

**City of Mission
Regular Meeting Agenda
Wednesday, October 17, 2018
7:00 p.m.
Mission City Hall**

If you require any accommodations (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-676-8350 no later than 24 hours prior to the beginning of the meeting.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

ROLL CALL

1. PUBLIC HEARING

2. SPECIAL PRESENTATIONS

- Recognition of Sunflower Festival Committee and Mission Business Partnership
- Police Department Special Presentations

3. ISSUANCE OF NOTES AND BONDS

3a. Ordinance Authorizing Issuance of IRBs - The Gateway ([page 3](#))

4. CONSENT AGENDA

*NOTE: Information on consent agenda items has been provided to the Governing Body. These items are determined to be routine enough to be acted on in a single motion; however, this does not preclude discussion. **If a councilmember or member of the public requests, an item may be removed from the consent agenda for further consideration and separate motion.***

CONSENT AGENDA - GENERAL

4a. [Minutes of the September 19, 2018 City Council Meeting](#)

CONSENT AGENDA - Finance & Administration Committee

[Finance & Administration Committee Meeting Packet 10-3-18](#)

Finance & Administration Committee Meeting Minutes 10-3-18

CONSENT AGENDA - Community Development Committee

[Community Development Committee Meeting Packet 10-3-18](#)

[Community Development Committee Meeting Minutes 10-3-18](#)

5. PUBLIC COMMENTS

6. ACTION ITEMS

Planning Commission

Miscellaneous

7. COMMITTEE REPORTS

Finance & Administration, Nick Schlossmacher

[Finance & Administration Committee Meeting Packet 10-3-18](#)

Finance & Administration Committee Meeting Minutes 10-3-18

Community Development, Kristin Inman

[Community Development Committee Meeting Packet 10-3-18](#)

[Community Development Committee Meeting Minutes 10-3-18](#)

7a. Broadmoor Design Concept Resolution ([page 8](#))

8. UNFINISHED BUSINESS

9. NEW BUSINESS

9a. Reconsideration of Planning Commission Recommendation Regarding Preliminary Development Plan, Case #18-09, 5438 Johnson Drive ([page 12](#))

10. COMMENTS FROM THE CITY COUNCIL

**11. MAYOR'S REPORT
Appointments**

12. CITY ADMINISTRATOR'S REPORT

13. EXECUTIVE SESSION

ADJOURNMENT

City of Mission	Item Number:	3a.
ACTION ITEM SUMMARY	Date:	September 21, 2018
ADMINISTRATION	From:	Laura Smith

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

RE: Ordinance authorizing the issuance of Taxable Industrial Revenue Bonds, Series 2018 for Aryeh Realty, LLC.

RECOMMENDATION: Approve the Ordinance establishing the intent and authority of the City to issue Industrial Revenue Bonds (IRBs) in one or more series in an aggregate principal amount not to exceed \$214,258,589 to finance the costs of acquiring, purchasing, constructing, installing, and equipping commercial facilities including land, buildings, structures, improvements, fixtures, machinery and equipment for the benefit of Aryeh Realty, LLC its successors and assigns in connection with the Mission Gateway project.

DETAILS: The Redevelopment Agreement for The Gateway, approved in October 2017, contemplated a request from the developer for the City to issue Industrial Revenue Bonds (IRBs) for the project. The IRBs would allow the developer to secure a sales tax exemption on certain construction materials and supplies. The City Council passed Resolution 1006 on June 20, 2018 establishing the intent and authority to issue the IRBs. The developer is now ready to move forward to issue the IRBs.

This ordinance authorizes the issuance of the taxable Industrial Revenue Bonds for the redevelopment of the Mission Gateway project, a 16+ acre mixed use redevelopment bounded by Shawnee Mission Parkway, Roe Avenue, Roeland Drive and Johnson Drive. The ordinance authorizes the following:

- 1) Funds to be used for acquiring, purchasing, constructing and equipping the project;
- 2) Funds to pay a portion of the costs associated with issuing the bonds;
- 3) The City to execute any and all documents necessary in connection with issuance of said bonds.

