

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

June 3, 2020

The Mission Community Development Committee met virtually via ZOOM on, Wednesday, June 3 at 6:30 p.m. The following committee members were present: Trent Boultinghouse, Hillary Thomas, Arcie Rothrock, Nick Schlossmacher, Kristin Inman, Debbie Kring, Sollie Flora and Ken Davis. Mayor Appletoft was also present. Councilmember Thomas called the meeting to order at 6:30 p.m.

The following staff were present: City Administrator Laura Smith, Assistant City Administrator Brian Scott, City Clerk Audrey McClanahan, Assistant to the City Administrator Emily Randel, Public Works Director Celia Duran, Public Works Superintendent Brent Morton, Parks & Recreation Director Penn Almoney and Chief Ben Hadley.

### **Public Comments**

Councilmember Flora reminded the public they can participate via the chat feature on ZOOM. All comments will be visible to the group. There were no public comments.

### **Public Presentations**

#### **Proposed Redevelopment of the Former Mission Bowl Property at 5399 Martway**

Banks Floodman, Director of Business Development at Sunflower Development Group, along with architect, Connor Treanor, for TreanorHL and attorney, Floyd Maxwell, presented on the development of a 166-unit multi-family building at 5399 Martway, the former Mission Bowl property. Mr. Floodman thanked the Council and staff for taking the time to talk about this opportunity and confirmed that after discussions with the property owner, Steve Choikhit, they are now under contract to purchase for development. Floodman added that Sunflower Development Group is a local developer which has completed over \$200 million worth of projects.

Connor Treanor presented on the proposed design of the project. He explained the building's location and footprint was influenced by a number of factors including access requirements for the cell tower and JCW facility, and the desire by Mr. Choikhit to retain a portion of the west parking area to accommodate overflow parking from The Peanut.

Mr. Treanor described parking for the development to include seventy-eight secured and covered spots with the remaining being surface level parking. added that on the main level there are seventy-eight, secured and covered, parking spots with the remaining being surface level parking. There will be screening that covers the parking from Martway and the sidewalk. There is 265 feet of separation between the development's highest point and the nearest single-family

property. Mr. Floodman explained that the goal is to build as close to Martway Street as possible in order to engage the trail system and other developments going into the area.

Mr. Treanor explained the design elements that were incorporated into the project were obtained by studying Mission and the Plaza's current design theme guidelines. These included horizontal datums, frame-and-infill, mosaic facades, and expressed and celebrated corners. The proposed design consolidated these elements along with a patterned parking screen.

Councilmember Davis asked about the meeting they held with a Mission resident. Mr. Floodman replied that he met with Ben Chociej and it was a productive conversation and informed him of the upcoming Community Development Committee meeting and neighborhood meeting, encouraging him to participate.

Councilmember Kring expressed concern that the overall concept of the structure was not representative of Mission and its design elements. Mr. Floodman and Mr. Treanor appreciated the feedback.

Councilmember Thomas thanked the group for being interested in developing in Mission and asked if the pool structure would be right next to the Wastewater facility. Mr. Floodman explained that it would be elevated on the fourth floor.

Mr. Scott added that the next steps would include a virtual neighborhood meeting on June 15, 2020 with residents and businesses adjacent to the project. Then the project would go through the preliminary development planning process with anticipated consideration by the Planning Commission and eventually Council in July or August.

Ms. Smith asked for the developer to address the Wastewater main that connects to the property. Mr. Floodman replied that was another reason this space was kept open on the eastside of the lot. There is a sanitary sewer line that will need to be moved and relocated to that area. There will be an incentive request on this development which will be around 13-16% of the \$30 million project valuation. This would be used to demolish the structure, relocate the sanitary sewer line and repair the retaining wall.

Councilmember Flora asked Mr. Scott to address the zoning qualifications for the property. Mr. Scott reported that it is zoned MS2, Main Street District 2, which is the same zoning that applies just off of the Johnson Drive corridor. He explained that as currently proposed, the development would need to seek consideration of height and density deviations. MS2 zoning emphasises ground floor retail or street activity, which would require the developer to obtain another deviation or incorporate an applicable design element on the street level. Mr. Floodman added that part of their contract, with the seller, is that they will not use the space for any businesses (retail or office) that would compete with Mr. Choikhit's properties.

