City of MISSION

City Hall - 6090 Woodson Street - Mission, Kansas 66202
Community Development Department
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PLANNING COMMISSION

AGENDA

January 25, 2016

7:00 PM

1. Introduction of New Planning Commissioner-Dana Buford
2. Approval of Minutes from the December 28, 2015 meeting
3. Case #16-01 Final RePlat-Mission Vale Lots 3-5, 5418-5428 Johnson Dr

MINUTES OF THE PLANNING COMMISSION MEETING
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 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 separates 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

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?

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 multi family 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.

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 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.

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 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.

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 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

STAFF REPORT
Planning Commission Meeting January 25, 2016

AGENDA ITEM NO.: 3

PROJECT NUMBER / TITLE: Case # 16-01

REQUEST: Re-Plat of a portion of Mission Vale Subdivision

LOCATION: 5418-5428 Johnson Drive-Mission Vale Lots 3-5

PROPERTY OWNER/APPLICANT:
Yen Yeh "Alice" Wang
416 E 59th St
Kansas City, MO 64110

STAFF CONTACT: Brian Scott

Property Information
The subject property is a single parcel (KP35000000 0003) with an address of 5418-5428 Johnson Drive. The property is located on the north side of Johnson Drive between Nall Avenue and Birch Street. The property is currently zoned Main Street District "MS-1" and it is located in the East Gateway District.

Surrounding properties are zoned as follows:
Properties to the southwest and northeast (along the north side of Johnson Drive): MS-1
Properties to the northwest and northeast (behind subject property): MS-2 and BPB
Properties to the south (along the south side of Johnson Drive): MS-2

Comprehensive Plan Future Land Use Recommendation for this area:
The subject property is identified as appropriate for "Mixed Use Medium-Density" development.

All surrounding properties are currently developed:
Surrounding properties are developed with a mix of attached and freestanding buildings for both commercial uses.

Project Background
At this time the applicant is requesting approval of a revised final plat that would, in effect, split the existing parcel back into the two original lots that made up the original Mission Vale Plat that was recorded in 1929. Tract Two (Lot 4) would include a portion of the original platted Lot 5 to include the structure and adjacent drive associated with the existing building on this lot.

The purpose for the lot-split/ final plat is so that the applicant may sell the one lot to the southwest to a potential purchaser.

Because the final plat will not include dedication of any land for public purposes, the City Council is not required to review the plat.

Code Review: Consideration of Final Plats (440.260)
Final plats shall be approved by the Planning Commission if it determines that:

1. The final plat substantially conforms to the approved preliminary plat and rule exceptions granted thereto.

-The plat does not change the overall boundaries of the existing lots. A preliminary plat is not available for review.

2. The plat conforms to all applicable requirements of this Code, subject only to approved rule exceptions.

-Lot area, setbacks and density are described below. The existing development and the proposed plats conform to all current setbacks and lot areas.

3. All submission requirements have been satisfied.

-All of the requirements of 440.250-Submission of Final Plat have been satisfied. Minor typos/corrections are needed to the title, labels, dedication, and drawing of the plat.

4. Approval of a final plat shall require the affirmative vote of a majority of the membership of the Planning Commission.

Analysis:

Lots
In the presented plat the applicant proposes to reallocate the subject property which is composed of all or part of three lots (Lots 3, 4 and 15 feet of Lot 5) into two lots. The subject property is approximately 15,550 square feet. Tract 1(Lot 3) would be approximately 8,155 sq ft., and Tract 2 (Lot 4) would be approximately 7,395 square feet. The current zoning district “MS-1” has no requirements for minimum lot sizes or

setbacks.

Right-of-way
The City's subdivision regulations require certain improvements to be completed at the time of subdivision of land. They include the installation of streets, sidewalks, storm drainage, sanitary sewers and other utilities, and street signs. It has been the practice of the city in the cases of already developed land to also require these improvements or changes to existing improvements at the time of redevelopment. At this time, no further improvements are needed. The presented plat does indicate that both proposed lots include a portion of the parking area along Johnson Drive, as it was in the original plat.

