

## **MINUTES OF THE MISSION COMMUNITY DEVELOPMENT COMMITTEE**

February 7, 2018

The Mission Community Development Committee met at Mission City Hall, Wednesday, February 7, 2018 at 6:30 p.m. The following committee members were present: Pat Quinn, Hillary Thomas, Arcie Rothrock, Nick Schlossmacher, Kristin Inman, Debbie Kring, Ken Davis, and Sollie Flora. Councilmember Inman called the meeting to order at 6:30 p.m.

Also present were City Administrator Laura Smith, City Clerk Martha Sumrall, Assistant City Administrator Brian Scott, Public Works Director John Belger, Chief Ben Hadley, and Public Information Officer Emily Randel.

### **Update from the Sustainability Commission**

Ms. Randel introduced John Arnett, past chairperson, and Any Hyland, chairperson, of the Sustainability Commission to provide information on the Sustainability Commission's revised Comprehensive Sustainability Plan.

Mr. Arnett stated that the Sustainability Commission works to align their purposes with those of Council and to be of benefit to them. The commission is appreciative of their budget, and they strive to spend it judiciously. He also provided information on their recent retreat.

Andy Hyland, Sustainability Commission chairperson, provided an update on several of the commission's main goals, including:

- Make Mission a good steward of its natural resources and its small corner of the planet through recycling efforts throughout the city.
- Make Mission a desirable community where people want to live and establish businesses, sustaining our way of life for years to come, including continued support of the Mission Farm & Flower Market and participation in MARC initiatives such as Communities for All Ages.
- Execute our charge to serve as advisers to the City Council, including an annual report for Council and making recommendations to Council that benefit the community.
- Continue to increase visibility by highlighting the efforts of the Commission and continuing efforts to foster regional cooperation.

Mr. Hyland provided information on several specific initiatives of the Commission, including:

- The battery recycling program has to date recycled 1,001 lbs. Of batteries.
- The City has received Gold Recognition in the Communities for All Ages program. Many of these efforts align with the work of the Sustainability Commission.
- The Sustainability Scorecard works with those bringing development to Mission and encourages sustainable elements in their projects.

- Seven outreach events were held in 2017.

Discussion by the committee continued on how the Sustainability Commission can work with Council and the need for open dialogue to engage others to join the process of sustainable practices (i.e. recycling bins on Johnson Drive), the possibility of the commission providing council with costs and benefits associated with various events/projects (product costs, pervious v. impervious surfaces), the importance of the project scorecard, the potential role the commission can play in the update to the comprehensive plan, the role of the commission as advisors to Council, and the possibility of the commission assisting with energy analysis for buildings and streetlights to gain savings and environmental benefits. Ms. Randel noted that the community center has conducted an energy audit and Mr. Belger has worked on LED streetlights.

Ms. Randel introduced Stuti Dalal and Ingrid Worth, student members of the commission. Councilmember Inman thanked all on the Sustainability Commission for the work they do.

This item was informational only and no action was taken.

#### **Contract for Arborist Consultant**

Ms. Smith stated that previously, the Tree Board has requested Council approval of funds to hire a contractual arborist to update the 2007 Tree Inventory, make recommendations for tree maintenance and removal/replacement on city-owned property, and the establishment of an annual planting plan. There is currently \$20,000 budgeted for this project. Bids were received from three firms, and Davey Resource Group is recommended for approval at a not to exceed amount of \$6,500. The remainder of the budget for this project will be preserved for planting and other recommendations of the inventory.

Councilmember Flora asked for additional information on the timeline for this project, and whether there is a better time of year to complete the inventory and look for diseased trees. Ms. Smith stated that she will get this information and provide it to Council. The committee also discussed the Emerald Ash Borer and our response to this pest. Ms. Smith stated that this was discussed in previous years, and Council felt the cost was too high for addressing the issue on private property. The Tree Board worked to educate the public on this issue and the City will address trees on city-owned property. Councilmember Davis provided historical information on Dutch Elm disease in Countryside and noted that addressing the issue was a 10-year process with residents taking care of trees on private property.

Councilmember Davis recommended that the proposal from Davey Resource Group in an amount not to exceed \$6,500 to complete a computerized inventory of existing trees on city owned property, including City Hall/Police Department, Sylvester Powell, Jr. Community Center, Public Works facility, ten parks totaling approximately 35 acres, Rock Creek Trail, and the

Johnson Drive improvements, and the development of an annual planting plan be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Councilmember Thomas requested information on the cost of maintaining the tree keeper software and whether the staff recommends this. Ms. Smith stated that the City should invest in maintaining this software.