The IRBs and the associated interest shall be special, limited obligations of the City payable solely out of the amounts derived by the City under a Lease Agreement. The bonds are not a general obligation of the City, and are not backed by the full faith and credit of the City. The bonds are not payable in any manner by taxation, but shall be payable solely from the funds provided for in the Indenture. The issuance of the bonds shall not directly, indirectly or contingently, obligate the City, the State or any other political subdivision thereof to levy any form of taxation or to make any appropriation for their payment.

The Developer will be responsible for reimbursing all costs incurred by the City in connection with the IRBs. Fees are estimated at approximately \$78,000.

CFAA CONSIDERATIONS/IMPACTS: NA

Related Statute/City Ordinance:	City Council Policy 112
Line Item Code/Description:	
Available Budget:	All fees reimbursed by developer

ORDINANCE NO. [____]

AN ORDINANCE AUTHORIZING THE CITY OF MISSION, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (ARYEH REALTY LLC PROJECT), SERIES 2018, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$214,258,589, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING COMMERCIAL FACILITIES, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE CITY TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS (SALES TAX EXEMPTION ONLY).

WHEREAS, the City of Mission, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (Aryeh Realty LLC Project), Series 2018 (the “Bonds”), in a principal amount not to exceed \$214,258,589, for the purpose of acquiring, purchasing, constructing, installing furnishing, and equipping commercial facilities for Aryeh Realty LLC, a Delaware limited liability company, or its successors and assigns (the “Company”), including land, buildings, structures, improvements, fixtures, machinery and equipment (the “Project”); and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and Security Bank of Kansas City, as Trustee (the “Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS, AS FOLLOWS:

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project. The Issuer is hereby authorized to provide for the acquisition, purchase,

construction, installation, furnishing, and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$214,258,589 (the “Bonds”), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents (the “Bond Documents”), such officers’ signatures thereon being conclusive evidence of their approval thereof:

- (a) Trust Indenture, between the Issuer and the Trustee;
- (b) Base Lease Agreement, between the Company and the Issuer;
- (c) Lease Agreement, between the Issuer and the Company; and
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser.

Section 4. Execution of Bond and Documents. The Mayor of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor (or, in the Mayor’s absence, the acting Mayor) of the Issuer is hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer’s Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

PASSED by the governing body of the City of Mission, Kansas on October 17, 2018 and **APPROVED AND SIGNED** by the Mayor.

Ronald E. Appletoft, Mayor

[SEAL]

ATTEST:

Martha Sumrall, City Clerk

(Published in *The Legal Record* on _____, 2018.)

SUMMARY OF ORDINANCE NO. [____]

On _____, 2018, the governing body of the City of Mission, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE CITY OF MISSION, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (ARYEH REALTY LLC PROJECT), SERIES 2018, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$214,258,589, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING COMMERCIAL FACILITIES, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE CITY TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS (SALES TAX EXEMPTION ONLY).

The Bonds approved by the Ordinance are being issued in the maximum principal amount of \$214,258,589, for the purpose of acquiring, constructing, furnishing, and equipping commercial facilities for Aryeh Realty LLC, a Delaware limited liability company, and constitute limited obligations of the City payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2018 Bonds, as provided in the Indenture. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 6090 Woodson. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.missionks.org.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: _____, 2018.

City Attorney

City of Mission	Item Number:	7a.
ACTION ITEM SUMMARY	Date:	September 21, 2018
Administration	From:	Emily Randel

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

RE: Broadmoor Street Design Concept Resolution

RECOMMENDATION: Approve the Design Concept Resolution for Broadmoor Street.

DETAILS: Between Martway Street and Johnson Drive, Broadmoor Street is a three-lane collector that primarily serves Mission’s commercial properties. A CIP project was budgeted in 2018 (design) and 2019 (construction) that includes full depth pavement replacement, stormwater system upgrades, curb replacement, sidewalk improvements and the replacement of the traffic signal at Johnson Drive and Broadmoor.

Over the last several years, as the City has designed and constructed street improvement projects, pedestrian and other non-vehicular infrastructure improvements or upgrades have been an important part of the conversation. While we have not yet established specific design guidelines or standards, staff and the design engineers work on each individual project to identify and outline improvements to accomplish this goal. A design concept resolution is a tool that has been used to formalize and communicate the issues under consideration and/or those specifically agreed upon by the City Council.

