

# CITY OF MISSION PLANNING COMMISSION

## AGENDA

**September 28, 2020**

**7:00 PM**

### **Virtual Through Zoom**

1. Call to Order
2. Approval of Minutes from the August 24, 2020 Meeting
3. New Business
  - A. Case # 20-05 Non-Conforming Situation Permit - 5959 Broadmoor Street

An application for a Non-Conforming Situation Permit located at 5959 Broadmoor Street.

    - a. Staff Report
    - b. Letter from the applicant
4. Old Business
5. PC Comments
6. Staff Updates
  - a. Comprehensive Plan Virtual Public Workshop- October 1 at 6:30pm  
*You are invited to the Virtual Public Workshop on Thursday, October 1 at 6:30pm. Advise the City on priorities, opportunities, areas of concern, and future direction. Your input will shape the City's new Comprehensive Plan, which will guide the future of development, transportation, and housing in Mission.*  
*This workshop will be online due to the COVID-19 pandemic. Instructions for accessing the meeting will be posted on the City's website on the day of the meeting.*

Questions concerning this meeting may be addressed to staff contact,  
Kaitlyn Service at (913) 676-8366 or [kservice@missionks.org](mailto:kservice@missionks.org).

**MINUTES OF THE PLANNING COMMISSION MEETING**  
**AUGUST 24, 2020**

**Virtual Through Zoom**

**DRAFT**

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:01 PM Monday, August 24, 2020. Members also present: Brad Davidson, Frank Bruce, Jordon McGee, Burton Taylor, Stuart Braden, Robin Dukelow, and Pete Christiansen. Charlie Troppito was absent. Also in attendance: Brian Scott, Assistant City Administrator, Kaitlyn Service, Community Development Planner, and Audrey McClanahan, Secretary to the Planning Commission.

Chairman Lee: It is 7:01, so we'll call the meeting to order. Because of the COVID-19 social distancing recommendations our meeting tonight is being held virtually, via Zoom. Commissioners, staff and the applicant are all joining remotely. The meeting is being recorded. The public is invited to participate by using the instructions include in the Planning Commission calendar item listed on the front page of missionks.org. Public participants will be allowed to make public comments through the comments feature. Please note that comments are visible by all participants. If you wish to make a public comment, please state your name and the city of residence for the record. Please be conscientious of others trying to speak and speak slowly and clearly. If I need to confirm something that may have been difficult to hear, I will ask for clarification. With that, we will start the meeting.

**New Business**

**Case #20-02 Case # 20-03 Preliminary Development Plan - 5399 Martway Street -  
Lot 3 and 4 of the Mission Martway Plat**

Chair Lee: We will first hear a presentation from the applicant, followed by a presentation from staff. We will then open up the meeting to comments from parties interested in that. We would ask that you state your name for the record and be clear and concise in your speaking. It is difficult to hear. I may restate your comment for clarification. You will be allowed only once until everyone has been heard, and then may ask to speak again if you have a follow-up comment. Those wishing to make a comment may also use the chat feature at the bottom of the screen. Again, please identify yourself with your full name, your written comment, and we will enter all of these comments into the record. With that being said, Case 20 [inaudible] Preliminary Development Plan, is the applicant here?

Comm. Dukelow: Mr. Chairman, point of order. Do we want to approve the minutes from the July 27<sup>th</sup> meeting prior to the presentation?

Chairman Lee: Can we do it as item number two, Brian?

Mr. Scott: We can do it now, or we can do it afterwards. It's up to you.

Comm. Dukelow: Thank you.

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Mr. Scott: Kaitlyn, do you have your PowerPoint that you want to bring up?

Ms. Service: Yes, I'm pulling it up now.

Mr. Scott: So, just as a way of background before we hand it off to the applicant, of course, as the Chair stated, the application that we're hearing tonight is Mission Bowl Apartments, LLC, which is a development corporation created by the Sunflower Development Group, based here in Kansas City. They have developed quite a few apartment complexes in the Kansas City area, and throughout the Midwest in the past decade or so. They recently placed a contract to purchase the former Mission Bowl site at 5539 Martway, and they approached the City about developing this site back in February or March, right at the very beginning of all this COVID-19 pandemic. Once we got through the stay-in-place order and things started opening up again, we decided the best approach with this application would to first have a neighborhood meeting. We provided an opportunity for those that live within 400 feet of that site, the former Mission Bowl site, to participate in a Zoom meeting on June 15<sup>th</sup>, 2020, for the applicant to give a brief presentation on the proposed project and just to field questions from residents or other interested parties. That took place on June 15<sup>th</sup>. Subsequently thereafter, the applicant submitted the preliminary development plan. We went through this, gave comments back to them, and they came back with an updated version of that, based on staff comments. We then mailed public notices. We're required by state statute to mail a certified letter to those property owners within 200 feet of the site, so we did that, as well as a courtesy letter to those property owners that were the next 200 feet, so trying to incorporate that original 400 feet and give everybody a chance to be notified about this meeting tonight.

So, here we are tonight. We're at the Planning Commission meeting. After this, we will tentatively go to the City Council meeting in either September or October. I think we have a date here of September 16<sup>th</sup>, but we will give notice of when that meeting will be. It's either September or October. So, with that, Banks Floodman from Sunflower Development Group and his architect are here tonight, and we're going to hand it off to them. I know they've got a little bit of a presentation about their project, some additional information, so we'll do that. Can you share the screen, Kaitlyn?

*Banks Floodman, Sunflower Development Group, appeared before the Planning Commission via Zoom and made the following comments:*

Mr. Floodman: Well, first and foremost, thank you everybody. Thank you, Brian. Thank you, Kaitlyn, for all your help navigating the process and the feedback throughout the process so far. I appreciate the Planning Department and other neighbors, constituents throughout the development site and look forward to telling you a little bit about the development and kind of walk through where we're at and why we're here, and then open it up for a little Q&A at the end, if that works for everybody. Connor, I might have you lead at least the PowerPoint, so Kaitlyn, if we can give Connor control over that PowerPoint.

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Ms. Service: Actually, Audrey, I think as the primary host, you would have to be the one to make Connor a co-host, and his screen name is ctreanor.

Ms. McClanahan: Okay. It should be coming through right now for you.

Mr. Treanor: Okay, I believe I'm sharing.

Mr. Floodman: So, I think the best place might be to actually start, Connor, on slide four, because I can navigate some of the changes that have taken place and that does a good job of talking through the site plan. Okay. So, what we have here, everybody very familiar with the Mission Bowl site. This site specifically will be a little over 3.15 acres. Connor can point out some of the restrictions on the site, but some of the big things that we worked through early in the process, and a lot of the feedback we received, was regarding the area over to the west there, where you see a dog park. Initially, that was going to be surface parking. Based on some of the information we received, it was important to implement and integrate some sort of green space. We think that's important, not only just for the development itself, but for the neighborhood, for the Rock Creek Trail. We feel like it does a very, very effective job of really creating a nice overall walkability that I know Mission has been working hard to achieve.

So that was one little area that we wanted to do some programming in. Our plans right now, would be to restrict the use to certain times of the day for the residents, this facility, but what we would do is monitor it with a camera, because what we don't want is individuals to utilize it and destroy the dog park, so we would be very cautious with ensuring that individuals are picking up after themselves and utilizing the park in the correct manner. It is not an overly large park where you can just let dogs run free for hours. It would be about a 5,000 square foot park, but regardless, it's a nice area for individuals utilizing the trail to let their dogs at least run around for a little bit and continue on their walk or run.

The second area that we've really tried to focus on is...the balance that we were trying to work through is the fact that...Two things, we are extremely concerned right now, for the foreseeable future and really long-term, with the retail and office space; especially on this space, given it is a block off of Johnson Drive. We're concerned about it for a variety of reasons, for one I can give you numerous comps for mixed use projects that currently have vacancies in their office or retail, but I think the most important thing is the fact that there are vacancies in both asset classes already.

In Mission, we've got a 124,000 square foot office building and retail shops across the street, and we felt like the priority of this development should really be driving individuals that live here to do two things – spend their money in Mission. Hopefully, when they do move out of this apartment building, they will want to call Mission home, and create the walkability that we're looking for, and office, and utilize the existing options in Mission. We didn't want to compete with that. We wanted to complement that. We felt like adding

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residents to the community will enable that to happen. The other thing that, really, from an economic perspective is – and I think you’re going to see a little bit of a decrease over the next few years here of office and retail rents – is the fact that you can get an office or retail use across the street for \$8 to \$12 a foot, while a new, first generation space, that’s going to be much higher than that. That’s probably going to be closer to the \$25 to \$30 a foot. Putting product online at, I think would be an inferior location at a higher rate just didn’t set the project up for success.

The second component, without a doubt, is the fact that there is a deed restriction on the site as well that doesn’t allow office or retail use. The reason I mentioned what I mentioned initially is because if we felt strongly that this was a fantastic retail or office site, we would have fought that deed restriction with the current owner, but we didn’t feel like that was necessary.

