

MINUTES OF THE MISSION COMMUNITY DEVELOPMENT COMMITTEE

July 10, 2019

The Mission Community Development Committee met at Mission City Hall, Wednesday, July 10, 2019 at 6:30 p.m. The following committee members were present: Pat Quinn, Hillary Thomas, Arcie Rothrock, Nick Schlossmacher, Debbie Kring, Kristin Inman, Ken Davis and Sollie Flora. Councilmember Davis called the meeting to order at 6:30 p.m. Councilmember Schlossmacher arrived at 7:00 p.m.

Also present were City Administrator Laura Smith, Assistant City Administrator Brian Scott, City Clerk Martha Sumrall, Chief Ben Hadley, Assistant to the City Administrator Emily Randel, Street Superintendent Brent Morton, and Capt. Dan Madden.

Amended Preliminary Development Plan / Final Development Plan, Tidal Wave Auto Spa, 6501 Johnson Drive

Mr. Scott reported that developers for the Tidal Wave Auto Spa submitted plans for this site a year ago. This location is within the Form Based Code (FBC) area and staff worked with the owners on the requirements which include a two-story building at the sidewalk. A proposal for a two-story building was submitted, with the lower level having drive-through car wash bays and the second story as office for their regional headquarters. This plan was approved by the Planning Commission and City Council last year. The developers have closed on the purchase of this property and the underground fuel tanks have been removed so the site is now free from contamination. As the developer has moved forward refining costs for the project, they have been unable to “make the numbers work” for a two story building. This was discussed with staff, who suggested value engineering, etc. to help the project move forward. The developer has since then requested an amendment to the preliminary and final development plans for this project, which would provide only a one-story building. All other aspects of the final development plan would still be applicable including design, material, streetscape and overall site plan. Mr. Scott stated that application of the FBC has been challenging, and provided options that businesses / developers have when applying. They can go through the FBC and, if the project receives a passing score, the project is reviewed and approved by the Planning Commission only. If they are unable to meet the requirements (passing score), they can go through the traditional route of Planning Commission and City Council approval for the preliminary development plan, with the final plan approved by the Planning Commission.

Discussion by the committee continued on various issues associated with this project and the Form Based Code, including:

- Whether the FBC pertains only to properties greater than .5 acres. Mr. Scott stated that it applies to all commercial properties in the west gateway area of the City regardless of size. He noted that tracts that are larger in size have more flexibility to comply with FBC requirements (i.e. Mission Crossing and Cornerstone Commons).

- Did the original plan (two-story building in front with one-story building behind) comply with the FBC and was this an accessory building/use.
- The intent of the Form Based Code is to not focus on the use of the building, but rather the form. This results in more long term, sustainable use of buildings. Staff originally pushed to make this building deeper for future use.
- When Johnson Drive between Lamar and Metcalf is reconstructed in the next few years, will the trees and sidewalks for this project be torn up? Mr. Scott stated that he hopes they will not, but that may happen.
- Are doors included on the front of the building in the current plan? Mr. Scott believes there is a door but will confirm and we can ask that one be added.
- The need to have a super-majority vote of Council to override the recommendation of the Planning Commission.
- Car washes are not allowed along the Johnson Drive corridor east of Lamar - where does this fall in the codes. Mr. Scott stated this is part of our zoning code and provided information on the three overlay districts - East Gateway, Downtown District, West Gateway. Existing car washes are grandfathered in. Ms. Smith stated if a car wash is vacant for 180 days then the grandfather exemption no longer exists.
- Issues with the FBC not matching up with the underlying zoning codes.
- Due diligence required by developers when purchasing property in the FBC area so they are aware of all requirements.

Councilmember Quinn stated that he is not a proponent of the Form Based Code as he believes it has cost us some businesses locating in Mission. He stated he is in favor of this current development plan as it looks much better than what is currently on the site.

Councilmember Kring expressed her concerns with the current proposed building only being one-story and the precedent set when granting an exemption. She feels we have told others they must comply, and feels Tidal Wave should also. Ms. Smith noted that some of the other projects in the FBC area asked for and received incentives. Councilmember Thomas also expressed her concerns with setting a precedent, and stated that whether or not we want to retain the Form Based Code is a separate discussion. Councilmember Davis stated he feels the Planning Commission recommending approval is ignoring our adopted policy. He feels this should be discussed as part of the annual review of the Comprehensive Plan. He also stated he feels this is really just a wash tunnel with a facade. Discussion again continued on the due diligence required by the property owner prior to purchasing property in the FBC area for development.