The proposed design concept resolution outlines the factors taken into consideration when designing the improvements for Broadmoor. Additional items, such as a section of on-street, angled parking, and protected sidewalks set back from the curb have been included for consideration and discussion. Along with these improvements, changes to the current layout of the street have also been proposed. The majority of construction is designed to remain within the current right-of-way, and a reduction in each drive lane width (to 12 feet) will provide space that may be used to construct sidewalks.

Staff anticipates advertising the project for bid in November with contract approval at the December City Council meeting. Construction would begin, weather permitting, once the contract was approved and a Notice to Proceed was issued. Construction is anticipated to be complete by the fall of 2019.

CFAA CONSIDERATIONS/IMPACTS: This project would provide sidewalk connectivity, ADA improvements, and bicycle infrastructure to this important corridor connecting Johnson Drive and Martway.

Related Statute/City Ordinance:	
Line Item Code/Description:	Transportation Fund/Capital Improvement Fund
Available Budget:	\$1,252,435

RESOLUTION NO. ____

A RESOLUTION ESTABLISHING THE DESIGN CONCEPT FOR IMPROVEMENTS TO BROADMOOR STREET BETWEEN MARTWAY STREET AND JOHNSON DRIVE IN THE CITY OF MISSION, KANSAS.

WHEREAS, Broadmoor Street is a three-lane collector between Martway Street and Johnson Drive serving primarily commercial properties; and

WHEREAS, Broadmoor Street and its related infrastructure systems have been identified in street and stormwater inventories as a high-priority street in need of significant infrastructure repairs; and

WHEREAS, pedestrian and other non-vehicular infrastructure is a focal point of all transportation improvement projects undertaken by the City of Mission and as such, sidewalks, street lighting, and ADA compliant curb ramps will all be upgraded within the base scope of this project; and

WHEREAS, the current total project budget for design, construction, and construction inspection is approximately \$1.2 million of which \$450,000 is anticipated to come from the Johnson County CARS program, with the remaining \$802,435 funded by the City of Mission; and,

WHEREAS, the project costs estimate includes right-of-way acquisition costs for the area included but not limited to a single section of new on-street, angled parking spaces on a portion of the western side of Broadmoor Street.

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

Section 1. The Broadmoor Street Reconstruction Project (Martway Street to Johnson Drive) will include full-depth reconstruction, new curb, storm sewer infrastructure, ADA improvements, pavement, pavement markings, and street signs as well as the installation of a new traffic signal at Johnson Drive and Broadmoor. The improvements are anticipated to reflect those detailed in the conceptual plans included as Exhibit A.

Section 2. Project costs will be funded out of the City's Transportation and Capital Improvement Funds.

Section 3. The City will limit the majority of the new construction to the area within the current right-of-way. Each drive lane width will be reduced to 12 feet. Space gained will be used to construct sidewalks with separation from the curb.

THIS RESOLUTION IS PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF MISSION, this 17th day of October 2018.

THIS RESOLUTION IS APPROVED BY THE MAYOR this 17th day of October 2018.

Ronald E. Appletoft, Mayor

ATTEST:

By: _____
Martha Sumrall, City Clerk

APPROVED AS TO FORM:

By: _____
David K. Martin, City Attorney

EXHIBIT A



Broadmoor Street Reconstruction Martway to Johnson Drive



City of Mission	Item Number:	9a.
ACTION ITEM SUMMARY	Date:	October 10, 2018
COMMUNITY DEVELOPMENT	From:	Laura Smith

RE: Reconsideration of Planning Commission Recommendation Regarding Preliminary Development Plan, Case #18-09, 5438 Johnson Drive

RECOMMENDATION: Approve a motion to reconsider the recommendation of the Planning Commission regarding a Preliminary Development Plan, Case #18-09, 5438 Johnson Drive.

