

STAFF REPORT
Planning Commission Meeting September 25, 2017
Updated for December 18, 2017
[Updated for March 26, 2018](#)

AGENDA ITEM NO.: 3

PROJECT NUMBER / TITLE: Application # 17-08

REQUEST: Preliminary Site Development Plan for Martway Mixed Use Development

LOCATION: 6005-6045 Martway Street

APPLICANT: Christian Arnold, Martway Office Works, LLC

PROPERTY OWNER: Martway Officeworks LLC
423 Delaware St, Ste 102
Kansas City, MO 64105

STAFF CONTACT: Danielle Sitzman

ADVERTISEMENT: 9/5/17 and 11/28/2017-The Legal Record newspaper

PUBLIC HEARING: Planning Commission meetings, 9/25/17 and 12/18/17



Property Information:

The subject property is occupied by three small office buildings with a total footprint of

approximately 34,000 square feet. They were constructed in the mid 1960's. In 2014, the land was platted for the first time into three lots known as the Martway Office Buildings Subdivision in anticipation by the then owner to offer them for sale. The property is zoned Main Street District 2 "MS2". It is located in the Downtown District and subject to the *Mission, Kansas Design Guidelines for the Johnson Drive Corridor*. "MS2" was assigned to this property at the time of the City initiated rezoning of entire downtown in 2006. The District was designed to reinforce and encourage the existing character within the core of the downtown.

Surrounding properties are zoned and developed as follows:

North/East/West: "MS2" Main Street District 2-municipal community center, multi-family housing, small office, auto-bank.

South: "R-1" Single-Family Residential District-Municipal Offices, Police Department, Outdoor City Pool, Parkland, single-family homes [and "MS2" Main Street District 2-Tract A](#)

Comprehensive Plan Future Land Use Recommendation for this area:

The Comprehensive Plan indicates this area is appropriate for Medium-Density Mixed Use, Parks, and Office. This area should be composed of a pedestrian-friendly mix of mostly housing and limited office and retail uses at medium densities. Such districts typically serve as a transition zone between low to moderate density residential neighborhoods and areas of higher intensity commercial activity. This category primarily consists of an intermix of low to moderate density attached residential housing types, such as row housing, townhomes, condominiums, duplexes, triplexes, and fourplexes, and multiplex and apartment/condo dwellings. Residential densities may vary throughout the neighborhoods and are typically higher than low-density residential areas. The ground floor is appropriate for offices or limited retail stores with upper floors including housing units.

The proposed project is in conformance with the intent of the Comprehensive Plan to provide a mix of residential densities and uses located in proximity to the higher commercial intensity uses near Johnson Drive. It also addresses the Comprehensive Plan Goals of downtown floodplain redevelopment, supports multi-modal travel, and contributes to the economy of the downtown.

Project Background:

[Update 3/26/18: The revised plan is for a 4-story mixed use building with minor changes to the massing of the building, a reduction in the overall height of the building, and a reduction in the density.](#)

[Update 12/18/17: The revised plan is for a 4-story mixed use building with the same mix and arrangement of uses.](#)

The applicant recently purchased all three office building properties. At this time the applicant, Christian Arnold of Clockwork Architecture + Design, is requesting a preliminary site plan approval for redevelopment of the site into a 5-story mixed use building consisting of retail and parking on the ground floor with apartments above.

Plan Review

[Update 3/26/18: The proposed building remains 4-stories containing approximately 90 apartments over ground floor retail space. The building massing and other site plan details have been altered to eliminate the need for requested deviations for onsite parking, rear yard](#)

setbacks, parking lot buffers setbacks and open space, and site trees. The building is arranged in a L-shape with parking provided through a combination of garage, surface, and under building spaces. The ground floor retail/office space would be comprised of two enclosed building sections flanking the entrances on the northside of the building. Access to and around the site is provided by driveway entrances on the east and west ends of the site. The preliminary plan submitted for review by the Planning Commission includes the updated total planned square footage by use in the table below:

Update 12/18/17: The proposed building is now 4-stories with 117 dwelling units. All other site plan details remain the same.