### **Purchase of MFAC Lounge Chairs**

Ms. Smith stated that funds were budgeted in the 2018 Capital Improvement Program to replace the lounge chairs at the outdoor pool. The existing chairs are a hold over from the former pool and were restrapped to extend their life. Bids were solicited and staff is recommending new chairs from Resort Contract Furnishings in the amount of \$13,455. Councilmember Inman asked what kind of material is used on the recommended chairs. Ms. Smith stated that they use an outdoor canvas, and that many pools are moving to this type of chair. Councilmember Davis requested information on the durability of the proposed chairs. Ms. Smith stated that she will ask Ms. Humerickhouse and provide that information to Council.

Councilmember Kring recommended that the bid from Resort Contract Furnishings in the amount of \$13,455 for the purchase of 70 lounge chairs for the Mission Family Aquatic Center be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

### **2018 Farmers Market Schedule**

Ms. Randel stated that following discussion regarding the 2017 season of the Mission Farm & Flower Market at the January committee meeting, Council is now being asked to take formal action to set the 2018 schedule for the market. During the discussion in January, the direction of the committee was to move the market to Thursday evenings from 4:30-8:00 p.m. during the months of June through September. The market would be a blend of vendors and food trucks. She stated that due to restrictions on the number of temporary event licenses our drinking establishments may have, they must be able to justify their participation. Because of this, there may not be alcohol available at all market events. She is also investigating whether there are food trucks that would be able to sell alcohol. Ms. Randel stated that the market could be augmented with arts and crafts, and that one time a month it would be a larger event with alcohol available. One of these events would accomodate the Sunflower Festival.

Ms. Randel stated that Mainstreet Credit Union has been a presenting sponsor in past years, and with the potential move to Thursday evenings they are excited to be able to do this again. They stated that a move to Thursday evenings would allow them to participate this year as staffing would be much easier on a weekday.

Councilmember Flora stated that she understands our vendors from the 2017 season are divided on their possible participation on Thursdays in 2018, she asked if new vendors have been contacted. Ms. Randel stated that once Council approves the 2018 schedule, staff will work to launch the season by contacting vendors, working with Springboard Creative on rebranding, and promoting the market through the City's social media/website, Cultivate KC will also help promote the market.

Councilmember Davis recommended that the 2018 Mission Farm and Flower Market schedule for Thursdays, June through September, from 4:30-8:00 p.m. be forwarded to Council for approval. All on the committee agreed, but this will not be a consent agenda item.

### **2018-2019 Nuisance abatement Contractor**

Mr. Scott reported that under City Codes, nuisance abatement services are provided on an as-needed basis when property owners do not voluntarily bring properties into code compliance. If a property is not in compliance, they are notified and issued a warning (usually for tall grass or debris). If the property owner does not comply, then the City utilizes our abatement contractor for this work. The cost of the abatement activities are the responsibility of the property owner and if not paid, they are placed on the property taxes. The contract for nuisance abatement contractor is renewed every two years and this year two bids were received, both from our current contractors. In order to provide timely and comprehensive services, the recommendation is to designate two contractors, Custom Tree Care and Verhulst & Sons, as our contractors for 2018-2019. Councilmember Quinn asked if our budget for these services has remained about the same. Mr. Scott stated that it has. This contract is in partnership with the City of Roeland Park.

Councilmember Quinn recommended that the designation of Custom Tree Care, Inc. to serve as the City's primary contractor for conducting nuisance abatement services and Verhulst & Sons as the secondary contractor in situations where the primary contractor is unable to complete the work in a timely manner be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

### **Preliminary Site Plan - Martway Mixed Use Project**

Ms. Smith stated that for the past several years, staff has been bringing items from the Planning Commission to the committee so that they have an opportunity to hear background information on the project and get an update on the Planning Commission's action on the issue. She stated that the "meat" of the discussion will occur at the Council Meeting when staff and the developer are present, and the public has an opportunity to comment.

Mr. Scott provided an overview of the proposed Martway apartment building project. This is the site development plan for three contiguous parcels of property addressed as 6005, 6025 and 6045 Martway. They are on the south side of the street, between Dearborn and Beverly.

