe the superstore requirements of Section 410.340, D should be met.

Thus, I do not believe the proposed discount superstore meets the overall intent of MXD zoning.

Chairman Lee: Other comments?

Mr. Davidson: When this came to us last time, my concern was parking. With a superstore and the different buildings to the west, I was concerned about adequate parking. Also, with buildings to the west, how is the compatibility of the two different retail areas within that parking? Obviously, Walmart will take a lot of parking, and the concern is that people wanting to come to the west buildings, is that going to be compatible with parking for the two different type of customers you might have within the development? So, that is a concern of mine.

As far as putting a greenway space in there, that's great. They've done a very good job to try and get Walmart in there. And I know for the developer, this Walmart is the piece that makes it economically worth it. That's all.

Mr. Babcock: I have a couple of questions. How many total square feet is the development?

Mr. Valenti: It's in excess of 500,000 square feet.

Mr. Babcock: So you're looking at Walmart being about 30 percent?

Mr. Valenti: Roughly.

Mr. Babcock: Mr. Chair, if I remember correctly, you've got approximately 65,000 square feet of retail. On top of that is roughly three stories of apartment complex. So, how many square feet in the apartment complex?

Mr. Valenti: About 180 apartments, 170,000-plus square feet.

Mr. Babcock: So there's roughly 230,000 square feet of vertically-integrated mixed use between apartments and retail. You go a little bit further, how much is the hotel?

About 200 rooms, 141,000 square feet. You've got restaurants on the bottom, hotel, gym that's supposed to be used by the apartments and the hotel occupants. I look at that as being vertically integrated also. I look at this as we've got two responsibilities. We talk about vertically-integrated. Roughly 70 percent of this development is vertically integrated. I think in a perfect world, we all love 100 percent, but again, I can also tell you that I have listened to residents talk about the concern about how many stories the hotel is, and what that's going to look like from their home. We're never going to please everybody. It's not perfect. I think 70 percent vertically integrated is fine. No offense, but I don't necessarily agree that it's completely separated because the retail does wrap around from the north end to the west part of the development, and the hotel wraps around to the north side of the development.

As far as whether there's enough parking, I think there's one floor that's kind of dedicated to apartments.

Mr. Valenti: The second level would be dedicated to the apartments.

Mr. Babcock: How many parking spaces per level?

MINUTES OF THE PLANNING COMMISSION MEETING - DRAFT

December 28, 2015

Mr. Valenti: The first level is about 740 spaces on the one level, which serves the 155,000 square foot store plus all of the retail and the restaurants. So, it's not exclusively for Walmart, and it's not exclusively for the small stores.

Mr. Babcock: One development here in Kansas City that comes to mind is Prairie Fire, which has a lot of similarities to this. They have four or five stories of apartments only to the south side of the garage, and then they have retail that goes to the east and north side that wraps around it. And they've got the garage in the middle. Kind of the same concept here. We want this multi-story. We need the developer to make it work. It's working there so far. They've got a museum on the west side of the garage.

The only thing that bothers me is the possibility of the office building not being built. But, I still see hotel, I still see retail, I still see multifamily dwelling. I think it's in the spirit of what was supposed to happen with a mixed-use development.

The final thing is, when I was reading through this today, early on in the regulations, we also have a responsibility for the economic development of Mission. And contrary to what a lot of residents believe as far as what happens in developments like this, I'll tell you, anytime you put a Walmart or discount superstore in a spot, you end up with development around that store. And I think this is going to do that. It's going to bring development to areas of Mission that are currently blighted. Is it perfect? Is it going to look like the Plaza? No. But that's not what we're talking about today. We're talking about mixed-use development. We can beat you up down the road, I believe, on design, making sure that we're happy with that. But my thought is that it does meet the MXD guidelines.

Mr. Braden: It sounds like what we're looking at here is whether Walmart meets the intent of the use of MXD. This is compatible with MXD. The one thing I'm a little confused about is what is considered the building footprint. Is it the entire site, or is it a single building? Because looking at Chapter 410.340 District Regulations, paragraph D2, it talks about "*The building footprint of any development shall not exceed 50 percent of the gross square footage of the building, or 50,000 square feet, whichever is less.*" When they talk about "building footprint," is that the entire development, or is that a single building?

Mr. Brown: I had that same question because of the convoluted nature of how that sentence is structured. You could interpret it that we shouldn't be looking at any development that has a larger footprint for all of the buildings of 50,000 square feet or more. So, I would like some clarification on that myself because that sentence is not structured in a manner to single out – I mean, if it said the building footprint of any individual building of any development, we might be having a different conversation. But it doesn't say that.