The applicant is proposing a 5-story mixed use building containing apartments and retail space on a 1.8-acre infill site in the downtown on the southside of Martway Street roughly between Beverly Avenue and Dearborn Street. The project is bounded by the Rock Creek Trail along its southern border. The main building would be raised on a concrete podium to allow for parking beneath the structure, floodproofing, and clearance for fire district vehicles. The ground floor retail/office space would be comprised of two enclosed building sections flanking the entrances on the northside of the building. The remaining upper floors would contain 156 rental dwelling units.

	Use	Approx. Area 9.25.17	<u>Approx. Area 12.18.17</u>	<u>Approx Area 3.26.18</u>
Commercial	Office/retail	3,491 S.F. (ground floor)	<u>3,491 S.F. (ground floor)</u>	<u>6,250 S.F. (ground floor)</u>
Residential	Apartments	155,908 S.F. (floors 2-5)	<u>116,931 S.F. (floors 2-4)</u>	<u>92,896 S.F. (floors 2-4)</u>
	Total	159,399 S.F.	<u>120,422 S.F.</u>	<u>115,021 S.F.</u>

Planned District Deviations Requested

The Main Street District 2 is a planned zoning district and therefore eligible for consideration of deviations from the prescribed zoning standards. A planned district is a zoning technique that is intended to create additional flexibility in the application of zoning standards such as, but not limited to, setbacks and height. Conventional zoning, which relies on rigid dimensional standards, does not easily accommodate innovative development especially where mixed-use or infill projects are proposed. In addition, conventional zoning relief requires changing the zoning code standards on a project by project basis or through the consideration of variances. In the case of the former, changing zoning district standards often would create non-conformities as the new rules are then applied to all existing developed property within the same zoning district. On the other hand, variances are difficult to justify as the criteria used for evaluation rely on the demonstration of a unique hardship related to the physical characteristics of the property. The merits of a particular development concept alone are not a proper reason to grant a variance.

The adoption of planned zoning in Mission was a precursor to the development of other innovative zoning techniques such as mixed-use zoning districts like the Main Street District 1 & 2 districts and other overlay zones. It is a valuable tool as it allows for deviations from conventional zoning standards on a case by case basis upon review of specific development

proposals. The stated intent of the City of Mission's planned district code is to encourage quality development by permitting deviations from the conventional zoning district to encourage large-scale developments, efficient development of smaller tracts, innovative and imaginative site planning, conservation of natural resources, and minimum waste of land.

Many of the requested deviations discussed below relate to the special challenges of infill redevelopment. Infill refers to the development of vacant or underutilized parcels within previously built areas. These areas are already served by public infrastructure, such as transportation, water, wastewater, and other utilities.

Redevelopment describes converting an existing built property into another use. Ideally, redevelopment aims for better use of the property that provides an economic return to the community. In this case, conversion of several small offices in need of repair and renovation constrained by the nearby floodplain to a mixed-use development that combines residential and commercial uses.

Infill redevelopment optimizes prior infrastructure investments and consumes less land that is otherwise available. Infill redevelopment can result in:

- Efficient utilization of land resources
- More compact patterns of land use and development
- Reinvestment in areas that are targeted for growth and have existing infrastructure like the downtown
- More efficient delivery of quality public services such as transit

As a community where most land has already been developed, most, if not all, redevelopment in Mission will be infill redevelopment in nature. Therefore, in order to fulfill the long-range goals of the Comprehensive Plan to provide a mix of residential densities and uses located in proximity to the higher commercial intensity uses near Johnson Drive, redevelopment of the downtown floodplain, support of multi-modal travel, and enhancement of the downtown economy, additional flexibility is an important element of plan review.

