

CITY OF MISSION PLANNING COMMISSION

April 29, 2024

7:00 PM

Mission City Hall - 6090 Woodson

Members Present:

Stuart Braden
Cynthia Smith
Megan Cullinane
Kevin Schmidt
Amy Richards
Robin Dukelow (Vice Chair)
Mike Lee (Chair)

Staff Present:

Brian Scott - Deputy City Manager
Karie Kneller - City Planner
Kimberly Steffens - Permit Technician

Members Absent:

Kelsey Brown
Wayne Snyder

(City of Mission Planning Commission Meeting Called to Order at 7:00 p.m.)

I. CALL TO ORDER

CHAIRMAN LEE: It's 7:00 and I'd like to call this meeting to order. The public is invited to participate. If you'd like to make a comment, please just raise your hand, but stay seated and we will call on you to go to the lectern. Please make sure to be conscientious of others trying to speak and speak slowly and clearly. If I need to confirm anything that may have been difficult to hear, I'll ask for a clarification.

Would you call the roll, Ms. Steffens.

MS. STEFFENS: Cynthia Smith.

MS. SMITH: Here.

MS. STEFFENS: Stuart Braden.

MR. BRADEN: Present.

MS. STEFFENS: Robin Dukelow.

MS. DUKELOW: Present.

MS. STEFFENS: Amy Richards.

MS. RICHARDS: Present.

MS. STEFFENS: Megan Cullinane.

MS. CULLINANE: Here.

MS. STEFFENS: Mike Lee.

MR. LEE: Here.

MS. STEFFENS: Kevin Schmidt.

MR. SCHMIDT: Present.

MS. KNELLER: Everybody, just make sure your microphones are working.

II. APPROVAL OF MINUTES FROM MARCH 25, 2024

MR. LEE: Okay. The first item is the approval of the Minutes from the March 25th, 2024, meeting. Is there anyone who would like to make any changes to the Minutes? If not, then I'd entertain a motion to approve.

MS. DUKELOW: Mr. Chairman, I move to approve the Minutes from March 25, 2024, as written.

MS. CULLINANE: Second.

MR. LEE: Call the roll, please.

MS. STEFFENS: Cynthia Smith.

MS. SMITH: Aye.

MS. STEFFENS: Kevin Schmidt.

MR. SCHMIDT: Aye.

MS. STEFFENS: Mike Lee.

MR. LEE: Aye.

MS. STEFFENS: Amy Richards.

MS. RICHARDS: Aye.

MS. STEFFENS: Stuart Braden.

MR. BRADEN: Aye.

MS. STEFFENS: Megan Cullinane.

MS. CULLINANE: Aye.

MS. STEFFENS: Robin Dukelow.

MS. DUKELOW: Aye.

MS. STEFFENS: Motion passed.

Motion 1: Robin Dukelow - Ward IV/Megan Cullinane - Ward III: Approve the minutes the March 25, 2024, Planning Commission meeting as presented. Motion carried 7-0-0.

III. NEW BUSINESS

1. ***PUBLIC HEARING: Case #24-09, Greentec Auto Special Use Permit***

MR. LEE: Okay. We have three items under New Business, and then we'll -- Item Number 1 is Public Hearing: Case #24-09 for Greentec Auto, Inc. This is a Special Use Permit applicant. Travis Brackman with Greentech is requesting a Special Use Permit for a car battery storage and distribution operation at 61st Street and Barkley. The address is actually 6800 West 61st Street. Does the applicant have a presentation?

MR. BRACKMAN: Hello. My name is Travis. I'm the Vice President of Greentec. I just wanted to start with a little bit of history about our company. So, we originally started in California in Sacramento back in 2012, rebuilding and remanufacturing Toyota Prius batteries for the Toyota Prius. We slowly but surely started to expand. And after we realized we could, you know, that it was a good business, we slowly started to get into more and more different types of vehicles. We eventually found our way into the Kansas City metro area in 2013 and have been doing business here ever since.

So, we have a 65,000 square foot facility over in Kansas City, Kansas. We also have about 90,000 square feet just south of -- just south of here in Gardner, Kansas. And we just recently acquired this new building here and Mission, Kansas. We're just kind of outgrowing our current spaces, so we're looking to just expand to the Mission area just to try to alleviate some of the spacing issues that we have at our current facility in Kansas City, Kansas.

We have 28 locations nationwide. We also just opened our first store in Vancouver, Canada. Most of those other locations, with the exception of the ones in California, are much smaller. They're just our service centers. So, the main operation that our Kansas City facility does is we're the main distribution center for the whole company. So, we ship all of those products to all of those other stores. And they just kind of receive in the product and we -- they do the installs on the physical vehicles themselves, which is a similar operation to what we do over in Kansas City, Kansas.

The Mission building, I would like to kind of just take you through what we plan to do at that building. At that building, we would like to use the space to set up some warehouse shelving, so that way we can store some extra parts and pieces to all of the products that we have in the Kansas City plant.

We would like to receive in batteries from hybrid cars from multiple vendors, and we would like to disassemble them and basically use the space just to alleviate that space from our Kansas City plant. We'd like to move it over to Mission so that way we can do some other operations at our Kansas City facility.

I put some pictures on the slide. That's just a basic racking that we have in Kansas City. So, this is kind of what we would look to install in Mission. All of those pictures there are just empty cases to hybrid batteries or extra parts and pieces or computer type equipment. This is kind of some of the stuff that we'd be looking to store in Mission.

If you go to the next slide, I believe, this is what a hybrid battery looks like. So, this is a Toyota Prius battery. That's probably our number one seller for our business. That's the one that we do the absolute most for. That's a very popular item for us. So, that's what it looks like. It is a nickel-metal hydride battery, so it's non-hazardous. It's not a lithium battery. I know that was a, you know, that's a, kind of a point of concern. But we don't plan to have any lithium-ion batteries at this plant. We only intend to have the non-hazardous nickel-metal batteries.

If you go to the next one, this is just a picture of our disassembly area that we have at our Kansas City plant. So, you can see the shelving in the back and then you can see there are worktables. Basically, we get truckloads of these shipments. They're all scheduled, but we -- the battery industry is growing and growing and growing, so we get quite a few of these that come through and a lot of people don't know what to do with them. You know, they -- junk yards or scrap yards may have, you know, quite a few laying around and they don't -- you can't really throw them away because, you know, they're not trash, but they may reach out to us and say like, hey, do you guys take these? Do you guys buy them? You know, we do both. And we can accept them in safely, disassemble them.

And what we do with this operation is you can see him sitting at the table. So, he's actually just taking the battery apart. After that what he'll do is he'll use a voltmeter or a multimeter and he will check the cells for good and bad. Whichever ones are good, we'll separate those out from the bad ones. And the good ones will -- we separate them and then we will bring them back over to our Kansas City facility, which we will do all of the testing and all of the reconditioning and remanufacturing over there. The bad ones, once we have a truckload, we will schedule a, you know, a freight truck pickup and we normally send those off to our recycler who we use a couple of them. One of them is in Ohio. There's a couple of different ones that we use.

So, for the Mission building, this is kind of the main bread and butter operation that we're looking to put over there. We're kind of running cramped. You know, we're running out of space in Kansas City. As you can see, it's a little crowded. So, we're really hoping that we can do this in Mission so that way we can give ourselves a little bit more room and we can kind of expand our operation a little bit more in Kansas City as well as Gardner.

On the next slide, that's just, I took a picture of our receiving docks so you can see the pallets there. That's kind of how the batteries come in. I believe that's a shipment that we got in the other day. You can see they either come in boxes. They come on pallets or they're normally shrink-wrapped. That's what you could expect to see on the dock on, you know, a weekly basis. And we typically sort them by make and model.

Other than that, I think that's our ideal use of the space.

MR. LEE: Great. Thank you. Karie, do you have?

MS. KNELLER: Thank you, Mr. Chair. You can go ahead.

MR. BRACKMAN: Thank you.

MS. KNELLER: We'll have questions after the Staff report.

MR. BRACKMAN: Okay.

MS. KNELLER: Okay. So, this is Case #24-09, the Greentec Auto Special Use Permit. The facility at 6800 West 61st Street is a former light-industrial printing and distribution operation that was recently sold to the applicant, Greentec Auto. The property consists of two parcels. The north parcel is 0.5 acres zoned C2-B, Retail and Service District. And the south parcel is 1.3 acres zoned M-1, General Industrial. The single structure lies within both zoning districts, and the northern portion of the building is in the C2-B zoning, which houses warehouse facilities and loading docks; while the southern portion of the property is in M-1 zoning in the office, which is the office operations part of the structure. The property is also within the Form-Based Code overlay district.

This building has been vacant for an undetermined time before the applicant purchased the property. And Staff learned that the change in use occurred after we received a business license application, and I did a zoning verification for that. And so, the zoning verification showed that we had kind of disparate uses kind of flip-flopped on that property.

The applicant had applied for the Special Use Permit to conduct warehouse disassembly and shipment operations for used hybrid vehicle batteries with between 10 and 15 employees on the site. And this is a proposed satellite location, as Travis said, for their Kansas City, Kansas operations. The applicant does propose that the Mission operation will receive hybrid batteries that do not contain lithium-ion components, which have been found to spontaneously combust when damaged. Batteries that are received at the Mission facility will be of non-hazardous nickel-metal hydride. These batteries will be disassembled and sorted after testing, then viable battery cells will be repackaged and shipped back to the Kansas City facility to be further analyzed and put in test vehicles and then distributed. The non-viable cells will be shipped to another facility to be recycled.

So, the 2023 Comprehensive Plan's Future Land Use map indicates that the property is mixed-use high density with the Form-Based Code overlay district. But this proposal does not include redevelopment, and so we're not considering that as part of this application, nor do we expect that this would be redeveloped with -- under these circumstances.

Warehousing, storage, and shipment activity would not be out of context with the surrounding uses. A post office, grocery store, and big box retail that currently exist adjacent to the site. And again, it's not anticipated to be redeveloped in any -- in the near future. But the Municipal Code, the zoning regulations that currently regulate the land, are considered non-conforming at this time, which is why we suggested the Special Use Permit.

The M-1 zoning applies to the southernmost part of the structure where the office operations are not compatible, and the C2-B zoning applies to the northernmost parcel where the warehousing and storage operations are also not compatible.

So, Section 420.200, this is kind of related to a discontinued use. The actual clause that we would refer to in there is not necessarily about the 180 days of being vacant, but about the no intent to continue the previous use. So, there's a clause in that section that actually applies in this case.

And in §410.350, Article VIII regarding Downtown West and East Gateway districts, also applies in this case as well as the overlay.

Under Article III of the Municipal Code, Special Use Permits, Section 440.140 is about the criteria for considering applications. There are eight criteria there. Those are listed in your Staff report; I won't belabor that. But it is Staff's interpretation that the Special Use Permit for the use of the property as warehouse facility meets all applicable criteria in that section of the code.