DETAILS: During the September 19, 2018 City Council meeting, approval was given for a Preliminary Development Plan, Case #18-09 for property addressed as 5438 Johnson Drive. Following that meeting it was brought to staff's attention that the recommendation presented for Council consideration did not accurately reflect the recommendation approved by the Planning Commission. During the Planning Commission meeting on August 27, the original recommendation from the staff report was amended to read as follows:

Approval of the Preliminary Site Development Plan for Case # 18-09 - 5438 Johnson Drive is recommended to the City Council with the following stipulations:

1. *Detailed site survey will be required with the final site development plan indicating site dimensions; building dimensions; on-street and off-street parking dimensions; dimensions of interior traffic ways; sidewalk width; placement and dimensions for all off-site, public improvements, landscape and streetscape improvements; and dedication of public-right-of way.*
2. *Detailed building drawings will be required with the final site development plan indicating dimensions, number of stories, materials, and finishings.*
3. *Private sign criteria plan will be required with the final site development plan.*
4. *A final traffic study and final stormwater drainage design plan must be submitted for review with the final site development plan. The appropriate text, maps, drawings and tables must be included.*
5. *Staff reserves the right to provide additional comments or stipulations on development plans until all traffic or storm drainage related concerns have been addressed.*
6. *A Phase I Environmental Site Assessment and required subsequent assessments will need to be completed and report submitted with the Final Site*

Related Statute/City Ordinance:	Including but not limited to 455.090, 410.010, 405.020, 415.010
Line Item Code/Description:	NA
Available Budget:	NA

City of Mission	Item Number:	9a.
ACTION ITEM SUMMARY	Date:	October 10, 2018
COMMUNITY DEVELOPMENT	From:	Laura Smith

Development Plan. Environmental assessments must include investigation and complete site history of all land uses of this site, including operation as a gasoline filling station.

Staff did not identify this discrepancy during the meeting, specifically with regard to item 6. In order to correct the record appropriately, a reconsideration of the correct recommendation from the Planning Commission is warranted.

CFAA CONSIDERATIONS/IMPACTS: NA

Related Statute/City Ordinance:	Including but not limited to 455.090, 410.010, 405.020, 415.010
Line Item Code/Description:	NA
Available Budget:	NA

STAFF REPORT
Planning Commission Meeting August 27, 2018

AGENDA ITEM NO.:

PROJECT NUMBER / TITLE: Case # 18-09

REQUEST: Preliminary Site Development Plan

LOCATION: 5438 Johnson Drive

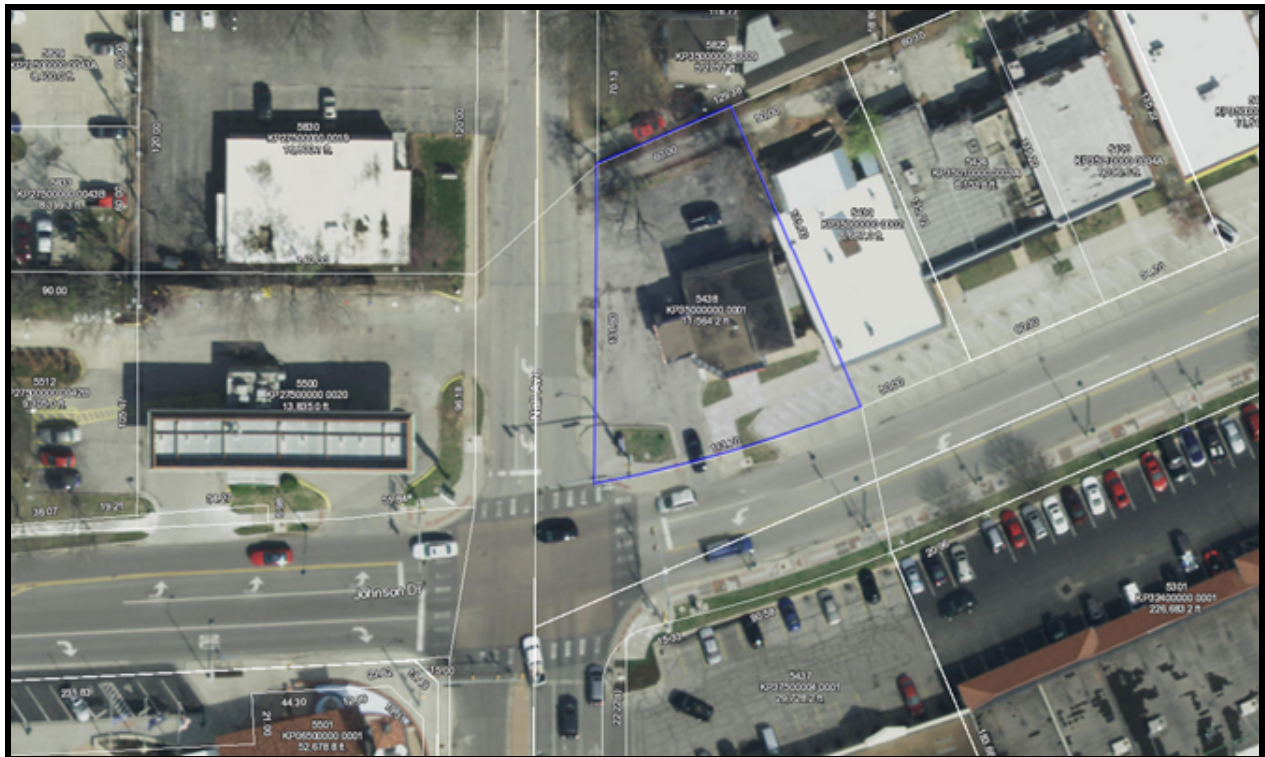
APPLICANT: Mike Schwaller, KEM Studio

PROPERTY OWNER: JKM Equities, LLC
444 W. 58th Terr.
Kansas City, MO 64113

STAFF CONTACT: Brian Scott, Assistant City Administrator

ADVERTISEMENT: 8/7/18-The Legal Record newspaper

PUBLIC HEARING: 8/27/18 Planning Commission meeting



Property Information:

The subject property is located at 5438 Johnson Drive, and is the site of a former Pride Cleaners retail outlet. The property is zoned Main Street District 1 “MS1.” It is located in the East Gateway Overlay District and is subject to the Mission, Kansas *Design Guidelines* for the Johnson Drive Corridor. “MS1” was assigned to this property at the time of the city initiated rezoning of the entire downtown in 2006. The District was designed to reinforce and encourage the existing character within the core of the downtown.

Surrounding properties are zoned and developed as follows:

North: “MS2” Main Street District 2 - single-family home
West: “MS1” Main Street District 1- BP, convenience store/gas station/car wash
South: “MS2” Main Street District 2 - Mission Mart, general retail center
East: “MS1” Main Street District 1 - Sully’s Pub, restaurant

Comprehensive Plan Future Land Use Recommendation for this area:

The Comprehensive Plan indicates this area is appropriate for the Downtown District to maintain the historic community characterized by small businesses and a pedestrian oriented environment. The ground floor is appropriate for retail with upper floors including housing units or office uses. The proposed project is in conformance with the intent of the Comprehensive Plan.

Project Background:

The subject property is located at the northeast corner of Johnson Drive and Nall Avenue. The total land area of the property is 11,564 square feet (.27 acres). The current structure on the property is a one-story building 1,412 square feet in size. The structure was built in 1950.

Pride Cleaners closed this retail outlet sometime in the past year. The property is owned by JKM Equities, LLC, which is affiliated with Pride Cleaners. The ownership is interested in demolishing the current structure and building a new structure on the site as an investment opportunity. They have engaged KEM Studio, an architectural firm, to design a new structure that maximizes the area of the site while still keeping within the design guidelines of the Johnson Drive corridor and the East Gateway Redevelopment Plan. No tenant or specific use has been identified for the new structure at this time.

Plan Review

The applicant is proposing to build a structure on the property with an approximate footprint of 4,420 square feet and a proposed height of 28 feet. Though a building of 28 feet in height would typically be two stories, it has not yet been determined whether the proposed structure would be an actual two-story building or a tall, one-story building. Given the limited size of the property, code requirements, and development costs, it may be cost prohibitive to construct an actual two-story structure. Nevertheless, the intent of the design is to construct a structure that would be in keeping with the massing of existing buildings in the immediate area and provide a “presence” at an important

crossroads in the community.

The proposed design indicates a structure that will be built to the sidewalk along both Johnson Drive and Nall Avenue with on-street parking on both streets. The structure would be built at the lot line, and adjoining the building to the east (site of Sully's Pub).