Ms. Smith provided additional information on previous amendments granted under the Form Based Code. Discussion included Cornerstone Commons, Mission Crossing, and issues Mr. Scott has encountered with potential developers in the area once they realize the requirements of the FBC. Ms. Smith stated that approving this amended plan for Tidal Wave will not set a precedent and other developments have been granted amendments also.

Councilmember Rothrock stated that she can see both sides of this issue, but can support this amended plan. She also feels there needs to be a larger discussion on the Form Based Code. Discussion continued on voting options at the City Council Meeting. Council can vote to deny approval of this amended plan, approve the plan, or remand it back to the Planning Commission with specific requirements to be considered. A super majority (6 votes) is required to deny the application, simple majority to remand, and if it comes back again approval is by simple majority.

Councilmember Flora stated that although the property does not look good at this time, she does not favor “throwing our hands up” and approving it based on this. She feels this is a tough situation. Ms. Smith stated she has reached out to the developer and if approved, they anticipate beginning demolition of the current structure immediately. If Council does not approve this amended plan, then staff will look at options through our property maintenance codes.

This item was informational only and no action was taken. It will be considered at the July City Council Meeting under Action Items/Planning Commission.

Acceptance of the June 5, 2019 Community Development Committee Minutes

Updated minutes of the June 5, 2019 Community Development Committee were provided to the committee. There being no objections or corrections, the updated minutes were accepted as presented.

Contract Award for Sinkhole Repairs

Mr. Morton reported Council authorized a task order with GBA to provide survey, design and bid phase services for stormwater infrastructure failures that have occurred on Foxridge and on Woodson. Corrugated metal pipe has failed at these locations and one is under a storm box. Bids for this project were received on July 8th with two bidders responding. SheDigsIt LLC (SDI) was the lowest and most responsive bid with a total price of \$73,307. Ms. Smith stated that \$150,000 is the available budget for this project so it came in well under budget.

Councilmember Inman recommended that the contract with SheDigsIt, LLC (SDI) for repairs to two storm drainage infrastructure failures in an amount not to exceed \$73,307 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

50th & Dearborn Storm Sewer Repairs

Mr. Morton stated in January, Council approved a task order with GBA for the design and bid phase services for a storm sewer failure at 50th and Dearborn. He noted this issue has been discussed at several meetings and is in an area with open ditch lines. Because of the condition of other pipes in the area this is an opportunity to update infrastructure including slip lining the storm culvert under Dearborn. This project was presented to the CIP Committee and they

recommend approval. The estimated project total is \$184,975 and he anticipates this going to bid for construction in 2019.

Councilmember Flora asked if this still includes the bid alternate to slip line the creek channel. Mr. Morton confirmed that it did with a cost of \$18,470. He stated that doing this work with the rest of the project will result in an overall savings, rather than having to bring in a crew at another date to complete this.

Councilmember Inman recommended staff move forward with the bidding phase of the 50th & Dearborn Street Stormwater Repair Project for construction in 2019 with an estimated project total cost of \$184,975. All on the committee agreed. This will be a consent agenda item.

BHC Rhodes Street Asset Inventory

Mr. Morton reported that BHC Rhodes has been working on our stormwater asset management and is now ready to continue this project with asset management of our streets. The City has collected data on the condition of the residential streets over the last few years, and BHC Rhodes will continue this work by collecting, inventorying and compiling all existing data. The City's street maintenance program was started 10 years ago, but it was found that approximately 50% of the streets could not support the recommended mill and overlay treatment and would actually require full-depth reconstruction. This asset management program will assist with developing an updated street maintenance program.

Councilmember Davis stated he has asked staff about the terms and conditions of the BHC Rhodes contract related to ownership of the documents. Ms. Smith stated she has reached out to BHC Rhodes and will share information on this when received. Councilmember Flora asked if we were to switch companies at some point, would we still have access to this data. Mr. Morton stated in the past, companies have always been willing to share the data as it is in their best interest to do so. Councilmember Davis asked that the contract be modified prior to coming forth to Council.

Councilmember Inman recommended that the task order with BHC Rhodes to perform services related to asset management, condition inventories, and conceptual program costs for Mission's residential street network in an amount not to exceed \$9,000 be forwarded to Council for approval. All on the committee agreed, but this will not be a consent agenda item.