The applicant is requesting the following deviations:

- 1) **On-Site Parking.** [Update 3/26/18: The table below has been updated. No action is required on this item as the base code requirements have been met. This deviation is no longer necessary.](#)
[Update 12/18/17: This deviation is no longer needed as the required number of on-site parking stalls will be provided.](#)

The "MS2" zoning standard requires a minimum of 4 parking spaces per 1,000 square feet of commercial gross floor area and 1 space per efficiency and one-bedroom apartments. 2 spaces are required for two-bedroom apartments (410.250). The proposed mix development contains the following mix on site:

<u>Use</u>	<u>Number</u>	<u>Base Code Requirement</u>	<u>Proposed On-Site 3.26.18</u>	<u>Proposed Off-Site</u>	<u>Reduction</u>
<u>Retail</u>	<u>6,250 S.F.</u>	<u>25 spaces</u>	<u>25</u>	<u>0</u>	<u>0</u>
<u>Efficiency/One Bedroom Units</u>	<u>63 Units (12/51)</u>	<u>63 spaces</u>	<u>117</u>	<u>0</u>	<u>0</u>
<u>Two Bedroom Units</u>	<u>27 Units</u>	<u>54 spaces</u>			
	<u>Total</u>	<u>142</u>	<u>142</u>	<u>0</u>	<u>0</u>

<u>Use</u>	<u>Number</u>	<u>Base Code Requirement</u>	<u>Proposed On-Site 12.18.17</u>	<u>Proposed Off-Site</u>	<u>Reduction</u>
<u>Retail</u>	<u>3,491 S.F.</u>	<u>14 spaces</u>	<u>14</u>	<u>0</u>	<u>0</u>
<u>Efficiency/One Bedroom Units</u>	<u>87 Units (18/69)</u>	<u>87 spaces</u>	<u>152</u>	<u>0</u>	<u>0</u>
<u>Two Bedroom Units</u>	<u>30 Units</u>	<u>60 spaces</u>			
	<u>Total</u>	<u>161</u>	<u>166</u>	<u>0</u>	<u>0</u>

<u>Use</u>	<u>Number</u>	<u>Base Code Requirement</u>	<u>Proposed On-Site 9.25.17</u>	<u>Proposed Off-Site</u>	<u>Reduction</u>
<u>Retail</u>	<u>3,491 S.F.</u>	<u>14 spaces</u>	<u>0</u>	<u>0</u>	<u>14</u>
<u>Efficiency/One Bedroom Units</u>	<u>116 Units (24/92)</u>	<u>116 spaces</u>	<u>166</u>	<u>10</u>	<u>20</u>
<u>Two Bedroom Units</u>	<u>40 Units</u>	<u>80 spaces</u>			
	<u>Total</u>	<u>210</u>	<u>166</u>	<u>10</u>	<u>34</u>

The applicant is requesting a permission to provide 166 spaces on site with the option to lease 10 additional spaces from adjacent properties for a total reduction of 34 spaces

The applicant states in the project narrative (attached) that the full number of parking spaces will not be needed due to the anticipated 5% normal vacancy rate of the apartments and shared parking between the retail and housing uses which will have different periods of demand. In

addition, the applicant proposes securing agreements for leasing nearby off-site parking spaces. The intent is to reduce the amount of land devoted to under utilized or unneeded parking and to allow for a more efficient use of land.

Staff Notes-The number of parking spaces needed is related to the proposed uses of the site. In this case, primarily the number of apartment units. The City's parking ratios are based on conservative estimates of the average demand expected by a typical use. The intent is to ensure that the impact of vehicles generated by private activities such as housing and commercial activity do not overrun public facilities like the street network. The developer is proposing to provide parking ratios tailored to the character of their project. They indicate the number of apartments proposed is necessary to make the project financially feasible and sustainable over time. Costs unique to infill projects can come from demolition of existing structures, odd or obsolete site shapes and sizes, existing facilities like trails and street rights-of-way, and floodplains. In exchange for this allowance the project generates 44 additional bedrooms thus increasing the population density. Additional density is a more efficient use of land than a smaller scale development. Additional density and, therefore, additional rents offsets costs and results in potentially higher property values and a better quality project.

There are several well developed alternative modes of travel immediately available to the site which may reduce vehicle travel demand. This includes a network of sidewalks, the Rock Creek multi-modal trail, and several KCATA bus routes which travel between two enhanced bus stops at the community center and the Mission Transit Center hub on Johnson Drive.

The applicant's estimate of rates of parking demand for housing are similar to other observed conditions at similar apartment developments like those operated by EPC Real Estate. This would likely be sufficient to meet the needs for residential parking without building unnecessary stalls that would remain unused.

