

City of MISSION

City Hall - 6090 Woodson Street - Mission, Kansas 66202
Community Development Department
(913) 676-8360 - Fax (913) 722-1415

PLANNING COMMISSION

AGENDA

April 24, 2017

7:00 PM

1. Approval of Minutes from the March 27, 2017 meeting
2. Case # 17-03 Zoning Code Text Changes-*Public Hearing*
Proposed changes to the City's regulations regarding planned zoning districts.
3. Staff Updates

MINUTES OF THE PLANNING COMMISSION MEETING

March 27, 2017

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, March 27, 2017. Members also present: Jim Brown, Scott Babcock, Robin Dukelow, Stuart Braden, Dana Buford, Brad Davidson, Charlie Troppito and Frank Bruce. Also in attendance: Danielle Sitzman, City Planner; Brian Scott, Assistant City Administrator; and Nora Tripp, Secretary to the Planning Commission.

Approval of Minutes from the January 23, 2017, Meeting

Ms. Dukelow moved and Mr. Davidson seconded a motion to approve the minutes of the January 23, 2017, meeting.

The vote was taken (9-0). The **motion carried**.

Case #16-09 Preliminary and Final Plat of Mission Downtown Lots 1-2 – Public Hearing

Ms. Sitzman: Thank you, Mr. Chair. I'll give a brief staff report. This is the first of two items pertaining to this site. This is for the platting of the site. The next agenda item will be the site planning for the site. Both are because the project being undertaken is the expansion of the southern parking lot. This is for The Bar restaurant at 6101 Johnson Drive. They are acquiring some land to their parcel and creating a lot that includes that land for the expansion of that parking lot. So, because the site has never been platted, they are required to go through the platting process.

As you are aware, this property has redeveloped over the years, starting in 2014 when it changed from a gas station to a restaurant. And then, undergoing an addition to the west side of the building in 2016. At this time, the applicant is requesting approval of a 2-lot plat in order to divide the currently unplatted property into separate lots for development of that parking lot. It has been reviewed for all the findings required for a preliminary plat, which does require a public hearing this evening, as you noted, and for consideration of final plats. They are not dedicating any land for public purposes. Therefore, City Council is not required to review this application.. It's simply the decision of the Planning Commission this evening.

As I said, there are two lots. After creation, one will be about 0.5 acre in size; the other lot will be 2.8 acres. No additional easements are required. Staff does recommend approval of the preliminary and final plats for this case, and the subdivision will be known as Downtown Mission Lots 1 and 2. That concludes staff's report.

Mr. Lee: Thank you. Would anyone like to discuss this application? [*None.*]

[*Chairman Lee opened the public hearing.*]

Chairman Lee: If not, we'll conduct the public hearing at this point. If anyone would like to speak for or against, now would be the time to do so. [*None.*] Not seeing anyone, we will close the public hearing and open it up for discussion.

Mr. Babcock: The only question I had – and this is for staff is – does it meet the tree requirement?

Ms. Sitzman: That's a good question. Street trees or site trees?

Mr. Babcock: Well, being that there are no street trees, I was wondering if there should have been, and if there should have been, should we take that direction now?

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Ms. Sitzman: That's probably a better question for the next case, which is the site planning.

Mr. Babcock: Okay. I can wait until then.

Chairman Lee: Any other questions? [*None.*] If not, I would be open to a motion.

Mr. Braden moved and Ms. Dukelow seconded a motion to approve the preliminary and final plats for Case #16-09, the plat of land to be known as "Downtown Mission Lots 1-2".

The vote on the motion was taken, (9-0). **The motion carried.**

Case #16-10 Revised Final Site Plan-Parking Lot Expansion

Ms. Sitzman: This is the final site plan for the development of that additional land into a parking lot. As I said, they are proposing additional park that would result in approximately 18 additional stalls, reconfiguring the dumpster collection area, and then, the line of evergreen screening trees that runs along the southern border. To answer Mr. Babcock's question about street trees, there is a section in the staff report that talks about that under Design Review Guidelines. That's actually mixed in with parking, which is maybe why it was overlooked. At the time of their first application in 2014, we looked at street tree counts. They are providing the required number of street trees for their number of feet of frontage. In this review, we only concentrated on the Beverly side, since that's the primary frontage affected by the site development. There is one additional tree that's actually on the property that they're requiring, which will count as a street tree. So, their count is sufficient.

The other complicating factor with this property is that the streetscape on Johnson Drive was actually installed by the City as part of the Johnson Drive street project. So, they went through and did improvements to the sidewalk and streetscape there, as well. So, I think they're okay, and I don't know that I would require additional trees at this point. However, you're certainly welcome to review that with the applicant.

As far as other elements of the site, to highlight, I mentioned there were additional parking stalls on site. This zoning district does not require any onsite parking, so any parking provided is above and beyond the requirement. The intention in the downtown district is that the on-street parking would be shared amongst different businesses. We looked at the supply of parking and demand of parking created by this use in a previous application, where we asked them to quantify some of their parking requirements. Certainly, adding additional parking at this point helps any kind of demand and flow that they might create.

Of course, when you cover previous green space with pavement, you also generate more stormwater runoff. So, we've asked them to address the stormwater runoff because of the additional pavement that they're adding to the site. They propose to collect water into an infiltration area on the southeast corner of the lot, basically to slow down and collect some of that water as it starts to run off the site, allow it to infiltrate into the groundwater system here, rather than simply running into our stormwater collection system and eventually ending up in our streets. So, that has been addressed on the site.

As I said, the southern edge of the property currently has evergreen trees, which will have to be removed for construction. They are proposing to re-plant evergreen trees to the south of their parking lot. We have reviewed the findings for a final site plan and they have met all of those, as well.

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The applicant is here, so if you'd like to have them come up and answer any questions, they are available. Staff does recommend approval of the final site plan in this case, and for expansion of the parking lot. That is staff's report.

Chairman Lee: Thank you. Are there any questions?

Mr. Brown: I have a question for the applicant.

Nick Ewing, Sullivan Palmer Architects, appeared before the Planning Commission and stood for questions.

Mr. Brown: I see this as maybe a little bit a day late and a dollar short, because most of the site is laid out already. But, I would have liked to have seen an attempt to connect the sidewalk around the building to the public way in a manner that complied with the guidelines. An accessible route off of the public way up to the building. So, going by the site, it looks like the only opportunity for that would have been in the northwest corner where it's relatively flat on the approach, and with the drive entrance being placed there already, I'm not sure it's really achievable at this time.

Mr. Ewing: The drive entrance was already there, so *[inaudible]*.

Mr. Brown: Did you guys investigate that at all when you were evaluating the extension of the parking lot, whether that was achievable to the south?

Mr. Ewing: We did not. We provided the necessary and required ADA and the two *[inaudible]* parking stalls and drop-off zone, and the curb ramp that we have there were added. Those were not there in the past. We added them with the project before this.

Mr. Brown: Okay. From the parking into the building, it appeared to be fine on just *[inaudible]*. But, you know, in the future, with the project, I would personally like to see you make an attempt to connect them to a public sidewalk moving forward. However, I'm not sure that's achievable at this time. I just wanted to bring it up and make the statement that it should be important for us to accomplish.

Mr. Ewing: Thank you.