To sum up --

MR. LEE: Thank you.

MS. KNELLER: One more thing. Sorry. Under Section 445.210 of the City's Municipal Code, Special Use Permits may be specified for a time period or continual. And revocation of a Special Use Permit may be granted if any of the conditions listed there are met. There's five conditions there all having to do with non-compliance with any of the requirements that we have, non-compliance with any of the special conditions that we go over tonight, violation of any provisions of the code where conditions of the neighborhood have changed, or violation of any state, federal -- state or federal law.

It's Staff's determination that the existing property and structure thereon complies with local, state, and federal law. It's Staff's interpretation the Future Land Use plan for the property is not consistent with either light industrial or warehousing or retail and service operations, but utilizing an existing structure for the proposed purpose does not directly violate the Future Land Use plan. However, if the property is redeveloped in the future, zoning districts as currently defined will no longer be relevant under the Comprehensive Plan.

So, Staff recommends that the Planning Commission recommend approval for the Special Use Permit on the conditions 1 through 9 listed in your Staff report. And that concludes my Staff report.

MR. LEE: Thank you. At this time, we'll open the public hearing. If there's anyone who would like to speak this, Case #24-09; Greentec Auto, now would be the time to step forward and either speak for or against. I'm not seeing anyone. Then I will close the public portion of this part of the meeting. Do we have any questions or comments from Commissioners?

MS. DUKELOW: I have a couple of comments or questions, Mr. Chairman, if I may.

MS. KNELLER: Robin, will you bring the microphone a little closer? Thank you.

MS. DUKELOW: So, I have a question regarding the stipulations that are listed in the report. And we talked a lot about it not, them not using or repairing or housing lithium batteries. So, is there somewhere else in the Special Use Permit that prohibits lithium or?

MS. KNELLER: That was part of the conditions that -- there will be regular inspections, and our Fire Marshal is actually here too, Todd Kerkhoff, for Fire District #2, to answer any kind of hazard, hazardous materials questions and things like that that you may have. But we made that stipulation based on his judgment and advice that we would not have lithium-ion batteries housed in this facility due to the nature of where it's located and its proximity to the single-family neighborhood nearby to the east. Toxic

chemicals that are associated with lithium-ion would not really be compatible with that type of location and context.

MS. DUKELOW: Right. So, should that appear as a stipulation in the recommendation, or am I overlooking that?

MS. KNELLER: It should be. Okay. That should be a recommendation.

MS. DUKELOW: Added.

MS. KNELLER: Adding. Okay.

MS. DUKELOW: Thank you. And then I have another question. I'm going to cite §420.170 for repair, maintenance, and restoration, which is encouraged by that section. And I think that the building could, I mean, there's windows. I don't know what the scope of work is planned for the building, but I do know that there are windows in the back without glazing. They're boarded up. And I believe it would be within that section to encourage landscape. So, would the applicant be willing to work with City Staff to provide landscaping to the property?

MR. BRACKMAN: Yeah. So, the building, when we acquired the building back in December, it's in pretty rough shape just from the previous use. So, we keep our facilities, I would say pretty pristinely cleaned. So, we will absolutely -- any landscaping will be -- we'll have a crew that will do that for us. And all of the windows, we do plan on getting repaired. We were just applying for this Special Use Permit before we kind of start officially moving in and getting everything fixed.

MS. DUKELOW: Understood. Thank you for that.

MR. BRACKMAN: Yeah. You're welcome.

MS. SMITH: I have a question. Sorry. Were you done, Robin?

MS. DUKELOW: Yes, thank you.

MS. SMITH: Okay. Does Greentec do recycling of the ion-lithium batteries at other facilities?

MR. BRACKMAN: Yes. We don't physically recycle them yet. That is actually in our business plan for the future. We're actually right now working with the Department of Energy on a grant through the federal government and through the State of Kansas to hopefully open another facility outside the Kansas City metro area to where we can start recycling this stuff on our own just because of the scale of our business and the amount of batteries that we produce.

MS. SMITH: Okay.

MR. BRACKMAN: So, it wouldn't be done in Mission, but it would be done in another facility hopefully in the near future.

MS. SMITH: Okay. And how long do you intend to occupy this building?

MR. BRACKMAN: We plan, I would say at least probably three years, at least, I would say.

MS. SMITH: Thank you.

MR. BRACKMAN: You're welcome.

MR. LEE: Other questions?

MS. DUKELOW: Mr. Chairman, if there are no further questions, I will move to approve Case #24-09; Greentec Auto Special Use Permit with the conditions listed in the Staff Report and the following amendments added. No lithium batteries and the applicant will work with Staff for building repairs and landscaping.

MR. BRADEN: Second that.

MR. LEE: Call the roll, please.

MS. STEFFENS: Megan Cullinane.

MS. CULLINANE: Aye.

MS. STEFFENS: Mike Lee.

MR. LEE: Aye.

MS. STEFFENS: Kevin Schmidt.

MR. SCHMIDT: Aye.

MS. STEFFENS: Cynthia Smith.

MS. SMITH: Aye.

MS. STEFFENS: Amy Richards.

MS. RICHARDS: Aye.

MS. STEFFENS: Robin Dukelow.

MS. DUKELOW: Aye.

MS. STEFFENS: Motion passed.

MR. LEE: Thank you.

Motion 2: **Robin Dukelow - Ward IV/Stuart Braden- Ward I:** Approve Special Use Permit in Case #24-09; Greentec Auto, Inc., subject to the conditions listed in the Staff Report, and with the special conditions added that no lithium-ion batteries will be worked on or stored at the site, and the property owner will work with City Staff regarding building repairs and landscaping improvements.
Motion carried 7-0-0.

2. PUBLIC HEARING: Case #24-07, Mission Beverly Preliminary Development Plan

MR. LEE: Item Number 2 is the Public Hearing for Case #24-07 for the Mission Beverly Preliminary Development Plan. The applicant is Milhaus Development, LLC, and they're proposing a multi-family apartment building on the following property, 6005 Martway, 6025 Martway, 6045 Martway, 5945 Beverly, 5935 Beverly, and 5960 Dearborn.

MS. COFFEY: Hello. It's great to be here in front of you all again. My name is Devon Coffey, and I'm the Director of Development for Mission, or Milhaus in Mission. I oversee our Kansas City regional operations, which cover Kansas, Missouri, and Oklahoma. My teammates here with me tonight are Clint Evans from NSPJ Architects, and Tyler Wysong from Kimley-Horne, our civil engineer.

I wanted to just speak to you a little bit about Milhaus, my company, and just kind of refresh some of that. We've probably met before at some point, but it's been a while. My company was founded in 2010 in Indianapolis. We expanded into Kansas City in 2016. We're currently in eight markets, kind of Midwest-eastern. The majority of our projects are in Indianapolis. We kind of spread east somewhat into Ohio and Pennsylvania. We do have a satellite office down in Florida. And then out of Kansas City, we run our Colorado, Texas, and Arizona operations as well as Oklahoma.

The majority of the projects that we build are urban projects and we -- I would say about 75 percent of our projects here in Kansas City are urban projects. We have about eight projects that are urban and about three more that are suburban, more like what I would call garden-style. But we're pretty good at building the type of project that we build, that we will build here in Mission.

Some of the projects that we've built are The Marcato, which was built, it's over on 27th and Troost. That was the first project in Kansas City. Then we developed a project called Gallerie, which is just right on Crown Center's property, 27th and Gillham. We moved down then into the Crossroads right at 20th and Oak. We built a project called Artistry. And then we have -- that's when we kind of divested. Oh, we did another project, I'm sorry, in downtown Olathe called Arrello. Then we sort of divested. We started exploring more of the suburban projects here, so we have two projects that are currently in lease-up. One at the Glade, which is the area out kind of by the Cerner campus, 87th Street and like between 71 and 435. And then we have one out at the new, you've probably seen in the news, the new Homefield project that opened up out by the Legends. It's a sports, youth sports facility. We have a garden-style project right next to that. And then currently under construction and just finishing up, we have a project called Ora, which is in North Kansas City. It's in what's called the One North Development District. It's kind of on the east side of North Kansas City just along I-35.

We have two projects in Oklahoma. One that is built and been operational for several years called Lift, which is in downtown Oklahoma City. And then one under construction right now in Edmond, Oklahoma, which is kind of a northern suburb of Oklahoma City. This project is right in their downtown. It's called the Oxley. And then I currently have two projects under construction here in Kansas City. One called Via, which is right down by Jack Stack on 22nd Street in the Crossroads. And another called Citizen, which is right at 39th and State Line Road right next to KU Med. And then we've got a handful of projects in pre-development such as this one where we

have the property under contract, but we don't quite own it yet and we're working through entitlements to get that moving forward. So, that's a little bit about who we are.

I also wanted to speak to kind of how we got here, our site selection process and where we are in the property acquisition. We, my partner and I, are both Kansas City natives. We've been lifelong patrons of the neighborhood shops and restaurants here in Mission. So, we understand what it is about Mission that makes this city great. I personally have memories of the old Mission Mall and the Coyote Grill, stopping by Werner's on Saturdays for lunch with my dad, out running errands. Visiting Flatlanders before family ski trips with my mom, driving her absolutely crazy as we're trying to get outfitted to get out of town. Town Topic. Mission Bowl. The Putt-Putt. I actually learned to play pool at the old Clarette Club with one of my friends' dads. And then I've been -- I've been known to pop into the Keyhole every now and then. I usually get a funny look when I go in there, but I do enjoy it. Anyway, but because we share the vision, this community vision for this great city, we've dedicated a lot of time into this project.

We started pursuing this project probably in 2020. So, it was about four years ago. And it took us about two years to coordinate all of the land, all the parcels that you mentioned as you were introducing this. There's eight different parcels and four different landowners as well as the City. So, we got everybody together. We came to an agreement, and we've been moving forward since then. But it's taken a lot of coordination and we've spent some questionable times with a couple of the land sellers, but we've gotten through everything, and everybody is on the same page, and we are very grateful for the partnerships that we've developed so far and happy to be here.

I wanted to also just kind of mention some of the benefits that we hope this project -- we will bring to this neighborhood. You know, I mean, the location is tremendous in our opinion being next to the Powell Community Center, nestled within the neighborhood along the Martway corridor. We're positioned right along the Rock Creek Trail near Andersen Park with the pools and the tennis courts. These are all the cool synergies that really got us excited about our vision for what could be at this location. We will hope to open the property and start moving in residents in mid to late 2026. We'll give or take bring in about 300 people to help fuel the economy for the small businesses here in Mission.