In regard to retail parking demand, the applicant's traffic study does not consistently identify the nature of the commercial space as either retail or office. Therefore, the City's consulting engineer has asked for revisions to the study to clarify this. This is a relatively small total area of the building and is not anticipated to alter or to generate pass-by traffic. Pass-by traffic are those drivers who happened to be driving by on their way to something else and stop in because it is convenient before resuming their original trip. Also, it could be possible for the commercial tenants to share parking with the residential units as they operate at different peak hours. However, while the study appears to indicate traffic impacts will not require additional roadway improvements, without the correct data, staff would prefer to defer making a recommendation on the parking deviation. This deviation could be considered at the time of final site plan review when a revised traffic impact analysis report has been received and reviewed.

- 2) **Rear Yard Setbacks.** [Update 3/26/18: No action is required on this item as the base code requirements have been met. This deviation is no longer necessary.](#)

The "MS2" zoning standard requires properties adjacent to those zoned "R-1" Single-Family Residential District to provide a twenty-five foot (25) building setback between them. Otherwise no setbacks are required. (410.240). [Tract A is owned by the City of Mission and zoned "MS2".](#)

[No rear yard setbacks are required between the subject property and Tract A.](#)

The applicant is requesting permission to waive this setback. In the project narrative the applicant indicates that the Rock Creek drainage tract, creek channel, and Victor X Andersen Park provide an equivalent if not larger setback from any surrounding single-family homes.

Staff Notes-The overall separation of structures intended by the code is a minimum of 45 feet (subject setback of 25'+ 20' rear yard setback of SF home). The only qualifying "R-1" zoned property adjacent to the proposed project is that of the City Hall building, outdoor pool, and Victor X Andersen Park. These areas are unlikely to redevelop into single family dwelling units and do not require a buffer from the proposed development which is a less intense use. Also, the city properties easily fit the definition of office or recreational zoning districts which if so designated would remove the need for any setback. The intent of the required setback has been met by the creek channel, Tract A, and the open space of the park. Granting this deviation allows for a more efficient use of land by removing an unnecessary buffer.

- 3) **Building Height.** [Update 3/26/18: The applicant is requesting a maximum height allowance of 4 stories. Overall height in feet will meet the base code requirement of 45 feet. This is the same number of stories and 11' 3" shorter than previously proposed. Staff's notes on the project remain otherwise unchanged.](#)
[Update 12/18/17: The applicant is requesting a maximum height allowance of 4 stories and / or 56' 3". This is one less story and 10' 9" shorter than previously proposed. Staff's notes on the project remain otherwise unchanged.](#)

The "MS2" zoning standard limits a building's maximum height to 3 stories and or forty-five feet (45'). (410.240) The applicant is requesting a maximum height allowance of 5 stories and / or sixty-seven feet (67').

	Base Code (and/or)	Proposed 9.25.17	Proposed 12.18.17	Proposed 3.26.18
Stories	3	5	<u>4</u>	<u>4</u>
Overall Height	45'	67'	<u>56' 3"</u>	<u>45'</u>

The applicant is requesting the height deviation so that additional apartment units can be included in the design. The project narrative explains that the building's height is also affected by a larger clearance on the ground floor to accommodate parking due to the floodplain and fire district access. The applicant points out the sloping topography which puts the site 10'-20' lower than many surrounding properties of similar height or of the nearest single-family homes.

Staff Notes-As stated earlier, and according to the Applicant, the number of apartments proposed is necessary to make the project financially feasible and sustainable over time. Infill projects face additional site design challenges and costs. In exchange for this allowance, the project generates an additional 77,950 square feet of development. Half of this offsets the loss of ground floor development area due to the floodplain impacts. Additional density is a more efficient use of land than a smaller scale development. Additional density and therefore additional rents offsets costs and results in potentially higher property values and a better

quality project.