Task Order with GBA to Proceed with Foxridge Survey

Mr. Morton reported the Foxridge project (Lamar to 51st Street) is included in the CIP for construction in 2021. Staff is recommending approval for the survey portion of the design contract to occur now. The project will include road improvements, as well as stormwater, sidewalks, and ADA improvements which may require the acquisition of additional right-of-way. By conducting the survey work now, this will allow the project to get ahead of schedule and be

helpful with cost estimates. This task order with GBA is in an amount not to exceed \$49,831.80 and includes surveying, property research, conceptual design, estimates for right-of-way needs, and project meetings.

Councilmember Inman asked when temporary patching of Foxridge that was approved earlier this year will begin. Mr. Morton stated it is scheduled for Monday, July 15 and will require several days of street closure.

Councilmember Quinn recommended the task order with GBA for Foxridge engineering services in an amount not to exceed \$49,831.80 be forwarded to Council for approval. All on the committee agreed. This will be a consent agenda item.

Other

Councilmember Kring stated that she would like to be fair to businesses west of Lamar and would like information on where the Form Based Code and incentives have been used. Ms. Smith stated it is all over the board and that we need to revisit our policy on the FBC. Discussion continued on the FBC, including:

- Urban Planning students from the University of Kansas who participated in a design project for the FBC area and were critical of some parts of the code.
- Not wanting to give mixed-messages to businesses in the area.
- Conflicts in the codes puts staff, Planning Commission and Council in a bad position.
- The need to look at time horizons to affect change, parcel size, balance business friendly requirements with the changing character of the area and promoting sustainable building practices.
- Consideration of the future reconstruction of Johnson Drive west of Lamar.

Councilmember Flora stated she feels the FBC is on the right tract and we should not just throw it out, but instead discuss how to make it work. Ms. Smith stated that the FBC did work on the Broadmoor street project, but that it is often on a case-by-case basis. She noted that when considering development in the FBC area, some developers back out but it is important to remember that this happens in other areas of the City also. Mr. Scott discussed another issue recently before the Planning Commission that allowed for a non-conforming situation permit. This has been done with a few businesses in the FBC area (McDonald's, Slim Chickens, CVS, etc).

Facility Conservation Improvement Program

Ms. Randel stated that the Sustainability Commission recently had a presentation on the Kansas Corporation Commission Facility Conservation Improvement Program. Information was shared on this program and the technical support that would be available to Mission when going through an energy audit and conservation efforts at City facilities. The program eliminates the

need for issuing a request for qualifications and uses KCC's list of preapproved Energy Service Companies. She stated that these are preliminary discussions but wanted to share this potential program with Council.

Councilmember Flora stated the presentation to the Sustainability Commission was very good and the program looks promising. The City of Shawnee is currently working through this program and Ms. Randel stated she plans to reach out to them for additional information.

This item was informational only and no action was taken.

Update on Speed Limit and Traffic Signage - 51st Street, East of Lamar

Mr. Morton provided an update on speed limit concerns on 51st Street that were raised by a resident at the March committee meeting. GBA was tasked with evaluating the sight distance and speed limit along this section of road. Following their assessment, GBA has recommended no change in the 25 mph speed limit, but did recommend additional signs and changing the location of some of the current signs. This work has been completed by Public Works staff. Ms. Smith stated the time to look at any additional changes to this street would be during full depth reconstruction, but even at that time it would be challenging due to the steep hills and grade of the driveways.

This item was informational only and no action was taken.

Department Updates

Ms. Smith stated the development section of the City's website has been updated with current information on various development and construction projects throughout the City. Going forward, this will be updated on a regular basis and information will also be included in the monthly email newsletter. She also noted that there have been questions recently about progress at The Gateway Project. A lease with Cinergy has been signed by the developers and they are re-evaluating their phasing of the project. Additional wastewater permitting was needed for the project and this has been addressed. Mr. Scott stated permits for the footings for Cincergy are in process. Councilmember Quinn asked who the contractor is and Mr. Scott stated VCC, a company that specializes in the construction of theaters. Plans for the hotel have been submitted. Mr. Scott also stated they anticipate the apartments to get underway this fall.

Councilmember Davis congratulated all on the success of the Mission Summer Family Picnic. All the staff involved did a great job and the fireworks display was phenomenal. Ms. Smith also thanked all who helped and stated next year the event will go back to the second Saturday in July.

Meeting Close

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 7:32 p.m.

Respectfully submitted,

Martha Sumrall
City Clerk