Ms. Smith: Except that you're referencing a subsection of discount stores and discount superstores, and you're talking specifically about items 1 through 6 of the requirements that apply to discount superstores or discount stores. So, the building footprint of a discount store or discount superstore shall not exceed 50,000 square feet, which is the same language included in the general definition section of the zoning code as it relates to those two items. What's included in 2 is consistent with what's found previously in the zoning code.

Chairman Lee: Anyone else want to make a general comment?

Mr. Babcock: I do have a question for our attorney. The way I read this, the part that they were just referring to, my understanding of this partially is by listening to you, that the 50,000 square feet rule, it really comes into play when you're developing a separate standing development that just has one building, and that's the building we're talking about. Mixed-use development, the square footage doesn't really come into play.

MINUTES OF THE PLANNING COMMISSION MEETING - DRAFT
December 28, 2015

Mr. Heaven: Correct. And just to correct some confusion I'm sensing, discount supercenters are a permitted use in the city of Mission. When we did the East Gateway overlay district, we created more restrictions on a discount supercenter to make the footprint smaller if it were to be a freestanding building. Then you drop into the next subset as Laura pointed out, and that is an MXD. We've sort of resurrected the original code and said that in an MXD, you can relax or waive those rules of the 50,000 square foot pad. So, we start with permitted use, we drop down to East Gateway where we say it's got to be basically a 50,000 square foot footprint unless it's MXD, and then we open it back up to your discretion.

Mr. Braden: So the real question is, is the discount superstore consistent with an MXD development?

Mr. Heaven: Correct. And that is what the City Council has asked you to consider tonight.

Mr. Troppito: Mr. Chair, a question of staff. I'm looking at the staff recommendations which were noted on this plan prior, back in September, it specifically says, "*The proposed development conforms with the Comprehensive Plan and meets the overall intent of the MXD zoning district.*" Now, I believe we all took that staff recommendation into consideration when we voted. That's the question tonight. That's my only comment. Thank you.

Mr. Davidson: Mr. Chairman, I have another question. I was of the understanding when we approved this last time that this whole development was going to be built in one phase, that all the structures were going to be built, and, as Mr. Babcock said, he's worried about the office building not being built at all. I just want to clarify this. I think I might have mentioned that until these buildings are started, practically completed, that the Walmart occupancy permit would not be issued. So, that's one question that I have.

The other one is with the parking again. Are the apartments going to have designated parking where there's no way that Walmart customers can park in the apartment residents' parking? Is there going to be any restrictions with that?

Ms. Smith: Let me take part one. There is a 28th stipulation or condition that was added when your recommendation for approval of the preliminary plan went to City Council. That stipulation – which the developer agreed to – was that there would be no construction or building permits issued until construction phasing was agreed to by the City and the developer in an approved development agreement. Which is slightly different, Mr. Davidson, than I think what you just described. So, there would be a process by which that phasing could occur, but that would be controlled through the development agreement with Mr. Valenti and his group.

The other thing that I want to be clear on is that the office building may or may not be part of that development. Your previous recommendation for approval did not mandate the development of that office building. If the developer has a tenant for that building within the appropriate timeframe for construction, he has indicated it will be built. So, I think the question was asked at the last meeting, whether the project meets those threshold requirements in terms of square footage above ground level, with or without that office development.

Mr. Davidson: Okay. I understand.

Mr. Heaven: Your question about segregated parking. I think Tom will have to answer that.

Mr. Lee: Well, what I'm trying to do, is let Planning Commissioners make their comments, and then go to the developer to respond. Why don't we skip that question and go to comments from commissioners.

Ms. Mills: Mr. Chair, not being at the September meeting, and not wanting to miss a chance, I have a few comments. First, even though I know this is like spitting in the wind, I still think we missed a great opportunity to make this an incredible development by not sinking that parking

MINUTES OF THE PLANNING COMMISSION MEETING - DRAFT
December 28, 2015

garage and making it below ground level parking area. And, while the design is interesting, and I like how the yellow ties in with the yellow flower on the Walmart, I think maybe incorporating surrounding architecture would be helpful. I know we went away from the red tile roof and all that type of thing, but there is some art deco in Mission, too, that might actually be compatible with this type of design. So, maybe something to tie it in a little better would be great.

Three – and this is probably the harder one – I’m going to have a real hard time giving my approval of this without a guarantee of that office building. My question to you is: Is that office building also going to have retail of some sort on the ground level? That’s all I have.