What Connor can point out here is these live-work unit concepts that we feel are going to be an absolute hit and are excited to talk through with everybody, we’re starting to see more and more of this happening. What these are, it is a residential unit. That does a great job right there of describing these units. There were two priorities with this unit. Need is number one, and b, we wanted to make sure that we did our best to follow the planning guidelines and really engaging Martway and creating that walkability that I know everybody is looking for.

How these units are structured is you’ll have your workspace, which will be below here, and then you walk up and have a separate one-bedroom unit that will actually be above your workspace. What I think is so neat about this is, for individuals utilizing it for the office space, you will be able to have clients, colleagues, etc., enter and exit the building from Martway, from the exterior, and then you’ll be able to go up to your unit, and you would actually exit your unit on the second floor into the corridor of the building. So, you could access all the amenity areas, etc., from that way. I think this does a very good job of filling, like I said, that really engaging Martway, and also we think it’s going to fill a demand, because we – and I’m sure you guys feel the same way – you’re going to see more and more people, we believe, probably working from home, not traveling as much, and this gives that individual an opportunity to feel like they have the flexibility to work from home, but actually have a place where they can go focus and invite colleagues and clients over and host them. This is the live/work concept. Each one of these areas is going to be about 625 square feet. Connor, I think that’s still the right number?

Mr. Treanor: Yes.

Mr. Floodman: While we’re on this topic, does anybody have any specific questions about this portion of the facility, specifically? Okay, Connor, if you want to go back to that site plan, I’ll talk a little bit more about that. A couple of other things that we’re working through on this site. Connor can point out the sanitary sewer easement that we have on our site that we’re going to have to actually move. We’re going to move, so actually right at where

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it says, "Total Parking, 197 Spaces," we'll move it so it goes east right there, and then it will go north and connect back into Martway. Initially, we did explore the ability to keep it where it's at and have 15-foot clearance with our podium to give any utility workers access. They didn't feel like that was appropriate, so moving it ended up ultimately being the solution for that. We also have a cell tower that's on the site that has an access easement, so we want to be able to ensure that individuals that are repairing that can access that site 24 hours a day. That site is totally separate from this site. It's not leased. It is a different ownership that does have that site. So, keeping that easement in place was very important.

The final area we were working around is the Johnson County Wastewater site. We wanted to make sure that we continued to give that access just to the west of our building, right there where Connor is pointing out, so that Johnson County Wastewater will be able to continue to access their site. We have been talking with them quite a bit about flow counts and some of those other things to ensure that we're hitting the right numbers in that easement and access was imperative. I know Connor has also worked with the Fire Marshall in communicating the 15-foot clearance, just to ensure that that was meeting the criteria necessary for the Fire Marshall. We do feel confident in that, as well, right now.

Our plans, as much as this does have a little bit of an urban feel to it, we understand the importance of vehicles and the fact that there are still a lot of people that do use vehicles. That being said, we do show parking currently at one per bed, although with all that being said, I really anticipate that over time we've got a great transit center just to the northeast of the site that would really start to get utilized more and more as this area develops. So, I think that that would end up being a long-term huge benefit for this development and would get more and more use as time goes on.

I just wanted give everybody a little bit of context of the site plan and how we ended up with it the way that we did. It is important that we want to keep the parking as hidden from Martway as possible. That's why you'll notice everything is parked behind the building and within the Executive Under Podium Parking that is within the building. We also are showing just a few, but I think it ends up being close to 27, Connor, that would be detached parking garages there on the south side of that sight. That really ends up being storage. We think a lot of people on this site will have bikes, but also a little bit of a buffer between us and the lift station there to the south. So just jumping back to that first slide, Connor, maybe we could start out talking a little bit about the façade and some of your inspirations. I mention the site and the size. Overall density, we're looking at right at about 164 units. That unit count has ranged anywhere from 161 to 168, so that may vary just a tad bit as we work through the architectural process. I'll let Connor weight in now on some of his inspirations regarding some of the façade and look of the building.

Mr. Treanor: Thanks for that intro, Banks. At our last neighborhood meeting, we really described all the architectural context around the building and where we drew inspiration. Really, all of the Mission and West Plaza area. I'm happy to go more into that for anybody

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that wants it. There were some things that we didn't do as well as we probably could have. The first pass at this, so we wanted to let the City and the residents know that we were listening to some of their concerns. I think we've addressed a lot of them here.

The first big one Banks touched on, Banks described very thoroughly is the live-work units, and that's sort of this volume that's projecting from the front of the building on Martway. This is really the first setback of the building. We have some semi-private areas outside the live-work units, right next to the public. Those are here. That's something we pulled from the Mission Design Guidelines in the West Gateway Development Plan. That's kind of the first large architectural move, some of the program of the building expressing itself on the façade.

Then, here's another section. This is the architectural section that a lot of people don't understand, so we kind of put this into a 3D view here as well. You can see that we're not only setting back from the second level up, but we do it again on the top level. That's just to break down the mass of the building a little bit on Martway, because it was really important in the Design Guidelines, and it works well with the planning. We had to rearrange some of the units, and we're going to do that, and put a lot of the two bedrooms up on the second floor, just the nature of how a studio or a one-bedroom layout compared to a two-bedroom allowed us to do that. That's all the section and plan of this stuff.

This is another slide that we used in our first presentation, but we've updated now. What we're seeing here is two sections through the site. You're basically taking a knife or a saw and cutting all the way through the site. What we're seeing here on the very left-hand side of the page is Johnson Drive. The elevation, the topography, changes slightly. Next is Mission Mart with the Security Bank tower in the background, the Mission Mart Shopping Center. Martway is at this part of the section, and then our new building. We're taking two sections of this building. This one is cutting through this leg of the building, and all the way through the site as it continues to the south. You're seeing the longitudinal portion of the building. What this red line is pointing out is that there's the house that's the closest to that tail end of the building, a two-story house, and the roof of that house is actually just barely higher than the roof of our building. We used information from Johnson County's database and GIS systems for the topography here, so we're close within a couple feet here. I know it's not going to be completely exact but within a couple of feet. The roof of our building is right at that home level. What you're also seeing is the topography change here, from the creek behind the site, that really surrounds the site, all the way up into the neighborhood to the south and you see West 60<sup>th</sup> Terrace on the right side of the page. So we're looking from Johnson Drive on the left, all the way to West 60<sup>th</sup> Terrace on the right.

The bottom image, bottom section, is very much the same, except for we're cutting through this portion of the building. That's the majority of the site. The majority of the site, there's great separation from really all adjacent users. What's also important to point out here is these live-work units that are fronting Martway and really creating sort of a more

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vibrant streetscape than just an entire façade of Martway that's screened parking. We've got some really interesting and really nice screening for the parking, but we understand that we just don't want all parking fronting the street. We want to have some sort of vibrance to that use, so that's where those live-work units come in.

You guys don't care at this point a whole lot about the layout of the units in the building but we just thought we'd show it. We're spending a lot of time in making that fit right, but that's kind of what they look like.

Mr. Floodman: That unit matrix is important to point out that this facility would be predominantly studios and ones, and we would have a lower percentage of twos. If you counted the live-work units as twos, which maybe you could, then that would probably increase that two-bedroom percentage to closer to 20%, but that gives you an idea of the unit matrix that we're shooting for.

Mr. Treanor: Right, and there's a lot of information on this page, with unit sizes, mix and different varieties.

Mr. Floodman: Connor, that last slide that you have also does a really good job of showing the setbacks. It's the one looking to the west on Martway.

Mr. Treanor: This slide, I think does the best job of showing what the mass of this building looks like on Martway. You've got this sort of active storefront going on on the left. It's slightly screened, but still just a vibrant, some commercial activity there with the Mission Mart Shopping Center across the street. We don't have the rest of the city of Mission modeled her, but you can kind of see some of the topography rising there.

Then, these are just some pure architectural views of some of the things we've been working with here. The Mission Design Guidelines call for a lot of stone and hard surface materials – stone, brick, high-quality stucco, and that's some of the things we're starting to work into these preliminary views. This is an evolutionary process. This design will continue to evolve, but we feel we have a strong concept here and would like to work towards refining it.

[Unidentified speaker]: Could you show that third slide real quick?