Mr. Davidson: I have a question for Danielle. There's been concerns about parking lot lighting on the facility. I don't have the drawing in front of me. Is the parking lot lighting -?

Ms. Sitzman: Mr. Ewing can probably speak to that. That was a condition placed on the last application that they had for the addition of the building to the west, a condition that they improve the site lighting along the rear of the building. I think they have accomplished that.

Mr. Ewing: Yes, we have. The wall packs were added with the last submittal last year, I believe it was, for the west extension of the building. There's a power pole in the parking lot, and the contractor added a light on that power pole. He worked with the power company to get that set up, and we believe that will be sufficient site for this new parking lot. If we need to add some additional wall packs, we can.

Ms. Sitzman: And probably the expansion of the parking lot and pulling those evergreens farther away from the building is going to open the area up a little bit more. I think it will be less

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secluded and less dark because the screening trees will be further from the building. So, there will be less shadow from the trees at night.

Mr. Davidson: Okay, I get that. And this will be a question that I would have since I've been, again, City regulations as far as adding lighting onto a panel or power pole versus a single unit pedestrian-type parking lot lighting.

Ms. Sitzman: There are street lights along the roadway around this area, so we don't have a requirement for certain foot candle illumination on site. So, it's subjective consideration in every case.

Mr. Davidson: All right. I just wanted to bring it up for discussion.

Chairman Lee: Are there additional comments? [*None.*]

Ms. Dukelow moved and Mr. Troppito seconded a motion to approve the Final Site Plan for Case #16-10, The Bar site expansion.

The vote on the motion was taken, (9-0). **The motion carried.**

Case #17-01 Final Site Plan Gateway

Ms. Sitzman: This application is for a final site development plan for the entire Gateway site. As you may recall, the preliminary site plan was approved by City Council in January 2016. There was a public hearing at that time as required by statute. They are requesting site plan approval for the entire site, and they have indicated their intention to proceed with construction in three sequential phases. As you reviewed the plans, you probably saw the limits of where those phases were. The timing of those phases will be considered by the City Council as part of their review of the development agreement, but essentially, I've spoken with the City Manager, and that previous condition that you've seen in the past where they wanted to place a limit on phasing has been removed. They are comfortable proceeding with those negotiations, as they will in their process with the City Council.

So, in your staff report, there is a review of what changed between that preliminary site plan in 2016 and what is proposed this evening. The plan still identifies six buildings around the perimeter of the site, surrounding a partially freestanding three-level parking garage. Building B on the southwest corner of the site is a 200 room, 7-story hotel. To the north, buildings C, D and E along Roeland Drive and Johnson Drive will contain 168 apartments over ground-floor retail in 4-story buildings. Building A is a single-story building with three retail tenant spaces defined in it, as shown on the floor plan drawings. Building F is an approximately 58,000 square feet 3-story office building. There is a boardwalk system proposed to connect the surface parking lot along Roeland Drive to green space adjacent to Buildings C, D and E. The courtyard there is proposed to benefit residents and for use by the public. It does include a space with built-in seating and a small performance area.

So, the table in the staff report shows a quick tally of the components of that project and how they compare from preliminary to final. Essentially, the project was reduced in square footage by almost 5,000 square feet. They lost five parking stalls. The hotel rooms remain the same, while the square footage dedicated to the hotel use increased slightly. There are 14 fewer dwelling units in the office units proposed, but an almost 4,000 square feet increase. Staff does not consider those changes to be significant under the definition of what "significant" means in

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our code. Therefore, the site plan is essentially or substantially in compliance with the preliminary site plan.

We did conduct a review of the site plan. The applicant has been given comments from staff. Joining me this evening is Dave Mennenga with GBA. He is our consulting engineer for this project, and the one who reviewed the traffic study. His firm also reviewed the stormwater study. So, he is here tonight to help answer any questions.

Included in the staff report is a summary of the issues that were discussed during the review that staff conducted. I'll highlight just a few of them. I wanted to give you all the information, but these are essentially only a few issues that are probably worth discussing. There will also be time for the applicant to give a presentation, so I don't want to steal his thunder.

Essentially, the building design and material palette review we conducted were based on the Johnson Drive design guidelines. They are proposing a modern architectural theme, as reflected in their drawings. Included is a materials board, which you probably have not had a chance to see until this evening. Materials for Building A are going to be painted pre-cast concrete with thin brick and thin block. They have included a higher percentage of glass along the ground floor, and they have minimized the amount of stucco they use to meet both standards in the Johnson Drive design guidelines. The Johnson Drive design guidelines essentially encourage detailed and articulated building elevations that create interesting facades, complementary massing, human scales elements, and high-quality appearance materials. Those design guidelines were basically developed around the studies that were performed in the early re-development stages of our downtown, where we looked at what in the downtown was worth preserving, and what kind of standards we could adopt to promote the preservation of those features. This project is on the far east end of that study area and is subject to those design guidelines. It would allow for a modern style of architecture, which is not prohibited. The design guidelines actually say that a diversity of architectural style is sort of in the Mission flavor and theme, and it would not be prohibited.

As part of this particular project design, there is a unified design within its boundaries. It's a large development, essentially establishing its own architecture for its portion of Johnson Drive. I'll let the architects speak more to the architectural part of that; I only play one on TV. *[Laughter.]*

There's discussion about public open space and the courtyard that I mentioned. That has not changed since the preliminary site plan. There are sufficient elements of screening included in the plan to address rooftop HVAC units that we have been concerned about in the past. It proposed a way to screen the loading docks and utility pad sites that might be on the site. And then, that surface parking lot along Roeland Drive would have a 3-foot-high wall around it. They have screened the parking lot from the view of the public way. Building A continues to be screened from view through a curved precast concrete and brick wall, and a large number of evergreen plantings along Roe.

One of the elements that was a concern to staff when we reviewed these plans was the amount of spacing allocated along Johnson Drive between the buildings and the back of the street curb. There are a lot of elements that need to be placed in that area and still maintain a clear walking path, so that the sidewalks are adequate. Based on previous studies and the Johnson Drive design guidelines, we do encourage quite a few amenities such as benches, trash cans and

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bike racks be placed in that corridor, as well as the street trees and street lighting. We were concerned that there might not be enough space allocated to have all those elements added in and still maintain a wide enough sidewalk. So, highlighted in the staff report are what we are concerned about in that area, basically stating that those finer details may not be required in the site plan, [inaudible] something that's included in construction drawings that come sometime between a site plan being approved, and actual construction in the right-of-way. So, we're indicating that we still need to work with the applicant to hammer out those details. We have talked with our engineers and the applicant, and we think there are some ways to work around those restrictions that we're concerned about. But, when we looked at the plans, we were not going to be able to make everything fit.

We did an analysis of street trees for the site. There are more trees shown in a table in the staff report, but we only count a tree as a street tree when it is a certain species, and that it's located between the sidewalk and the back of the curb. So, it is truly along the street and is providing shade for pedestrians along that corridor. So, you will notice that there are a few locations where there are currently not sufficient street trees provided. Honestly, the frontage along Roe Avenue, there are quite a few trees shown along that corridor, but they're largely evergreens, which contribute to screening of the loading docks, which we think is an important purpose along that corridor. They fit in as many street trees/shade trees as possible, so staff's opinion is that the screening is actually a priority there, and that it's a better use of the planting area available as screening. Along Johnson Drive, the number of street trees are reduced because there's some on-street parking provided, which we think is a valuable component of the development, too. So, when you consider the on-street parking, you take away land that you would otherwise be able to have street trees. We indicated in our conditions that we would like to see as many street trees in there as possible. We continue to work with the applicant to find ways to make those numbers go up, if possible.