Councilmember Thomas asked how many apartments will be in the building and if there will be a more detailed presentation at the neighborhood meeting. Mr. Scott responded that there will be several more meetings, when it comes back to City Council that is when they can expect to see more specific plans and details for stormwater and traffic impacts. Mr. Floodman added that there will be 166 apartments and while the neighborhood meeting would have some extra specifications, they don't have the numbers for the incentives and details yet.

Councilmember Boultinghouse thanked the Committee Chair and the development group and asked if there had been any thoughts on affordable housing. Mr. Floodman said it is going to be a class A product, highly amenitized, but that they anticipate there will be units under \$1,000 in this complex which would most likely be studios.

Councilmember Kring requested a comprehensive list of current apartment complexes in Mission. Ms. Smith confirmed that could be compiled but there may be challenges in accurately representing the rents.

Councilmember Schlossmacher asked if there have been conversations with the fire and police departments regarding safety and the processes of obtaining access to the building in case of an emergency and if there will be a traffic study produced. Mr. Floodman replied they have not discussed plans with the fire and police departments but that will be addressed. Mr. Scott said the traffic study would be included in the preliminary development plan.

Mayor Appletoft emphasised that the neighborhood meeting was moved up in an effort to understand how the residents felt which is the reason having concise details is premature.

### **Acceptance of the May 6, 2020 Community Development Committee Minutes**

Minutes of the May 6, 2020 Community Development Committee were provided to the committee. There being no objections or corrections, the minutes were accepted as presented.

### **2021-2025 CARS Projects**

Ms. Duran presented on the proposed Resolution adopting the Five Year City/County Street Improvement Program for the City of Mission for 2021-2025. Through a combination of state gas tax dollars and County General Fund revenues, the CARS program provides funds to cities to construct and maintain eligible streets. Each year, cities submit a 5-year road improvement plan to the County from which projects are selected for funding (up to 50% of the project's construction and construction inspection costs). Cities are responsible for design, right-of-way, and utility relocation costs. Each City is then required to pass a resolution adopting a 5-year plan based on their own unique goals and objectives, and CARS projects are ultimately adopted as part of the County's annual budget process. The final commitment of funds occurs through the approval of specific interlocal agreements for each project. Staff recommends the following

CARS projects be included in the 2021-2025 planning cycle:

- **2021** - No projects are proposed for 2021. The Foxridge Phase II project previously shown in 2021 is proposed to be moved to 2023 based on available City funding.
- **2022 - Johnson Drive (Lamar Ave to Roe Ave):** Proposed improvements include UBAS surface treatment, spot curb, sidewalk and ADA ramp repairs and new pavement markings. Approximately \$73,370 of project costs will be reimbursed by the City of Roeland Park. Total estimated project cost: \$678,000.
- **2023 - Foxridge Phase II:** Foxridge Drive (51st Street to Lamar Avenue) is a two lane, 32 ft. wide, minor collector serving multi-family, residential, commercial and industrial traffic. Due to the street's location at the bottom of a hill, there is a significant amount of water damage to the surface of the pavement, subgrade, and curb and gutter. This section of Foxridge Drive lacks sidewalks, leaving pedestrians to walk in the street. Proposed improvements include full depth pavement replacement, replacement of curb and gutter, sidewalk, streetlights, and new stormwater infrastructure. An underdrain system will be installed to better handle runoff and pedestrian improvements will be made. The KCP&L traffic signal at the Foxridge Dr. to Lamar Ave. intersection may also be replaced and relocated since trucks have difficulty making southbound right turns resulting in damaged guardrail. Total estimated project cost: \$6,070,000.
- **2024 - Roe Avenue (Johnson Drive to 59th Street):** The proposed project includes mill and overlay with 2-inch asphalt concrete surface and pavement markings. Spot replacement of curb and sidewalks and full depth pavement replacement where necessary. This work will be performed in conjunction with Fairway. Total estimated project cost: \$464,000.
- **2025 - Nall Avenue (Martway St. to 63rd St.):** Proposed improvements include UBAS surface treatment, spot curb and sidewalk repair, and new pavement markings. This work will be performed in conjunction with Prairie Village. Total estimated project cost: \$267,000.