Mr. Floodman: The aerial again. Actually, you can stay on that one for a second. One of the feedbacks we got from the neighborhood was the importance of that upper pool area, ensuring that that was screened properly. I think one thing that's very important to note is there was one concern about potential noise and people up on the pool deck late hours. There are going to be rules and regulations as far as acting appropriately on this area. This isn't going to be some wild area for individuals to do whatever they want to. There will be policies and procedures that we will implement that individuals that choose not to listen to will, unfortunately, not be able to live at this facility. That's one thing that I think



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is very important. But maybe just talk a little bit about the amenities here. If you go to that fourth slide, Connor, I can at least walk through the lobby area a little bit. The typical resident of this facility we would envision living in a one-bedroom unit, a young professional, or even someone that is recently an empty nester and just wants to live in a maintenance-free area, they are over the yard work – which I'm not at this phase in my life. I spend every Saturday doing way too much, but that's okay – but someone that's over that phase, and someone that wants to have a maintenance-free lifestyle with a lot of amenities and wants to travel to see kids, grandkids, etc., throughout the week and weekends. But, what we want people to be able to do is utilize all of the amenity areas, whether it's the laundry concierge we'll have; whether it's the bikes that will be able to be rented; whether it's the workstations that you can see here that individuals will be able to rent at any point in time, whether it's the coffee bar, waking up early on a Monday morning and grabbing a cup of coffee and reading the paper before you exit out the northwest double doors here to walk to your place of employment; whether it's a receptionist to greet you as you walk in; or whether it's the upper level, where individuals will be able to utilize the pool, fitness, or a game room area that we're going to have for people that can either host get togethers, watch hopefully more Superbowl's, or have colleagues over for a presentation. Those are all things that we would like to see accomplished in this, what we consider Class A multi-family project.

You can see there we've got a couple leasing offices, and then we also have a lot of package storage. Some of those things will even...Connor, you can point out the Paw Spa that we'll have with the dog park just adjacent to it that would be very, very important. We anticipate a lot of residents here would have animals and dogs that they would be taking out to that park frequently.

That, I think sums up the presentation and the project as a whole. We're happy to answer any questions that anybody may have. Brian, I'll kick it back to you and Kaitlyn and go from there.

Mr. Scott: All right. Thanks, Banks. I think at this point we'll hand it off to Kaitlyn and let her present the staff report. If you're so inclined, we can open it up for questions after that.

Ms. Service: All right. This aerial shows the two properties included in the proposal. It's the two lots located near the southeast corner of Nall Avenue and Martway Street, the site of the former Mission Bowl bowling alley and miniature golf course. Most people are familiar that the structure was severely damaged by a fire in 2015, making it unsafe for future use. Currently, north of the building there is the Mission Mart Shopping. We have the Ride KC Mission Transit Center, the Security Bank of Kansas City. On the east and west sides of the property there are two overflow parking lots, one with the Security Bank and one for the Peanut or Mission Mart, and then to the south there is the Johnson County Wastewater facility, the Rock Creek and then the single family residential houses along 60<sup>th</sup> Terrace and these cul-de-sacs here.

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Additionally, through this landlocked parcel here, the cell tower is surrounded by the subject, but not included in the proposal. As Banks and Connor were describing, a preliminary development plan application has been submitted, requesting approval of the five-story apartment building containing approximately 164 units on what will be a 3.15-acre property. The property is studied by four of the City's Master Plans listed here – The Comprehensive Land Use Plan, the Rock Creek Redevelopment Plan, the East Gateway Redevelopment Plan, and Smart Moves 3.0 Regional Transit Plan. I'll walk through these and get an understanding of what the community's vision is for this area.

The Comprehensive Land use plan designates the site as a future mixed-use medium density development. Mostly consists of medium density, residential housing such as apartments. Additional uses include live-work spaces, offices and limited retail stores. The Plan envisions a pedestrian-friendly area with Floor Area Ratios of 1.0 to 3.0. Additionally, this neighborhood is intended to serve as a transition zone between low-density, residential neighborhoods and areas of higher intensity development. The proposed project is an apartment building with live-work spaces and a leasing office and a Floor Area Ratio of 1.05. Multi-family housing at this location would serve as a transition zone between the existing single-family residences to the south and higher intensity uses at the Mission Mart and Security Bank to the north, so it is in conformance with the intent of the Comprehensive Plan.

The Rock Creek Redevelopment Plan notes that the Mission Bowl property provides a lot of redevelopment opportunity, since right now it's mostly just covered by surface parking lots. The plan really emphasizes the need for the strongly defined public realm, which is pictured here, current and proposed. The Rock Creek Trail borders the property on the north side, so when we were meeting with the applicant we really emphasize that, rather than having this feeling of walking on this wide sidewalk like it is currently, we really needed a linear park experience along the trail, rather than that feeling of simply walking on a wide sidewalk, so the linear park features proposed for the trail include shade trees, landscaping, benches, planters, bicycle racks, and two pocket parks that are proposed to align with the City's vision of an activated street.

Additionally, contributing to the public realm feeling is going to be the adjacent building. To aim for that vibrant pedestrian experience, Connor and Banks just described a lot of it, but really along Martway wanting to engage that pedestrian by devoting 75 percent of that street frontage to those occupiable live-work spaces, leasing office, and resident clubhouse amenities. The first floor of the building façade kind of mimics that storefront appearance by incorporating a large expanse of glass, reinforcing that sense of safety to the pedestrian, reinforcing pedestrian activity. There are little first-floor patios that serve as these outdoor living rooms, encourage direct or indirect social interaction and foster that community connectedness. The proposed building is oriented to Martway Street, so built up to the property line. The Parking would all be behind the building and the interior of the lot. So really, with the public realm concept we're thinking about the experience of

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someone walking along the trail. What would make this a vibrant and exciting experience for them?

The Plan also emphasizes great infrastructure principles. So, acknowledging that when original development came in, it paved over the native plant materials with concrete increasing flooding potential. This put pressure on the City's stormwater infrastructure. The plan calls for redevelopment that includes less impervious surfaces, so the proposed site improvements would decrease the amount of impervious area by converting about a half-acre of current impervious surface to landscaping and recreational open space, such as that linear trail park and then the two pocket parks proposed. The reduction of impervious area would reduce peak stormwater runoff, which reduce flood risk, decreases water pollution, and it decreases the volume of water that has to be handled by the City's stormwater infrastructure.

Secondly, the Plan emphasizes water quality. The Open Space is expected to provide that water quality benefit, but additionally, the structural stormwater BMP treatment is proposed to improve stormwater quality. These structural BMPs are engineered to manage stormwater for water quality.

Third, the pedestrian friendly environment, incorporating landscaping, native trees, shrubs and plantings, a sustainable way to create that aesthetically pleasing pedestrian environment, provide shade and try to reduce heat island effects.

The East Gateway Redevelopment Plan, the future land use map designated the Mission Bowl Property as future mixed use. Overall, the plan calls for higher density mixed use development, urban housing options.

Smart Moves 3.0 is the Kansas City region's long-range plan for transit and mobility. This is a project of the Mid-America Regional Council and the agencies that provide transit to Mission residents and employees, people who come here to work. It includes recommendations that the City can consider if they want to support healthy transit in the community. The Mission Transit Center right across the street from the proposed development is designated as a mobility hub by this plan. It acts as a converging point for public transit. Mobility hubs are also areas where there's this intensive concentration of working, living, shopping, recreation.

The Plan includes some recommendations for surrounding those mobility hubs, such as the Mission Transit Center and recommends that cities consider density and mixed uses near mobility hubs. It also recommends affordable and multi housing options near mobility hubs. It cautions against providing an excessive amount of vehicle parking. If you pave an area and dedicate to vehicle storage, you want to make sure that that parking space is actually needed by the amount of cars that are anticipated to actually park on the site. It also recommends bicycle parking for residents and employees. The proposed apartment building, as Banks and Connor mentioned, would include temporary outdoor

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bicycle parking, long-term and indoor bicycle storage, and a bicycle repair station for residents.

Lastly, the Plan suggests considering how well the site integrates with different options. With the Mission Transit Center across the street, with the Rock Creek Trail, it's proximity to the walkable downtown, this site is pretty well connected to bicycle, pedestrian and transit facilities.

Moving more into the zoning code review, the properties are in the Main Street 2 district, which is intended to provide development that's consistent with the existing character surrounding the core downtown Mission. The District encourages an active streetscape with pedestrian friendly shopping environment and restricted auto-oriented uses. It also intends to support the businesses in the downtown area by encouraging residential and office uses in the area, bringing people into the area [distortion] businesses.

In general, the zoning code includes regulations on permitted uses, height, area, parking, the applicant [distortion]. The Main Street 2 district [distortion] encourage innovative, imaginative development that supports the vision of the community, development that exceeds the quality of projects that would be developed under the conventional zoning. So, these planned zoning districts include that flexibility for deviations from the conventional Main Street 2 development standards, if the deviations would result in development of greater quality [distortion, 40 seconds] ...and the uncertainty of that, so the application desires to support the existing downtown businesses rather than compete with them.

Mr. Scott: You were breaking up a little bit there. Could you repeat that slide?

Ms. Service: Yes, I can call in on my phone. [discussion of technical issue] I'm using my computer audio currently. Brian, is this a good place to start, or should I go back a slide?

Mr. Scott: I think just start right there.

Ms. Service: The first deviation request is the permitted uses, so the conventional zoning allows residents that are part of a commercial or office building because the building is primarily residential without that traditional office or retail uses, it would require a deviation. The project narrative touched on this, and Banks also mentioned it, that with the existing retail and office environment, this proposal desire to support the existing downtown businesses rather than compete with them. When evaluating whether the proposed development would result in a higher quality project than one that [distortion] and we can consider what the four plans that we just reviewed tell us about this [distortion] plan envisions –

Mr. Scott: We're losing you again, a little bit.