- 4) **Minimum Lot Area per Dwelling Unit.** Update 3/26/18: The revised plan contains 27 fewer dwelling units and therefore increases the amount of lot area per dwelling. The new unit count is 90 and the new density calculation is 807 square feet/unit or 53.98 units per acre. The intent is to allow 90 units or approximately 92,896 square feet of residential development and appurtenant ground floor space. A minor calculation error regarding the area of Tract A was also corrected. The density table attachment has been updated. Staff's notes on the project remain otherwise unchanged.
Update 12/18/17: The revised plan contains 39 fewer dwelling units and therefore increases the amount of lot area per dwelling. The new unit count is 117 and the new density calculation is 658 square feet/unit or 66.21 units per acre. The intent is to allow 117 units or approximately 116,931 square feet of residential development. The density table attachment has been updated. The project is now less dense than the Mission Trails project on Johnson Drive. Staff's notes on the project remain otherwise unchanged.

The "MS2" zoning standard requires 1,245 square feet of lot area per dwelling unit or a maximum of 35 units per acre (410.240). The applicant is requesting permission to reduce the lot area per dwelling unit to fit their proposed design to allow for the 156 units or 155,908 square feet of residential development in a mixed-use building. This is approximately 493 square feet or 88.64 units per acre. Note: the exact lot area or unit density calculation may fluctuate if the amount of land dedicated on the final plat for changes the site area. The intent is to allow 156 or approximately 155,908 square feet of residential development. This is not dwelling unit size.

	Base Code (and/or)	Proposed 9.25.17	Proposed 12.18.17	Proposed 3.26.18
Lot Area/D.U.	1,245	493	<u>621</u>	<u>807</u>
Units/Acre	35	88	<u>70</u>	<u>54</u>

The applicant states in the project narrative that the project has been designed in response to current market trends for increased density and to make the project economically feasible. They also indicate that the proposed density brings customers within walking distance of the main commercial district of the city.

Staff Notes-The proposed lot area per unit is comparable with many of the current apartment development projects underway in northeast Johnson County especially those in and around Downtown Overland Park (See attached density table). The baseline density contained in the "MS2" zoning district reflects the existing apartment development in the area which were constructed 35-60 years ago. All existing apartment complexes in the downtown predate the newly created zoning districts "MS1", "MS2" or "DND". If the baseline density is not altered, approximately 62 units would be allowed on site. Likely only 40 of these could be constructed due to the floodplain impacts to the ground floor because of the proximity to Rock Creek. That would result in a lot area per unit of 1,925 square feet which is lower than any other downtown multi-family property. Modern, market-driven, high quality infill requires flexibility to be built on this site.

5) **Parking Lot Setback.** [Update 3/26/18: No action is required on this item as the base code requirements have been met. This deviation is no longer required.](#)

The “MS2” zoning standard prohibits newly constructed paved surface parking areas from being closer than 6’ from a street or property line (410.250). The applicant is requesting permission to waive this requirement for the west property line only.

The applicant states in the project narrative that the purpose of the request is to maximize on-site parking while avoiding placing incompatible features along the adjacent property. They point out that the adjacent development to the west also contains a surface parking lot. The applicant stated they will look for opportunities to create landscape buffers where feasible with the development of the final site plan.

Staff Notes-The intent of this code section is to provide screening and buffering from undesirable areas (surface parking lots) and the public way or adjacent properties. No side yard setback is required between the building and the west property line except for the parking lot. The proposed site plan otherwise meets the requirements for parking lot setbacks and the bulk of the surface parking lot is behind or under the proposed building which is a highly desired feature. A stipulation should be made that this deviation is for the west property line only and that alternate screening of this area should be provided for consideration with the final site plan.

6) **Parking Lot Buffer.** [Update 3/26/18: No action is required on this item as the base code requirements have been met. This deviation is no longer required.](#)

The *Mission, Kansas Design Guidelines for the Johnson Drive Corridor* requires parking lots abutting an interior property line to maintain a minimum of 4’ of green space (3.2). The applicant is requesting permission to waive this requirement for the entire site.

Staff Notes-This requirement is similar to that of #5 but stricter in its applicability to all interior property lines regardless of what they abut. The proposed project is lined by the Rock Creek along the entire southern property boundary and a 6’ buffer is shown along the east boundary. Granting the #5 deviation to the west boundary with stipulations will ensure proper buffering of surrounding properties.