The right-of-way has not been set because they have not actually finalized their plat. You may remember that they had a plat a couple versions ago where they established the lot lines and where right-of-way would be. This development is different than when the plat was recorded, so they'll have to go back through the replat, actually. That would be the point at which we would want to double-check all those boundaries and make sure that they are sufficient.

Also included in the staff report is an entire page devoted to the sign code that's proposed. In the MXD zoning district, there is not a specific section of our sign code that regulates [inaudible], so, we asked the applicants to come up with sign criteria. They have taken a crack at that. Unfortunately, a lot of the information about sign sizes does not lend itself to easy evaluation. Typically, the Planning Commission takes a look at what the applicant has proposed and tries to evaluate it against a similar district. With MXD, there's no really calculable comparison, but I think maybe some of the information you normally like to see is still lacking. So, it was noted that a revised version of that document should be submitted for your review at a future meeting.

As I mentioned, GBA is with me this evening to talk about traffic, if they need to. We feel like they have successfully studied the potential traffic impacts and accommodated the necessary improvements in their plan. And, since they haven't actually dedicated right-of-way specifically, we will need to continue to work on the specific markings and land signs that would need to happen. There are some conditions included that address those ongoing issues.

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In regards to stormwater, I will say that while there is significant improvements that will be made to the site by the City in underground stormwater conveyances, we do ask that as they go forward with planning and designing their buildings, they take where those facilities are into consideration, because they will have to be careful about putting in foundations that will not impact the facilities. Also, for the proper function of water to flow through their systems, air has to vent out of it. So, where the vents for those occur will impact some of their building design. So, that's something we'll continue to look at when they get to the actual building construction.

We did review this against, like I said, the [inaudible] for a final site plan, and it is in compliance with all of those things, if the conditions are taken into account. So, staff's recommendation is therefore for approval, with some conditions. You'll notice there are four conditions at the end. If you reference the handout at your desk, it will look like this. It's the motion's list. There's a back page to that, which was just for this application. Actually, at the eleventh hour, I added a fifth condition, which I will explain in a moment. The conditions are grouped into things that need to happen before this body, as the revised documents; things that need to be simply submitted for staff's review and approval; or, things that need to be submitted at the time they get to the infrastructure and construction drawing stage.

So, condition number 1 are things that we think, if they revise and submit to staff for review, we can work through with them. Those include things like correcting minor typos, showing the 3-foot high wall as a minimum height rather than a maximum; including details for one of the exterior dumpster areas; continuing to hash out the 8-foot clear path for the Johnson Drive sidewalk. There was a choke point in that sidewalk [inaudible] by Building E that we were concerned about. I think there are ways for them to address that; they just need to make it into a revised plan. Continuing that 8-foot-wide walking path sidewalk along the entire width of Johnson Drive. And then, there's a sign that has been proposed at one of the entrances on Johnson Drive, which we think would be a sight distance concern. And then, anywhere possible, increasing the number of street trees provided along Johnson Drive.

The second condition are things that we think they need to address at the time they get to infrastructure construction drawings. That would be things like: Provide revisions to the streetlight layout and the site lighting details, as noted by GBA in their review, which is also included in your packet. There are some minimum lighting standards required for walkways, which we think they have a couple dark areas that they still need to address there. Another element would be moving or shifting of street trees so that [inaudible] count as street trees actually to the location, allow them to be counted as street trees. Also, continue to work with them about the exact location of benches, bike racks and trash receptacles along both Johnson Drive and Roeland Drive; to provide a safe north-south pedestrian crossing at the intersection of Shawnee Mission Parkway and Roeland Drive; to provide any regulatory signs on site where appropriate. So, the "Yield Here" signs, the "Stop Here" signs, those kinds of internal regulatory signs. And then, some markings for the vehicular pathway at Driveway 6.

The third and fourth conditions are items that we would require prior to the issuance of building permits. The first one is submittal and approval of a revised plat. Like I said, the previous plat does not match up with the current design, so they will need to do that before we would issue building permits. The fourth condition has to do with issuance of building permits for any

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buildings spanning, like I said, the underground infrastructure for stormwater, making sure that the proper functioning of the stormwater system will be maintained.

The fifth condition that I added – which is on your sheet – reads: *The approval of a revised private sign criteria by the Planning Commission*. That would be an item that would need to come back before you, and it goes to the separate motion, separate item on the staff report dealing with the private sign criteria. I feel like there's some information missing from their submittal that makes it difficult for you to evaluate their private sign criteria. So, I would have you ask them to submit that for consideration at a future meeting. Our ordinances do say that a final site plan must include consideration of sign criteria, so, I added that fifth condition to clear that up. You could approve the site plans tonight and have those sign criteria catch up at a future meeting. So, rather than hold up this application for the sign package, it really isn't going to be an issue for them until they go to construction and want to hang a sign on something. We would just add that as a final condition. This concludes staff's report.

Chairman Lee: Thank you. Would the applicant like to make a statement?

Thomas Valenti, Developer, appeared before the Planning Commission and made the following comments:

Mr. Valenti: Good evening. I'm with Gateway Developers. We're here again. This is a plan that should be relatively familiar to you. The major difference is Building A no longer being the 146,000 square foot Wal-Mart, but rather, at least at this point, three potential buildings. They are placeholders until we have tenants for those buildings. As Danielle said at the outset, our intention to start as soon as possible with the first phase, which would be the residential and the retail below. And then, the second phase would be the hotel, and the third phase would be the other junior anchor stores, with the office falling somewhere in there, depending on when we have an office tenant. Steve Salzer of El Dorado, our architects, is here tonight, and it might be good to run through it one more time, to go through each of the buildings and how it all works.

Steve Salzer, Project Manager, El Dorado Architects, appeared before the Planning Commission and made the following comments:

Mr. Salzer: Thank you, Tom. At the request of the Commission, we put together a series of enlargements of the façade elevations that help to supplement the material sample board that you see to the right. I just want to take you through each of the building palate and talk about how the materials work together to form a cohesive development.

Starting off here is Building A. This is an enlargement of Building A, which is that three-tenant anchor building that Tom described at the corner of Roe Avenue and Johnson Drive. This is a snippet of the Johnson elevation right as that entryway comes in. In previous iterations, there have been a lot of discussions about how to get an entry facing Johnson Drive. We have an entry facing Johnson Drive, and we have the display cases on the side here that helped meet the glazing standards. What we've got on this building is some very nice brick, thin brick that is part of the precast system, but it's actual brick. Above, we have a couple colors of painted precast. You can see an example of the brick that we're considering here. It's nice, dark, has a bit of an iridescence to it if you view it from the side in the light. It's a very nice brick. We have a couple of paint colors here, so you can see on the board – it's kind of hard to see from where you're sitting, but this says Building A; these are the two paint colors. I apologize for the color

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condition on the screen; it's a little difficult to see. So, here's the material pallet, basically, of Building A.