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[paused for a break]

Ms. Service: Sorry about that, everyone. We were speaking about the proposed permitted use deviation. I don't know how much of this you heard, but eventually evaluating this deviation request by looking at some of the Master Plans for the City and understanding what they tell us about the goals for the area. One goal of the Main Street 2 District is to support businesses in the downtown area with residential uses. The Comprehensive Plan envisions that property will develop into a medium-density apartments with accessory live-work spaces. The Comprehensive Plan intends for the property to be a transition zone between the low density residential neighborhoods and areas of higher intensity development. Multi-family housing at this location would serve as that transition zone between single family residences to the south and the higher intensity uses at the Mission Mart and Security Bank to the north. Additionally, the proposed development implements design techniques from Johnson Drive Design Guidelines to mimic that pedestrian friendly experience of the mixed use development, so a leasing office, the resident work spaces, the business center, the live-work units are proposed for the ground floor behind a clear glass kind of storefront experience. As we spoke with the applicant about the community's desire to have that active pedestrian-friendly vibrant street, the live-work units were added to the project.

The live-work unit, as prior described, is a single unit consisting of both resident work space, which would be on the first floor behind the glass that you're seeing here, and that residential space about it. Both of these spaces would be occupied by the same tenant. It's kind of an old idea that's been modernized to meet the needs of entrepreneurs, small businesses and professionals. In the past, a live-work unit was often that the storekeeper lived about his or her shop, in the apartment above the shop, but this application proposes a more contemporary version of this. It's including about seven live-work units fronting on the Rock Creek Trail and Martway.

The next deviation requested is height and density. Under conventional zoning, the building would be allowed to be three stories or 45 feet in height, and it would allow approximately 111 units on the 3.15 acre property. The deviation requested is to allow the building to be up to five stories and 61 feet in height and allow up to 168 units on the property. Again, looking at what the community's plans tell us, the East Gateway Plan calls for higher density development and urban housing options. The Regional Transit Plan suggests density near the Mission Transit Center, and the Johnson Drive Design Guidelines offer some techniques to complement the proportion scale of the surrounding area. The building is designed to produce perceived height by dividing that building mass into smaller scale components and other elements are also included from the Design Guidelines to make it feel to the pedestrian a human scale.

Additionally, the Comprehensive Plan envisions the subject property would be that transition zone between, again, the higher intensity development to the north, the low density residential to the south. This shows the height within the area. The Security Bank

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Building is about 95 feet, the cell tower being about 160 feet. The proposed height of the building is about 58 to 61 feet, and these lower intensity uses over in the residential neighborhood, they are about 30 feet above the ground, is what this rendering is showing, and this is showing a two-story house on 60<sup>th</sup> Terrace and showing its alignment with what the building would look like if it were on the property.

Additionally, the Comprehensive Plan envisions medium density development with a floor area ratio of between 1.0 and 3.0. The application proposes a floor area ratio of 1.05, which is nearly the lowest density floor area ratio that would still conform to the Comprehensive Plan. Development on the lower end of this target FAR range has the least potential to be intrusive to adjacent residences. Additionally, the minimum floor area of 1.0 without the height deviation would require the building to cover more of the lot, as this graph is demonstrating here. This could leave insufficient room for other site elements, for example, parking. If the building covers more of the lot a deviation for parking would likely be necessary to achieve that target floor area ratio that the Comprehensive Plan is looking for. The same concept is applied to parks, open space, landscaping. Without that height deviation, these elements might not be able to be included in the proposal. That might have additional stormwater management impacts and with more lot coverage it would also bring the building closer to the back of the lot. Right now it's mostly fronted on Martway Street, but with more lot coverage to achieve that floor area ratio, it would get closer and closer to the flood plain, Rock Creek and the residences to the south of the property. That is the end of the deviations that are requested by the development application. The remainder of the elements show preliminary compliance with the sections of the zoning codes that are applicable.

With the application a traffic impact study was submitted. An engineering firm completed the traffic impact study on behalf of the applicant. Traffic engineers from GBA reviewed the traffic impact study on behalf of the City. GBA is here today at the meeting, if any questions pop up. The purpose of the traffic study was to assess the impact of the proposed development on the surrounding transportation systems. It was found that all intersections are projected to operate at an acceptable level of service and that capacity improvements are not necessary to mitigate development traffic to the street network. GBA noted that, in some instances, residential development might create less traffic demand than the former land uses on the site, particularly on evenings and weekends.

A stormwater report was also submitted with the application. An engineer prepared that on behalf of the applicant and GBA Engineering reviewed that stormwater study on behalf of the City. Amy is here today if any specific questions pop up. The stormwater report concluded that proposed improvements would reduce the impervious area to the site. Consequently, the peak runoff from the site would be reduced, so a waiver of detention requirements was deemed appropriate, since no additional impervious surfaces are proposed, stormwater BMP treatments are proposed to provide a level of service of 1.88. The installation of private storm systems to route stormwater throughout the site is

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recommended. There are some elements of the stormwater report that will continue to be worked on in drafting the final development plan application, so more to come on that.

Overall, based on the findings of the studies and consistency with the City's Master Plan and intent of the City Code, staff recommends that the Planning Commission forward the application on to the City Council with the recommendation of approval, with the conditions listed in the staff report. With that, Mike, I'll pass it on back to you for either further discussion or to open the public hearing.

[technical difficulties]

[Unidentified Speaker]: I have a question and a comment.

Jim Alexander, 5200 West 60<sup>th</sup> Terrace, appeared before the Board via Zoom and made the following comments:

Mr. Alexander: I can see the bowling alley from my house. Number one, my comment is that I've lived here for 22 years. My questions – and just to break the ice a little bit – is to Connor Treanor, and I'd like to know if his dad went to KU. Because I think, just to break the ice a little bit, Connor, was your dad...? We used to call him Nor [phonetic], but was he a dog trainer?

Mr. Treanor: No Bob's my uncle, but I know of the nickname Nor [phonetic]. My dad is Mike.

Mr. Alexander: Okay. That's all I got. Thank you.

Mr. Treanor: Thanks, Jim.

Mr. Alexander: Tell him "hi" for me.

Mr. Treanor: I will.

Chair Lee: Anyone else who would like to speak?

[Unidentified Speaker]: Mr. Chairman, I do have a question for the applicant.

Chair Lee: Yes, go ahead.

[Unidentified Speaker]: Two of the stipulations that the City is presenting in regards to the live-work units, do you guys have any concerns with any of those stipulations on the function of the building, or for just the long-term life of the building and how those units will be utilized?

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Mr. Floodman: I would have a concern if we flooded the market with probably 20 or 30 of these type units. I think we're mixing in a very tasteful number to limit that exposure. I think what you might see as some of these units turn into just a gathering space for friends and family when they're in town. So, I don't think we run the risk of that. There were some of the uses that I think were excluded that I was going to talk to Brian about, veterinarian is one of them. I do think that could be a potential use on this site for somebody that is, obviously, licensed. Outside of that, I'm not concerned, given the number and the size. These will be treated like residential units. I think people are very creative. They will find, whether they're entrepreneurs, work from home, travel, have friends and family come over. I think you're going to see a lot of people that find a very cool use for these spaces.

[Unidentified Speaker]: Thank you.

Mr. Floodman: You're welcome. Hopefully that answered your question.

Ms. McClanahan: I have Grant Glenn who would like to speak.

*Grant Glen, appeared before the Board and made the following comments:*

Mr. Glenn: Thank you. I addressed a letter to the Planning Commission. I'm not sure if that was distributed or not. I have two concerns. The first is that this building is a nice building, but there's a good reason why it ought to be three stories and should not have the deviation, although there's a lot made of the fact that the height of this building is the same height as Ben's house down the street, that ignores the fact that those top two stories look down into our back yards, and defeat our privacy. This is not an office building, where the people are basically there nine to five, five days a week. This is somebody invading our privacy in the evenings and every weekend. So, I think that's a strong concern that should not be glossed over.

Secondly, the Planning staff has failed to request a pedestrian study showing the increased pedestrian traffic that is likely to be on 60<sup>th</sup> Street and on Birch Street, because of the neighboring Birch Park that practically adjoins the dog park. I think it's very foreseeable that people with their pets will not stay on the walkway. They will deviate from the walkway. They will explore. They will change their route, and they will be on Birch Street and then on 60<sup>th</sup> Terrace, both of which do not have sidewalks. There was no pedestrian study or traffic study done for 60<sup>th</sup> Terrace with regard to the Gateway Project. So, when that project is completed, we have every reason to think there's going to be a lot more traffic on 60<sup>th</sup> Terrace, people cutting through between Nall and the Gateway Center, where the entrance number one to the Gateway Center is at the end of this street.

There was no study done at that time on what the traffic was going to increase, nor is there any study done at this time for the increased pedestrian traffic that this project that is designed to appeal to dogs and dog owners and dog walkers. We have a perfect storm where it's very foreseeable that we could have severe personal injury or worse, because no one has thought to do the study or find a way to protect everyone from this foreseeable



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hazard. I think, again, there needs to be study done on that, because it is a safety hazard as well as an invasion of the privacy of the neighbors.