The proposed 2021-2025 CARS program differs from last year's with the move of the Foxridge Phase II project to 2023 resulting in the Johnson Drive, Metcalf Ave. to Lamar Ave. project moving out of the 5-year CARS program. The Nall Avenue (Martway to 63rd St.) is a new joint project with Prairie Village proposed in 2025. Additionally, project costs have been increased to account for inflation and are based on current cost estimates provided by the City's on-call engineer. Approval of the Resolution does not specifically commit the City to any expenditure of funds and its purpose is to communicate to the County the CARS eligible projects the City is considering over the 2021-2025 planning horizon.

Ms. Smith added that the Foxridge project, which has been an important priority for the City and

Council, has always presented a cash flow issue. The Council will have to consider the use of debt financing for several of the larger projects anticipated, but until we can discuss the appropriate revenue streams for potential repayment, including a possible renewal of the dedicated street sales tax, we cannot proceed to construction. All the projects have maintained their same priority, in terms of order.

Councilmember Thomas asked if there should be consideration of moving the Johnson Drive project to 2022. Councilmember Schlossmacher agreed and expressed concern about pushing this project back and asked for an update on the traffic and pedestrian counts that were to be collected for this project. Ms. Smith responded that the project was not delayed, it was originally slated for 2022, and part of that timing was based on aligning it on a more traditional intermediate maintenance cycle. In terms of accessing traffic and pedestrian count studies, with The Locale's construction disrupting the street and current situation with COVID-19 and stay-at-home orders, the counts were deferred as it was anticipated that the results would not be accurate. Mr. Duran confirmed that was correct and added that Olsson is evaluating the crash data and has been authorized to complete the traffic and pedestrian count. They also had planned to wait until spring to do the pedestrian, since more people would be out walking during that time.

Councilmember Schlossmacher asked if it would be possible to put out speed devices to track speeds at certain times. Also, expressed that he hoped to see movement in this project, and doesn't think it is important for it to fall in line with the resurfacing cycle, emphasizing his concern over safety. Ms. Duran commented that this is a joint project with Roeland Park and we would have to discuss with them about changing the dates. Councilmember Flora agreed about the safety concern and wanted to see speed studies and additional enforcement in that area.

Councilmember Thomas asked if there was a way to explore bumping this project from 2022 to 2021 and receiving CARS funding. Ms. Smith and Ms. Duran confirmed that the Council could move that item forward, through this process, and resubmit and talk to the County. Councilmember Flora asked if Johnson Drive wasn't moved up to 2021 would there be the possibility of completing residential street work. Ms. Smith indicated that there would be approximately \$300,000 available for residential street projects. Ms. Duran confirmed that a surface treatment or curb repair program could be evaluated for the residential areas.

Councilmember Davis commented that in terms of the update of the street preservation plan, how soon are we going to be able to see that and do we have a sense of priorities in regards to the street plans, if we were to do the Johnson Drive project in 2021. Ms. Duran said Stantec is behind due to COVID-19 but they have presented some preliminary information. Ms. Duran is currently working to assist Stantec in completing their analysis so we can bring information to the Council. Councilmember Davis stressed that he believes our residential street program is lacking and thinks it's important to prioritize that in 2021 and keep the Johnson Drive project in 2022. Councilmember Schlossmacher agreed about the residential streets but is concerned about the safety issue. He hopes to see an analysis completed on what can be done to slow

traffic and make it a safer area for everyone.

Councilmember Boultinghouse thanked Councilmembers Schlossmacher and Davis for their comments, agreed with addressing residential streets since that has been a concern for many residents and wondered if there would be a way to put tactics in place that could help bridge the time gap before the Johnson Drive project, such as increased signage. Councilmember Flora commented that she has heard a lot from residents regarding streets but is also concerned about the safety issues and added that signage or increased enforcement might be good options to slow down traffic.

Councilmember Thomas was concerned about how the projects were being prioritized since Foxridge Phase II was removed from the CIP and wanted to make sure priority projects don't get pushed back year to year. Ms. Duran replied that once the street preservation program analysis is completed then we can assess the pavement condition index, identify treatments and know when it should be completed. This will then go to Council for final approval with staff recommendation. Ms. Smith added that it's important to remember this is the CARS project and doesn't reflect the entire five-year street CIP. After the City assesses the CIP and addresses it from a budgetary standpoint then there can be a conversation on setting funding priorities.