Ms. Dukelow: With regards to the minutes of the Planning Commission meeting from September 28th, I did inquire about the applicability of the discount store or superstore ordinance to the proposed development. As noted in the minutes, “*Ms. Murray explained that now, as in the past, when reviewing proposed plans for this site, the definition of discount store or discount superstore was not met. The site plan under consideration reflected a mixed use development and was therefore subject to the criteria in the MXD zoning district.*” If we go to the MXD zoning district, we see that we do have the opportunity to try to get this right, and grant an exception to the requirements of the discount supercenter ordinance. So, I guess I want to bring this up and point out that if we proceed, we will, in fact, grant exception to one more of the requirements in the property zoned MXD.

Mr. Brown: Is there anything in the development agreement that would keep the one building from being sold off and not be a part of the development any longer?

Mr. Heaven: The development agreement has not yet been drafted.

Mr. Brown: Is there an assurance anywhere in this process that that 155,000 square foot building would not be sold off individually and no longer be part of this development?

Mr. Heaven: The existing development agreement, which will be superseded by the new one, does have penalties for Mr. Valenti divesting title for a number of years. So, the answer to your question of the existing development agreement, that is correct. But the new one has not yet been drafted. My guess is that will be in the new one, as well.

Chairman Lee: Tom, why don’t you step forward.

Tom Valenti, President, Gateway Developers, appeared before the Planning Commission and made the following comments:

Mr. Valenti: We’re the developers of the project at the intersections of Johnson Drive, Roeland Drive, and Shawnee Mission Parkway, and Roe. This is the same project that this Commission has been looking at since 2006. Since 2012, you have looked at a project that has included a 155,000 square foot discount superstore. This project is in conformance with the MXD zoning with respect to verticality. If you look at pages 44 and 45 of the booklet that we put together, we set out the requirements of the MXD code requirements, and then, how the project conformed to those requirements. I had explained at the last Planning Commission meeting, at each of the City Council meetings, as well as the City Council workshop meetings, that the office building was an optional feature because I didn’t want to suggest something that may not be built. We couldn’t even begin to build that office building unless we had a tenant because we couldn’t get financing for it. So, it had always been stated as an optional component of the project. Even without the office building, we still meet the requirements of the MXD zoning. If, in fact, the office building is not built, the likelihood is we would extend the footprint of the hotel to the east so that you would enclose the center of the project with building uses so that essentially the parking structure is hidden by the buildings.

MINUTES OF THE PLANNING COMMISSION MEETING - DRAFT

December 28, 2015

With respect to Ms. Mills comment concerning the underground parking, it would be nice, but it's just not feasible economically.

The comment was made earlier about the project being divided in half as east and west. I beg to disagree. First, there is retail and residential units on the north side of the site which come right to same entrance that the entrance is for the 155,000 square foot discount superstore. On the south side of the site, there are other uses, namely restaurant, hotel, and potentially office building. All the retail shares the same parking on level one. I don't quite understand your comment about compatibility of people that park for the discount superstore versus people that park for the retailers. I think they're all people. Maybe you can explain that one to me.

We have been at this for an awfully long time. You approved this in 2012. You approved this two months ago. Not much has really changed. It's not what we envisioned in 2006. It's not what we envisioned in 2008, or 2009, or 2012 and 2013. Nonetheless, it meets the vision, the intent, the letter of MXD zoning. Your counsel has explained to you that you can grant an exception for a discount superstore under the code in an MXD zone. I am not suggesting that this is an ideal situation for you, in light of the fact that there seems to be some problem in this community with Walmart. I'm not sure exactly why. I understand that people are concerned about seeing the same situation that they see up in Roeland Park. I have committed to you that this is not going to be a freestanding Walmart. That will be in the development agreement. I have committed to you that this will be built in one phase. It may take 24 to 36 months to build it all, but it will all be built in one phase. It is physically impossible to do it any other way. All of the parking is integrated except for segregated parking on part of the second level where there will be one space per apartment. That will be accessible by key card only.

The components of MXD zoning I believe are met, both in intent and as to its letter. I would ask you to favorably consider this again. If you have any other questions, I'm happy to answer them.

Mr. Babcock: I have one. I want to emphasize this point. We are not granting an exception. Is that correct? I mean, this is a nuance that everybody keeps going around and around on. My understanding is that the 50,000 square feet is a requirement that they need to live by, but that's if it was a single-standing development. Because this is not, because it's an MXD, it really doesn't come into play. By saying as long as it's got retail, it's got a hotel, it's got an apartment complex, etc., that shows mixed use – in this case, 70 percent is developed vertically – it doesn't matter what the square footage footprint of any one store is.

Mr. Heaven: That is correct.

Mr. Babcock: All right.

Mr. Davidson: This is for Tom. I totally agree with what you said. I used an incorrect term as far as the compatibility of the parking of the individuals. What I was referring to is when the superstore is tremendously busy with shoppers and so much parking is being used, that the boutique stores and all the stores to the west would have adequate parking for those retail areas. And you did answer the question with the reserved parking on the second floor, using a keycard to be able to access to that parking area.