Chair Lee: Thank you.

Ms. McClanahan: Next up we have Mr. Ben Chociejski.

*Ben Chociejski, appeared before the Board via Zoom and made the following comments:*

Mr. Chociejski: I'm the two-story house that's been referenced in the elevation and that was just mentioned as being roughly equal in height to the development. I basically want to summarize my position as saying that this is the kind of development that my wife and I are excited to move to this area for. We think there's a lot of future potential here in terms of a more walkable, revitalized sort of downtown Main Street area of Mission. I certainly welcome the vitality and the residents spending money at shops and restaurants around here and bringing demand for more retail and things. The Mission Mart filling in those vacant storefronts. We just see it as a very healthy potential development for the area. We certainly welcome the proposed height and density.

Again, we're just like Jim and others, very close to the site, right across the creek. In our backyard we can see the bowling alley as well. I think it's just a great development. I think it aligns with the vision and Comp Plan, as Kaitlyn was saying. I think the height deviation is appropriate for the topography, with the large drop-off that we have in the back, and I've been extremely pleased listening to Banks and talking to the City and emailing Banks with the detail and attention they've give to privacy and screening on that back side of that development. In short, we'd be happy to have this behind our house. We'd be happy to see it boost the economic activity in this area. I think it's the right thing for the site. It's not perfect, and I think we've gone through all those things, in terms of addressing just about everything that the developer could address with the deed restrictions and things and I think, all in all, have done a good job.

Ms. McClanahan: Thank you. Next up we have John Dougherty [phonetic], and again, if anybody else would like to participate, they are welcome to put their name in the chat box, and I will call you next. Mr. Dougherty, if you're ready, you can go ahead and unmute.

*John Dougherty, 6001 Rosewood, appeared before the Board via Zoom and made the following comments:*

Mr. Dougherty: Thank you. I'm pretty much straight behind, right where the sanitation station is, so my property is also very close to where the new building will be. First of all, I just want to say thanks for sharing all of this information. I definitely appreciate the openness and transparency and sharing all of this. I agree with Ben. I like the idea of development and economic impact and those kinds of things, but I also have to say I agree with Grant, too, and definitely the biggest concern for the existing residential folks that live nearby is just the potential of invasion of privacy, combined with a lot of the trees have already been taken out, for the Rock Creek development. I'm not sure what the

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status is of that, continuing on.

I still have a lot of trees that are straight behind my house, and in the summertime that provides a nice block of view and sound barrier, but in the wintertime, sound carries tremendously greater. I get lots of noise just from the Peanut, which is across the street from this development, just from people that are outside in the parking lot. I can imagine that the noise level has the potential of being even far worse with the apartment facility being right there. I appreciate what Banks told us about the rules and the things that they're going to try to put into place, but I would definitely want to see a lot of effort put into whatever the height ends of being, whatever the structure ends up being, that there's a lot of effort put into noise barrier, still providing as much privacy as possible. Like Grant said, people staring right into our backyards. We get that with a single neighbor, but now you're talking about dozens of people with a straight-line view right into your backyard. The extra light pollution, those kinds of things, I would want to see some real effort put into developing as much as can be done to protect against those kinds of intrusions. That's my thoughts.

Chair Lee: Thank you for those comment, John.

Ms. McClanahan: That is the last person we have on our chat wanting to talk. If there is anybody else, go ahead and put your name in the chat box, but right now I'm not seeing anything else. I think that is everyone.

Chair Lee: Very good. Does anyone wish to speak again? If not, then we will close that portion of the meeting and we will bring it back over to the panel for discussion. Who would like to start?

Commissioner Braden: Mr. Chair, I'd like to ask a question of the developer. I'm not for sure. I think maybe I did see it when I first looked I didn't see where the trash enclosure was going to be.

Mr. Floodman: Let's see if we can get that slide pulled back up for you here.

Commissioner Braden: I think I may have seen it a corner of the parking lot, but I didn't see it when I first went through.

Mr. Treanor: That's correct. It's kind of the parking lot and the southern portion of that "L," the interior corner of that "L."

Commissioner Braden: Right. Okay.

Commissioner McGee: I just have a question for the developer. [distortion] I notice that you have two other larger projects going on in the Kansas City Area – Brookside Commons and Uptown Lofts. Those are expected to be completed in 2021. Have you all had any delays due to COVID, and have you all been able to overcome in any special ways?

Mr. Floodman: You know, knock on wood, we have had not had delays. The construction industry in Kansas City has not slowed down. We've actually seen an uptick in people moving to Kansas City from a lot of the coast or more highly populated areas. I think the secret that Kansas City is a great place to raise a family and cost of living and quality of

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life are all really high, is getting out there. So, knock on wood, we have not seen delays. The Brookside project will be a 2022 completion. Uptown will be summer of 2021, and then this would be whenever we start 16 to 18 months. That does stagger and gives time to get through COVID. I know we're all dealing with unique times, so trying to predict the future, I wish, is very, very difficult, but overall from a construction perspective and from an excitement, upside perspective, as far as people calling Kansas City Home, we think that there is a lot of potential. Jordan, did that answer your question okay?

Commissioner McGee: It did, yes. Thank you.

Mr. Floodman: Okay. You're welcome.

Comm. Dukelow: Mr. Chairman, I have a couple of questions, if I may. My first question is for the developer, regarding the management of the property, will that be owned and managed by Sunflower Group?

Mr. Floodman: No. We have a partnership group that we outsource all management. One thing that we do require is management is always involved in the project. From a financial perspective. I think at times it's easy for companies to come in and manage a project when they don't have equity in something that takes place, so that will be a requirement from our management company. So, we will have a management company that is a partner on the deal, and actually it will be the same group that's doing our Uptown Lofts project at 36<sup>th</sup> and Broadway. It's TreanorHL, First Construction, First Management and Sunflower. I will also note that there will be security onsite, so we will have security that's always present that will be interior/exterior to ensure that the site is property maintained and secured at all times.

Comm. Dukelow: I'm also wondering, I read in the staff report that there have been some discussions about having some affordable or market rate housing units, perhaps mixed in, and I was wondering if there had been any further discussion or resolutions, or perhaps incentives offered for that.

Mr. Floodman: We are still working through that process. I talked to a couple Council Members about it as well. I think that where the confusion lies is I think everybody is trying to understand what is the equation of affordability. I think once...We do plan on having a percentage of our units that would be 80 percent AMI of Mission. I think that is very, very important. It's very important for us. We want people to feel like they can live in a Class A, highly amenitized facility and it not be just an exorbitant financial burden on them or their family. But we're still working through those details, Robin.

Comm. Dukelow: Thank you.

Mr. Floodman: You're welcome.

Comm. Dukelow: Could you clarify, you said 80 percent AMI. I'm not familiar with the acronym.

Mr. Floodman: Area median income.

Comm. Dukelow: Okay. Average median income.

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Mr. Floodman: Correct. And I think in Mission it's right around \$55,800, Brian, I think is maybe what I saw recently.

Mr. Scott: I think so, yeah.

Comm. Dukelow: So, we can anticipate that those conversations will continue and that is a goal of the project from what I understand at this point?

Mr. Floodman: Yes.

Comm. Dukelow: I also just want to...I've got a couple more questions, if you don't mind. I want to make a comment regarding the traffic issue and the dog-walking issue that we have heard about from several of the adjacent neighbors. One thing that I noted in the documentation that we received, from what I can tell, the traffic study was done for 264. However, the project is providing 197 on one sheet, where I saw, and this sheet...Anyway, so it appears to me that the traffic study was done for a larger capacity than the project is actually providing by number of spaces. Did that number change through the course of design? Is that how we got that?

Mr. Floodman: I think the traffic study was done with the anticipation of 166 units. So, we did lose some parking, Robin. Most of that parking we lost was on the west side, where the dog park is now located. That was all parking spaces. But, in my mind, we want to prepare ourselves for the worst case scenario in these traffic studies, and the fact that there wasn't significant impact, even less on the weekends and evenings than there was when it was Mission Bowl, made us feel good. So, we would rather give them a number that's higher as opposed to at or at little bit lower, because then if I was...I always put myself in the shoes of yourselves. If I'm the neighbor and I say, "Well, this traffic study, there's two or three less units," that would cause me not to trust the developer and be frustrated, so if we do...but I feel like if we do the adverse and flip it and prepare ourselves for more, having that conversation and knowing that you're doing significantly less really sets the project and the neighborhood and the community up for success.