7) **Site Tree.** [Update 3/26/18: No action is required on this item as the base code requirements have been met. This deviation is no longer required.](#)

The supplemental landscaping requirements of the Municipal Code require site trees to be planting in the parking lot at a rate of 1 tree per every 20 parking spaces (415.090). The applicant is requesting permission to waive this requirement.

The applicant states in the project narrative that this deviation is requested to maximize on-site parking and that the location of the surface parking lot under and behind the proposed building screens and shades the parking area.

Staff Notes-The intent of this code section is to visually soften parking lots from the view from other areas, provide shade, ground water recharge, air purification, and enhance the quality

appearance of the site. This development has proposed a building design in which parking is located under or behind the building. This is an acceptable or superior design and therefore buffering the parking area with site trees is not needed.

- 8) **Parking Lot Interior Open Space.** *Update 3/26/18: No action is required on this item as the base code requirements have been met. This deviation is no longer required.*

The supplemental landscaping requirements of the Municipal Code require site trees to be planting in the parking lot at a rate of 1 tree per every 20 parking spaces (415.110). The applicant is requesting permission to waive this requirement.

The applicant states in the project narrative that this deviation is requested to maximize on-site parking and that the location of the surface parking lot under and behind the proposed building screens and shades the parking area. Quality landscaping where feasible on the site will be explored with the development of the final site plan

Staff Notes-Again, the intent of this code section is the same as #7 above. This development has proposed a building design in which parking is located under or behind the building. This is an acceptable or superior design and therefore provided open space in the parking field is not needed.

Johnson Drive Design Guidelines

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

Staff Notes-Design Guidelines: Buildings are shown filling in the block parallel to the public street and extending the width of the property with parking behind or under the primary facade. Adequate room has **not** been reserved for streetscape elements to match the Martway Street streetscape and Rock Creek Trail already established. The proposed building materials and architectural style are reflected in the colored elevations and exterior renderings. A modern architectural theme is proposed. The intent of the Johnson Drive Guidelines is to encourage detailed and articulated building elevations that create interesting facades, complementary massing, human scale elements, and high quality appearance materials. It acknowledges that Mission benefits from a diversity of architectural styles and would not prohibit modern styles that are compatible in form and proportion to buildings with their immediate context on Martway Street. Specific details of all building elements including materials will be reviewed a the time of final site plan submittal. The applicant has provided comment on the building design in the project narrative.

Traffic Impact Analysis & Parking

Update 3/26/18: A revised traffic impact analysis matching the proposed design will be reviewed at the time of final site plan consideration.

Update 12/18/17: On site parking is no longer a concern as the required minimum number of stall are to be provided on site. In addition, with fewer dwelling units proposed, traffic generation will be reduced. An update to the traffic impact analysis will be required at the time

of final site plan. Estimates can be revised at that time. Staff's notes on the project remain otherwise unchanged.

The proposed parking plan is discussed in the deviations section of the staff report. Access into the site is proposed from two access points along Martway Street. One will align with Beverly Avenue and one will be slightly offset from Dearborn Street. The off-set entrance is in the same location as an existing driveway and therefore not a new condition in the street network. Both driveways will enter into the ground floor parking area under the building.

Staff Notes-Traffic & Parking: The Johnson Drive Design Guidelines support structured parking and minimizing the amount of surface parking in redeveloping areas of the city. The applicant was required to provide a full traffic impact analysis including estimated traffic generation trips and the assignment of those trips to the various intersections surrounding the site using standard traffic engineering practices. In addition to traffic volume, the impact to the performance of several intersections adjacent to the site were also studied and assigned a A-F grade.

The City's on-call engineers at Olsson Associates have reviewed the Traffic Impact Analysis and the proposed preliminary site plans. They are generally satisfied with the preliminary project design and the capacity of the road network to accommodate the proposed development but note a discrepancy in the trip generation method estimating traffic based on office or retail use on the ground floor. They recommend reserving the right to make further comment on the proposed parking until a revised final study is provided. Comments will be required to be resolved before the study or final site plan are accepted. Conditions regarding on-site vehicle and ADA circulation are included in the recommended approval below.