Mr. Valenti: I appreciate the clarification. There is an excess of parking on that first level, far beyond the needs of a Walmart. So, there's more than enough parking at that level. In addition to there being parking within the footprint of the parking garage at the first level, there's also two rows of parking on the Roeland Drive side, as well as some surface parking along Johnson Drive. We have an abundance of parking. We are over the parking requirement for the project, and specifically with regard to a 155,000 square foot store. We have more than enough parking. I'd like to echo the comment that was made by Mr. Babcock. In my reading of your code, if I look at the definition of a discount superstore, it deals with a freestanding store that has its own dedicated

MINUTES OF THE PLANNING COMMISSION MEETING - DRAFT
December 28, 2015

parking. This is not that. This is a mixed-use development. Parking is integrated. Other uses are integrated. This is a project as a whole. It doesn't work separately. With respect to Mr. Brown's question about selling the building separately – and I think what he meant by that was, can we sell this building and just have a freestanding Walmart there? It's not possible. It's not going to work.

Mr. Brown: My intention with that question was to confirm that you couldn't do something later on, or somebody else do something later on, that would put it out of compliance with the MXD issue that I'm talking about.

Mr. Valenti: And I believe your zoning would prevent that from happening, so that someone in the future – I'm not sure what they could do, but it's all integrated. Not only will there be a development agreement with the City, but there will also be a restrictive easement agreement among all of the users of the center that really restrict the property from being changed without all of their consent. At some point, you may have different owners of different components, but it still must work as a unit. It can't be operated individually. It's just impossible.

Mr. Troppito: A follow-up question. Earlier, quoting from the minutes of the October meeting that we voted on tonight included in that was a statement about staff recommendation, and analysis, and whether or not it met MXD zoning requirements. It was staff's opinion that it did. Do you have any changes to that opinion since then?

Mr. Heaven: No, sir. Staff still recommends approval of this project.

Mr. Davidson: Tom, that's great to hear, and I just know that this whole project depends on adequate and convenient parking. I look at the Roeland Park Walmart down there. It's a small store, and the parking down there when it's busy, it's hard to get a space. Now you're talking about 155,000 square feet for a Walmart. But, like you said, if you have more than adequate, that's good to know. That's all I'm going to say about that.

Lastly, this development agreement, I know Pete will represent the City, so we know that the development agreement is well written to protect the City of Mission. I know we're in good hands.

Mr. Valenti: There's something I wanted to say earlier about the parking. I don't know if we talked about this at the Planning Commission meeting, but I know I stated and committed to it on the record for City Council. We are going to commit to 24/7 uniformed security on the site. It will be foot and vehicle patrol, as well as security cameras. The other thing we're going to commit to is, at least for the first several months of operation, we will do litter policing three times a day. After the first three months, we'll determine whether that's enough, not enough, or just right. As an owner, the last thing we want is for this development to be perceived as being either unsafe or unsightly. I'll take the criticism on the grass cutting on the site now. I'll fully accept the blame for that one. But, I know that some of the concern about Roeland Park is because at times, the parking lot is not necessarily clean. I don't think that's the fault of Walmart. I think that's the fault of the landowner.

Ms. Mills: You said something about the hotel that peaked my interest. If you don't build the office buildings, if you extend the hotel to the east, does that mean sliding the hotel building over? Or does that mean making it bigger?

Mr. Valenti: It's probably sliding it over. Same size. I tried to explain this to City Council. We have a couple critical points at which time it will be either fish or cut bait on the office building. If, God willing, we were able to start in late spring or early summer, we've probably got until the fall before we have to make a decision on whether or not the office building would go forward. If I can't get financing, I can't build it. And I can't get financing unless I've got a tenant for probably 50 percent of the space. So, I need approximately 25,000 square foot tenant or tenants in order to go forward with it.

MINUTES OF THE PLANNING COMMISSION MEETING - DRAFT
December 28, 2015

Ms. Dukelow: I just want to point out again that item 7 under Section 410.340.D states: *The Planning Commission may grant exception to one or more of these requirements in properties specifically zoned MXD, where the overall intent of that zoning category has been clearly met.* If we accept this, we are, in fact, granting an exception – the way I understand it, we are granting an exception – to the discount store and discount superstore requirements. Is that an accurate statement, Mr. Heaven?

Mr. Heaven: Yes.

Chairman Lee: Anybody want to ask another question?

Mr. Babcock: Could you get up and explain the nuance on that?

Comm. Mills: Yes, because I just heard you say it's not, it's not when he asked, and it is when she asked. I'm confused.