Buildings C, D and E on the site plan are the residential building that turns the corner from Johnson Drive and Roeland Drive. It basically has three masses that are connected by these glassy linkages here. This building is clad in a metal panel system that has three color variations. Each building has what's called a "body color," which is one color tone. And then, there are two other color tones that create a striping effect or a patterning that is then repeated on the other mass. So, Building C, for instance, if the body color is this color, a majority of the building is this color, then there will be accents in these two colors. And then, with Building D, a majority of that building would be this color, with these two accents, and so on, as you go around the color.

The lower level, which has been previously shown as largely stucco, is now shown as a very dark stained cedar, which is here. So, kind of a deep stain. What we're proposing is a [*inaudible*] clad, which is set on a sealer system with joints that are open. It gets a lot of air ventilation on hot days, so it will last a lot longer than if it was directly applied as a moisture barrier. We'll vary the widths, so there will be a nice variation to the scale of the panel that's at that level. And then, we have storefront glazing and connector glazing, and residential windows that are all represented by this glass. So, all of the glass is very transparent, not reflective or dark, so there should be a lot of visual transparency to what's going on with the inside of the retail spaces, which would be nice during the day. These inset balconies are shown to be plaid and stucco. They have a yellow color, which is here. This is a true stucco, not a synthetic stucco. And then, an aluminum railing system that will match that color.

This is Building B, which is the hotel. Building B has a different style metal panel on it. It's a smooth panel, but it's a larger-scale, similar panel size. That is represented by this guy right here. This is like a resin core metal panel system. The outside is aluminum and it has a baked-on finish. They are all baked-on finishes that are 10, 20-year warranties. Very long-lasting. What we're showing here is, in hotel design, you'll often see PTEC units. They stick out through the wall of the building, so it ends up looking unsightly. What we're representing here is that the PTEC will actually be integrated behind the wall, and a perforated section of the same cladding will cover that. So, it will look much more integrated. It will be a very subtly venting on the outside. It will actually help modulate the façade and pick up light in interesting ways, rather than being kind of an eyesore that's stuck onto the building. It doesn't pick up well here, but this lower band, we're calling this the pedestrian level, as well. So, on Buildings C, D and E, that band is right at street level. On Building B, if you think about how the site rises up, Roeland, as you get towards Shawnee Mission Parkway, that is actually at level three. So, you're at-grade is level three by the time you get up the hill. So, that at-grade experience for pedestrians also has a similar cladding that's set back under the overhang of the building in similar size to the paneling I showed you before, but in a richer, kind of warmer tone, which will work well with the silver-ish panels.

And then, when you see concrete around the site, we're talking about board-form concrete, which we couldn't provide you a sample of that. There's a picture of it here. Board-form concrete is formed concrete where there's a liner that's placed in the form that makes it look like it was

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formed out of boards like it was a century ago. So, it creates a nice linear texture that is more than just a foundation wall.

This is the office. Similar panel as the hotel. There are kind of interconnected volumes. If you remember the plan, there's a big terrace level at level three, and you can kind of intermingle between the residential building and the hotel and office. This is the hotel and plaza, and then the terrace that's connected to the residential, and also connected to the office, which, at this level, is a story up. So, very similar palate to the hotel.

Parking garage. The parking garage is a metal panel that's silvery, too. We have a piece of the preformatted metal panel. This isn't the exact pattern that we're suggesting. There's actually a scaled drawing of it in the final development plan set that we submitted, which shows the exact percent of openness, the size of the hole, the offset, and all of that. This façade is considered to be more of a sculptural move. So, the panels will appear to be more random than maybe you see on the screen, but there is a repeating pattern that happens, like, every 50 panels or so. But, it's designed to modulate and move around the site as it folds around the four sides of the parking garage. The perforations help us screen the vehicles while also providing the required amount of free open area for natural ventilation of a parking garage. The top portion extends eight feet above the deck on the top level to help screen views of the surrounding portions of the deck.

So, that is it on materials. We can take questions on that, or we could also run through a slide we put together that talks about the public space amenities.

Ms. Buford: I have a question on the coating. What is the coating on the aluminum storefront and on the corrugated?

Mr. Salzer: It's anodized aluminum.

[Overlapping comments.]

Ms. Buford: Do we know, within 100 mile radius, where I could take a look at that product? Where it's been used before?

Mr. Salzer: Clear anodized aluminum?

Ms. Buford: Just something *[inaudible]*. The corrugated is mostly what I have my eye on.

Mr. Salzer: This stuff?

Ms. Buford: Yeah. Can you find me something within 100 miles that I could go -?

Mr. Salzer: One hundred miles is a long way. Hopefully I can find something closer. *[Laughter.]*

Ms. Buford: If you could find something, you could also see it larger.

Mr. Salzer: Sure. It's not that color, but if you've ever been to 75th and Washington, right near 75th and Wornall, it's called the Bobbin Building. There is a horizontal metal panel on that building. That's a different finish. It looks much more industrial than this will look, but it's the same scale panel. It's one block west of 75th and Wornall. I can give more information to Danielle.

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Mr. Braden: I have a question about materials. As with any wood stuff, it looks great when it's first stained and everything. Is that prefinished? Is it going to be a maintenance issue? Is somebody going to have to stain it all the time?

Mr. Salzer: We would discuss very high-quality stain and finish, and it would probably be field-finished. Or, it could be a first coat applied in the shop, and then, a second coat in the field, depending on the level of stain we want to get on that stuff. But yes, you're right, it will need to be maintained. What's great about where we have it placed on the building is, where the building overhangs are five feet in most cases, it's not getting pummeled from above all the time. That's not to say the bottom level won't get a little. Like any material, even stone or brick, regular maintenance will be required, for sure.

Mr. Valenti: Did you want to mention about the panels?

Mr. Salzer: Yes. The other thing that's nice about the cedar is that we're mounting it on a [*inaudible*] system. So, if a board gets damaged, somebody carves into it, or something, it's not a fancy system that you have to order and take apart because it's all interlocked. You can literally take that board off, buy another piece of cedar, stain it, and put it right back up. So, it's easily repaired.

Mr. Braden: I have another question on the precast. You say that that's a painted precast, or is the color of it precast?

Mr. Salzer: What we're representing on here is that it's painted. It would be applied after it's formed. It's not an integral color.

Mr. Brown: Is there a benefit to that?

Mr. Salzer: Well, there's a wider range of color possibilities when you're field-applying the paint. It could be pigmented, but it's also a cost consideration if you're pigmenting all the concrete through, you know, you're paying for the full thickness of the thing, where you really just want the face effect of it. That might be one consideration.

Mr. Braden: On the precast, is it a framed building? It's not a tilt-up precast, is it? Building A?

Mr. Salzer: It would be a steel-framed building with a precast exterior.

Mr. Brown: On the sign package, I didn't see anything there about wayfinding signs. Is there going to be a wayfinding package involved here?

Mr. Valenti: It should have alluded to some wayfinding signs. There are wayfinding signs. There's actually three wayfinding signs right now at the exists of Roeland, Johnson Drive and Roe. And then, we'll have a couple of interior within the deck itself that aren't labeled on there right now.

Ms. Sitzman: Mr. Brown, are you asking about monument signs, or are you asking about on-site, like, this way to parking, this way to -?

Mr. Brown: Exactly. Directional signs. If you're looking for this, it's that way; those types of wayfinding signs.