Background information provided by Mr. Scott included the following points:

- Currently there are three separate, one-story office buildings on the parcels. The combined square footage of all three is 34,000 and the parcels combined are equal to approximately 1.8 acres.
- The parcels are adjacent to Rock Creek and portions of each are within the floodplain. Improvements to the current buildings would need to be 40% or less of the total value and any new structures would need to be build out of the floodplain and/or be protected from potential flooding.
- All parcels were sold recently and the new owner is proposing a new four-story apartment on top of a ground floor of parking with a small area reserved for office. This was approved by the Planning Commission.
- Comprehensive Plan indicates this area would be appropriate for Medium-Density Mixed Use, Parks, and Office, and should include pedestrian-friendly mix of mostly housing and limited office and retail.
- All three parcels are within the MS2 zoning district. The intent of both the MS1 and MS2 zoning is to provide development opportunities consistent with the existing character and surrounding core of downtown Mission.
- MS2 zoning requirements include: a limit on building height to three stories and/or 45 ft.; no front, side or rear yard setbacks except where a parcel is adjacent to an R-1 zoned district, which then a 25 foot setback is required; and minimum lot area per multi-family dwelling is 1,245 sq. ft. per unit, 35 units per acre.
- MS2 district is a “planned zoning district” and allows for deviations from these requirements.

Mr. Scott provided additional information on the history of the project, including:

- The original preliminary site plan called for a four-story apartment building on top of ground floor parking / ground floor commercial and office spaces - five stories total. Originally it included 156 apartment units, 155,908 sq. ft. total, with commercial office space at 3,491 sq. ft. and 210 parking spaces (10 of these off-site).
- A request was made for deviations on the building height, the 25 ft. setback requirement, prohibition of off-site parking, the location of the parking lot area, the 4 ft. green space around the parking lot, and the number of trees.
- A public hearing was held at the September 25, 2017 Planning Commission meeting, and most of the comments received were related to building height, number of new residents, traffic, light pollution, trash, noise, use of the outdoor pool and park, proximity to other multi-family housing, loss of vistas, loss of trees, provision of utilities, and off street parking.
- The Planning Commission voted 8-0 to recommend denial of the plan due primarily to concerns about the height deviation.

- The plan was re-submitted with several modifications including a reduction in height. The new plan includes three stories of apartments on top of one story of parking - four stories total. The number of apartments was reduced to 117 and overall square footage reduced to 116,931.
- The developer is still requesting deviations including: building height, 25 foot setback requirements, minimum lot area per dwelling (66 units per acre), location of parking lot area to the street, 4 foot green space around the parking lot, and trees.
- This revised site plan was considered by the Planning Commission on December 18, 2017 and during the public hearing portion of the meeting, many of the same comments were made.
- The Planning Commission voted 7-1 to recommend the plan to the City Council with the following conditions:
  - Approval of the requested deviation to rear yard setbacks to waive the requirement for a 25 ft. setback along adjacent “R1” zoned city property.
  - Approval of the requested deviation to height to allow a maximum building height of four stories and/or 56’3” ft.
  - Approval of the requested deviation to waive the minimum lot area per dwelling unit to allow for the proposed design of 117 units or 116,931 sq. ft. of residential development in a mixed-use building.
  - Approval of the requested deviation to waive the 6 ft. parking lot setbacks along the west property line. Alternative screening of the area should be provided for consideration with the final site plan.
  - Approval of the requested deviation to waive the parking lot buffers for the west boundary only with evenly-spaced tree islands installed.
  - Approval of the requested deviation to waive the site tree requirement based on parking spaces.
  - Approval of the requested deviation to waive the parking lot open space standard.
  - A revised final traffic study and final stormwater drainage designs must be submitted for review with the final site plan application. The appropriate data, text, maps, drawings and tables must be included per the Olsson Associates review comments dated September 20, 2017.
  - Staff reserves the right to provide additional comments or stipulations on development plans until all traffic, circulation, ADA, storm drainage, and floodplain related concerns have been addressed.
  - Provide adequate right-of-way for the required streetscape elements. A minimum of 10 ft. wide paved clear path is required for the Rock Creek Trail separated from the back of curb by a minimum 5 ft. way planting zone.
  - Trash receptacle must be moved, or screened to not impact residences to the southwest.
  - Light pollution must be rectified to the satisfaction of staff before construction can begin.

Mr. Scott also noted that the developer will be a the February 21st City Council Meeting.

Councilmember Davis requested information on the floodplain area next to the creek that is shown as a greenway in the Comprehensive Plan. He asked how and when this recommended use of the area changed. Ms. Smith stated that the plan for a greenway came from a redevelopment study by BNIM which contemplated Rock Creek remaining an open channel. The Council at the time also discussed the possibility of closing the channel in that area.

Councilmember Davis expressed his concerns with the requested deviations, noting specific areas of the code (405.090 E). He would like to see “ample evidence” provided to support these deviations at the Council meeting.

Councilmember Flora referenced Section 440.160 of the Code and asked if there is any particular “level of proof” that is required. Mr. Scott stated that Mr. Heaven will provide additional information on this request.