As part of this redevelopment, we will be replacing underused surface parking lots. And the office buildings on the north side of Martway, we've already been working to eliminate the blighted buildings on the south side of Martway. This project is more than \$75 million of our investment. And of that, we're putting \$1 million towards upgrading the neighborhood sewer. We'll be replacing the city storm sewer and eliminating a lot of the current hard surface runoff that exists. We'll be replacing that with sustainable practices, native vegetation, which we'll get into more later. We're going to be -- our new system will contain rain runoff within the system and put it directly into the storm sewer to help eliminate flooding. And we'll be also working to improve the county's sanitary sewer system by upsizing those lines, and Tyler will talk more about that later.

We're also enhancing accessibility and safety for pedestrians and bicyclists on the Rock Creek Trail. We are dedicating some of our own land to that trail. We've actively been engaged with the City leadership. I think I'd like to think of us as a bit of a creative catalyst for the nearly 1½ acres of additional green space being contemplated now for Downtown Mission. This is in lieu of the half-acre parkland swap that was previously contemplated for Beverly Park. In addition, we're contributing a half million dollars to the city for funding to benefit those improvements of that new park and green space.

We have adopted the City's priority for sustainability. We recognize how important that is to the City of Mission. We have proactively engaged with a green specialist, an expert to help us kind of leverage all the cool modern sustainability options that are available that we can think of considering to implement into our new building. A lot of our building program, we already do green features just as part of Milhaus' development standards. We typically put electric vehicle charging, coworking, and like work from home amenities in all of our projects. We always include bike repair stations and storage facilities. And we plan for rideshare hubs to offer safe points of pick up and drop off for our residents for Ubers and Lyfts.

We also incorporate sustainable building material. We use premium insulation in the walls and in the roof. One of our typical is oversized windows to allow as much natural light in as possible, and we use high quality glazing. We use Energy Star efficient appliances. We use water efficient appliances. We use all electric appliances to minimize building emissions. And we typically put occupancy sensors on the lighting in all of our common areas along with Smart thermostats in the common areas as well as in the private apartment homes.

Some of the stuff we're adding at the request of the City and contributing, we are putting in on the roof of the parking garage, we'll build in a backbone power infrastructure for future solar capabilities. We expect down the road that we might be able to add -- there's solar carports. So, we're going to actually build up the roof and make it more stronger with additional, like structural steel to support the weight of those solar powered carports. And those will be additional car charging stations. It's a carport that is also an EV charger. So, that's kind of a cool thing we're looking to add eventually. Not right out of the chute, but hoping that as the Kansas programs, the sustainability programs get a little bit better over the future, in the future, we'll be able to bring those in.

And then one of the things I'm kind of excited about is we're going to start exploring dimmable lighting in the apartment homes and in our common areas as well as lights that sense photo. When Clint gets in his presentation, you'll see that along the south side of the main building, so facing Martway, the north building where it faces Martway, we have a lot of glass. And there's light fixtures out there now that will sense the sunlight and not turn on during the day, so we'll be able to also minimize our use of electricity in that way. So, photo sensing lights that sense daylight, so.

And honestly, I could go on forever and talk about how great I think this project is going to be for you, but we don't want to be here all night. So, I'm going to wrap up here and I just want to leave you with this thought that I want to make sure that you understand that this project represents more to us than just a physical structure. To me, it symbolizes a chapter of community, a new chapter of community with access to comfort and modern living. And as we embark on this journey together, I want to know -- I want you to know that we embrace this opportunity and that we are proud to bring a vibrant enhancement to what is an already thriving neighborhood. And I think this is going to be something that we can all be proud of. So, thank you. I'm going to turn it over to Clint and let him walk through the presentation.

MR. EVANS: Good evening, Commissioners. My name is Clint Evans, Co-President and Principal, NSPJ Architects. Some of you may be familiar with NSPJ. We've been around doing all things multi-family and residential for 63 years. Some of the most recent projects, Village at Mission Farms, Mission 106, The Chadwick Apartments in

Shawnee, 531 Grand in the River Market, and then also Block's projects over in Lenexa City Center.

So, as far as the project itself, looking at the site plan, the project is composed of two buildings. Building A, which is the larger to the north, that it comprises 240 units of apartments that wrap a garage aesthetically. So, that way it is mostly fully -- fully enclosed. So, that way it's not out for view. And then on the south side of Martway, we have a single building with 57 units. The north building is four-story, fully elevated. And the building is designed to actually step with the grade, which is a little bit more complicated. But it kind of nestles itself into the site rather than just appears to land on it. And then the south building is three stories and that is non-elevated.

Parking is -- or the project is primarily multi-family, but it does have a large amenity center and then a small retail component, neighborhood retail component in the southwest corner right on Martway with the idea of some sort of outdoor patio feature. Again, something that, you know, people can engage from the community walking the trail, come up and sit and enjoy the views along the corridor.

Parking for the north building is completely contained to the parking garage. And the south building, its entire parking is contained on just that south site via private surface parking lot. There has been care and thought put into discussions on the landscape buffering for, namely the south parking lot. The idea of dense hedges along the fronts of the parking areas that align the creek serve to block headlights. Same is going to be employed with the parking garage as well as far as headlights that are blocked from view outside of the parking garage with enough fenestration to the façade, so that way it's not readily identifiable that it is a parking garage.

Let's see. Street trees and planting strips provide buffers to the street. And then we have a pedestrian refuge with seating at the south, the southeastern corner of Building A. Large windows, as Devon mentioned, can be found in every unit. And then we're using the buff brick in keeping with the Johnson Drive Design Guidelines on every outward wall touching grade.

The design of the building draws from the Spanish Mission vernacular, color palette, and just applied in a modern way. The materials on the building are comprised of brick, variations of cement panel, and that includes a faux wood looks for durability, variegated or patinaed-looking greenish siding that is meant to look like weathered copper. And then shades of off-white with the cream brick.

There is an outdoor amenity courtyard located in the center of Building A, and that's going to have the resort style pool, sun ledge, outdoor grilling stations, fire pits, outdoor fitness lawn for yoga, things like that.

MS. KNELLER: Is that part of your presentation or -- sorry. I was trying to get to it if you had it.

MR. EVANS: Oh, it's not.

MS. KNELLER: Okay. Sorry to interrupt.

MR. EVANS: Yes. No. No worries at all. Thank you. But as Devon touched on, as far as for stormwater for the building, the project's improvements will not increase impervious area and increase, you know, therefore, site runoff, which the building will serve to handle by directing all storm to the underground. The project will be

implementing hydrodynamic separators that treat and filter roof drainage of sediments, oils, and debris before it enters the public storm system. Minimal -- yeah. No impacts on the floodplain at all.

Let's see. Milhaus, as far as enhancements, improvements, and sustainable measures, Milhaus has committed to achieve a minimum of one Green Globe certification. We believe the Green Globe rating demonstrates an owner and occupant commitment to sustainability for the life of the project. This is intended to be a very transit-oriented focused project based on its location to the nearby bus station-bus stop, as well as the Rock Creek Trail itself, which is being redirected to run along the south side of the north building along Martway. There will be a lot of high visibility, lots of glass in that area. So, there's just, you know, and security measures that will make traversing that area feel that much safer for pedestrians. With that being said, I'll turn it over to Tyler. Thank you.

MR. WYSONG: Yeah. I'll probably just hit on a few things, more on public infrastructure that are being improved as part of this project. So, Clint kind of mentioned on it earlier, but we realized early on in the project that there was a dilapidated, partially collapsed box culvert running underneath the proposed site on Building A. So, we actually our surveyor go down and take some pictures and realized that, you know, that sewer was completely unable to be maintained and reused. So, as part of this project it's actually relocating and reconstructing that box culvert to run down the middle of Beverly and then outfall into Rock Creek. So, basically cleaning up that existing sewer that would have been running through. And it picks up a good 10 acres upstream of the site and about 15 acres total. So that will be rerouted.

And then as Clint mentioned, the water that's running off the site will be cleaned using separators and BMP measures so that it is clear of hydrocarbons and oils and anything of that nature.

And the other thing that was running through the middle of the project that would have to be relocated was the sanitary sewer. We've worked closely with JCW to make sure that -- to figure out where to relocate that sewer and also serve the facility. We found out that their system is actually under capacity east and downstream of our site. So, as part of this measure, we're relocating the sewer and running a new main that will allow capacity to free up downstream of our site and some of their existing sewer. And then our site will be served by that new sewer main that connects in further east along Woodson. Again, that was some of the big, large infrastructure impacts.

I think another thing just to mention would be some on-street parking for the retail use that would be put along Martway that will help engage and activate that retail use, so.

MR. LEE: Thank you. Karie.

MS. KNELLER: Thank you, Mr. Chair. I'll deliver my Staff report for Case #24-07; Milhaus Development. Sorry. Mission Beverly, Preliminary Development Plan. Milhaus Developments made Milhaus Development, LLC submitted an application for a mixed-use development at the location and the general vicinity of Martway and Beverly Avenue with five properties on the north side of Martway between Beverly and Dearborn, and three properties immediately adjacent on the south side of Martway. The properties north of Martway are two office buildings currently, a bank building, and a parking lot, and a 0.4 acres, just under a half-acre of green space locally known as Beverly Park, which is owned by the City. Three office buildings on the south side of

Martway are currently being demolished after several years of vacancy following a redevelopment application that was approved by the Governing Body but never built.

The total land area of the subject properties is 4.32 acres, and all properties are zoned MS-2, Main Street District 2. And these properties are adjacent to Mission's downtown commercial area. Adjacent properties to the west are the Powell Community Center and an office building. Properties to the east are multi-family and an office -- and also an office building. Properties to the south across the Rock Creek channel are the Mission Family Aquatic Center and Andersen Park. And one single-family residence also abuts this on a, kind of a corner diagonal. Adjacent properties to the north are office buildings. And structures neighboring the subject properties are between two and two-and-a-half stories each.

The applicant voluntarily held a neighborhood public meeting on March 20 of 2023, a little over a year ago, to gain feedback on the initial design and layout of the project. Main takeaways from that meeting were that, you know, there were parking concerns about Building B at the time with that original layout. Residents also wanted to see a connection to Andersen Park on that site. So, we heard that a couple of different times. Concern for screening trash and sight lines from balconies on the south side of the building so that residential properties across the street at 61st Street had a decent view. And feedback really was -- oh, and many people also voiced that they'd like to keep Beverly Park where it was.

There was a land swap that was considered during that initial phase of the initial design where the park would have been placed west of Building B, and we got some pushback from residents about that relocation and land swap. Feedback was mostly positive relating to the design, scale, and the community benefits that were also included in the plan.

Other factors, oh, and then I went on to say that other factors such as Beverly Park were considered at the time. The applicant did make concessions with this Preliminary Development Plan this time around that is presented to you now by providing a financial contribution for the City to use funds that basically buys Beverly Park and allows us to reallocate that funding and programming toward a linear park closer to the open space at the Farmers Market area east of Woodson, between Woodson and Outlook.