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Mr. Valenti: The three monument signs I mentioned will have tenant names on them with arrows at the entrances. The product will be smaller wayfinding signs for pedestrians. We can add more specifics to that to the signage package.

Mr. Brown: I would appreciate that. It would be nice if it was coordinated with the architecture of the buildings or the other signage.

Mr. Valenti: Yes. Steve talked about the board-formed concrete siding along the terrace. That same board-formed concrete will be used for those three directional signs at Roeland, Johnson Drive and Roe. If we can get the Johnson Drive one to work.

Mr. Brown: Okay. Also, I'm personally concerned about the volume of the corrugated metal on the residential building. It just seems like a lot of corrugated metal. Could you put that image back up?

Mr. Ewing: I think what might be misleading about the image you're seeing here, in the full package, there are complete building elevations that show how the façade is broken down by these punches, these color punches, these inset balconies, and the window patterns. And then, with the modulation of color of the metal panel, panel façade.

Mr. Brown: Do you have an example of what that will look like in mass along the drive there?

Mr. Ewing: The color ones are back. I think it would be hard to see it in that context.

[Low questions and responses, inaudible.]

Ms. Buford: Would this be light grey, the corrugated?

Mr. Ewing: Yes. It's all corrugated, and what you're seeing are the different color panels. So, a majority of the body color here, and you'll see accent color one, accent color two. It's hard to see on this screen. I hear your concern, and we have some similar projects with a lot of corrugated metal on them, and when you get a distance from them, it just reads as a color field. You don't see corrugated metal. At least I don't see corrugated metal. It's not in-your-face. You see color tones moving down a façade. Not unlike if there were all Hardie board or something that we painted. It kind of reads as a uniform mass that reinforces the modern architectural aesthetic.

Mr. Brown: I'd like to ask the rest of the panel their take on the volume of corrugated metal on the outside of a building. To me, I don't like it.

Mr. Braden: I don't have a problem with it. The recesses *[inaudible]*. Are the windows flush with the panels, too? What I'm a little afraid of, if you're looking on the site, it's going to look like one big, long mass if there's nothing popping out. I mean, the recesses can make it interesting from the side, but if you're looking down the site line of the building, is it going to read as one big, massive wall?

Mr. Ewing: Well, when you get to a *[inaudible]* angle, I think you'll pick up on the windows slightly recessed, but it is designed as a taut skin currently, with the counterpoint to that being the recessed balconies. So, when you're looking at it at a very sharp angle, you'll see the shadow play moving down the façade of these angles. So, really, the big move, it's not the corrugated, but the arrangement of these openings.

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Mr. Babcock: What's the lifespan of this corrugated stuff?

Mr. Ewing: I think it's 20 years.

Mr. Babcock: What happens then?

Mr. Ewing: Well, you'd have to replace it or paint it.

Mr. Davidson: I have a question on material board over here. Are the windows anodized aluminum frames? Around all the windows?

Mr. Ewing: Yes.

Mr. Davidson: So, you have the black color?

Mr. Ewing: It's dark, yes.

Mr. Davidson: All right. One question I have – and I know it's just personal preference – why was, like, that color canary yellow, as far as the punch -? Why was that picked out? Are there other colors that could be used to bring some attention to those areas?

Mr. Ewing: Obviously, there are a lot of yellows. We think this one is a nice, warm yellow that works well with the warm metal color. That's why we chose it. We thought it needed that, I don't know if I'd call it punctuation, but if we had this warm palette, in making bold moves like that, it really called for a color that could hold that move.

Mr. Davidson: I'd like to ask Mr. Brown and the panel, as far as that color being used as a punch color -? I know Robin is good with that color, so it might be a question for you.

Ms. Dukelow: It's rain screen, right?

Mr. Ewing: It is rain screen, yes.

Ms. Dukelow: Okay. Honestly, it doesn't bother me at all. I think it's kind of fun. But that's just my opinion. So, with regards to the question about the windows, that corrugation will have to be trimmed out. That's a detail that we'll get to, I'm sure. But, the intent is that the frame and the trim be flush with the face of the corrugated metal, correct? They're not undulating.

Mr. Ewing: These windows are pretty much in plane with the metal panel. Now, they may recess just a bit, but the big move is not to create a depth with these moves that competes with the bigger recessed balcony.

Mr. Brown: [*Inaudible*] going to be [*inaudible*] glass like that? Or are they going to have some sort of other -?

Mr. Ewing: No, they will not be colored. They will be clear like the glass that's on the wood. Which is the basis of design – not to get technical – is based on Viracon VE 1-2M, which is a good balance between energy efficiency and clarity. We use it on a lot of our projects, our historic preservation projects that require clear glass. We like it, just from a modern aesthetic. We like to be able to see in and out of buildings. We think that connects them more to the pedestrian experience. So, we would propose using that glass everywhere you see glass on this project.

Mr. Babcock: To answer your question, I don't like it either. But, the thing is, I don't think we get to vote on that stuff. My question is on this corrugated stuff again. Is that a coating?

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Mr. Ewing: It's a baked-on finish.

Mr. Babcock: And what is the durability of that coating?

Mr. Ewing: It has a 20-year warranty.

Mr. Babcock: So, is it going to chip off over time?

Mr. Ewing: It will probably last longer than 20 years, but it may start to fade after 20 years.

Mr. Babcock: So, it's a color issue, not a surface flaking-off type issue?

Mr. Ewing: I think that is correct.

Mr. Brown: Is it a metal panel, or a composite metal panel?

Mr. Ewing: This is just a really good steel panel. The panels on the office and the hotel are a composite. They have a resin core, a fire-rated resin core to meet code. This is an actual piece. Apolick (?) is one manufacturer. So, it has aluminum on the back and a baked-on finish on the front, and the core is resin. It's less than a quarter-inch thick. The joints will be routed and turned so that they're detailed with a reveal at the edges.

Mr. Davidson: Regarding the brick, you said it was part of the wall system. Is it just thin set onto that concrete panel? There's no mortar between the brick, so the brick actually has recesses around -?

Mr. Ewing: I think we would propose it with a mortar set so it would look like brick. That's a natural piece stuck to the board, so that's it's actual thickness. But it would be grouted around the edge so it would look like brick. Probably a dark grout. We like to stay close to natural on grout colors for maintenance and other reasons. It gets tricky down the road to try and match. But, natural gray grout might be a little light for that brick.

Mr. Davidson: It would give it a totally different look.

Mr. Ewing: Right. In the spirit of the other tones we use, we want that mortar to blend in with the brick, to kind of unify the masonry.

Mr. Brown: What do you think the durability of that metal panel is going to be in a hail storm? With a composite metal panel, I'd be a lot less worried about that because it's pretty hail-resistant. But, just a metal panel, especially with the ribs sticking out on that, on the back side of a building on Roeland Drive, I think it's going to take a beating.

Mr. Ewing: A substantial hailstorm, they'll probably be replacing roofs and everything else. So, a shingle on a wall or wood siding in a significant hail storm will also take damage. That kind of metal panel is used a lot on buildings. I don't know that it's more susceptible than other materials. Maybe it is. That's something to look into, I suppose.

Chairman Lee: Any questions?

Mr. Ewing: Also, we did have the public space plan that I could walk through.

Ms. Sitzman: Does anyone have questions about that? [*Inaudible*] to be made in construction drawings, so I'm not sure how much of a final representation this actually is for you.