Ms. Duran reminded the Council that the last step in finalizing this process is looking at projections of what would be needed to finish all repairs and what could be completed at specific price points. Councilmember Schlossmacher expressed frustration that the question has been asked on what it would take to bring the streets up-to-date and he has not received an effective response and hopes to progress to actionable data that can help in the decision making process.

Councilmember Thomas expressed that she would really prefer to see Johnson Drive moved up before 2022. Councilmember Davis asked Councilmember Thomas if the sense of urgency is in regards to safety or surface. Councilmember Flora said they are connected because the reseal would allow for a three-lane plan that would slow speeds and asked if it was moved to non-consent will more information be provided at the City Council meeting. Ms. Duran replied they would need to get more data but there might be safety measures, like signage, that could be posted in the interim. Councilmember Flora agreed on the data piece but wanted to discuss options for signage and possible speed enforcement. Councilmember Schlossmacher added that physical changes would be needed to the road to have a meaningful impact on traffic.

Mayor Appletoft commented that there have been a number of things already tried and have been ineffective including increased enforcement, speed tables, enhanced signals and a stoplight. He agrees with Councilmember Schlossmacher that they are beyond a stop-gap and need to assess where the CIP options are going. He asked for Staff to put that information together and bring back a recommendation.

Councilmember Davis asked when the City needed to submit for the CARS funding. Ms. Duran

replied they would need a submittal this month for 2021. Councilmember Flora asked and Ms. Duran confirmed that if the City were to submit for 2021, and were not able to get data, then if they wanted to move it to 2022 would there be the risk of losing the funding. Mayor Appletoft stressed that we need to do a comprehensive forum to explain to the community and residents what options are available and receive feedback. Councilmember Flora commented and Councilmember Inman agreed to keep to the schedule of 2022, so data could be assessed along with community feedback. Mayor Appletoft would like to see a Staff analysis on the project and budget and produce a plan that most effectively matches the priorities the Council has expressed.

Councilmember Davis recommended the Resolution adopting the Five Year City/County Street Improvement Program for the City of Mission for 2021-2025 be forwarded to Council for approval. All on the Committee agreed this will be a non-consent agenda item.

### **Lamar Avenue (Foxridge Drive to Shawnee Mission Parkway) Bike Lanes Contract Award**

Ms. Duran presented on the Bike Lanes Contract Award. On April 22, 2020, the City Council approved a construction contract for the Lamar Avenue (Foxridge Drive to Shawnee Mission Parkway) Rehabilitation and Resurfacing project. Construction is currently under way and includes an Ultra-thin Bonded Asphalt Surface (UBAS) treatment; spot curb/gutter, pavement, joint, and sidewalk repair and replacement. Bike lanes and permanent pavement markings will be constructed as a separate project following completion of the surface treatment. This portion of the project must be administered by the Kansas Department of Transportation (KDOT) because Safe Routes to School funds (SRTS) are being used. The City received a maximum of \$68,000 in federal funding for the bike lane portion of the project. KDOT bid this project in May 2020 and the total cost, including construction and construction inspection, is \$164,000. The City's share of these costs is \$96,000 after deducting the SRTS funds of \$68,000. Staff originally estimated that the City's share for this project would be \$104,049, which results in project savings of \$8,049. In order to award the contract, the City is required to execute an "Authority to Award Contract" with KDOT approving the contract and committing \$96,000 in city funds. This contract includes all project costs (including construction inspection and KDOT administration). If the City Council approves this contract, construction will begin following the completion of the UBAS portion of the project. The work is estimated to be completed in 25 days or less. Ms. Duran added this isn't just the bike lanes but includes all thermoplastic pavement markings for a two-mile stretch.

Councilmember Kring asked if the COVID-19 pandemic has made any changes to staffing at County or KDOT in respect to affecting the timeline of completion of projects. Mr. Duran answered that Johnson County and KDOT have been working from home and it has slowed the process but they are on track and should not have any more slowdowns.

Councilmember Davis recommended the funding resolution with the Kansas Department of

Transportation (KDOT) committing city funds for construction and construction inspection for the Lamar Avenue bike lanes project in an amount not to exceed \$96,000 be forwarded to Council for approval. All on the Committee agreed this will be a consent agenda item.