Mr. Scott: If I could chime in here, the traffic study is based on the number of units and the trip generation from those number of units, so as Banks was saying, they said 164 to 168 units on the final project. The parking is separate from the traffic study. We did look at the parking from a staff perspective, and based on those units and a ratio of one bedroom, studio, two-bedroom, there is an adequate number of parking spaces provided on the site. Kind of tying back to what Kaitlyn was saying about the Smart Moves Transit study from a regional aspect, It would be our hope – I think even Banks mentioned this in his presentation – that some of those residents would actually use the transit stop across the street to be able to access jobs in either Johnson County or Downtown Kansas City, whatever the case may be. It almost, in a way, is trying to hold back on the number of parking spaces in the lot, to sort of urge the use of transit, is kind of the ultimate goal of that study. But, the traffic study itself was based on the trip generation. Our traffic engineer is on the call tonight and can speak to that more if you have additional questions, Robin.

Comm. Dukelow: That actually makes sense to me now. You're saying it's based on trip generation, rather than the actual number of spaces, and that makes complete sense to

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me now that you've explained it in that manner. I do have one or two more comments. I wasn't aware that we have a Birch Park, and I don't know where that name came from, if that's what the neighborhood calls it, but if in fact we have Birch Park... I mean, I just have never heard of that. It looks more like they removed a couple of houses for flood control, rather than it being an actual park. In the event that it is an actual park, we have a whole host of other issues to address. Because, we don't have any parking, and we don't have any amenities.

Mr. Scott: Well, that's the case, Robin. There was a house there at one time, and we did remove the house, so we could have access for stormwater runoff into the creek. It was before my time, but that's my understanding of what happened. So, the Parks and Recreation Department inherited it, and renamed it Birch Park. It's this little pocket park to the neighborhood. It's named Birch Park because it is located on Birch Street. That's where the name comes from. But yeah, it's a pocket park.

Comm. Dukelow: So, I guess what I'm saying is that if that's, in fact, a city park, then it's certainly not up to par with the other things that we would consider city parks. I'm wondering about that designation. That's probably a side issue, but nonetheless, it's been brought to our attention.

Mr. Scott: Yeah. I can't really state the standards for parks. That's more the Parks and Recreation Director, but if you happen to have a conversation sometime regarding park standards, I can certainly invite him to a future meeting.

Comm. Dukelow: I have two more comments. One is that I would like to ask the designers from Treanor about the light zones and what is anticipated as far as site lighting for the development.

Mr. Treanor: Yeah, thanks, Robin. We have not brought on a lighting designer, but we have set specific goals that we want. That's going to be basically to make the parking as safe for the residents as possible, and as unobtrusive to the surrounding homeowners as possible. There's going to be a happy medium there, in between. We don't want this thing to be bright and lit up all night long. We don't want it to be obnoxious. We want it to be safe for the people that live there and the surrounding neighbors, and we will work towards that goal with our lighting designer.

Comm. Dukelow: Okay. So, the light zone for the residential area will likely be a 1.0, and then the development would likely be maybe a 2.0?

Mr. Treanor: Yeah, we'd like to keep it –

Comm. Dukelow: I mean, I can imagine it would kind of gradually increase as we get closer to Johnson Drive. But, I think it will be really important to protect the residential areas from the overspill and up-lighting.

Mr. Treanor: Definitely.

Comm. Dukelow: Then, the last thing that I have on my list is that – again this is maybe a separate issue – but our neighbors have raised a lot of concerns about the traffic along 60<sup>th</sup> Terrace. I want acknowledge that that in fact is a through street, and I'm sympathetic

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to them. I don't really, honestly, as I'm looking at this, I understand that there would probably be increased pedestrian traffic. There might be increased pedestrian traffic on 60<sup>th</sup> Terrace as a result of, as was mentioned by, I believe, Mr. Glenn. I can see that there would be probably increased pedestrian traffic, but I don't anticipate that there would be a lot of vehicular traffic on 60<sup>th</sup> Terrace as a result of this development. However, I do concur with the neighborhood's concern about, as the Gateway Development moves forward, I anticipate that could become a big issue, with people cutting through from the Gateway to Nall. I think it's something that we should consider.

Mr. Floodman: I just wanted to make one comment regarding some of the parking lighting that we'll have – and Connor, you can correct me if I'm wrong – but those parking lights that will all be on the exterior of the building will all be downward facing, right? So, neighbors at elevation maybe a little above that should not be impacted by those lights, right?

Mr. Treanor: That's correct.

Mr. Floodman: Okay. I just wanted to make sure I was thinking through that correctly.

Ms. Service: And the final site development plan application would include a photometric plan, which would include the location, height, the style of all the lighting and then a point-by-point grid that shows the foot candle power of all the lighting fixtures onto the site, too. So, if this progresses, we would get a lot more detail to review with the final development plan on the final.

Mr. Treanor: Kaitlyn, I would also offer that at GBA the traffic engineering group actually does street lighting and parking lot lighting design, and just like we did on the Gateway project, we would review those photometrics for the City, but I also wanted to illustrate, like Banks said, that the architects have confirmed that the nature of the lighting and the heights of the intended fixtures within the parking lot, given the elevation across the creek to the residential there should be almost no light pollution. They'll will be looking down on top of the lights, and with the cutoff lens and things that are typically part of the LED fixtures that we're dealing with today, there should be no up-lighting at them. I think, just due to that 40-foot elevation difference.

Comm. Dukelow: Thank you, Mr. Chairman. I have no further questions.

Chair Lee: Other comments or questions?

Mr. Scott: Mr. Chairman, there was one comment from chat, from Mr. Olson [phonetic]. I can read that if you'd like.

Chair Lee: Yes, please.

Mr. Scott: This is from John Olson: "I live on 60<sup>th</sup> Terrace. I want to know if a study has been done to see if the apartments can be filled with eventual competition from the Gateway? I'm also concerned with the amount of light pollution and the parking." I think Mr. Olson is concerned more about just, if this project goes through, then eventually the Gateway project gets some life again. Those apartments were built for [cross talk]. Could you speak to that, Banks?

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Mr. Floodman: Yeah. I think we talked a little bit about the light pollution, and John, hopefully that helped answer that question. Regarding the uses and leasing, when we look at areas, the biggest advantage we see right now with multi-family developments is proximity to a lot of options. I think Mission is probably situated in one of the best locations to access, whether it's the Plaza, whether it's Mission, whether it's Overland Park, whether it's Downtown, whether it's the Crossroads. You have options, and you have options that take less than five to seven minutes to reach. I think you couldn't have a better example right now than how the locale is leasing up in the middle of a pandemic. I know there are 56 percent leased already in three-and-a-half months, and if that doesn't speak volumes for the excitement and enthusiasm that young professional and empty nesters and people have for Mission, I don't know what does.

We've had an appraisal done, which gives us all the comps, that give us evidence and support. We will order a market study as well in addition to that, but we feel very, very confident that these will be filled in addition to the locale, which is 200 units. This will be 166, and I believe Mission Gateway, when that happens, will also be – Brian, you may correct me – but around 160. But overall, we feel very confident that the apartments will be filled. Most importantly, filled with people that hope to call Mission home long term.

Chair Lee: Any other comments or questions?

Comm. Christiansen: Mr. Chairman, I just have one more comment.

Chair Lee: Certainly. Go ahead.

Comm. Christiansen: I just want to thank Connor for going over the architectural aspects of the building and how he's tying in to the City. They gave a great overview of how you're trying to make a building fit within the feel of the city, and I appreciate you going over that with us, as well as I want to thank Banks and the Sunflower Group for showing an interest with the city and willingness to invest in the city. I think that goes a long way showing their commitment to the city as well this project.

Chair Lee: Thank you, Pete.

Mr. Treanor: Thanks a lot, Pete.

Chair Lee: If there's nothing else to be said, then we'll entertain a motion.

Mr. Scott: Mr. Chairman, before we do a motion, we'd like for Kaitlyn to read through the stipulations in the staff report [distortion] part of the motion. There is one correction that we want to note. It might be beneficial just to have Kaitlyn do that.

Chair Lee: Go ahead, Kaitlyn.

Ms. Service: The conditions of approval that are listed in the staff report, the first two address the requested deviations. Approval of the requested deviation to height to allow maximum building height of five stories, or 61 feet, with the condition that the final development provide a minimum floor area ratio of 1.0. Approval of the requested deviation to density to allow maximum of 168 apartment units on the lot. There was a slight discrepancy between the acreage reported and the staff report, and what might ultimately be the acreage of the site. We had a clarification with the applicant today when

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the lot is replatted, the ultimate acreage of the lot will 3.15 acres, so that's the deviation the slight change that Brian was addressing that not a 3.45-acre lot. It would be a 3.15-acre lot on that second condition that's listed there in the staff report.

The third condition is approval to allow the primary use of the building to be residential with the condition that the ground floor included accessory to activate the streetscape, such as the leasing management office, the live-work units, residential amenities, so devoting 75 percent of the building on the ground floor on Martway to those uses and also continuing to have the design of the building include elements that mimic that pedestrian-friendly experience of that mixed use development, such as that clear glass storefront appearance.

The fourth condition is addressing the replat. Right now the lot properties that are included in the report are actually two separate lots. To develop them at one they would merge the lots and in that process alter the acreage just slightly, as I mentioned before. That plat would be required to include access easements for the cell tower property, the Johnson County Wastewater property, and then the Mission Mart overflow parking lot directly to the west of the site.