Mr. Heaven: I'll do my best. The actual structure of the sentence is: The Planning Commission can grant exception, not *an* exception. It's not a noun. It isn't something that you have to make an affirmative act to do. "An exception" would require you, like a variance or a variation, which we also use in our code, to specifically say, we are going to grant this variation from the code, and you make a specific finding. If it said "an exception," that would be your job. "Exception" in this context, in my opinion anyway, is a much broader context. You can interchange it with "modify." You can interchange it with "waive," or with "ignore," when you say the word "exception." It is not the right word for the code. I'll be the first to admit that. And I told Mr. Babcock earlier this evening, in the near future, we're going to recommend some code modifications, and this will be one. Because I think what the code is envisioning is, if you have a mixed-use development that contains a discount superstore that meets the intent of MXD, by virtue of your approval, you are excepting that superstore out of the requirements. MXD is a custom zone. I hope that answers your question. I think your approval of the project grants exception to the code. I don't think you have to do anything specific to accomplish that except recommend approval. That's the best I can do.

Mr. Brown: Is there a motion yet?

Chairman Lee: I am ready for a motion.

Mr. Brown moved and Mr. Braden seconded a motion to recommend approval of The Gateway Project as proposed, because the overall intent of the zoning category has been clearly met.

The vote on the original motion was taken, (7-1-1). **The motion carried**. Commissioner Dukelow voted in opposition. Commissioner Bruce abstained.

Mr. Bruce: [*When asked for the reason for his abstention*]: I wasn't here for the previous part of it. I don't feel like I ought to be taking a vote on what went before.

CITY UPDATES

Staff updated the Commissioners on the current City business.

STAFF UPDATE

Staff announced that Commissioners Babcock, Davidson and Brown have been reappointed to the Planning Commission by City Council. Also, staff informed the Planning Commission that

MINUTES OF THE PLANNING COMMISSION MEETING - DRAFT
December 28, 2015

Commissioner Mills is resigning from the Planning Commission and thanked her for 10 years of service.

Also, Dana Buford has been appointed as a new non-resident member of the Planning Commission, effective January 2016.

We anticipate having a Planning Commission Meeting in January, and work on the Comprehensive Plan Update will also get underway again in January. Sign Code revisions will also be coming forward to the Planning Commission this spring. Staff will provide an update on improvements being made to ScriptPro buildings per Ms. Dukelow's request.

Mr. Babcock: As you are looking at revisions to the Code, one item I caught when I was looking at the Code the last couple of days is that it talks about required landscaping on parking lots. I don't see how that is going to happen with a multi-story parking lot or anything that addresses that. In a future discussion, this needs to be addressed.

Ms. Smith: Although it isn't specific to the parking structure, and the developer is already gone, you did have in your packet information on a proposed addition of a green roof to the 155,000 square foot building. In terms of the code requirements, it is not a significant change. They plan to submit that as part of the final development plan. I think that was the result of some conversations that they had with some residents following the City Council meeting.

Ms. Dukelow: Will there be a conversation about that later?

Ms. Smith: Yes. It will come back as part of your final plan review.

ADJOURNMENT

With no other agenda items, **Ms. Mills moved and Mr. Babcock seconded a motion to adjourn.** (Vote was unanimous). The **motion carried.** The meeting adjourned at 8:00 P.M.

Mike Lee, Chair

ATTEST:

Martha Sumrall, City Clerk

City of Mission	Item Number:	6a.
ACTION ITEM SUMMARY	Date:	December 29, 2015
Community Development Department	From:	Laura Smith

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

RE: Resolution of Support Brinshore Development

RECOMMENDATION: Approve the Resolution of support for Brinshore Development, LLC's application for Kansas Housing Resource Corporation Low Income Housing Tax Credits for the Herald Corner project, and give authority for the Mayor and Staff to submit letters in support of the application.

DETAILS: As a component of financing the Herald Corner project, Brinshore Development, LLC applied for Low Income Housing Tax Credits (LIHTC) from the Kansas Housing Resource Corporation (KHRC) during the 2014 and 2015 funding cycles. The project was not funded in either, and the Developer plans to submit another application for 2016. Following negotiations between the Developer and the City, the City Council voted to amend/extend the Development/Purchase Agreement to allow Brinshore the opportunity to re-apply for the tax credits in 2016.