Councilmember Kring expressed her concerns with the density of the project and the impact this project will have providing city services (Police Department, Public Works, Parks & Recreation).

Councilmember Flora requested information on the Planning Commission’s role in the incentive process. Ms. Smith stated that they are not involved in incentive considerations for a potential project.

Councilmember Davis stated that in two recent Planning Commission cases, staff has recommended the deviations requested and asked for additional information on this process. Ms. Smith provided information on how deviations are considered by staff, including consideration of planning and visioning documents, ordinances, etc. Councilmember Davis would like to see a more neutral position from staff with the pros and cons listed. Ms. Smith noted that Council often does not see all the requests that are made to staff.

Councilmember Inman opened the floor to comments from the public.

Mary Ann Martens, Mission resident, stated that she has lived on 61st Street since 1993 and she loves the trees, character, pool and park. She enjoys Mission’s shopping and dining and supports the growth of the City and making it more sustainable. She appreciates that Mission is walkable and safe, and feels the EPC project is a “good fit” on Johnson Drive and the Gateway will be good development. She expressed her concerns with this project on Martway, particularly the number of apartments proposed and the height of the building, stating that she believes this project will affect the values of homes on 61st Street. She said all the attention is paid to the front of the building, but residents on 61st Street will have to view the back of the building, and the building will tower above the trees. She encouraged Council to drive through the city between 5:30-6:30 p.m. and look at traffic in the area. This development will add to traffic. She does not feel this project is right for this location.

Dan Aldrich, Mission resident (61st St.), stated that he has lived in Mission for 25 years. He believes the old office buildings at this site need to be replaced, but expressed his concerns with this project and the lack of a buffer area between the project and current homes. He is very concerned with the proposed height of the building and the density. He discussed the increased taxes/funds to the City with increased density, but feels this is at the expense of current residents. He is counting on his councilmembers to represent the residents and their concerns, and support limiting the building height and density in a transition area. He discussed the ratio of single family homes to apartments in Mission and is concerned that Mission will become a "city of apartments". Mr Aldrich also stated that he has circulated a petition opposing this project and it has been provided to Ms. Smith. He asked Council to adhere to the height and density requirements, and stated that the property owner knew this requirements on this property when it was purchased.

Councilmember Quinn asked Mr. Aldrich if two stories on top of parking would be acceptable. He stated that it would not and feels it is disingenuous for the developer to be called an "office company" that then build apartments. He would like to see Council "work on the codes" for transition areas, and build privacy fences for homeowners.

Brad Gregory, Mission resident (61st St.), stated that he moved to Mission in 2002 from Texas. He feels Mission "has it together" and has used great wisdom in the past in establishing our codes. He feels the deviations recommended are not "variances," but are major changes and questioned "why have codes?" He feels this project would be tragic for those that back-up to the property and that the project should be built within the current codes. He said if these deviations are approved, "who will you say no to down the road."

Aaron Wingert, Mission resident (61st St.), stated that he has lived in Mission since 1990 and is vehemently opposed to the deviations and asked that Council not approve this project. He has "worked in codes for 16 years" and understands how they are applied, stating, "we have codes for a reason." He is concerned with the Fire Department's access to the back of the building. He stated that the City does not owe the developer approval of the deviations and the project should be built within our codes.

Councilmember Davis asked if there will be a "public hearing" on this issue during the February 21st Council Meeting. Ms. Smith stated that there are specific notification requirements associated with a public hearing so there will not be one, but there will be an opportunity for "public comments" on this issue. Councilmember Davis stated that approximately 20 residents attended the recent Ward IV meeting and he thanked Ms. Smith for attending and answering many questions.

This item was informational only and no action was taken. This item will come before Council from the Planning Commission on the February 21, 2018 agenda.



### **Special Use Permit - Broadmoor Parking Lot**

Mr. Scott provided information on the Special Use Permit for the parking lot at 5665 Broadmoor. This is a surface lot with 117 stalls and it would be used for off-site parking for the tenants at 5700 Broadmoor (office building). This requires a special use permit. The Planning Commission recommended approval of this request with the following conditions:

- Limit the use of the subject property to the parking of vehicles to support the daily employee parking needs of 5700 Broadmoor Street.
- Require that the on-site and off-site improvements as detailed in the submitted site plans to be substantially completed no later than November 1, 2018.
- Require the platting of the property for the dedication of right-of-way be completed prior to the issuance of any permits for improvements.
- The final location of the crosswalk and sidewalk is to be coordinated with City Staff.

He stated that bollard lights will also be installed to provide safety, but will be low enough to not add to light pollution. The City-owned privacy fence along the back of the property will stay in place.