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Mr. Troppito: I have a few questions. First, staff reports in here that KDOT will also need to review any proposed changes to the intersection of Shawnee Mission Parkway and Roeland Park. Is there any kind of timeline on that?

Ms. Sitzman: In the past, we expected KDOT's review to be more involved because there were access points proposed off of the KDOT right-of-way into the development, in the middle of that bridge. That's not the case anymore. Do you have any idea of how extensive that review -?

Mr. Mennenga: I think it's a cursory review for them. I would hope they would get that done in about a month. I think the changes that they're going to see are all in the right direction, in their opinion, but it's not really a direct impact on US 56 like there was before.

Mr. Troppito: The second question has to do with the first page of the staff report. It says the property owner is Aryeh Realty, LLC. Does that represent a change in ownership? I thought all along this was a Cameron project. I don't understand the relationship between the two.

Mr. Valenti: This was never a Cameron Group project. This was always Gateway Developers. When we had to refinance the project, we had to transfer ownership to Aryeh, which is the same owners. Cameron Group is still involved, as is GFI, are partners from New York. And there has been an assignment and assumption of all of the obligations from Gateway to Aryeh, so it should be seamless. And we've done that through the City's attorneys, both Pete Heaven and Gary Anderson.

[*End of first recording.*] - need transition inserted - didn't realize it had stopped

Mr. Babcock: ...at drive number 6. This is in the staff's comments. It talks about traffic going from, I think Drive 5 to be going out through Drive 6 for, I think it's westbound traffic. I can't find Drive 6 on there. And I think there's a comment that staff made that they needed it to be designated where this Drive 6 was. Drive 5 is designated very well, and what I'm getting at is that when a truck leaves that lot – and we talked about this at other meetings – as it stands right now, they make a right turn out of Drive 5 onto Roe. The thing that people aren't picking up, that I've heard from friends from Prairie Village, is I think that's not a truck route as you go farther south on Roe. My question is, how is that truck going to get to a main thoroughfare? Is it going to go through the neighborhood? Is it still Roeland when it goes across Shawnee Mission Parkway? [*No audible response.*] Okay. You go down Roe, south, and you have to make a right to get back up to Shawnee Mission Parkway.

Mr. Bruce: Sixtieth Street.

Mr. Babcock: Which is more residential. I have a concern about taking trucks through residential areas.

Mr. Ewing: Drive 5 is here, and Drive 6 is here. I think what is different from the plans you've seen before is there is a connection now here, through the site, and truck traffic can actually go through the site and out the Roeland exist, like this. Instead of up and around.

Mr. Babcock: Perfect. The other thing was trees. There's a staff comment where it appears you're saying there weren't enough trees on the property.

Ms. Sitzman: There are sufficient site trees to meet the requirements, and number of parking stalls, and things like that. What is sufficient is the street tree count on Roe Avenue and along parts of Johnson Drive. So, staff's comment is that on Roe Avenue, they use a lot of that

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planting area for a tree of some kind, such as evergreen trees, which would contribute to the screening of that dock area, rather than being considered a street tree, which is primarily for shade. We think that's a higher prior in that corridor, to provide the screening than to use the same planting area for street trees. So, we would be comfortable with that. And again, along Johnson Drive, where they've [*inaudible*] on-street parking, which is also a benefit to the character of the neighborhood, they've had to cluster their street trees elsewhere, and then, don't have quite as much space. So, they do have a significant number of street trees along Johnson Drive along Building A, but then, where those on-street parking stalls are near Building E, they are a little sparser. So, it contributes to a lower count.

Mr. Babcock: In your conditions, it says "locate trees," but I didn't see it said to increase trees.

Ms. Sitzman: Under 1 (h), it says to increase the number of street trees provided along –

Mr. Babcock: Oh, there it is. Okay.

Ms. Sitzman: And we work with them to see if we can't fit as many in there as we can. And then, the "locating" them has to do with placing them appropriately along Roeland Drive, where they intended to have them shown as a street tree but, for some reason, the revision of the landscape plan didn't carry that through.

Mr. Ewing: That was just an error on our end. We have them on the wrong side of the sidewalk, but they are intended to be, as staff pointed out, between the curb and the sidewalk.

Chairman Lee: Further questions of the applicant? [*None.*] Thank you. Comments?

Mr. Brown: Well, my only comment would be, I don't like the corrugated metal panels. So, I will be voting "no."

Ms. Sitzman: So, as you make a motion, please remember to reference the updated version, which is conditions 1 through 5 instead of 1 through 4. And then, if you would still make a separate motion regarding the private sign criteria.

Mr. Lee moved and Mr. Troppito seconded a motion to approve the Final Site Plan Case #17-01 The Gateway with the staff recommended conditions 1 through 5.

The vote on the motion was taken, (8-1), with Mr. Brown voting in opposition to the motion, for reasons previously stated. **The motion carried.**

Mr. Braden moved and Mr. Troppito seconded a motion to table the Gateway Private Sign Criteria until such time as the applicant provides a revised draft for consideration containing the following: (1) The size and number of signs by type, tenant or building; (2) Additional exhibits to illustrate proposed sign locations for tenant main and secondary signs and freestanding signs.

The vote on the motion was taken, (9-0). **The motion carried.**

[*Short break.*]

Case #16-07 Zoning Code Text Change-Signs

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Ms. Sitzman: Let me give you a brief update on sign code. Since we let met, this has been revised somewhat. There is a memo included in your packet that goes through the changes, but I'm going to hit on them again real quickly. Like we discussed before, the changes that we're looking at right now are really just targeting a few issues that are not intended to overhaul the entire sign code. So, we know there are other things in the sign code that aren't perfect, but we've really just been trying to concentrate on the most egregious issues that we're constantly hearing about from the public, primarily regarding temporary signs and their regulations.

So, in the staff report, we do mention that one of those other sign types that we're trying to regulate is window signs. We discussed previously about allowing 50 percent window coverage everywhere. The thought was that we still needed to be stricter about that in our downtown districts. There are a lot of windows there, and these design guidelines are really targeting storefront windows to be more for views into the buildings, to kind of activate the streetscape by tying in what's going on in the building with what's outside of them. So, 50 percent coverage was too much in the downtown district, and we should continue to limit it to 10 percent. We continue to make changes to allow 50 percent use of window signs [*inaudible*] in every other district. Basically, it's happening anyway, and also, 50 percent is an easier thing to judge with the eye. It would still require a permit. We did make these changes to the sign code based on comments last time.

We would require sign permits and permit fees for temporary signs. We took feedback from the Planning Commission saying, why not charge fees for temporary signs? It's a good way to ensure compliance and to regulate them, but it will take a certain amount of staff effort to do so. We did also hear that it might be a good idea to waive those fees in certain circumstances, so we have added in a mechanism to waive them for applications for churches, schools, community centers, libraries, and other charitable, non-profit entities. We're also proposing to waive the requirement for temporary sign permits in the R-1, R-2 and R-3 residential zones. Those are not areas where we see a large amount of temporary sign traffic. Occasionally, there are some annoying ones out there. We would be able to handle those on a complaint basis or a proactive code enforcement basis, rather than requiring a permit for them. We feel like it would be a burden on residents to have to get a temporary sign permit for things that occur in the residential districts that really are not an enforcement issue for us now.