Tax Credit applications are due at the end of January. As part of the application packet, the KHRC requires a Resolution of Support passed by the Governing Body and other letters of support from the City:

- **Resolution of Support:** Resolution, using language provided by KHRC, that demonstrates support of the application and for the project as proposed.
- **Letter of Support:** Letter, signed by the Mayor, which describes how the City will benefit from the project, including increased senior housing choices and further redevelopment of the West Gateway area.
- **Zoning Letter:** Letter, signed by the City Planner, indicating that project is consistent with underlying zoning.
- **Site Control Letter:** Letter, signed by the City Administrator, indicating that City currently owns site and intends to convey the site to the Developer.
- **Financing Commitment:** Letter, signed by the City Administrator, indicating City will consider the use of certain economic development tools for the project, including Tax Increment Financing and Industrial Revenue Bonds.

Assuming Brinshore is successful in obtaining 2016 Tax Credits (decision expected by May 2016), work will begin on review of TIF Redevelopment Project Plan application. Closing and construction would occur in the fall of 2016.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	N/A
Available Budget:	N/A

RESOLUTION NO. ____

A RESOLUTION AFFIRMING SUPPORT FOR THE PROPOSED 32-UNIT AFFORDABLE SENIOR HOUSING PROJECT BY BRINSHORE DEVELOPMENT, LLC, AT 7080 MARTWAY STREET IN THE CITY OF MISSION, KANSAS

WHEREAS, the City of Mission, Kansas (“City”) has been informed by Brinshore Development, LLC (“Developer”) that a housing tax credit application will be filed with the Kansas Housing Resources Corporation for the development of affordable rental housing to be located at 7080 Martway, Mission, Kansas (“Property”) with a Johnson County Parcel ID# of KF251208-2003 and following legal description:

8-12-25 BG 402.18' S & 41.19' E NW COR SW1/4 E 135.17' NE 110.66' NW 135.17' SW 111.13' .35 AC & .03 AC BG 402.18' S & 41.19' E NW COR SW1/4 TO BEG E135' S 10' W 137.19' NE 10.21' TO BG & EX .0058 AC .3742 AC M/L MIC 254A

WHEREAS, this housing development will contain 32 units;

WHEREAS, the units will be targeted to senior affordable households;

WHEREAS, the development will be new construction;

WHEREAS, the Property will have the following amenities: elevator, art gallery, community room, on-site manager, on-site ~~covered and uncovered~~ parking, private rooftop garden~~courtyard~~, laundry room

WHEREAS, the City has established a TIF District to support the project and the Developer has requested additional local assistance through industrial revenue bonds. In addition, the City and the Developer executed a Purchase and Predevelopment Agreement dated October 16, 2013, amended on June 18, 2014, ~~and~~ July 16, 2014, and July 15, 2015 designating the Developer as the exclusive developer of record for the Property and agreeing to sell the property to Developer.

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

Section 1. The City generally supports the development of affordable housing in our community and specifically for the Property at 7080 Martway.

Section 2. Final approval of this project is subject to city ordinances, final zoning approval, the buildings permitting process and final sale of Property.

Section 3. This resolution is effective until December 31, 201~~6~~5. In the event that any of the characteristics mentioned above should change prior to the issuance of a building permit, or final zoning is not approved, this resolution is null and void.

THIS RESOLUTION IS PASSED BY THE CITY COUNCIL OF THE CITY OF MISSION, this 20~~th~~^{1st} day of January 201~~6~~⁵.

THIS RESOLUTION IS APPROVED BY THE MAYOR this 20~~th~~^{1st} day of January 201~~6~~⁵.

Steve Schowengerdt, Mayor

ATTEST:

By _____
Martha Sumrall, City Clerk

APPROVED AS TO FORM:

By _____
David K. Martin, City Attorney



6090 Woodson Street
Mission, KS 66202
(913) 676.8350
www.missionks.org

January [], 2016

Fred Bentley
Director of Rental Development
611 South Kansas Avenue, Suite 300
Topeka, Kansas 66603

RE: Herald Corner (7080 Martway) LIHTC Application – Letter of Support

Dear Mr. Bentley:

I am pleased to enthusiastically support Brinshore Development, LLC's request to the Kansas Housing Resources Corporation (KHRC) for a tax credit reservation for Herald Corner, a 32 unit new construction affordable multifamily rental housing development for seniors proposed for Mission's West Gateway Redevelopment Area. I am excited that through a public/private partnership with KHRC, the City of Mission and Brinshore, we will have the capacity to develop much needed affordable senior housing and advance an important revitalization initiative in the City of Mission.

I understand that this letter will become a part of Brinshore's application requesting a reservation of Low Income Housing Tax Credits.