The proposed redevelopment consists of two buildings. The building on the north side of Martway is referred to as Building A, and the building on the south side is referred to as Building B. Building A consists of 204 residential units with a 1,500 square-foot retail space on the corner of Martway and Beverly. Building B is 57 units. And the proposed density for each of those buildings is 80 units per acre for Building A and 35 units per acre for Building B. The height of Building A is four stories or 54.5 feet, and three stories or 39.3 feet for Building B. A three-story parking garage with 265 spaces is proposed as part of Building A and nine parallel on-street public parking spaces along Martway in front of the retail location are also proposed. Surface parking is provided for Building B on the south lot with 83 stalls, and a total of 16 ADA stalls are included in the total count.

Each facade includes balconies or patios, windows, and architectural articulation with varying setbacks.

Landscaping consists of shade trees and decorative trees along street frontage and in parking areas. Existing trees on the site will be removed prior to construction. And

trees along Beverly and Dearborn are located in the public right-of-way in tree pits. The species are native to northeast Kansas in the proposed plan.

Amenities include a central courtyard, fitness room, dog wash station. And the Rock Creek Trail is currently located on the south side of Martway where it crosses from the north side at just east of Dearborn, but the plan proposes to continue the trail along the north side of the street fronting the retail location before crossing to the south side of the street just east of Beverly. This crossing will include rectangular rapid flashing beacons and a new crosswalk from the corner of Martway and Beverly to the south side of the street. Other pedestrian amenities include sidewalks around each building in the public right-of-way, a reduced number of curb cuts, which also improves pedestrian safety, as well as park benches and bike racks.

Other proposed improvements includes new stormwater and sanitary infrastructure as Tyler mentioned, including new tie-ins via street inlets that already exist in other on-site inlets. As Tyler mentioned, the hydrodynamic separated is meant to treat water from each building's roof and provide a filtration system before it enters the creek.

A public access easement on the south property's westernmost boundary with a new 10-foot sidewalk easement area. There's a partial part of a sidewalk which fronts the west edge of the parking lot there as well but stops before crossing the creek area. It's proposed to provide access to the south parking lot and to provide potential future access to Andersen Park.

As far as sustainability goes, you know, we kind of account for sustainability through the "Three Es" of Environment, Economics, and Equity for environmental sustainability efforts. That would include Energy-Star appliances, high R-value insulation and windows, water-control irrigation, native vegetation, and EV chargers in residential parking areas.

Social equity elements include improving pedestrian connections for people who may not have access to vehicles, proximity to public transit and the Community Center, improved safety features for pedestrians as well as vehicles, and the contribution to purchase the open green space which will add a community amenity where people can have public space together.

The Economic sustainability improvements consist of the build-out of underground infrastructure, which would have cost the City a million dollars to implement. Population density adjacent to Mission's downtown commercial shopping district, which will help kind of boost the economy of the local shopping. And redevelopment of blighted structures to reduce the likelihood of continued blight in the area.

The additional draft Scorecard provided by the Sustainability Committee's, sorry. The Sustainability Commission's Scorecard Committee rated this project gold with 74 points. That was their initial draft, and we're waiting for a revised draft to see what their recommendations are for that as well. So, that's forthcoming.

MS-2 zoning districts allow residential uses as part, I'm going to get into the plan review and analysis now. MS-2 zoning districts allow residential uses as part of a commercial or office building or complex, under Section 410.230 of Permitted Uses. In MS-2 zoning, the permitted uses are 35 units per acre.

We refer to parking regulations at Section 410.250, and those include how many spaces per bedroom units considered either studio and one bedroom or two- to three-bedroom units or four-bedroom units and the number of parking stalls required for each of those, those criteria.

Per Section, we also referred to Section 410.260 of the Development and Performance Standards for residential uses. And, you know, to cut to the chase here, the analysis that staff has on the Municipal Code conformance is that as a deviation from the height requirements of MS-2 districts as requested by the applicant, as the height of Building A is four stories, and our Municipal Code currently only allows three.

The area-to-unit ratio also requires a deviation as both Building A and Building B exceed the maximum densities allowed by current municipal code. However, the Future Land Use Plan as part of the Comprehensive Plan that was recently adopted indicates that the property is mixed-use medium density on the Building A property, and high-density residential on the Building B property. Mixed-use medium density is defined in the Comprehensive Plan as 12 to 45 units per acre, and high-density residential includes 12 or more dwelling units per acre.

These definitions are not currently reflected in our Municipal Code. And so, we're about to undergo a complete overhaul of our Municipal Code that is more in alignment with what we have in the Comprehensive Plan.

Let's see. The deviation requests are actually a reciprocal exchange of the two properties for this project. So, on the south property we actually show a high-density residential, and on the north property we show a mixed-use. But we have this flip-flopped in this particular project. And that was due mostly in part because of residential feedback -- or residents' feedback about the height, that they would like to see that south building be three stories rather than four, and that they were okay with the four stories on the other side on the north side of Martway. And that configuration for, you know, our opinion as staff and massing and context with the rest of the surrounding properties made sense to us as well.

Parking meets or exceeds the minimum for each use the on-site.

And the landscaping proposed in the plan meets the requirements of Municipal Code and honors the Comprehensive Plan's recommendations for amenity space and native species.

Materials, scale and proportion, architectural detail and colors are consistent with the Johnson Drive Design Guidelines. Roof-mounted equipment is screened by parapets. And pedestrian entrances are included on all sides. The parking structure is well-integrated into the building façade, but we'll be asking for details about how that is screened from the pedestrian view with a final development plan.

Benches, bike racks, and pedestrian plaza with an outdoor seating area are provided on the site as well. The outdoor seating area is enclosed by a low wall in accordance with development standards for the zoning district. And engineering of curb ramps and ADA requirements will be evaluated with the construction permitting review that happens after, and the eventuality that this project is approved.

So, real quickly with the Traffic Impact Study. I'm just going to sum it up by saying Kimley-Horn did the Traffic Impact Study on this project. And their final conclusion, it's kind of detailed more in the staff report about specifics about the levels of service and such. But their conclusion really comes down to the peak Level of Service function of existing conditions with the proposed development show acceptable Levels of Service for all but one intersection at northbound Deaborn and Johnson Drive. If delays are unacceptable to drivers, alternate routes are available because we have a grid network in Mission that allows people to take different routes if they find that, you know, there is delays on a consistent basis. Significant changes are not noted by the traffic modeling scenario for future conditions, although a slight increase in queues and wait times are likely. Therefore, no mitigation measures were recommended by the engineering company that did the traffic impact analysis.

Kimley-Horn also did the stormwater drainage memo for this and noted that structures are not within the floodway and that they are at least two feet above the base flood elevation of the 100-year floodplain, and that they will -- the assumption here is that the no-rise certificate that's required for developing in a floodplain area will also be part of the final design of this site as well. Therefore, no additional stormwater flow management facilities are required.

Two hydrodynamic separators are included. And that was part of what is suggested or recommended by MARC, Mid-America Regional Council's Best Management Practice Manual for Stormwater.

So, Staff recommends that the Planning Commission recommend approval of the Mission Beverly Preliminary Development Plan to the City Council with Conditions 1 through 16 in the Staff Report. And that concludes my staff report.

MR. LEE: Thank you. We're in the public hearing at this time, so if anybody would like to speak either for or against, now would be the time to step up and identify yourself.

MR. SISNEY: Good evening.

MR. LEE: Good evening.

MR. SISNEY: I'm David Sisney. I'm here with my mom, Linda. We are property owners from 6001 to 6005 Johnson Drive. And I've had the pleasure of working with Milhaus. Actually, I was the President of the Homeowners Association at Beacon Hill, so certainly know Marcato well. Great organization. Great builders. I can't say, you know, just a great experience. It was -- it was good, and the plans are beautiful as they always are.

Downtown Kansas City is no different really in this situation for us, and that is all about parking. We blasted through parking really quickly, and so I just wanted to drill into that a little bit. But my math, is at 240 units or 204? It is 261. So, if we take that times 2, that's about 522 spaces really needed to take care of parking. So, how many spaces did we say?

UNIDENTIFIED SPEAKER: [Inaudible; talking off mic]

MR. SISNEY: Well so, here's what we know. Even if you're a single person in a loft, you're going to have a boyfriend or a girlfriend or significant other coming over. We also learned that while the parking structure is created, it's not always convenient for all of

the people in the facility to go, so they'll park along the street to get into their space. So, if the parking garage is here and I live on this end of the building, I'm going to park down here on the street. So, I'm just opening this up because this is the reality of what this brings. I'm not against this. But the parking is going to be an issue. And the reason why I bring it up is because we have the most accessible parking lot in the entire City of Mission right behind our building. And it's got a whole bunch of spaces that aren't always full. And so, if residents see that a half a block away, it'll be a really easy target. We've got it well marked, but we just don't want it to become a point of friction for us because we'd like to be good neighbors. And I'm sure you guys would too. So, that's my concern. I'm not here to vote yay or nay, but I am here to point that out that that's a big -- that's less than half the number of spaces needed that you're really going to need for this facility. Thanks.

MR. LEE: Thank you. Anyone else that would like to speak?

MS. NIEDENS: I'm a representative of the Mission Project, which you guys know to be a non-profit agency that supports people with intellectual and developmental disabilities.

MS. KNELLER: Can you state your name, please?

MS. NIEDENS: My name is Michelle Niedens. And our participants live in three apartment complexes, one being At Home Mission Hill Apartments, which would be across the street from Dearborn. I'm only speaking for a couple of reasons. We understand the need for the project. We hated the blight. We were concerned about what was going on with the empty buildings. The City Staff has been tremendous in hearing our concerns and working with us and we very much appreciate the effort there.

We are concerned about the safety. So, these are participants with varying disabilities, Down syndrome and autism, most specifically, in a community where the majority of individuals are renters. Our participants have lived in Mission 20 years. They will live their lifetime in those apartments. So, they are long-time invested Mission citizens.

And the community around them to some degree is their central culture, including Beverly Park. So, we are very supportive of the transition of Beverly Park to that Outlook space. We do hope that there will be a solidification of similar variables that can translate to that property. We use Beverly Park for fitness classes three times a week when the weather allows. We have family gatherings there. It is the site of our Independence Walk, one of our fundraisers. And so we hope that the space, which will be equally as convenient and safe in that it's not crossing Martway at the Outlook space. We hope that it is configured in a way that is supportive of those same uses. We are concerned about crossing Martway. And like the speaker before us, we all know that the traffic is going to increase not only with this property, but the apartment completion at the Mission Bowl area. So, going down Martway is going to be much different. Our participants cross regularly. We have a walking club twice a week and we walk the Rock Creek Trail. Our participants do, with one exception, our participants do not drive. They walk everywhere they go. So, the safety in terms of walking.

The entrance into the garage will be facing our apartment complex, the apartment complex, Mission Hill, where the majority of the population lives. And they also go to some partnership classes at Down Syndrome Innovations, which also is across that street.