Councilmember Davis asked why the City is responsible for the privacy fence and if there is an agreement regarding this. Ms. Smith stated that this happened some time ago and is similar to the one in Broadmoor park. The City has had a long-standing agreement with the neighbors to maintain this fence. Councilmember Schlossmacher asked if the fence is currently on private property, why did we build it in the first place. Ms. Smith stated that she will look into the history of the fence and provide additional information to Council. Discussion continued on the history of the fence, including the possibility that, at the time, it was considered a better plan for the city to maintain all of the fence rather than individual property owners.

Councilmember Schlossmacher stated that a crosswalk was needed at this location, so this will be an added benefit as part of this special use permit. Councilmember Flora asked if the special use permit goes with the property or if there is a time limit on it. Mr. Scott stated that if there is a change in ownership, it will go to the new owner unless there is a change in use. Councilmember Schlossmacher stated that there has been parking on this lot for quite some time, and that several of the smaller businesses to the north have used it also. Recently towing has occurred. The current building owners wanted these improvements to increase safety for employees.

This item was informational only and no action was taken. This item will come before Council from the Planning Commission on the February 21, 2018 agenda.

## Sign Code Revisions

Ms. Smith stated that the sign code has been discussed recently and asked if Council is still interested in considering any revisions. This section of the code is part of the zoning code so any revisions would need to be recommended by the Planning Commission.

Councilmember Davis stated that he believes the sign code ordinance was changed for the Mission Bank, and if it is revisited, he would like to see that change rescinded rather than change the existing code. He stated that the previous change looked like it was favorable to that business and he would like to look at this issue again or rescind the changes that were adopted.

Councilmember Quinn stated that the Mission Bank refaced their sign when it had a legal name change, but no change in the actual business. Ms. Smith noted that rescinding this would take us back to the old sign code. Councilmember Davis discussed his concerns with what he feels are issues of fairness and ensuring there is a level playing field for everyone, as well as the ultimate goal to eliminate pole signs.

Councilmember Schlossmacher stated that there was not consensus on the “goal to eliminate pole signs.” He does not want to put undue stress on business owners, is against amortization, but also noted that the Mission Bank “went through the process” to recommend a change in the code. Ms. Smith stated that Council considered strict amortization of pole signs, but the Planning Commission was not comfortable with this. They preferred to see pole signs come down over time and Council then agreed with them on this issue.

Discussion by the committee continued on how a business could move their recommendation forward, with Ms. Smith noting that we would need to sponsor any amendments. The city previously had five pole signs with exceptions, but recent changes to the sign code eliminated those exceptions so that all are now on a level playing field. The committee also discussed why these exceptions were initially granted (all on the west side of the city and prompted by a car lot needing to reface a sign for a brand change).

Councilmember Schlossmacher stated that if a proposed ordinance change for pole signs makes sense, then he is willing to consider it. Discussion again continued on refacing signs when there is a change in name, but not a change in ownership or services provided. Councilmember Kring stated that she feels our current ordinance “makes sense” in that when a business leaves the pole sign will come down, which is the goal.

Ms. Smith provided information on the sign inventory that was conducted and stated that following changes to the code, staff spent time educating businesses on requirements prior to beginning aggressive enforcement. She stated that we have had several that we have pursued, and noted the incentive program available to businesses to help with removal of their pole sign.

The committee also discussed previous and current efforts to work with the business community. Councilmember Thomas expressed her concerns with the amount of time being spent on the pole sign issue, and stated that she would like to get consensus on this issue. Councilmember Quinn stated that we have an ordinance, he supports enforcement, and does not want to rewrite this ordinance unless specifics are brought to Council for consideration. Councilmember Davis stated that once a decision is made, Council should not continue to revisit this issue. Councilmember Schlossmacher stated that the business with concerns should provide specific language to staff and “go through the process” for consideration of a revision to the ordinance.

Ms. Smith summarized the discussion at the committee meeting as Council’s goal is to eliminate pole signs, to be fair to businesses of all sizes, to create as level of a playing field as possible, and to engage in a positive way with the business community. Councilmember Inman also noted the incentive program for the removal of pole signs.

Ms. Smith stated that if anyone hears of inconsistent enforcement of the sign ordinance to let staff know. Ms. Smith also provided information on revisions that were made to the requirements for window signs, which were more consistent with current businesses practices in the downtown area.

This item was for discussion and no action was taken.

#### **Department Updates / Other**

There were no department updates.

#### **Meeting Close**

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 8:50 p.m.

Respectfully submitted,

Martha Sumrall  
City Clerk