The City of Mission supports Brinshore's application to KHRC for the following reasons:

- **Strong Demand for Affordable Senior Housing.** City of Mission senior residents are much more likely to be low income than our population as a whole. 26.2% of seniors (age 65+) have an annual household income of less than \$25,000 per year vs. only 8.9% of overall Mission population¹. Further, our senior residents experience housing expense "cost burden" where housing comprises a disproportionate portion of their income. These "cost burden" data are kept at the county level and published within the Johnson County Consolidated Plan, but I believe that their findings hold true within Mission as well. Within Johnson County, an astounding number of senior households (73.2%) with household incomes between 30% and 50% of the Area Median Income (AMI) are either housing cost burdened or severely housing cost burdened, which means that they are devoting more than 30% (cost burdened) or 40% (severely cost burdened) of their income towards housing expenses². Further, other new senior housing built or proposed within Mission is too expensive for low/moderate income seniors on fixed income. Recent projects including Mission Square and the Welstone at Mission Crossing target higher income seniors.
- **Recycling of Housing Stock is a Priority.** In order for Mission to attract new residents, scarce single family housing stock needs to be available to younger families. This will require options for low income seniors on a fixed-income currently aging in place in single family homes. Herald Corner provides quality housing for these seniors.

¹ U.S. Census Bureau, American Community Survey, 2011. Please note that senior is defined two ways in this letter. "Senior" refers to households 62 and older within Herald Corner. Please note that the Census Bureau does not break down its data by households 62 and older; instead the Census Bureau uses 65 and older. Thus we used the data for households 65 and older because the 62 and older division does not exist.

² Johnson County Kansas 2010-2014 Consolidated Plan.



6090 Woodson Street
Mission, KS 66202
(913) 676.8350
www.missionks.org

- Herald Corner is Near Significant Amenities. The Herald Corner site is proximate to the full range of amenities necessary for senior residents. Public transportation, walking trails, shopping, supermarket, pharmacy, hospitals and medical uses, city and county services are all within walking distance of Herald Corner. In addition, a Panera Bread restaurant is within 70 feet of the front door of the building. Herald Corner truly is located in a “naturally occurring” retirement community.
- Project is Key to Advancing Revitalization and Housing Goals for the City of Mission. Herald Corner is situated within the West Gateway Redevelopment Area, Herald Corner TIF District (formed specifically to support this project) and Form Based Code Overlay, and clearly advances housing priority needs for the City of Mission. This project involves the use of housing to advance the City of Mission’s community revitalization plan for the West Gateway area (Development Characteristic C.5 on page 12 of the KHRC 2015 QAP). The City of Mission has experienced and is experiencing significant economic development. This is due in part to great efforts undertaken to reverse prior population decline and erosion in tax base in surrounding areas. Recent successes include the 54-unit Mission Square senior housing project, ongoing growth in the ScriptPro Corporate Office Campus and significant reinvestment and revitalization of public infrastructure roads and bike/ped facilities, storm sewer, transit, etc. Projects currently underway include the addition of the Welstone residential facility (\$11 million) to the \$25 million mixed-use Mission Crossing project, the \$10.5 million Johnson Drive Rehabilitation and Streetscape project, and the \$9 million Cornerstone Commons development (which includes a Natural Grocers store) within easy walking distance of this site. Likewise, northeast Johnson County has experienced significant employment growth creating a significant need for affordable and mixed-income housing. Finally, as discussed earlier in this letter, Mission and northeast Johnson County contains a “greying” population and aging housing stock with many people aging in place and cost burdened. The project will ensure that low income seniors are not left out of the revitalization underway in our City.

Brinshore has worked closely with City staff and the Council to brief us on their company and the proposed project. In addition, the former City Administrator, the former Director of Community Development and the previous Mayor visited their projects in the Chicago area and were impressed by the quality of their workmanship and significant track record (50 LIHTC developments completed in last 20 years). Further, to fully engage the public, Brinshore and the City jointly hosted a community design workshop, where community members weighed in on the building design. Thirty (30) constituents attended the two-part workshop which resulted in a consensus vision for the project.



6090 Woodson Street
Mission, KS 66202
(913) 676.8350
www.missionks.org

For the reasons listed above, I believe that Herald Corner will be an excellent addition to the City of Mission. We look forward to working with KHRC and Brinshore to make Herald Corner a reality.

Please feel free to call me if you have any questions.

Sincerely,

Steve Schowengerdt
Mayor



6090 Woodson Street
Mission, KS 66202
(913) 676.8350
www.missionks.org

January [], 2016

Fred Bentley
Director of Rental Development
611 South Kansas Avenue, Suite 300
Topeka, Kansas 66603

RE: Herald Corner (7080 Martway) LIHTC Application - Zoning

Dear Mr. Bentley:

The City of Mission Community Development Department has reviewed the development proposal submitted by Brinshore Development, LLC for Herald Corner, a 32 unit new construction affordable senior apartment community proposed to be located at 7080 Martway in Mission, Kansas. Based upon the preliminary site plan and other drawings submitted for review, I believe the project's proposed uses and physical improvements to be in substantial compliance with the applicable zoning regulations of the City of Mission.