### **Resolution Special Purpose Permit - Sandhills Brewing**

Mr. Scott reported that Sandhills Brewing approached staff about accessing a portion of the sidewalk for an outdoor dining area. This encourages the creation of an active public space which is crucial for a vital downtown. Because the activity would include the sale and consumption of alcohol, State law does require the business to have a defined area with a wall, railing or sufficient marker that sections off the applicable space.

Ms. Service presented on Sandhills Brewing's application for a Special Purpose Permit for use of the public sidewalk at 5612 Johnson Drive as an outdoor dining area. Sandhills Brewing is a small micro-brewery that brews small batches of beer for consumption in their tap room or for carry out in sealed cans and growlers. Sandhills wants to provide an area for the outdoor consumption of their beer, it must be within an area that can be recognized as part of their premises and controlled by them. To accomplish this, they would need to create a clearly defined area on the public sidewalk in front of their location. Section 515.050 of Mission's Municipal Code allows the Governing Body to grant a permit for use of a portion of a sidewalk, street or other public property. The concern with the new defined dining area is that the sidewalk's primary use is as a pedestrian passageway. Staff recommends that a six foot passageway be maintained at all times between the edge of the outdoor dining area and the edge of the sidewalk or any planter boxes, bicycle racks, benches or other permanent streetscape elements to ensure pedestrian movement is not impeded. Also, the appearance and care of the outdoor dining area is important. The applicant indicates that the outdoor dining area will be defined by a narrow high-top bar that will have a covered front serving as a wall. This high-top bar will run the length of the store front. At the west end, there will be a small space with picnic tables in an area defined by oak barrels that are connected with a chain. Edison style lights will be strung over the outdoor dining area to provide lighting. The Resolution stipulates a number of conditions for the use of the sidewalk as an outdoor dining area including that the elements must be maintained in good condition, the area must be clean and not collect trash and debris, and that tables and chairs must be kept secure.

Joe Cizek, with Sandhills Brewing, added that the purpose of this permit was to open up tap room and provide an expanded area for customers, however, there are more chairs currently shown on their rendering than what will be in the space initially since they will be practicing social distancing. The space between the wall and the building will measure about a 7.25 feet gap.

Councilmember Kring thanked Mr. Cizek and commented that the concept looked great and believes this will be a beneficial addition in the community. Councilmember Flora agreed but questioned about how social distancing will be handled and if they plan to follow the AdAstra



guidelines. Mr. Cizek replied that they would be switching to a reservation system and only allowing a maximum of 24 people in the building at one time. Customers will prepay for a “flight” of beer and will be served tableside to prevent crowding around the bar. He emphasized that they want to take the opening slow in an attempt to keep everyone safe and added that the AdAstra Plan is faster than they anticipate progressing. In the outdoor area, they are going to limit the number of seats as well as minimize the amount of people coming in and out of the same door. He also confirmed they will be putting signage up in the seating and restroom areas.

Councilmember Schlossmacher added that this is a great addition and his only concern was with ADA requirements but that had been addressed through Mr. Cizek’s work with the City’s Planner.

Councilmember Davis agreed that this project is a great addition and asked about the section of the design that angles towards the street, after taking measurements he thought it was too close and talked with Mr. Scott about adjusting that wall to fit accordingly and allow more space for pedestrian walking. Mr. Cizek replied that this was his misunderstanding of the 50% rule as discussed and adjusting the barrier will make the space more accessible.

Councilmember Boultinghouse thanked Mr. Cizek and agreed that this will be a great addition, asked if this was going to be utilized all year with heaters in the winter. Mr. Cizek replied that anytime someone would want to sit out there, they would love to have that open. In regards to the heaters, it might take up too much space but it would only benefit Sandhills to increase extra space and seating.

Mayor Appletoft added that this was a great concept and addressed activating the sidewalks, referencing Lawrence, and how they have redesigned their parking on Massachusetts Street to encourage sidewalk usage for businesses. He added that this is what has been envisioned for downtown Mission. Councilmember Flora thinks this will be a good experiment and would love to see this expand downtown.