We talked about the duration of temporary signs. The Planning Commission gave us feedback that perhaps we were being too lenient about the amount of time allowed for temporary signs, but also brought up in discussion that there were different uses of temporary signs, and maybe we needed to look at a way for the "weekly specials" sign to go up, or promotions, for example, without restricting them to only one or two instances per year. So, we came up with an overall number of days per calendar year allowed. So, 90 days per calendar year, per business. However, you could choose to do that either as consecutive days or non-consecutive days. This is modeled after how Shawnee currently structures their temporary signs. Basically, the idea is that you could pull a sign permit for consecutive days – 3, 7, 15, 30 or 60 days in a row when you could have signs. Or, you could pull a permit for 30 days or 60 days of non-consecutive days. So, if I'm selling ribs and I have a weekly rib special, and I just want to put up my sign one day a week, 52 weeks a year, I could pull a 60-day non-consecutive sign permit, and that could be done. Now, enforcement is a little difficult. If you see the rib special twice a week, okay, but, we're willing to give it a try. That's not really our biggest offender in the temporary sign category

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anyway. We wanted to add a little extra flexibility, but still have a way to regulate if we need to. That's the proposed change.

We got rid of anything in the sign code having to do with costumed character. It didn't sound like there was a lot of interest in regulating them, and it was going to be harder to define than it was really warranted. So, that has been removed.

Also, lots of feedback regarding pole signs. There is to be no recommendation in this proposal to City Council of amortizing pole signs or making them go away over time, a set period of time. They are still a prohibited sign type. There are some out there that are grandfathered; they are still subject to the grandfathering laws for non-conforming signs. One of the other things that occurred was that we should continue to regulate and prohibit pole signs. They're still not a desirable sign type. So, as in the other version, we've continued to fix or refine the definition section of the sign code, where pole signs and monument signs are defined. Previously, a monument sign could have been considered anything with two poles over it, and we thought that that wasn't really the intent of a monument. A monument should be something that is monumental, and therefore, the base is at least a certain percentage width of the sign. So, we've taken out the allowance for a monument sign that has two supports under it, to really define it as something that has to be more monumental.

We've also removed the exemptions that were added for pole signs within 1,000 feet of the intersection of Metcalf Avenue and Johnson Drive. There are stipulations on that as far as how long the business had been there, whether there was a sign permit on file or not, the location – We took out all of that to simply, is it a prohibited sign type? Is it not? Is it non-conforming? Is it subject to the non-conforming rules?

There is a table in your packet, which was an attempt at updating which signs were going to become non-conforming because of these changes. This is not a complete list, but this is our best attempt and data that we have on hand. We tried to judge how many more signs would become non-conforming because of those changes to the definition of pole sign and monument sign. So, the ones that are highlighted in yellow are new to the list. They are signs that primarily have two poles underneath them and would not be considered monument signs anymore. They wouldn't necessarily be considered a pole sign either, just a nonconforming sign. But, I don't want anybody to think this is the whole list. This is just our best guess. So, possibly, we went from about 22 signs on the list to 38 signs. So, more than doubled it. When I looked at this list, all of the signs that are on this list are not as big an investment. They're not likely to be a sign that the new user of the business would want to use. They're a little bit more disposable, so I'm not sure these have really created an impact. They're much smaller in scale than the other pole signs that were on the list previously. Quite a few of them have to do with apartment complexes, directional signs into apartment complexes, things like that.

The last highlight, there was a change requested by representatives of Mission Bank to the definition section for sign maintenance. They asked that we consider corporate merger, consolidation, or other legal name change as allowable reasons to change copy or logo without being considered sign refacing. Basically, it could be considered as sign maintenance. We worked that into our code change revisions, as well. We don't think that would be an issue.

The rest of the changes that we discussed before we did not make any edits to, such as marquee signs, allowing monument signs in the Main Street District 1, adding fuel pricing as an

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allowable electric sign, streamlining the approval process for those kinds of signs, and standardizing the placing of liens.

That concludes staff's report about sign. I find the most useful way to look at all of these changes is this table. The highlighted boxes are the areas that we changed in the sign code. If anyone has questions, I'd be happy to answer them.

Mr. Brown: You did a good job of putting together what we asked. Thank you.

Chairman Lee: It looks like there are no questions.

Ms. Sitzman: So, the next step for this will be for me to clean up that red-lined copy, get it into ordinance format, and get it to the City Council for their meeting. So, I would request a motion for that.

Ms. Dukelow moved and Mr. Braden seconded a motion to recommend approval of the proposed zoning code text changes for Case #16-07 to the City Council.

The vote on the motion was taken, (8-1), with Mr. Bruce voting in opposition to the motion. **The motion carried.**

Staff Update

Staff provided an update on current and upcoming projects and events.

ADJOURNMENT

With no other agenda items, **Mr. Babcock moved and Mr. Bruce seconded a motion to adjourn.** The vote on the motion was unanimous. (no vote was taken) The **motion carried.** The meeting adjourned at 8:32 P.M.

Mike Lee, Chair

ATTEST:

Nora Tripp , Secretary



To: Mission Planning Commission

From: Danielle Sitzman, City Planner

Date: April 24, 2017

Re: Case # 17-03 Planned Zoning District Code Changes

Background

Several pending developments in the next year are anticipated to make use of zoning deviations from the Planned Zoning District section of the zoning code. In reviewing this section with the City's Land Use Attorney, several code changes were recommended to clarify the City's expectations of the approval process. Staff has prepared the attached code changes for consideration and recommendation by the Planning Commission to the City Council.

Analysis of Proposed Code Changes

In January of 2001 the City's zoning code established the requirement that any and all rezonings to be to "Planned Zoning Districts" as defined in Chapter 405 Article II. A planned district is a zoning technique that is intended to create additional flexibility in the application of zoning standards such as but not limited to setbacks and height. Conventional zoning, which relies on rigid dimensional standards, does not easily accommodate innovative development especially where mixed-use or infill projects are proposed. In addition, conventional zoning relief requires changing the zoning code on a project by project basis or the consideration of variances. In the case of the former, changing zoning district standards often would create non-conformities as the new rules are then applied to all existing developed property within the same zoning district. Variances are difficult to justify as the criteria used for evaluation rely on the demonstration of a unique hardship related to the physical characteristics of the property. The merits of a particular development concept alone are not a proper reason to grant a variance. The adoption of planned zoning in Mission was a precursor to the development of other innovative zoning techniques such as mixed use zoning districts like the Main Street District 1 & 2 districts and other overlay zones. It is a valuable tool as it allows for deviations from conventional zoning standards on a case by case basis upon review of specific development proposals.

The stated intent of the City of Mission's planned district code is to encourage quality development by permitting deviations from the convention zoning district to encourage large-scale developments, efficient development of smaller tracts, innovative and imaginative site planning, conservation of natural resources, and minimum waste of land. Basic elements of a planned district ordinance include a statement of the purpose and intent (Section 405.080 Statement of Objectives), eligible zoning districts (Section 405.070 Planned Zoning Districts), and development standards (405.090 Standards of Development).

The proposed code changes to these sections are intended to clarify the standards by which planned district deviations are evaluated and update the list of zoning districts to include the

more recently created districts. The City's attorney has proposed code language which is more in line with the appropriate standard of review while still protecting the public good and the intent of the code. The current code language is too similar to the criteria used to evaluate variances. Attached is a redline copy of the proposed code changes to these sections.