	Use	Approx. Area
Retail (1st Floor)	Restaurant/Retail/Service	4,420 Sq Ft
Residential or Office (Possible 2nd Floor)	Lease Apartments/Office	4,420 Sq Ft
	Total	8,840 Sq Ft
Parking Provided	Surface (inc on-street)	14

MS1 Main Street District 1

The intent of the MS1 zoning district is expressed in Section 410.160 of the Mission Municipal Code as follows:

The zoning of property as "MS1" Main Street District 1 is intended to provide development opportunities consistent with the existing character within the core of Downtown Mission. Downtown Mission is the original commercial district within the City. The majority of buildings in the core of downtown have been constructed to the public right-of-way. Public parking lots are available and on-street parking is present to serve the downtown businesses. The result is a character unique to downtown that is not found elsewhere in the City. The "MS1" District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. This district restricts automobile oriented uses and does not allow offices on the ground floor level. The district is also intended to allow multi-story buildings with office and residential uses above the ground floor level. Multi-story buildings with top-floor setbacks are encouraged within this district as described in the Mission/Rock Creek Redevelopment Masterplan. In addition, the district is intended to allow flexibility from the normal development standards found elsewhere in the City.

MS1 zoning provides for a variety of permitted uses on the ground floor of buildings including prepared food and food for home establishments, entertainment (including drinking establishments with an SUP), speciality retail/convenient retail and select services. Residential or office use is permitted on the upper floors of buildings within the MS1 zoning district.

The maximum height of buildings in the MS1 zoning district is three stories and/or forty-five (45) feet. The front build-to line is zero (0). The side yard build-to line is also zero (0) where the side yard abuts a public street. No rear yard setback is required.

There are no parking requirements in the MS1 zoning district. On street parking may be constructed where adequate right-of-way is available, subject to good traffic-engineering design principles. No portion of any paved parking area that is hereafter constructed shall be permitted within six (6) feet of a street line or lot line. Any parking and loading provided on private property shall be paved, stripped, contain landscaping and

screening as required in Chapter 415, Article III, Section 415.060.

Staff Comments - Zoning: The proposed structure meets the intent of the MS1 zoning district in that the proposed structure will be positioned to sit at the sidewalk along Johnson Drive and Nall Avenue. This will provide an interaction with the sidewalk and streetscape, complimenting the pedestrian oriented design of the Johnson Drive corridor. The height of the proposed structure is in keeping with the pedestrian scale for this area. The intended use is retail on the ground floor with a possible second floor for office or residential uses. Parking would be limited to on-street parking with four (4) off-street parking spaces on site at the rear of the building.

The proposed twenty-eight (28) foot height of the building is within the height limitation of the MS1 zoning district and will provide a “human scale” to the building while complimenting the height and massing of other buildings in the area. Though the building may not actually be two stories, the vertical and horizontal lines with widows below and above the main horizontal beam provide the look of a two-story building.

Ten (10) on street parking stalls will be provided, three (3) on Johnson Drive and seven (7) on Nall Avenue. Four (4) on-street parking spaces in front of the property along Johnson Drive already exist. Four (4) off-street parking spaces will be provided at the rear of the building. Requirements of Chapter 415 for off-street parking landscape are not applicable here given that there is less than 25 parking spaces.

	Permitted	Proposed
Building Height	3 Stories or 45 Feet	2 Stories / 28.8 Feet
Front Setback	Zero Build Line (ROW)	Zero Build Line
Side Yard Setback	Zero Build Line (ROW)	Zero Build Line
Rear Yard Setback	None	32 Feet

Because of the site’s use as a dry cleaner it may be a possible brownfield due to contaminants from the dry cleaning process. A Phase I Environmental Site Assessment will need to be completed and report submitted with the Final Site Development Plan.

East Gateway Overlay District.

The property falls within the East Gateway Overlay District. The overlay district generally prohibits any automotive related uses including sale or repair of vehicles. Though a specific tenant for this building has not yet been identified, the design of the proposed structure does not lend itself to such uses. Structures built in the East Gateway Overlay District must conform to the principles of the Johnson Drive Guidelines, please see below.

Johnson Drive Design Guidelines

The Johnson Drive Design Guidelines provide a wide range of recommended and required design elements applicable to the development. These include streetscaping and the relationship of buildings and their exterior facades to public streets as well as building materials and screening. Many of these details are not required at the time of preliminary site development plan review, but will be fully evaluated with the final site

development plan.