So, like the speaker before, certainly not opposed to the project. Again, applaud the City Staff for taking into consideration our concerns. I just want to underline that this is a significant --this is the resident face in that area. And we hope all of those things are taken into consideration. Thank you.

MR. LEE: Thank you. Anyone else who would like to speak? Not seeing anyone, we'll close the public portion of the meeting. Now, we'll open for questions.

MS. DUKELOW: Mr. Chairman, I have a few questions. I've got -- probably the biggest concern that I have right now, before I get to the others maybe, is the setbacks. And I know we're very, very close. I understand from what I can tell that we've got 10 feet on each side of Martway, but then only 5 feet at Dearborn and Woodson Drive. No. I've said it wrong. Beverly and Dearborn. And I just -- it's my opinion and experience that that is going to feel very close. And I'm not sure how one could plant a tree and a sidewalk if you've only got 5 feet. So, I think we need to rethink that. I have a question.

MS. KNELLER: Did you want to -- I'm sorry, Robin.

MS. DUKELOW: No.

MS. KNELLER: Did you want us to address that right now or how do we want to --

MS. DUKELOW: [Inaudible].

MS. KNELLER: Okay.

MS. DUKELOW: I know it says no front yard required. But I also know that if we build a building all the way up to the street and we think that we're going to plant a tree and put a sidewalk in there, it just doesn't fit.

So, it's set back from the property line by about 2½ feet, and then you have another 5 feet for the sidewalk and the tree pits for the street trees. There's also a strip, I believe, that's what 2 or 3 feet of green between the curb and the sidewalk. So, that setback, like the setback really is what's considered from the property line. And that's actually only 2½ feet of a setback from the property line. But then you have an additional green strip, sidewalk, I believe that's a 5-foot sidewalk, and then a 3-foot strip. So, we've got about 8 or so feet, almost, I think 10 from back of curb.

MS. DUKELOW: Back of curb.

MS. KNELLER: That's on Beverly. And I believe it's consistent on Dearborn as well.

MS. DUKELOW: So, if we go out there with a tape measure, it'll be ten foot back of curb.

MS. KNELLER: In theory.

MS. DUKELOW: In theory.

MS. KNELLER: This will be, you know, definitely in detail considered when we're looking at the construction permitting drawings. But for the Preliminary Development Plan that's what we're showing on those.

MS. DUKELOW: Okay. And so, I understand that this is the time to address that if -- because once we don't address that, then that ship has sailed according to the --

MS. KNELLER: Yeah. I even, you know, I --

MS. DUKELOW: According to the rules.

MS. KNELLER: I suggested that they move the sidewalk even further, let's say, just for example, on Beverly, to move the sidewalk closer to the building itself so that we could have even more of a strip of green between the curb and the sidewalk, just to provide that extra buffer for pedestrians on the sidewalk between them and vehicles. But really what it came down to was the ingress/egress, I believe on Dearborn Street on -- for the building itself and any kind of buffer of green landscaped area that they wanted to provide between the building and the sidewalk. I think that's what it came down to if I'm not -- if I'm correct. If I'm not, you can correct me.

MS. COFFEY: So, the units along Beverly and Dearborn will have access from the street. So, you'll be able to, like walk up. So, there will be patios there on, actually on the first floor all around. You'll have the ability to walk into your unit from the street. So, you don't have to go into the building.

So, we're trying to kind of create like that -- that patio area is that person's space, like that's their balcony or their, you know, above -- up you have your balcony. So, we're juggling with that. We want to bring the sidewalk back to create a more safe pedestrian walkway and get you away from the traffic. But we don't want to put the sidewalk too close to the building because then you're right up next to people's private space. So, trying to kind of find that balance there. That was what we were jockeying with when we were going back and forth on those issues.

MS. DUKELOW: So, a setback would help to solve that problem. A greater setback.

MS. COFFEY: It would not be great for our constructability in the design. But, you know, we've been working with Karie to try to accommodate the request.

MS. DUKELOW: Thank you for that. So, based on what I just heard, which I didn't realize previously, there will likely be parking on the street along Dearborn and along Beverly.

MS. COFFEY: Not, I mean, whatever is --

MS. DUKELOW: Does the City prohibit parking there? Because people will park there --

MS. KNELLER: I think there's no parking there.

MS. DUKELOW: If they only have to -- ten feet.

MS. KNELLER: Yeah. I think there's no parking signs for Dearborn and Beverly, which -- no? Oh, okay. Oh, they ignore them.

MS. DUKELOW: So, we need to consider that those streets might be double loaded.

MS. KNELLER: So, they may be -- it may be an enforcement issue if there's signs and people are not heeding the signs, we may have an enforcement issue that we would have to address.

MR. SCOTT: Yeah. There's parking along the east side of Dearborn. I'm not sure about the west side. I've never seen any parking along Beverly, but there's this -- there's no need to park along Beverly. Now, there is a little bit north into Beverly towards Johnson Drive. You've got the bar there and Casey's Auto, and so there's some parking along the street there at the north of Beverly. I don't recall ever seeing no parking signs, but it's not to say we couldn't install those at a later date if it was an issue.

MS. KNELLER: I've never seen anyone parking on there. And I think it says no parking in this one. I'm looking at the street view on AIMS mapping on Beverly. There's no parking signs there.

MR. SCOTT: [Inaudible] Community Center.

UNIDENTIFIED SPEAKER: [Inaudible] cars off that street. That bar, cars park all the way down the street [inaudible].

MS. KNELLER: Yeah. That may be an enforcement issue that we need to take a look at, especially if, you know, if this is developed, we'll need to be paying attention to that and have a code enforcement and --

MS. COFFEY: A new revenue stream.

MS. KNELLER: -- possibly P.D. helping us out with enforcement. I see cars parked here and here on the right side. That's on the east. Yeah. I don't see one there. It looked like it could have been a no parking, but it didn't have anything on it. Maybe they're faded and we need to replace those on the west side of Dearborn it looks like.

MS. DUKELOW: I have, and I'll go on to another question. Sorry. I have a question regarding the timeline for replacing Beverly Park and how that will be. I know we probably don't know yet, but what is the intent for orchestrating that move? Because we do have a significant population that we know, who we know use the park. And I just want to make sure that that park replacement is going to happen before or concurrently with the development. Do we have a timeline for that?

MR. SCOTT: We did not have a specific timeline yet. And so, you know, if all goes well, Milhaus will probably close on the property sometime by the end of this year. Construction would probably start, I would imagine in the winter. I have had discussions with the City Administrator about putting some funds in the 2025 Budget just to begin doing something with the lots on the Outlook property. So, there's two lots on either side of outlook to the south of Johnson Drive that are owned by the City. And all that is kind of part of the visioning process for the Rock Creek Corridor Trail Study, kind of greening that whole area up. So, at least making some effort to get rid of the asphalt that's in those lots and putting some grass seed down, and just beginning to kind of green that area up a little bit so that it could be used as a temporary park.

There's a lot happening in that section. The City has submitted a plan to the county to gain some assistance of financing the reconstruction of the Rock Creek channel itself through that area. So, that could be, you know, some construction activity in the future

years to come. So, we don't want to make a lot of investment making it into a park just to tear it all out because of construction activity. But at least we could kind of green it up temporarily just to kind of create that park setting primarily for those that use it.

MS. KNELLER: And we're exploring other funding opportunities as well to improve that space in accordance with the Rock Creek Corridor Plan that we just wrapped up and with, you know, some Bike-Ped recommendations that came out, have been coming out of the Bike-Ped Network Plan too. So, we're looking at all kinds of funding opportunities to kind of overlay what we're getting in funding from Milhaus with our other opportunities and prioritizing those things according to timelines on other construction projects.

MS. CULLINANE: And I think to that point too, it's important to around the timeline for that because we just want to make sure those who are currently using Beverly Park have a park or have somewhere to go during the time that the park goes away -- construction.

MR. SCOTT: And I should add too that the City Administrator has been talking to the Parks and Recreation Director about making some improvements to that green space that's on the east side of the Community Center of Beverly. So, kind of making that a little bit more accessible as a park that could be temporarily used for like the kids at summer camp and anybody else that wants to use that area, so.

MS. KNELLER: It's not equivalent to the space.

MR. SCOTT: Yeah. It's not equivalent.

MS. KNELLER: So, you can see right here --

MR. SCOTT: Yeah.

MS. KNELLER: -- that this is the area he's, that Brian is talking about. Not equivalent to what Beverly Park is right now, but as a temporary solution in the meantime is kind of what the -- what he's talking about.

MS. DUKELOW: One more. I think just one more. We'll see. What would it -- so, what are we, what would it take to trigger that access to Andersen Park? Footbridge, I believe is what we're implying could happen sometime.

MR. SCOTT: Yeah. So --

MS. DUKELOW: But what would it take to do that? Add that.

MR. SCOTT: That's a good question. We've had a lot of internal discussions about that. The concern about the footbridge is the potential blockage. So, if you do have a major storm event and you get a lot of stormwater coming down that channel and bringing debris with it, it could get jammed right there at that footbridge and create a potential damming issue. So, we want to make sure that the footbridge is going to be designed properly so that it tries to alleviate that as much as possible. So, I don't know of any kind of approvals we need to get through the Corps of Engineers or any other kind of body like that. So, that might be part of the process too, so.

MS. KNELLER: It would probably be -- I -- a floodplain management scenario where we would look at our consultants to help us design that, our engineering consultants

that we have on-call, for one, to kind of give us advice about that. But there would be an RFP situation for designing and building the connection to the sidewalk plus across the creek for a footbridge. We're looking at again, funding opportunities right now to try to get that lined up for when that's possible.

MR. SCOTT: And it's a budgetary thing, too.

MS. KNELLER: Yeah.

MR. SCOTT: Yeah.

MS. DUKELOW: Right. Understood. That's a City project.

MR. SCOTT: Yeah, correct.

MS. DUKELOW: That's separate.

MR. SCHMIDT: It all goes underground [inaudible] too [inaudible]. So, I think a footbridge would be about the same amount of clearance that's [inaudible].

MS. KNELLER: There's flood -- it's the materials more than it is.

MR. SCOTT: Clearance.

MS. KNELLER: I think it's clearance, but it's also materials. It has to be steel and durable materials that are -- that got into that.

MR. SCOTT: Yeah.

MS. KNELLER: I mean you see them at like Tomahawk Creek. If you've ever been on some of those trails, you see footbridges crossing the creek at various intervals. And those are really heavy-duty footbridges. It's not just a little wooden footbridge like a stile or something that you would have over a fence. Well, you know, I think with your, if you're a floodplain manager, you're not going to say that that's probably recommended.

MR. SCOTT: It's going to have to be a well-designed footbridge, so it's --

MS. DUKELOW: It would have steel.

MR. SCOTT: It'll require some thought.