The fifth and sixth conditions include that the final development plan should address comments from Johnson County Wastewater and the Fire District. Seventh is that the final development plan application would include site plans, civil plans, including a revised stormwater report, a landscape plan, the photometric plan, which would address a lot of the lighting concerns that were brought up tonight, and architectural drawings. The eighth, ninth and tenth conditions address some of the comments in the staff report about the stormwater report, making sure that that stormwater report includes BMP design details, calculations, locations, the existing floodplain must be shown. Also, the altered floodplain that will result from the work that's going to be done, or that is currently underway at Rock Creek.

The ninth condition is that floodplain development permit would be required for the construction of that retaining wall that would go along Rock Creek, which is essentially an extension of the work that the City is doing. That would be provided by the development, and the wall would need to be designed so that it's uniform with the City's current and planned infrastructure along Rock Creek. The last stormwater element is that no construction would be allowed in that hundred-year flood plan, except for the retaining and associated grading and restoration.

The last two conditions address the live-work units, just putting some definition around that, what they're intended to be used for, making sure that they don't turn into something where it's retail sales, no drinking or public eating establishments. Those types of restrictions kind of help put some boundaries on and codify what's envisioned for the live-work units.

Chair Lee: Thank you, Kaitlyn. With that said, does someone want to make a motion?

Comm. Dukelow: Mr. Chair, based on the findings documented in the staff report, I move that the Planning Commission approve the Preliminary Development Plan for an



**MINUTES OF THE PLANNING COMMISSION MEETING**  
**AUGUST 24, 2020**

approximately 164 unit apartment building at 5399 Martway Street from applicant, Mission Bowl, LLC. with the conditions recommended in the staff report. This recommendation is regarding Case #20-03 Preliminary Development Plan for Mission Bowl Apartments - 5399 Martway Street.

Comm. Braden: I'll second that.

Chair Lee: Very good. Call the roll.

The vote was taken (8-0). The motion passed.

Chair Lee: Very good. Thank you.

Mr. Floodman: Thank you very much, everybody. We appreciate you taking the time. We look forward to working with everybody more as we continue through the predevelopment process.

Chair Lee: Thank you.

**Approval of Minutes from the July 27, 2020 Meeting**

**Comm. Bruce moved and Comm. Christiansen seconded** a motion to approve the minutes of the July 27, 2020, Planning Commission meeting.

The vote was taken (7-0). Commissioner Davidson abstained. The **motion carried**.

**Staff Updates**

**ADJOURNMENT**

With no other agenda items, **Comm. McGee moved and Comm. Bruce seconded a motion to adjourn.** (Vote was unanimous). The **motion carried**. The meeting adjourned at 8:48 P.M.

\_\_\_\_\_  
Mike Lee, Chair

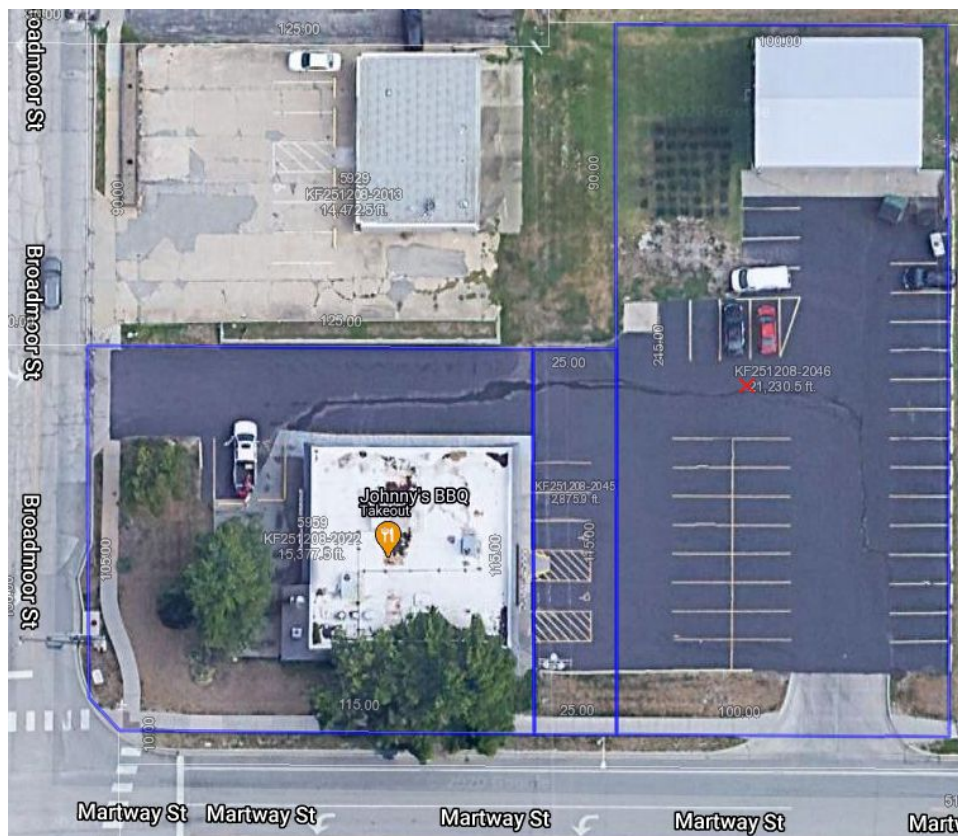
**ATTEST:**

\_\_\_\_\_  
Audrey M. McClanahan, Secretary



**STAFF REPORT**  
**Planning Commission Meeting**  
**September 28, 2020**

**AGENDA ITEM NO.:** 1  
**PROJECT NUMBER / TITLE:** Case # 20-05  
**REQUEST:** Non-Conforming Situation Permit  
**LOCATION:** 5959 Broadmoor Street  
**APPLICANT/OWNER:** Angela and Daniel Janssen  
**STAFF CONTACT:** Kaitlyn Service, Planner  
**ADVERTISEMENT:** Not required  
**PUBLIC HEARING:** Not required



## **Property Information**

The subject property consists of three parcels identified as KF251208-2022, KF251208-2045, and KF251208-2046. The property is located at the northeast corner of Broadmoor Street and Martway Street and is addressed as 5959 Broadmoor Street. The property is developed with a one-story building that is approximately 3,700 sq. ft. and a small garage for storage located toward the back of the property. The building has been a restaurant since its construction in 1973. Most notably, it served as the home of Johnny's Bar-B-Que until January 2020 when the restaurant closed due to the retirement of the owner.

In February 2020, the Planning Commission approved Non-Conforming Permit #20-01 to allow the building to be converted into a restaurant called The Other Place. When the COVID-19 pandemic began, The Other Place withdrew their plans to move into the building.

The applicant recently purchased the property and would like to convert it into Stem Hair and Body Salon. Stem is locally owned by the applicant and has been operating in Johnson County, Kansas since 2005. Their current operation in Merriam Town Center will move to the subject property after the building has been converted.

## **Permitted Uses**

The property is zoned "C-2B" Retail and Service District. Services such as barbers, hairdressers, and cosmetology are permitted in this zoning district. Additionally, retail sales of cosmetics, accessories, and general merchandise is allowed.

The letter from the applicant states that the existing storage structure will be used for storage for the salon.

Surrounding properties are zoned and developed as follows:

- North/East: "C-2B" Retail & Service District - Free standing retail stores, car wash and a quick-lube shop.
- South/West: "CP-2B" Planned Retail & Service District - Postal office and pet supply store.

Comprehensive Plan Future Land Use Recommendation for this area:

The Comprehensive plan identifies the subject property for mixed use high density development to include a pedestrian friendly mix of offices, retail, service uses and medium to high density residential. The Form Based Code implements this via the requirement for mid-rise and high-rise structures.

## **Building Form and Site Design**

This property is located in Block "S" of the West Gateway Overlay District and is therefore subject to the West Gateway Form Based Code (FBC).

The FBC steers future development projects toward a pedestrian-friendly, high quality urban vision for the area. As the FBC guides development, West Gateway is anticipated to evolve into a vibrant, mixed-use, walkable community.

The FBC has been implemented on a few properties in Mission, including the Cornerston Commons at Johnson Drive and Barkley Street and Mission Crossing at Martway Street and Broadmoor Street. These properties conformed to the FBC when the property owners chose to demolish the existing buildings and completely redevelop the sites.

Many property owners choose to continue using existing buildings that do not conform to the FBC. If the cost of renovations to a non-conforming building exceeds ten percent (10%) of the structural value, a Non-Conforming Situation Permit is required.

### **Project Background-Non Conforming Situations**

The renovation costs are mostly attributed to interior renovations associated with converting the restaurant into a salon.

Exterior changes include removal of the existing pole sign, enclosing the dumpsters, and replacing the existing wall signs. All proposed exterior renovations are in keeping with the Johnson Drive Design Guidelines and bring the property into compliance with the zoning code. There is no proposed expansion to the existing building or site.