Staff Comments - Johnson Drive Design Guidelines: The proposed structure is shown filling in the corner at the intersection of two public streets, with a small amount of parking behind the structure. Sidewalk width has been identified as eight (8) feet, which is in keeping with the design guidelines and Johnson Drive infrastructure improvements in place already. Room is limited for trees and other landscape elements that are called out in the Johnson Drive guidelines. Landscaping can be provided with planter boxes strategically placed around the building.

A more modern architectural theme is proposed for the structure with strong horizontal and vertical lines that partition the two street facades of the buildings. Inset, full-length windows are proposed on both facades providing views into the building and allowing for a visual interplay between the interior of the building and the streetscape. The entrance to the structure will be at the corner of Johnson Drive and Nall Avenue providing a focal point at the intersection. An inset courtyard is proposed along the Nall Avenue side of the building, which will further enhance the pedestrian orientation of the building and provide for activity along the sidewalk. The proposed building materials and architectural style are reflected in the design sketch shown on page seven of the applicant's submittal. A beige brick is proposed for the facade.

Specific details of design elements and compliance with Johnson Drive Design Guidelines will be reviewed at the time of final site development plan submittal.

On Site/Off-Site Public Improvements

The owner is responsible for installation of on-street parking and streetscaping (sidewalk, street trees, benches, bike racks, street lights, etc) around the perimeter of the development. Off-site improvements identified in review of the final traffic and stormwater studies will also be the responsibility of the owner.

Staff Notes - Public Improvements: A minimum 8-foot wide sidewalk clear zone along Johnson Drive and Nall Avenue has been provided. Space for any streetscape amenity zone (street trees, tree wells, street lights, signage, etc.) is limited to the area immediately at the intersection of Johnson Drive and Nall Avenue. Additional details are needed with the final site development plan to ensure the Johnson Drive frontage provides adequate sidewalk dimensions and a comfortable pedestrian environment for a successful retail and walking atmosphere. Street right-of-way dedication will be required with the final site development plan and plat.

An existing fire hydrant along Nall Avenue, in front of the building, is proposed to be relocated to the north within acceptable standards provided by the Consolidated Fire District #2 and Johnson County Water One.

The existing alleyway behind the building is approximately twelve (12) feet wide. The applicant is proposing to widen this alley to approximately twenty-five (25) feet. The brush that currently exists in this area will need to be cleared away, and an access agreement with the property owners to the east completed in order to accomplish this.

Evidence of the access agreement will be required at the time the building permit is issued. A privacy fence along the back of the alley where the property adjoins a residential property will also be required.

A sanitary sewer line currently exists to the west of the property within the Nall Avenue right-of-way. It is proposed that this development will connect to this line with the appropriate permits from Johnson County Wastewater.

A detailed site survey will be required with the final site development plan showing all dimensions of the site, utilities and easements, and proposed improvements.

Signs

As a mixed-use development, the subject property is encouraged to establish a private sign criteria as an alternative to the specific sign requirements of this district.

Staff Notes-Signs: The city's sign code indicates criteria shall be for the purpose of ensuring harmony and visual quality throughout the development. The size, colors, materials, styles of lettering, appearance of logos, types of illumination and location of signs must be set out in such criteria. Signs may wait to be addressed in this manner until the final site development plan is submitted.

Stormwater Management

The Manual of Best Management Practices (BMP) for Stormwater Control, developed by the Kansas City chapter of the American Public Works Association, suggests regional stormwater management goals and, in conjunction with APWA Section 5600, provides a package of technical tools for meeting these goals and NPDES Phase II requirements. The stormwater management goals address both water quantity and water quality. A basic goal for any new development is to maintain or improve pre-development peak flows, runoff volumes and water quality. In other words, development should not increase the velocity or quantity of runoff, or the amount of pollutants leaving the site.

Staff Notes- Stormwater: The subject property generally drains southeasterly. There is an existing storm sewer along Johnson Drive. There is currently a storm sewer inlet in front of the property along Johnson Drive. The amount of overall impervious surface that is currently present will change little with the proposed development. A stormwater study will need to be completed, and final design plans will need to indicate proper storm water management in accordance with the BMP.

Sustainable design and construction practices

The Mission Sustainability Commission has developed a rating and certification system for development projects.

Staff Notes - Sustainability: The proposed plans will need to be reviewed by the Sustainability Commission and a final scoring completed prior to the Planning Commission's consideration of the final site development plan.