The proposed development is located within the West Gateway Form Based Code underlying zoning district in the West Gateway Redevelopment Area. Per City of Mission municipal code, the project will require a Final Site Plan approval by the City's Planning Commission. However, given that the project appears to meet the applicable zoning "Regulating Plan" (location/height/massing/parking) of the district, and based upon the proposal documents submitted, this project should not require rezoning of property subject to a public hearing or protest petition. Subject to additional design review by Staff, and feedback received from the public during public workshops, the project should receive a recommendation of approval to the Planning Commission.

Overall, the intent of the West Gateway Form Based Code is to encourage pedestrian friendly sustainable redevelopment which adds long-term value, while increasing housing options, thereby adding to the growing urban fabric of the area. This project, as currently proposed, meets many of those pre-established goals. As such, conformance with the applicable zoning codes can be attained.

Please note that this determination applies only to the proposal's compliance with the City of Mission's Zoning Ordinance in effect on this date and it does not relieve the applicant from any of the necessary review, approvals and fees required to proceed with the proposed development, including a mutually-agreeable acquisition of the real property from the City.

If I can be of further assistance in this matter, please do not hesitate to contact me.

Sincerely,

Danielle Murray, AICP
City Planner



6090 Woodson Street
Mission, KS 66202
(913) 676.8350
www.missionks.org

January [], 2016

Fred Bentley
Director of Rental Development
611 South Kansas Avenue, Suite 300
Topeka, Kansas 66603

RE: Herald Corner (7080 Martway) LIHTC Application – Site Control

Dear Mr. Bentley:

The City of Mission supports the Brinshore Development, LLC's application for a 9% Low Income Housing Tax Credit allocation to the Kansas Housing Resources Corporation, assuming acquisition of the real property, final zoning approval, receipt of building permits, firm commitments for financing sources and final approval of a development agreement by the City Council.

We believe that this project could be an important cornerstone of the revitalization of the West Gateway District and nearby Johnson Drive and could provide much needed housing options for senior residents. Brinshore shall have an exclusive option to acquire the real property subject to the conditions listed above good through July 1, 2016.

Please note the following details with regard to this transaction:

- Project Address: 7080 Martway Mission, KS
- Property Identification Number KF251208-2003
- Legal Description 8-12-25 BG 402.18' S & 41.19' E NW COR SW1/4 E 135.17' NE 110.66' NW 135.17' SW 111.13' .35 AC & .03 AC BG 402.18' S & 41.19' E NW COR SW1/4 TO BEG E135' S 10' W 137.19' NE 10.21' TO BG & EX .0058 AC .3742 AC M/L MIC 254A
- Purchase Price: \$140,000 shall be paid in cash. In addition, the cost of demolition shall be reimbursed at closing.

Should you have any questions, please feel free to contact me at 913-676-8350.

Sincerely,

Laura Smith
City Administrator



6090 Woodson Street
Mission, KS 66202
(913) 676.8350
www.missionks.org

January [], 2016

Fred Bentley
Director of Rental Development
611 South Kansas Avenue, Suite 300
Topeka, Kansas 66603

RE: Herald Corner (7080 Martway) LIHTC Application – Financing Commitment

Dear Mr. Bentley:

The redevelopment of 7080 Martway is a critical component of the West Gateway Redevelopment Area and Form Based Code Overlay. The referenced project could further the City of Mission's revitalization of this important corridor and provide much needed affordable senior housing to the area.

Although final redevelopment incentives are at the sole discretion of the Mayor and City Council of the City of Mission, this project appears to meet the approved City Council policies on the use of certain Economic Development Tools. As such, we would consider the use of the following tools for this particular project:

- Tax Increment Financing. The City created a tax increment financing (TIF) district at the project site ("Herald Corner TIF District") to allow additional financing to support the construction of the project. A resolution authorizing the Herald Corner TIF District passed City Council on November 19, 2014. Currently, the site is owned by the City of Mission and pays no property taxes. Preliminary analysis suggests the project could generate approximately \$25,000 in its first year at full valuation, and the City expects to receive and consider an applicant proposal for annual TIF reimbursements for a term not to exceed 20 years.
- Industrial Revenue Bonds. The City will consider authorization of Industrial Revenue Bonds to be used for the project, which will reduce total construction costs through a sales tax exemption on materials.

Successfully implementing the West Gateway Redevelopment Area and Form Based Code Overlay and building quality affordable senior rental apartments are among the highest priorities of the City of Mission.

Should you have any questions, please feel free to contact me.

Sincerely,

Laura Smith
City Administrator