### **Zoning:**

As noted above, the subject property is zoned C-2B. Section 410.100 of the Mission Municipal Code provides the purpose and intent of this zoning district as;

“This business district is for the purpose of permitting, regulating and encouraging retail and service establishments which serve a broad section of the general public. Products and services offered are of the type where the consumer enters one (1) or more places of business to accomplish his/her purpose or where he/she may remain in an automobile while conducting business. Customer and employee parking are commonly on the premises. The sale and servicing of motor vehicles may be permitted including auto parts, gasoline service stations, car washes and quick-lube shops. In addition, this district is suitable for such non-pedestrian oriented businesses as plumbing and heating shops, repair shops and supermarkets.”

The hair salons are permitted within this zoning district, and the structure and overall property comply with the stipulations of the zoning district in terms of height, setbacks and parking.

In addition, this property is located in Block “S” of the West Gateway Form Based Code (FBC) district, which stipulates mid-rise structures (2-4 stories in height) and high-rise structures (5-16 stories in height) with parking structures located behind. Upon the adoption of the FBC the subject property no longer conformed to one or more of the

regulations applicable to the zoning district in which it is located. This makes it a legal non-conforming situation. There are three (3) types of non-conforming situations regulated by the City Code. These are use, lot area, and site improvements. The type which applies to this property is the site improvement, which means that the property has improvements like, but not limited to, parking, storm water facilities, sidewalks, and landscaping that no longer conform to the current codes that regulate the property.

Section 410.340 (C) (1) of the Mission Municipal Code provides for the following:

C. There is hereby incorporated herein by this reference the "Form Based Code for the West Gateway Study Area" ("Form Based Code"), copies of which are on file in the City offices. The Form Based Code shall be applicable to the West Gateway District.

1. Designs and uses set forth in the Form Based Code shall govern all facets of the development or redevelopment in the West Gateway Study Area, except as indicated in Sections 420.130 through 420.230.

Section 420.190- Non- Conforming Site Improvements states:

A. On lots with non-conforming site improvements, no additions to or repairs or renovations of any structure or site improvement may be made without first either bringing the non-conforming site improvements into complete conformity with the regulations applicable to the zoning district in which the lot is located, or obtaining a non-conforming situation permit pursuant to this Section. Provided however, that this Section shall not apply to the following circumstances:

1. Repairs or restoration of a structure pursuant to Subsection (B) of Section 420.170;
- or
2. Minor repairs or renovation of a structure or site improvement.

B. For purposes of this Section, "*minor repairs or renovation*" shall mean repairs or renovation costs which do not exceed ten percent (10%) of the structural value of a structure or site improvement.

C. When an addition to or repairs or renovation of any structure or site improvement is proposed on a lot with a non-conforming site improvement(s), the Board of Zoning Appeals (in the case of a conventional zoning district) or the Planning Commission (in the case of a planned zoning district) may approve a non-conforming situation permit allowing such addition or repairs or renovation if it finds that:

1. The non-conforming site improvement(s) is the only non-conforming situation pertaining to the property.
2. Compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible.

3. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.

D. For purposes of Subsection (C), mere financial hardship does not constitute grounds for finding that compliance with the site improvement requirements is not reasonably possible.

**Analysis:**

The existing structure conforms to the underlying C-2B district zoning regulations. However, it does not conform to the Form Based Code relative to height and setbacks. Therefore, any improvements to the structure would necessitate compliance with the Form Based Code except for those improvements that fall within the parameters of Section 420.130 through Section 420.230 of the Mission Municipal Code to non-conformities. In this case, Section 420.190 applies specifically to the non-conforming site.

Section 420.190 states:

“No additions to or repairs or renovations of any structure or site improvement may be made without first either bringing the non-conforming site improvements into complete conformity with the regulations applicable to the zoning district in which the lot is located or obtaining a non-conforming situation permit pursuant to this Section. Provided however, that this Section shall not apply to the following circumstances:

1. Repairs or restoration of a structure pursuant to Subsection (B) of Section 420.170;  
or
2. Minor repairs or renovations of a structure or site improvement.”

Section 420.170 states:

“Minor repairs to and routine maintenance of structures where non-conforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than fifty percent (50%) of the fair market value of the structure to be renovated, shall not be permitted.”

“Any repairs, renovation or restoration of a structure pursuant to this Section which would require the issuance of any permit shall also require the issuance of a non-conforming situation permit by the Community Development Department. In support of the application for such permit, the applicant shall submit such information as may be required to satisfy the department that the cost of the proposed repairs, renovation or restoration would not exceed fifty percent (50%) of the fair market value of the structure.

1. The “cost” of renovation or repair or restoration shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair or restoration.

2. The "cost" of renovation or repair or restoration shall mean the total cost of all such intended work, and no person may seek to avoid the intent of this Chapter by doing such work incrementally.

The Johnson County Appraiser's Office reflects the value of the structure as being \$373,840. Fifty percent of this value is \$186,920.

Minor repairs or renovation of a structure is defined as anything less than 10% of the value of the structure. The Johnson County Appraiser's Office reflects the value of the structure as being \$373,840. Ten percent of this value is \$37,384.

Therefore, Subsection "C" of Section 420.190 becomes applicable, which states:

When an addition to or repairs or renovation of any structure or site improvement is proposed on a lot with a non-conforming site improvement(s), the Board of Zoning Appeals (in the case of a conventional zoning district) or the Planning Commission (in the case of a planned zoning district) may approve a non-conforming situation permit allowing such addition or repairs or renovation if it finds that:

1. The non-conforming site improvement(s) is the only non-conforming situation pertaining to the property.
2. Compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible.
3. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.

### **Suggested Findings of Fact- Section 420-190 Non-Conforming Site Improvements**

The Planning Commission may make the following findings of fact in granting a non-conforming situation permit to the applicant for the property located at 5959 Broadmoor Street:

1. The non-conforming site improvement(s) is the only non-conforming situation pertaining to the property.

*The existing structure is the primary non-conforming situation on the property. The Form Based Code stipulates a mid-rise structure with a minimum height of two (2) stories and a setback of no more than ten (10) feet.*

*The existing structure is one story and the existing setbacks from the property lines are approximately: 25 feet (south); 65 feet (west); 29 feet (north) & 132 feet (to east edge of parking lot). Full compliance with the Form Based Code would necessitate substantial*

*renovation or the demolition and re-building of the structure which is not reasonably possible or economically feasible.*

2. Compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible.

*Full compliance with the Form Based Code would necessitate substantial renovation or the demolition and re-building of the structure which is not reasonably possible.*

3. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.

*The existing structure was constructed in 1973 and has operated in its current capacity for 47 years without an adverse impact to surrounding properties or the public health and safety. The proposed improvements are minimal and will bring the property into compliance with City Code and the Johnson Drive Design Guidelines.*

### **Additional Comments/Project Details**

The exterior of the building will remain largely unchanged. The existing building is in keeping with the Johnson Drive Design Guidelines. The proposed site improvements will bring the property into compliance with the zoning code and design guidelines.

Screening: The trash dumpster will be enclosed in accordance with screening requirements.

Lighting: The lighting on the property will not be changed.

Signage: Two existing “Johnny’s BBQ” wall signs will be replaced with wall signs for the new hair salon business. The existing pole sign will be removed.

Parking: Forty-four (44) parking spaces currently exist on the property. City code requires 3.5 parking spaces per 1,000 square feet of building area. The building is 3,726 square feet, which would require 13 parking spaces. Consistent with the streetscape elements proposed by the Form Based Code, a bicycle parking rack will be provided at a location visible from either Martway or Broadmoor.

Landscaping: Four trees currently exist on the property. City code requires 1 tree per 50 feet of street frontage. The property has 345 feet of road frontage along Martway and Broadmoor, which requires 6.9 trees. Additionally, 1 tree is required per 20 parking spaces. The property has 44 parking spaces, which requires 2.2 trees. In total, 9.1 trees are required for the property. Five (5) trees will be planted to meet the minimum tree requirements.



**Staff Recommendation**

Staff recommends the Planning Commission adopt the findings of fact contained in this staff report and grant a non-conforming situation permit for Case #20-05 - 5959 Broadmoor Street.

**Planning Commission Action**

The Planning Commission will meet on Monday, September 28, 2020 to consider this application.

**City Council Action**

No City Council Action is required.

To City of Mission-

We are in the process of purchasing 5959 Broadmoor building, the old Johnny's BBQ.

A list of what we are planning for-

1. non conforming permit largely due to interior renovations.
  - Most all converting into a salon and give it cosmetic modern inviting feel.
2. Removing pole sign
  - Remove to ensure we are up to mission current code standards
3. Building trash / recycling enclosures
  - Building a clean simple wood enclosure to hide all bins per mission current code standards
4. A plan for storage accessory building
  - additional storage for our salon
5. New signage for building
  - our logo on 2 sides of building where the previous Johnny's sign were.





Hopefully this is what you need to start the process, Let us know if there is anything else you need, Thank you so much!  
Angela and Daniel Janssen