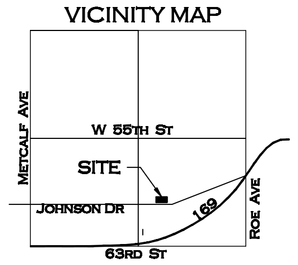
Easements
No additional public easements are needed at this time.

Staff Recommendation
Staff recommends the Planning Commission approve the replat Case # 16-01 for the subdivision of land to be known as "Lots 3 & 4 & West 15 Feet of Lot 5, Mission Vale" with the following condition:

1) Correction of any minor text changes prior to recording including removal of the 40' building setback line, dedication of drainage and utility easements to the City, owner signature reference, lot naming, plating naming, and plat title.

Preliminary Plat
Lots 3 & 4 & West 15 feet of Lot 5, MISSION VALE
A Subdivision in the City of Mission, Johnson County, Kansas

VICINITY MAP



SECTION 8, T 13 S, R 24 E
NOT TO SCALE

LEGAL DESCRIPTION

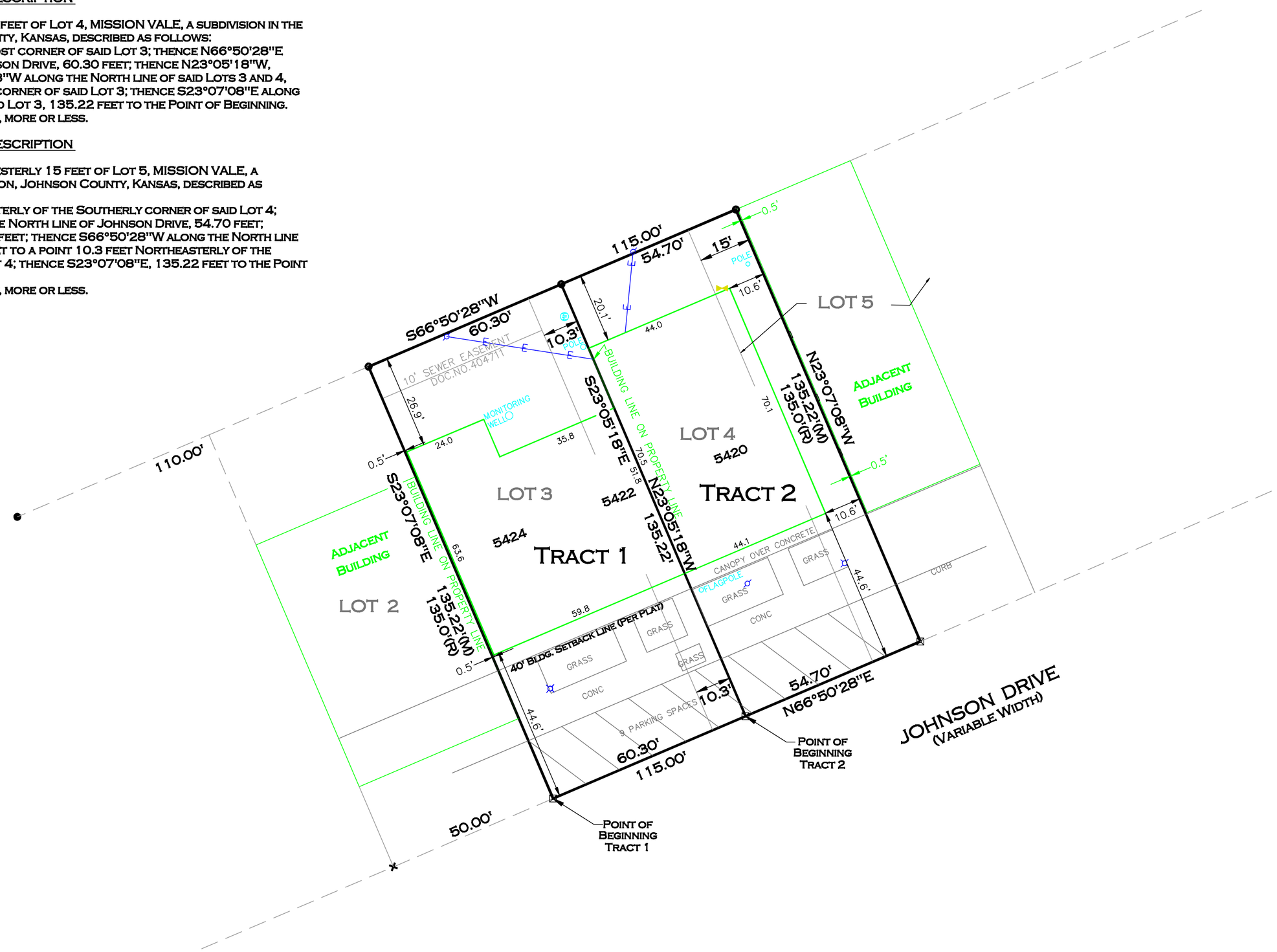
Lots 3 & 4 & West 15 feet of Lot 5, MISSION VALE in the Northwest Quarter of Section 9, Township 12 South, Range 25 East, city of Mission, Johnson County, Kansas,