Next Steps

Staff asks that the Planning Commission conduct the public hearing as advertised, discuss the information presented above and the proposed changes, and make a recommendation to the City Council.

Staff Recommendation

Staff recommends approval of the proposed changes to the the code as presented in the redline copy. Text shown as strikethrough will be removed in final version.

Section 405.070 Planned Zoning Districts.

Planned zoning districts and their equivalent districts are as follows:

	Planned District	Equivalent District
"RP-1"	Planned Single-Family Residential	"R-1"
"RP-2"	Planned Two-Family Residential	"R-2"
"RP-3"	Planned Town House District	"R-3"
"RP-4"	Planned Garden Apartment District	"R-4"
"RP-5"	Planned Apartment House District	"R-5"
"RP-6"	Planned High-Rise Apartment District	"R-6"
"CP-O"	Planned Office Building District	"C-O"
"CP-1"	Planned Restricted Business District	"C-1"
"CP-2"	Planned General Business District	"C-2"
"CP-2A"	Pedestrian Oriented Business District	"C2A"
"CP-2B"	General Business District	"C2B"
<u>"MS1"</u>	<u>Main Street District 1</u>	<u>"MS1"</u>
<u>"MS2"</u>	<u>Main Street District 2</u>	<u>"MS2"</u>
<u>"DND"</u>	<u>Downtown Neighborhood District</u>	<u>"DND"</u>
<u>"MXD"</u>	<u>Planned Mixed Use District</u>	<u>"MXD"</u>

Section 405.080 Statement of Objectives.

A. *Planned Zoning Districts.* The zoning of land in the City of Mission to one (1) of the planned zoning districts (~~"RP-1" through "RP-6" and "CP-O" through "CP-2B"~~) shall be for the purpose of encouraging and requiring orderly development at a quality level generally equal to or exceeding that commonly found in projects developed under conventional zoning, but permitting deviations from the normal and established development techniques. The use of planned zoning procedures is intended to encourage large-scale developments, efficient development of small tracts, innovative and imaginative site planning, conservation of natural resources and minimum waste of land. The following are specific objectives of the planned zoning district

1. Proposal to rezone land to a planned district shall be subject to the same criteria relative to compliance with master plans, land use policies, neighborhood compatibility, adequacy of streets and utilities and other elements as is normal in rezoning deliberations.
2. The submission by the developer and the approval by the City of development plans represents a

firm commitment by the developer that development will indeed follow the approved plan ~~in concept, intensity of use, aesthetic levels and quantities and qualities of open space in all aspects.~~

~~3. Deviations in yard requirements, setbacks and relationship between buildings as set out in standards of development may be approved if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality of development is produced.~~

43. Residential areas will be planned and developed in a manner that will produce more useable open space, better recreational opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques.

54. Commercial areas will be planned and developed so as to result in attractive, viable and safe centers and clusters, as opposed to strip patterns along thoroughfares. Control of vehicular access, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods and to assure minimum adverse effects on the street system and other services of the community.

65. The ~~developer-applicant~~ will be given latitude in using innovative techniques in the development of land not feasible under application of standard zoning requirements.

76. Planned zoning shall not be used as a refuge from the requirements of the equivalent district as to intensity of land use, amount of open space or other established development criteria.

87. Any building or portion thereof may be owned in condominium under K.S.A. 58-3101.

98. For purposes of this Title, the term "*shopping center*", "*office park*", "*industrial park*" or other grouping of buildings shall mean developments that were planned as an integral unit or cluster on property under unified control or ownership at the time the zoning was approved by the City. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with development standards, architectural quality, sign concepts and other conditions that were committed at the time of rezoning.

Section 405.090 Standards of Development.

A. The amount of signage, open space, buffer zone, yard, parking, play areas, density and height requirements shall be determined by the City Council upon recommendation of the Planning Commission after review of the proposed plan. The City Council and the Planning Commission shall use the requirements and standards found in the corresponding district as detailed in these regulations as a guide in making their determination but may permit deviations from these requirements and standards in the interest of efficient land development and utilization. In reviewing such development plan, the maximum height of buildings and structures within such planned district shall generally be as set out in the corresponding district. It shall be permissible that front, side and rear yards may be reduced to zero in appropriate circumstances.

B. The permitted uses shall be the same as those permitted in the equivalent district unless otherwise altered as part of the development plan approved by the City Council for the specific area to which each planned district applies. Alterations may include allowing additional uses that the underlying district does not otherwise allow as well as prohibiting uses that the underlying district otherwise allows. For example, the City Council may permit mixed residential uses or mixed residential and commercial uses in accordance with the development plan for the planned district.

C. The Planning Commission and/or City Council may require assurance of the financial and administrative organization and ability of any agency created by a developer for the purpose of maintaining common open space and facilities or amenities of a non-public nature.

D. The Planning Commission and City Council may in the process of approving preliminary and final

Commented [1]: * The bracketed language in subsection G herein was inadvertently retained within the revisions made in Ord. No. 1142, however Subsection (F) was deleted in Ord. No. 1142, 12-8-04.

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plans indicate that a portion of the parking area required under this Title may remain unimproved until such time as the City Council deems it must be improved to serve parking demand adequately.

- E. Any deviation from the requirement in the equivalent district may be granted by the Planning Commission and Council only where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege.
- F. The parking ratio for grouped commercial projects shall as a minimum follow the existing district requirements. However, approval of a preliminary rezoning plan does not exempt the ultimate tenant or tenants from following any higher requirement set forth in this Code for specific uses. Reduction of setbacks or other open space shall be compensated by additional open space in other appropriate portions of the project. In all cases such deviation shall be in keeping with good land planning principles and must be specifically set out in the minutes of the Commission, as well as on plans and other exhibits in the record.

The design of all planned projects, whether residential, commercial, industrial or mixed use, shall be such that access and circulation by fire-fighting equipment is assured and may not be retarded by steep grades, heavy landscaping or building space.

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- G. The Planning Commission or City Council may, in the process of approving preliminary plats, final plats, preliminary development plans or final-development plans, approve deviations from the specific terms of this Title which would not be contrary to the public interest and where, owing to special conditions, and provided that the spirit of this ordinance shall be observed, the public safety and welfare is secured and substantial justice done for the property owner or applicant.

An application for a deviation may only be granted upon a finding that all of the following conditions have been met: applicable development standards *[other than those listed in Subsection (F) of this Section] only if it finds that all of the following conditions are met:

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- ~~1. The deviation requested arises from a condition which is unique to the property in question, is not ordinarily found in the same zoning district and is not created by an action or actions of the landowner or the applicant.~~
- ~~2.1 The granting of the deviation will not adversely affect the rights of adjacent landowners or residents/property owners.~~
- ~~3. The strict application of the provisions of this Title would constitute unnecessary hardship upon the landowner represented in the application.~~
- ~~4.2 That Tthe deviation desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.~~
- ~~5.3. The granting of the deviation will not be opposed to the general spirit and intent of this Title.~~
- ~~4. That it has been determined the granting of a deviation will not result in extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing federal or state laws.~~
- ~~5. The granting of the deviation will not be opposed to the general spirit and intent of this Title.~~