MS. DUKELOW: All right. Thank you. I wanted to clarify that that is a City project and not a project that is currently considered as a part of the development.

MS. KNELLER: Correct.

MS. DUKELOW: Thank you for that.

MR. SCOTT: Simply asking for access across their property. You'll talk about that when the plat comes up as the next agenda item.

MS. DUKELOW: I was glad to see that because I do think that we should explore the bridge. There was one more thing that I just saw. Apologies. Forgive me. Go ahead. Someone else for now. Thank you.

MR. BRADEN: I have a few questions, Mr. Chairman.

MR. LEE: Go ahead, Stuart.

MR. BRADEN: I know the previous proposed development there, there was real concern about lights from the parking lot of the south building. There was talk about some plantings and a berm. It's probably on there, I just can't see it. I didn't know what kind of plantings that they were going to be. Are there being sections or elevations been cut through to see that the headlights won't be --

MS. COFFEY: Yeah. It hasn't been like thoroughly designed yet.

MR. BRADEN: Yeah.

MS. COFFEY: But we would use like evergreens, typical, like you know.

MR. BRADEN: Right.

MS. COFFEY: Yeah. Non-deciduous type of trees that would be --

MR. BRADEN: I think that's something we will just need to add to the --

MS. KNELLER: As far as a berm goes --

MR. BRADEN: Yeah.

MS. KNELLER: Yeah. As far as a berm goes, that would not be something that we would recommend because that would not be a no-rise for that area of the floodplain. So, with a no-rise certification, you don't have fill that's brought in to bring that level up. And so -- or -- and also, we're not adjusting the elevation there, and then we don't also create more of a flood hazard either downstream or upstream with altering the ground level. So, that will be something with the no-rise certificate that was noted in the Staff report, that the engineers will certify that that it will have a no-rise.

MR. BRADEN: [Inaudible; talking off mic] property lines or the middle of that block. Is that going to be safe [inaudible] in the -- maybe I wasn't seeing that correctly.

MS. COFFEY: There's a sewer easement that runs down the middle of the block.

MR. BRADEN: [Inaudible; talking off mic]. I thought I saw KCP&L.

MR. WYSONG: We've been in contact with Evergy already --

MR. BRADEN: Okay.

MR. WYSONG: -- on the project to basically look at how we would get electricity to the site, transformers, and then also vacating that existing easement, so.

MR. BRADEN: Okay.

MS. SMITH: I have a question. How was the entrance for the parking garage, how was the east side chosen? I just want to know, understand why that side was chosen versus any other side.

MS. RICHARDS: And I'll add to that. I think that will help us understand, you know, as the representative from the Mission Project brought up that area right by Dearborn. So, and I know the garage entrance is kind of right by there. If you could just talk a little bit about that, that would be great.

MS. COFFEY: Yeah. I honestly, I don't -- do you think there's any design elevation reasoning that would have done that?

MR. EVANS: [Inaudible; talking off mic]

MS. COFFEY: Yeah. I think the slope of the ground probably. So, the ground, I believe slopes kind of from northwest to southeast. And that it's -- it's the finished floor and getting everything to tie in. I guess if we were coming in from the other side, you would be coming in at a higher level which would make the garage a lot less efficient. The idea is to try to come in lower and utilize the topography of the land. As Clint mentioned, we're stepping the building kind of into that rise, starting lower on Martway and working higher up to, towards Johnson Drive. So, we're trying to take advantage of that topography and make the design of the building more efficient. And that's why we come into the garage, because you usually want to enter the garage at a low point and the other side would be higher and it just wouldn't work as well.

MR. LEE: Any more questions?

MS. DUKELOW: Yeah. I have one more question if I may, Mr. Chairman. I have a question regarding the sidewalk along Martway at the south side. Why is it being reduced to five feet?

MS. RICHARDS: It's towards the west side of the building. Am I right?

UNIDENTIFIED SPEAKER: It's towards the east.

MS. RICHARDS: Oh, go ahead. Right. Is that what you're seeing on the west side of the building? Or like kind of towards the west end of it.

MS. DUKELOW: It's on the southwest side, the south side of Martway.

MR. WYSONG: The south side. Basically, the Rock Creek Trail continues along the north side, and it crosses Martway actually. And so, the spot where it crosses that's where it changes from a five-foot typical sidewalk to the ten-foot trail. So, it's continuing the trail along the south side at that point. So, before Martway crossed at, if you -- if it's further east, but there's actually a curve that it crosses at and it's actually crossing along the curve so there's a slight distance issue. So, part of it was to activate the retail along the north side of Building A, but then also have the cross relocated to a point where it's straight and it's perpendicular so that you have sight distance east to west so that traffic can see pedestrians crossing the street. There's also the rapid beacons that will be flashing to let someone know if they're coming either westbound or eastbound that there's someone crossing the street. So, helping with that safety concern there from pedestrian movement. Does that --

MS. DUKELOW: Thank you.

MR. HYSONG: Does that bring clarity? Awesome. Thank you.

MR. LEE: [Inaudible; talking off mic.] A motion.

MS. CULLINANE: Mr. Chair, I move to recommend for public approval, Public Hearing, Case #24-07, for Mission Beverly Preliminary Plan -- Preliminary Development Plan with conditions as presented in the Staff Report, 1 through 16.

MS. DUKELOW: Second.

MR. LEE: Call the roll, please.

MS. STEFFENS: Kevin Schmidt.

MR. SCHMIDT: Aye.

MS. STEFFENS: Amy Richards.

MS. RICHARDS: Aye.

MS. STEFFENS: Cynthia Smith.

MS. SMITH: Aye.

MS. STEFFENS: Robin Dukelow.

MS. DUKELOW: Aye.

MS. STEFFENS: Megan Cullinane.

MS. CULLINANE: Aye.

MS. STEFFENS: Stuart Braden.

MR. BRADEN: Aye.

MS. STEFFENS: Mike Lee.

MR. LEE: Aye.

MS. STEFFENS: Motion passed.

MR. LEE: Thank you.

Motion 3: **Megan Cullinane - Ward III/Robin Dukelow - Ward IV:** Approve Case #24-07, Mission Beverly Preliminary Development Plan as presented in the staff report to include Conditions 1 through 16. **Motion carried 7-0-0.**

3. PUBLIC HEARING: Case #24-08, Mission Beverly Preliminary Plat

MR. LEE: Okay. Our next item will be the Public Hearing in Case #24-08, Mission Beverly Preliminary Plat. The applicant will be Milhaus Development. Your report.

MS. KNELLER: Thank you, Mr. Chair. This is Case #24-08, Mission Beverly Preliminary Plat. The applicant again is Milhaus Development. They submitted the application for a preliminary plat for properties generally located at Beverly and Martway, a lot on the north side and a lot on the south side. The property is zoned MS-2, Main Street District 2. Surrounding properties are zoned MS-2 on the west, north and east adjacent properties. And adjacent properties to the south are zoned R-1, Single-family Residential, which constitutes Andersen Park and City Hall, for instance, and some single-family homes as well that are adjacent diagonally. The subject properties north of Martway are 2.5 acres, consisting of five properties currently. And properties south of Martway are 1.7 acres, consisting of three properties currently. All necessary utilities are available on-site, but certain stormwater and sanitary sewer utilities have been relocated to accommodate the redevelopment project as part of Case #24-07.

The applicant proposes a replat of the existing eight properties to consist of two lots identified as Lot 1 on the north and Lot 2 on the south side. Certain site improvements in the public right-of-way and additional dedication of right-of-way is included in the proposed plat, excuse me, proposed replat of the property. The additional dedication improvements include a widened pedestrian path, a continuation on Martway's north side for the Rock Creek Trail, as well as a pedestrian plaza. All pedestrian improvements are in the public right-of-way. And parallel parking is incorporated into the right-of-way as well on the north side of Martway just south of the Rock Creek, the proposed Rock Creek Trail. And a maintenance agreement for the on-street parking is forthcoming with a final development plan. A 10-foot easement on the west side of Lot 2 is provided to accommodate for a pedestrian path adjacent to parking stalls and will allow for future construction of a connecting path to Andersen Park across the Rock Creek Trail.

Section 440.220 of the Mission Municipal Code provides that the preliminary plat shall be approved by the Planning Commission if it determines that the criteria, 1 through 5, which are listed in the code, are addressed, and all requirements of §440.220 have been satisfied.

Staff does recommend that the Planning Commission approve Case #24-08, Mission Beverly Preliminary Plat with the condition that a Maintenance Agreement for the on-street parking and all property improvements shall be maintained by the property owner or owner's agent in perpetuity, and that Maintenance Agreement shall be noted on the final plat prior to recording with the county. And that's my staff report.

MR. LEE: Does the applicant have anything to add to it? Seeing none, at this time, we'll open the public hearing. Does anyone wish to speak either for or against? Not seeing anyone, I'll close the hearing. Questions? Comments?

MS. CULLINANE: So, will the amenities be open to the public, or will those be for residents only?

MS. COFFEY: Within the building, it would be for residents only.

MS. CULLINANE: Okay. And then what about the shops? Will those be open to the public or just for residents?

MS. COFFEY: The shops?

MS. CULLINANE: I thought I heard mention of shops potentially being put in.

MS. COFFEY: We'll have one retail location on the southwest corner of the main building, the north building. There will be a retail space there that will be a public space. Like whatever we put in there would be just a regular shop open.

MS. CULLINANE: Okay. Gotcha.

MS. COFFEY: Yeah.

MS. CULLINANE: And then I know it was mentioned too before about kind of an area for gathering, like with an outdoor area and, you know, and that's only for residents as well?

MS. COFFEY: So, the idea is that the retail space would have an outdoor patio in front, so that would be public as part of the, you know, an amenity there for that retail shop, whatever it would be. We envisioned something hopefully like a coffee shop or something like that. A small, light restaurant type use we think would be nice for the neighborhood. That's completely blue sky, though; nothing is planned.

MS. CULLINANE: Right.

MS. COFFEY: As far as anything like inside in the courtyard area that would be private. That's just part of the amenities that we offer to our residents is the promise of a safe, secure building without public access.

MS. CULLINANE: Yep. Okay. And I just want to say just because we have other apartments within the area that have a similar thing where it's an open retail space with a large corridor, and those haven't been filled yet, and they're very -- it's just sitting open and vacant, so.

MS. COFFEY: Yeah.

MS. CULLINANE: You know, that's obviously just, you know, that could be empty. It could be another eyesore for just having this [inaudible].

MS. COFFEY: We hope not. I mean, you know, we understand why the City wants retail, right.

MS. CULLINANE: Obviously.