Code Review: Consideration of Site Plans (440.160)

Site plans shall be approved upon determination of the following criteria:

1. The site is capable of accommodating the building(s), parking areas and drives with appropriate open space.

The site is capable of accommodating the proposed structure, parking areas, and drives.

2. The plan provides for safe and easy ingress, egress and internal traffic circulation.

There is adequate space on the site to allow for circulation of residents, customers, and the public with no impact to traffic on adjacent public streets. A traffic/trip generation study will need to be submitted for review at the time of the final site development plan.

3. The plan is consistent with good land planning and site engineering design principles.

The proposed project is in preliminary conformance with the Johnson Drive design guidelines for building placement and massing.

4. An appropriate degree of harmony will prevail between the architectural quality of the proposed building(s) and the surrounding neighborhood.

The proposed project is subject to the design guidelines for the Johnson Drive corridor, which will ensure architectural harmony as the final site plan is prepared. The design concept expressed at preliminary site plan indicates a modern style architecture with brick facade, which is complimentary with other buildings in the area and conforms with the design guidelines.

5. The plan represents an overall development pattern that is consistent with the Comprehensive Plan and other adopted planning policies.

The proposed mixed use building is consistent with the intent of the Comprehensive Plan to encourage greater density and mix of uses in the East Gateway District.

6. Right-of-way for any abutting thoroughfare has been dedicated pursuant to the provisions of Chapter 455.

Any required right-of-way changes for this site to accommodate such things as public sidewalks and on-street parking will be addressed with the final site development plan preparation of a revised final plat.

Staff Recommendation

The proposed development conforms with the Comprehensive plan, meets the overall intent of the "MS1" zoning district, and complies with the required findings for Section 405.090 and 440.160. Therefore, Staff recommends the Planning Commission recommend approval of the Preliminary Site Development Plan for Case # 18-09 - 5438 Johnson Drive to the City Council with the following stipulations:

1. Detailed site survey will be required with the final site development plan indicating site dimensions; building dimensions; on-street and off-street parking dimensions; dimensions of interior traffic ways; sidewalk width; placement and dimensions for all off-site, public improvements, landscape and streetscape improvements; and dedication of public-right-of way.
2. Detailed building drawings will be required with the final site development plan indicating dimensions, number of stories, materials, and finishings.
3. Private sign criteria plan will be required with the final site development plan.
4. A final traffic study and final stormwater drainage design plan must be submitted for review with the final site development plan. The appropriate text, maps, drawings and tables must be included.
5. Staff reserves the right to provide additional comments or stipulations on development plans until all traffic or storm drainage related concerns have been addressed.
6. A Phase I Environmental Site Assessment will need to be completed and report submitted with the Final Site Development Plan.

Planning Commission Recommendation

The Planning Commission held a public hearing at its regular meeting on August 27, 2018 to take comment on this application. At the conclusion of the public hearing, and upon due consideration, the Planning Commission voted 9-0 to recommend to the City Council approval of the Preliminary Site Development Plan for Case # 18-09 - 5438 Johnson Drive to the City Council with the following stipulations:

1. Detailed site survey will be required with the final site development plan indicating site dimensions; building dimensions; on-street and off-street parking dimensions; dimensions of interior traffic ways; sidewalk width; placement and dimensions for all off-site, public improvements, landscape and streetscape improvements; and dedication of public-right-of way.
2. Detailed building drawings will be required with the final site development plan indicating dimensions, number of stories, materials, and finishings.
3. Private sign criteria plan will be required with the final site development plan.
4. A final traffic study and final stormwater drainage design plan must be submitted for review with the final site development plan. The appropriate text, maps, drawings and tables must be included.
5. Staff reserves the right to provide additional comments or stipulations on

development plans until all traffic or storm drainage related concerns have been addressed.

6. A Phase I Environmental Site Assessment and required subsequent assessments will need to be completed and report submitted with the Final Site Development Plan. Environmental assessments must include investigation and complete site history of all land uses of this site, including operation as a gasoline filling station.

City Council Action

Based on a miscommunication at the September 19, 2018 City Council meeting, the wrong recommendation from the Planning Commission was presented and approved. The City Council will have an opportunity at the October 17, 2018 City Council meeting to reconsider the motion as originally recommended by the Planning Commission.