PROPOSED TRACT 1 LEGAL DESCRIPTION

Lot 3 and the Southwest 10.3 feet of Lot 4, MISSION VALE, a subdivision in the City of Mission, Johnson County, Kansas, described as follows:
Beginning at the Southerly most corner of said Lot 3; thence N66°50'28"E along the North line of Johnson Drive, 60.30 feet; thence N23°05'18"W, 135.22 feet; thence S66°50'28"W along the North line of said Lots 3 and 4, 60.30 feet to the Northwest corner of said Lot 3; thence S23°07'08"E along the Southwesterly line of said Lot 3, 135.22 feet to the Point of Beginning.
Containing 8,155 Square Feet, more or less.

PROPOSED TRACT 2 LEGAL DESCRIPTION

Part of Lot 4 and the Southwesterly 15 feet of Lot 5, MISSION VALE, a subdivision in the City of Mission, Johnson County, Kansas, described as follows:
Beginning 10.3 feet Northeasterly of the Southerly corner of said Lot 4; thence N66°50'28"E along the North line of Johnson Drive, 54.70 feet; thence N23°07'08"W, 135.22 feet; thence S66°50'28"W along the North line of said Lots 4 and 5, 54.70 feet to a point 10.3 feet Northeasterly of the Northwest corner of said Lot 4; thence S23°07'08"E, 135.22 feet to the Point of Beginning.
Containing 7,395 Square Feet, more or less.



0' 20' 40' 60'
SCALE: 1" = 20'

LEGEND

M = MEASURED
R = RECORD
- ● FOUND 1/2" BAR
- × FOUND CHISELED CROSS
- × FOUND CURB CUT
- ⊠ SET CHISELED CROSS
- ○ SET 1/2" BAR W/ CAP #1555
- GAS METER / VALVE
- MANHOLE
- LIGHT POLE
- POWER POLE
- E = OVERHEAD LINES

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED WHICH MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AS ESTABLISHED BY THE KANSAS STATE BOARD FOR TECHNICAL PROFESSIONS, AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS DRAWING TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF.

BY_____, DATE_____
BETTY J. SHEIL, KS LS #1555

DEDICATION:

THE UNDERSIGNED PROPIETORS OF THE ABOVE DESCRIBED TRACT OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH HEREAFTER SHALL BE KNOWN AS "Lots 3 & 4 & West 15 feet of Lot 5, MISSION VALE".