MS. COFFEY: We would prefer not to do retail, but we did it to meet the City requirements. And we do see, like I mentioned, the benefit. Like having a coffee shop, I think there would be awesome for folks coming out of the Community Center in the morning. Have a place to walk across the street and grab a quick cup of coffee before they head out just makes a lot of sense to us. And it's sized appropriately so that it would be real easy to move in. We've had enough experience with retail in our other projects that, you know, we've contemplated that and we purposely did not make it too big so that it would be too kind of overwhelming for a small operation like that to come in and move in and be comfortable building it out and not too, you know, not too big of a bite to take, you know.

MS. CULLINANE: Right. Right. Yep.

MR. SCOTT: Do you have any questions pertaining to the plat? There's probably more questions for the PDP than the plat itself.

MS. CULLINANE: Nope.

MR. SCOTT: Okay.

MS. DUKELOW: Mr. Chairman, if there are no further questions or comments on the on the Preliminary Plat.

MS. SMITH: I do have a question. So, the City sold Beverly Park?

MR. SCOTT: Not yet no.

MS. SMITH: Okay. Is that unusual?

MR. SCOTT: No. We want to make sure everything comes -- all the stars align so they get their entitlements, they get their financing lined up, and they're ready to close on all the properties. And when that occurs, that's when we'll make the transaction on Beverly Park. But we don't want to sell Beverly Park to them and then find out the project doesn't go through for whatever reason.

MS. SMITH: Oh.

MR. SCOTT: They're not owning Beverly Park and so we kind of want to bring it all together at the same time at one closing.

MS. SMITH: Have we -- has the City of Mission sold a park before?

MR. SCOTT: Not to my knowledge, no.

MS. SMITH: Okay.

MR. SCOTT: There's a process we have to go through under state statutes. We actually have to notice that we may be selling the park and there's a opportunity for anybody that is opposed to that to file a petition with the City. We went through that back in the winter.

MS. SMITH: Okay.

MR. SCOTT: We did not receive a petition.

MS. SMITH: Sorry.

MS. DUKELOW: No. You're fine. All right. Mr. Chairman, if there are no more questions or comments on the Preliminary Plat, I will move to recommend approval for Case #24-08, Mission Beverly Preliminary Plat as presented.

MR. BRADEN: I'll second that.

MR. LEE: Call the roll, please.

MS. STEFFENS: Cynthia Smith.

MS. SMITH: Aye.

MS. STEFFENS: Kevin Schmidt.

MR. SCHMIDT: Aye.

MS. STEFFENS: Stuart Braden.

MR. BRADEN: Aye.

MS. STEFFENS: Megan Cullinane.

MS. CULLINANE: Aye.

MS. STEFFENS: Mike Lee.

MR. LEE: Aye.

MS. STEFFENS: Robin Dukelow.

MS. DUKELOW: Aye.

MS. STEFFENS: Amy Richards.

MS. RICHARDS: Aye.

MS. STEFFENS: Motion passed.

MR. LEE: Thank you.

MS. COFFEY: Thank you. Appreciate it.

Motion 4: **Robin Dukelow - Ward IV/Stuart Braden - Ward I:** Approve Case #24-08, Mission Beverly Preliminary Plat as presented by Staff with the conditions included in the Staff Report. **The motion carried 8-0-0.**

IV. OLD BUSINESS

MR. LEE: Do we have any Old Business?

MR. SCOTT: No.

MR. LEE: None, good.

V. PLANNING COMMISSION COMMENTS

MR. LEE: Any Planning Commission comments? Robin has a comment.

MR. SCOTT: Oh, yeah.

MS. DUKELOW: Swig.

MR. SCOTT: Yep. No. It's going to be in my Staff Updates, so.

MS. DUKELOW: Perfect. Thank you.

VII. STAFF UPDATES

1. Upcoming May Planning Commission Meeting

MR. LEE: Staff Updates.

MR. SCOTT: Okay. You want to jump right into it?

So yes. They finally started clearing the site of the old Backyard Burger/Kaw Valley Nursery/empty lot. So, they've started on construction of The Swig. I imagine they'll probably be finished by this fall, if not sooner. It's a fairly uncomplicated piece of construction, so that should go fairly quickly.

58th and Nall. So, Mr. Moffitt came to the City requesting a tax abatement, and that was negotiated and approved at the end of 2023, I think, October or November 2023. It may have even been in December. And there was a timeline as a part of that development agreement that he'd have to start construction in July. And we learned recently that he is planning to sell the property. He's going to sell the entire development project to the At Home Apartments. So, that's a development group/multi-family apartment complex ownership group based out of Minnesota, Minneapolis, Minnesota. And they own several of the apartment buildings here in downtown. So, we're very familiar with them. They've always maintained very good property and have always been kind of good residents of the community. So, we're pleased to hear that.

That will require an approval of the assignment of the development agreement by the City Council. So, that will be on their agenda in May. And I've asked if they're still planning to break ground July, and they've committed to that, so. So, they're ready to go. They have a contractor lined up, Neighbors Construction. They're working all their utilities right now, kind of getting all the I's dotted and the T's crossed, but they're still planning to break ground this summer, so. So, you'll be hearing more about that in a City Council agenda in May.

Thank you for accommodating tonight's meeting. It was the fifth Monday instead of the fourth. We did that for Passover. Next month will be the third Monday instead of the fourth Monday because the fourth Monday is Memorial Day. So, we moved it up to May 20th.

We will have a public hearing for the Rock Creek Corridor Trail Study. So, unfortunately, we couldn't get that done sooner, but that's the study that we've been working on since last fall, late summer, and that's the study that kind of develops a vision for the Rock Creek Corridor Trail from essentially Woodson going east all the way to Roeland Drive. So, I think it's a very -- it's a good study. It was presented to the City Council last month. It was well received by them. So, we're ready to bring that to you all and we'd eventually like to kind of incorporate that into our comp plan. So, that's going to be an appendix to our comp plan. So, it's kind of a living, breathing document and we're not sticking it on a shelf and forgetting about it. We certainly don't want to do that. And as Karie said, we're already trying to find funding opportunities just outside of our normal budgeting process to begin implementing those recommendations.

We will also potentially have on the May 20th agenda private sign criteria for The Lanes at Mission Bowl. I believe that's what they're calling it these days. So, that project is wrapping up. They're hoping to really complete the project late summer. They're going to start moving some folks in, probably July or August. But they're really hoping to get it wrapped up by September, so. And maybe have a ribbon cutting hopefully in the fall.

I don't think we have anything on the agenda for June 24th. Do we, Karie? Yeah. So, yeah. Now, we're talking about potentially having some bylaws for the Planning Commission. And Chairman Lee shared a copy of bylaws from way back when, so we'll go back and reference those.

And then July, July 22nd, we're back on our normal cycle again every 4th Monday. We're going to potentially have the FDP for Beverly Mission or Mission Beverly Project we heard tonight, the PDP. So, they're anxious to kind of get all their entitlements wrapped up and then get the construction documents into us for review and they're wanting to break ground as soon as they can, which I imagine will probably be next winter once they get through the holidays, so.

That's really everything that's going on right now, so.

MS. RICHARDS: I have a question about the park and has anything changed with the amount that they are offering for Beverly Park, or is it the same as what they proposed?

MR. SCOTT: It's like a donation, so.

MS. RICHARDS: Right.

MR. SCOTT: Yeah.

MS. RICHARDS: They had a figure. They gave a figure last time.

MR. SCHMIDT: She mentioned half a million.

MR. SCOTT: Yeah. It's \$500,000. That's what's in the development agreement, so.

MS. RICHARDS: Is that more than what they originally started with?

MR. SCOTT: Yeah.

MS. RICHARDS: Yeah.

MS. KNELLER: It was 300,000 originally.

MS. RICHARDS: Right.

MS. KNELLER: And they upped that to half a million.

MS. RICHARDS: Okay.

MR. SCOTT: Yeah. So --

MR. SCHMIDT: [Inaudible] been an appraisal on that land? And then do we know how much it's going to cost to develop another space [inaudible].

MR. SCOTT: We did not do a formal appraisal on the land. Of course, there's an estimated value in the county records, the assessor's estimated value, but we did not do a formal appraisal of that, no.

MR. SCHMIDT: That's probably something [inaudible].

MR. SCOTT: Yeah. Yeah. And we don't have a firm cost of the development. So, next month we'll hear some -- we heard the vision that was created in the plan, some estimated costs, but those are very rough, very rough engineering estimates at this point. And it's not until we really started getting into designing the details they'll really get into the cost of it, so.

MS. RICHARDS: Correct me if I'm wrong, but one of the reasons, or not reasons, but I mean they are putting \$1 million into the infrastructure. So, I don't think -- into the sewer.

MR. SCOTT: Yeah.

MS. RICHARDS: Right. And so --

MR. SCOTT: Yeah. They're going to have to take the storm sewer, it's in the middle of their property, and move it over to Beverly and run it down the middle of Beverly, then kind of wrap it around their building on the south side into the creek. That's going to be an expensive proposition. As well as the sanitary sewer, they're going to have to run it up north behind the theater building, that kind of alleyway. And then it'll connect there and go down Woodson.

MS. KNELLER: As far as the part goes though, I don't -- the amount that they're giving us for Beverly Park isn't intended to be able to, you know, provide us the money to completely do everything that's part of the Rock Creek Corridor Plan. It's a partial. It's a funding, one of the funding streams that we would utilize to get some of those projects done. And all of those things that come out of the Rock Creek Corridor Plan may not happen all at once either. There will be, you know, when we have resources available, when there's funding available to do certain things that's, you know, we'll take advantage of those.

MS. CULLINANE: I think the interesting thing is though, if we haven't done it, if we've -- if Mission has never done it before, or if we have, it's setting a precedent, right? Like I think, you know, future projects might look at it or future developers, whoever it is, like, oh, you know, this was sold before in the past for this much. You know, so just something to consider [inaudible].

MR. SCOTT: Yeah. It's a negotiation. We negotiate -- each deal comes from its own merits. So, we -- every developer would like to know what's the TIF policy or what's the abatement policy. We kind of drafted a tax abatement policy, but we left a little bit of wiggle room in there for negotiation because every project has its own merits.

MS. KNELLER: Kind of a perfect storm, actually. When the Rock Creek Corridor Plan was, when we were studying that and working with our consultants, it was kind of one of those lightbulb moments because we were also looking at this project and what it would entail with the land swap that was originally part of the original plan. That land swap wasn't really ideal for a lot of residents, what we heard in the public meeting and what

we heard from the folks at Mission Project like Michelle Niedens who was here tonight. You know, they said that park space that was going to be on the south side of Martway wasn't really conducive to what Beverly Park is used for now. And it was, you know, we're kind of doing some calculations on what the land, what land area that we already own in City property would likely be an equivalent. And it was like almost a perfect match to look at some of the City-owned properties already that we own over on east of Woodson, between Woodson and Outlook, right? We already own those properties, but they're not improved. And it's going to take some money to try to get them up to -- up to speed and give them some, you know, even if it's just open green space that people can use kind of like Beverly Park is now, to improve it to a certain degree, so that it's not a gravel or, you know, parking that we're, you know, also improving the waterway by providing some green landscaped open space. So, it was kind of a win-win when we were looking at the Rock Creek Corridor Project and then looking at what this project was entailing and proposing at first, that that wasn't really going to work for a lot of people. And so, we kind of had the idea to move that, see if we could move that project, the park project anyway, over to that area.