Councilmember Davis recommended the resolution, issuing a Special Purpose Permit to Sandhills Brewing for the use of a portion of the public sidewalk at 5612 Johnson Drive, for an outdoor dining area be forwarded to Council for approval. All on the Committee agreed, this will be a consent agenda item.

## **Discussion Items**

### **Discussion of Policy on Use of Drones**

Mr. Almoney presented on the recommendation from the Parks, Recreation and Tree (PRT) Commission surrounding UAV (drone) use at Mission parks near residential areas. The catalyst for the discussion item at this time was the result of the long range planning for improvements at Mohawk Park. PRT Commission members remember the concern residents had in Prairie

Village and the amount of time and deliberation involved in finalizing an ordinance to safeguard the proper use of drones in both private and public spaces.

The PRT Commission asked the Community Development Committee to discuss the benefits and challenges of a drone ordinance before the City is faced with the need to enforce the use of drones. An ordinance can assist both drone operators and the City of Mission by having clear expectations in place. The most common purposes of drone usage include aerial surveillance, film-making, real estate and construction exploration, recreational flight/acrobatics and deliveries. While the most common risks associated with drone usage include infringement of privacy, radio frequency interference, personal injury or damage, and new operators and loss of control. The cities of Mission Hills and Mission Woods have also enacted similar ordinances and policies in the last several years.

Councilmember Flora clarified and Mr. Almoney confirmed that this is entirely proactive and there have not been drone issues in Mission. While Councilmember Schlossmacher asked and Mr. Almoney confirmed there have not been any reports of impaired drone operators in the parks.

Councilmember Flora inquired about the criminal penalties in the Prairie Village ordinance and asked if Mission might consider other alternatives. Ms. Smith replied that could be evaluated. Councilmember Kring asked if there are any current ordinances or records, such as a nuisance ordinance, that would be applicable to the usage of drones. Mr. Almoney replied that there wasn't anything comparable. Ms. Smith added that the nuisance codes are very tailored to property maintenance issues, whereas UAS usage would represent a different type of nuisance issue that should be addressed on its own. Chief Hadley added that property lines extend high up and in some instances a drone cannot be flown over a person's property without a search warrant. He was unsure if this would fall under disorderly conduct which incorporates activities which alarm, bother, anger or harass another. All of these issues will be discussed with City Attorney in the process of drafting an ordinance.

Councilmember Flora asked and Mr. Almoney confirmed that staff is looking for consensus on moving this as an action item for a July Committee meeting consideration. Councilmember Davis agreed with proceeding if it is not already in our ordinances and believes this is a good and proactive idea. Councilmember Rothrock agreed and stressed the importance of keeping the Police Department updated for how this is being enforced. Councilmembers Thomas and Boultinghouse agreed to moving this forward to July.

Councilmember Flora confirmed there was a general consensus to bring this discussion item back as an action item in the July 1, 2020 Community Development Committee meeting.

## Other

### Department Updates

Ms. Smith confirmed that the Community Center will reopen Monday and staff have been busy training to accommodate cleaning and safety. Mr. Almoney added they have brought part-time staff in, at nine people or less, to tour the facility and train. Councilmember Flora noticed that some of the classes were during the vulnerable population hours and wondered how that was going to be facilitated. Mr. Almoney replied that the stipulation is that patrons taking the class will only be able to utilize the class and not the rest of the gym, they will have to leave as soon as instruction is complete.

Councilmember Kring thanked Mr. Almoney's children for helping at the Harvester's event and commented they did an amazing job.

Ms. Duran provided an update on Public Works, reporting that crews are getting out in the field, and completing base repairs and crack sealing. She reiterated that they should be done with the concrete on Friday, on the Lamar Project, except for some storm inlet tops that they will be replacing. The base and joint repair is progressing quickly. On Monday, 51st and Lamar, will be closed for 7-10 days while they complete stormwater repairs and relocate utilities. They are progressing with the emergency repairs to the failed Rock Creek retaining wall and advised it will be important to put up the fence. Once emergency repairs are complete, attention will be directed to evaluating the design for a permanent solution, including a review and assessment of a previous Black and Veatch study for the channel. Finally, Ms. Duran reported that Gunter Construction is removing the trees in preparation for the Rock Creek Channel Improvement project.

### Meeting Close

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 8:29 p.m.

Respectfully submitted,

Audrey M. McClanahan  
City Clerk