THE UNDERSIGNED PROPRIETOR OF SAID PROPERTY SHOWN ON THIS PLAT DOES HEREBY DEDICATE FOR PUBLIC USE AND PUBLIC WAYS AND THOROUGHFARES, ALL PARCELS AND PARTS OF LAND INDICATED ON SAID PLAT AS STREETS, TERRACES, PLACES, ROADS, DRIVES, LANES, PARKWAYS, AVENUES AND ALLEYS NOT HERETOFORE DEDICATED. WHERE PRIOR EASEMENT RIGHTS HAVE BEEN GRANTED TO ANY PERSON, UTILITY OR CORPORATION ON SAID PARTS OF THE LAND SO DEDICATED, AND ANY PIPES, LINES, POLES AND WIRES, CONDUITS, DUCTS OR CABLES HERETOFORE INSTALLED THEREUPON AND THEREIN ARE REQUIRED TO BE RELOCATED, IN ACCORDANCE WITH PROPOSED IMPROVEMENTS AS NOW SET FORTH, THE UNDERSIGNED PROPRIETOR HEREBY ABSOLVES AND AGREES TO INDEMNIFY THE CITY OF MISSION, KANSAS, FROM ANY EXPENSE INCIDENT TO THE RELOCATION OF ANY SUCH EXISTING UTILITY INSTALLATIONS WITHIN SAID PRIOR EASEMENT.

AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT, USE AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTENANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPES, POLES, WIRES, DRAINAGE FACILITIES, IRRIGATION SYSTEMS, DUCTS AND CABLES, AND SIMILAR FACILITIES, UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS "UTILITY EASEMENT" OR "U/E" IS HEREBY GRANTED TO THE CITY OF MISSION, KANSAS, WITH SUBORDINATE USE OF THE SAME BY OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES AS MAY BE AUTHORIZED BY STATE LAW TO USE SUCH EASEMENT FOR SAID PURPOSES.

AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT, USE AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION, MAINTENANCE OR USE OF CONDUITS, SURFACE DRAINAGE FACILITIES, SUBSURFACE DRAINAGE FACILITIES, AND SIMILAR FACILITIES, UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS "DRAINAGE EASEMENT" OR "D/E" IS HEREBY GRANTED TO THE CITY OF MISSION, KANSAS.

AN EASEMENT OR LICENSE TO LAY, CONSTRUCT, ALTER, REPAIR, REPLACE AND OPERATE ONE OR MORE SEWER LINES AND ALL APPURTENANCES CONVENIENT FOR THE COLLECTION OF SANITARY SEWAGE, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, OVER AND THROUGH THOSE AREAS DESIGNATED AS "SANITARY SEWER EASEMENT" OR "S/E" ON THIS PLAT IS HEREBY DEDICATED TO THE JOHNSON COUNTY UNIFIED WASTEWATER DISTRICTS OR THEIR ASSIGNS.

IN TESTIMONY THEREOF, WE THE UNDERSIGNED OWNER AND PROPRIETOR HAVE CAUSED THIS INSTRUMENT TO BE EXECUTED THIS_____DAY OF _____, 20__.

_____
RYAN NADOLSKI

STATE OF KANSAS)
S.S.
COUNTY OF JOHNSON)
BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED RYAN NADOLSKI, WHO BEING PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME TO BE THEIR OWN FREE ACT AND DEED.

IN WITNESS THEREOF: I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTORIAL SEAL THE DAY AND YEAR LAST WRITTEN ABOVE.

_____ _____
NOTARY PUBLIC MY COMMISSION EXPIRES

CERTIFICATE OF PLANNING COMMISSION

THIS PLAT OF "Lots 3 & 4 & West 15 feet of Lot 5, MISSION VALE" HAS BEEN SUBMITTED TO AND APPROVED BY THE MISSION PLANNING COMMISSION THIS ____ DAY OF _____.

_____
MIKE LEE, PLANNING COMMISSION CHAIRMAN

NOTES

1) SUBJECT PROPERTY CONTAINS 15,550 SQUARE FEET, (0.36 ACRES), MORE OR LESS.

2) THIS SURVEY IS URBAN CLASS.

3) INFORMATION HEREON BASED ON OLD REPUBLIC TITLE INSURANCE COMPANY COMMITMENT NO. SKC0017170, DATED JUNE 15, 2013.

Betty J Sheil
Renner Surveying
221 E. Gregory Blvd.
Suite C
Kansas City, MO 64114
816-333-8841

Urban Class Survey
Job No. 7-13-054B
Date: 1/7/2016