MS. SMITH: So, when the City sells the park, will the price of the sale be recorded as 500,000?

MR. SCOTT: I don't know. That's a good question. I don't know how that detail is --

MS. KNELLER: Like recorded with the county or --

MS. SMITH: I don't know.

MR. SCOTT: Yeah.

MS. SMITH: Like you look up how much something sold for.

MR. SCHMIDT: [Inaudible; talking off mic]

MS. SMITH: Yeah. So --

MS. KNELLER: Because the county will let, I mean --

MR. SCOTT: Well, it's --

MS. KNELLER: It will be revenue that we take in.

MR. SCOTT: Yeah. But it's not about the county. It's about the legal process for the sale and how that value of the property is recorded on the sale transaction. So, I don't know if it's -- we're kind of calling it a donation. So, I don't know if we're going to just give them title for \$500,000 as a donation, or if we're going to actually have a sale price plus donation. How we're going to work out those details, I really don't know. That's frankly, above my pay grade. That's for attorneys.

MR. SCHMIDT: And the buyer probably has opinions on it too. There are probably tax implications of what they're purchasing the land for.

MR. SCOTT: Yeah.

MR. SCHMIDT: So, they'll probably have some value that they'll attribute to the land. It's based off of that.

MR. SCOTT: Yeah.

MS. KNELLER: I'm sure the county has -- the county does have an assessment on it.

MR. SCHMIDT: It is 204,000.

MS. KNELLER: There you go. I was going to look it up here, but I didn't want it up on the screen.

MR. SCOTT: Yeah. This is separate from what the county needs. It's more about the transaction, yeah, exactly how the buyer is going to treat it for potential tax deductions or anything like that. So, that's a good question. I don't know.

MS. RICHARDS: Switching gears. I have a question for Staff on the Greentec permit. One of the recommendations was for a three-year. Did they indicate that that was their intent to be there three years because he kind of said that?

MR. SCOTT: They've always kind of intended they were going to be there for a fairly short period of time. Like he described all these different locations. And then he kind of showed his cards a little bit and said he's working to try to get some grant money through the state of Kansas for a location. I think he's going to be out in DeSoto near the Panasonic plant. That's kind what they're looking at. They want to consolidate. So, they're growing by leaps and bounds, and they're kind of working these different facilities, and they want to be able to consolidate into one facility that's going to meet their future needs.

MS. RICHARDS: Eventually.

MR. SCOTT: Yeah. So, I don't see them --

MS. KNELLER: And [inaudible] that went into this too was that due to the nature of kind of how the market is changing and lithium-ion batteries are becoming more and more popular, they may change and become less hazardous, less combustible, and this and that, we don't know what that looks like. But because the market is changing, we wanted to kind of keep this on a real short time frame if you will, because of the way the market is changing so quickly, and we wanted to be able to keep inspections on a regular and kind of not even a regular basis, but intermittent so that we can kind of show up and inspect whenever we want to so that we can ensure that they're not keeping lithium-ion batteries on site.

There's not a good way of doing that unless we go in and inspect and there's not really a great way to do that if we kind of give them a heads up that it's coming.

MR. SCOTT: Yeah.

MS. KNELLER: So, we wanted to be able to just show up on site and be able to inspect for that.

MS. RICHARDS: I got that piece of it. I was just curious more about the three-year, and then he kind of said something about three-year.

MR. SCOTT: Yeah.

MS. RICHARDS: And I'm tying this back to the other special use permit that we approved for the mattress guy, and it was five years.

MR. SCOTT: Right.

MS. RICHARDS: So, I was just kind of wanting [inaudible].

MR. SCOTT: You know, our thought too is just to kind of keep them on a bit of a short leash. So, we're watching.

MS. RICHARDS: Yeah.

MR. SCOTT: To see if there's going to be any problems or issues.

MS. RICHARDS: The mattress guy has been then for like 30 years.

MR. SCOTT: Yeah. I think we actually suggested ten, and Chairman Lee recommended going to five just for that reason, so we can kind of keep an eye on it. And in three years if everything's great and they come back, hey, we want to stay in that building for another ten years, then we might reevaluate a longer term, but.

MS. KNELLER: Sometimes when we consider that, you know, one of the business owners hasn't been forthcoming with getting the correct permitting done, we want to make sure that they're kept honest about things. If they're not, that they're not trying to skirt around some of our regulations so that we can make sure that the public is safe and, you know, that we're keeping and monitoring their business operations.

MS. RICHARDS: I think that's really smart. I was just going -- I think it's valuable to know that background, especially when we are looking at approving special use permits.

MS. SMITH: Just one more question. What was the outcome of the gas station?

MR. SCOTT: Oh, yes.

MS. RICHARDS: Speaking of.

MR. SCOTT: Yeah. So yeah. Yeah. Thank you for bringing that up. So, we had a BZA hearing on the 2nd of this month. And I presented the Staff report or the Staff case, and that's online if you want to go look at the Staff report. And the applicant, their attorney, presented kind of their side. Apparently from what they discovered, they went into the store and actually turned the register on and they kind of went back to the audit of the register and they found where there had been sales that occurred as late as April 2023. We were sort of on the assumption that they -- the store had closed in like January of 2023, but they were able to find sales that occurred as late as April 2023. And then the appellant, the one that was appealing our decision, had actually purchased the property in October, but they really started negotiations back in the summer and they had gone so far as to do inspections on the pumps and were kind of getting pumps in working order and all that before the actual sale occurred in October.

So, it kind of came down to that what is 180 days and when does it close and when does it open again. And so, there were three members of the BZA that were present. Yeah. Three members.

MS. DUKELOW: Four.

MR. SCOTT: Four. That's right. There's five members total, so it was four. And so, it was a 3-1 vote in favor Staff's decision. So, they upheld Staff's decision 3-1.

And now the appellant has 30 days to file an appeal of the BZA's decision to circuit court. So, we're kind of in that countdown phase right now. I would imagine they'll probably file it like, you know, today or tomorrow, something like that. We'll see. So. But that's kind of what's going on with that, so.

Anything else? Yeah. It seems like a century ago.

MS. DUKELOW: Yeah.

MR. SCOTT: The BZA. It's been a long month.

MS. CULLINANE: I'm just curious like the, like did we get proof of like the April 2023 sales or like?

MR. SCOTT: Yeah. They had receipts.

MS. CULLINANE: Okay.

MR. LEE: [Inaudible; talking off mic]

MR. SCOTT: Yeah. That was the evidence that they entered was copies of the receipts from April of 2023. And then a copy of an inspection done, I think in August or September on the pumps.

MS. RICHARDS: Were they sales for gas or sales for convenience store?

MR. LEE: They didn't say.

MR. SCOTT: Yeah. It just said general on the receipt.

MR. LEE: [Inaudible] purchase it.

MR. SCOTT: Yeah. So, I don't know if it was just a pack of cigarettes or a gallon or two of gas. You know, they didn't really say, so. And I think that was one of the questions we had in our mind was even though the convenience store portion may be closed, one could still buy gas at the pump. So, were they selling gas at the pump, you know, through a credit card or something like that or not. We never were able -- we were never able to determine that.

So, we get reports from the Department of Revenue every month that shows all the sales receipts that were generated in the City of Mission for, you know, Mack's Hardware and Starbucks Coffee, and Hy-Vee and all the retailers in town. So, I was able to look at those reports and that's where I could identify that it seemed that the last sales transaction occurred in the summer of 2022, July of 2022. And that may have been, as far as I knew that was accurate. So, they might have been doing sales, but just not reporting to the Department of Revenue, which is probably what happened. Or they were closed and they were still selling fuel.

We do not get any kind of report on fuel sales. There is no sales tax on fuel sales. There is a fuel tax, but there's no sales tax. And the fuel tax is collected by the distributor. It goes to the Department of Revenue. Then they distribute it out between the state and the federal government and the City. So, it's a different process and we're kind of out of that. We don't get that information like we do with sale tax, so. I spent a lot of time doing research on this. A lot of time.

MS. DUKELOW: I was going to make a comment because I remember Beverly Park not being Beverly Park. So, I went to AIMS because I know that it hasn't been there that long. I mean, maybe 20 years is a long time.

MR. LEE: Now.

MS. DUKELOW: It was a parking lot. I mean, it was a parking lot. And if you, you know, it's kind of interesting because actually the map that I pulled up, they actually have the footings. It looks like footings and foundations are going in for the expansion of the Community Center. But that, you know, that park is just -- it's not a parking lot anymore, but it's not a park either yet. So, I just wanted to throw that out there regarding that particular park. It hadn't been there that long. It doesn't feel like that long.

MR. SCOTT: Yeah. There's a monument in the park kind of in the corner, I think, like a dedication monument. I don't remember the date on it though, but yeah.

MS. RICHARDS: I was surprised that you didn't bring up the trash enclosure. I was like really expecting that.

MS. DUKELOW: All I got right now is a location. I was surprised I didn't bring up the -- all those [inaudible] preservation details. Boy, they were really good with the details.

MS. CULLINANE: I know. I was like, I'm not sure what they're actually preserved, but nice details.

MS. DUKELOW: [Inaudible]

VII. ADJOURNMENT

MR. LEE: Do I have a motion?

MR. BRADEN: I move that we adjourn.

MS. DUKELOW: Second.

MR. LEE: Call the roll.

MS. STEFFENS: Cynthia Smith.

MS. SMITH: Aye.

MS. STEFFENS: Mike Lee.

MR. LEE: Aye.

MS. STEFFENS: Amy Richards

MS. RICHARDS: Aye.

MS. STEFFENS: Kevin Schmidt.

MR. SCHMIDT: Aye.

MS. STEFFENS: Robin Dukelow.

MS. DUKELOW: Aye.

MS. STEFFENS: Megan Cullinane.

MS. CULLINANE: Aye.

MS. STEFFENS: And I have one more, right? No. That's everybody. No. Stuart Braden.

MR. BRADEN: Aye.

MS. STEFFENS: Took me a minute, Stuart. Sorry. Motion passed.

Motion 5: Stuart Braden- Ward I/Robin Dukelow - Ward IV: Adjourn.
Motion carried 7-0-0.

(Mission Planning Commission Meeting adjourned at 8:59 p.m.)

CERTIFICATE

I certify that the foregoing is a transcript to the best of my ability from the electronic sound recording of the proceedings in the above-entitled matter.

/das _____

May 1, 2024

Deborah A. Sweeney

APPROVED BY:

Kimberly Steffens, Permit Technician