Stormwater Management

[Update 3/26/18: A revised stormwater analysis matching the proposed design will be reviewed at the time of final site plan consideration.](#)

The subject property generally drains southeast into the adjacent Rock Creek channel located immediately south and flowing to the east. No details of the proposed future drainage collection, routes or discharged were provided. The proposed development results in a slight increase in impervious surface (approximately 3,418 S.F.) and has requested a waiver from stormwater management based on the adopted code provisions of APWA 5600.

The City's on-call engineers at Olsson Associates have reviewed a stormwater drainage memorandum and the preliminary site plans. They are generally satisfied with the preliminary project design but recommend reserving the right to make further comment until the final study is provided. Any further comments for the applicant to address will be required to be resolved before the study or final site plan are accepted. Conditions regarding drainage are included in the recommended approval below.

Floodplain

A portion of the Rock Creek regulatory 100-year floodplain exists on this site. Therefore the City's Floodplain Management Ordinance will regulate the development. Development will only be permitted through the issuance of a floodplain development permit under such safeguards and restrictions as may be reasonably imposed for the protection of the community. The City's on-call engineers have begun this review and will continue to evaluate the proposed

construction for the proper floodproofing, site work, and regulatory permits. This is a process which occurs as site planning begins and concludes before building permit issuance. Conditions regarding this process are included in the recommended approval below.

On Site/Off-Site Public Improvements

Update 3/26/18: The applicant has revised the proposed streetscape to meet Code requirements. Additional street right-of-way dedication will be required with final plans and plats.

The developer is responsible for the construction of public improvements along Martway Street such as sidewalk, street trees, irrigation, benches, bike racks, street lights, etc. Improvements to the barrier to Rock Creek may also be required. Any necessary off-site improvements identified in review of the final traffic and stormwater studies will also be the responsibility of the applicant.

Staff Notes-Public Improvements: A minimum 10' wide paved clear zone along Martway Street must be maintained for the existing Rock Creek Trail. The proposed 8' wide trail is insufficient to meet multimodal trail standards. In addition, adequate space for a streetscape amenity zone (street trees, streetlights, signage, etc.) must be provided. This zone should be 5' wide at a minimum. Room for door sweeps for the ground floor commercial space should be accounted for outside of the trail as well. Additional details are needed with final plans to ensure the Martway Street streetscape provides adequate dimensions. Additional street right-of-way dedication will be required with final plans and plats.

Signs

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

Staff Notes-Signs: The city's sign code indicates criteria shall be for the purpose of ensuring harmony and visual quality throughout the development. The size, colors, materials, styles of lettering, appearance of logos, types of illumination and location of signs must be set out in such criteria. Signs may wait to be addressed in this manner until final development plans are submitted. A preliminary proposal was provided. The sign criteria will be reviewed and approved at the time of final site plan review.

Sustainable design and construction practices

The Mission Sustainability Commission has developed a rating and certification system for development projects. The applicant has been invited to present the project to the Sustainability Commission. Once completed, the final scoring of the project will be provided to the Planning Commission at the time of Final Site Plan review.

Miscellaneous

A neighborhood meeting was hosted by the applicant at the Community Center on September 12th. Property owners within 700' of the subject property were invited by a mailed invitation to attend. The event was also advertised on the City's social media accounts and website. Approximately 40-50 people attended the meeting. Issues discussed included the building height and aesthetics of the project.

Update 12/18/17: In addition to the statutory requirement for notice of the public hearing to

property owners within 200', property owners within 700' of the subject property were also mailed notice of the December 18th meeting.

Staff Recommendation 9.25.17

The proposed development conforms with the Comprehensive plan, meets the overall intent of the "MS2" zoning district, and complies with the required findings for Section 405.090 and 440.160. Therefore, Staff recommends the Planning Commission recommend approval of the Preliminary Site Development Plan for Case # 17-08 Martway Mixed Use to the City Council with the following stipulations:

1. Deferral of consideration of the requested deviation to on-site parking until the time of final site plan approval.
2. Approval of the requested deviation to rear yard setbacks to waive the requirement for a 25' setback along adjacent "R-1" zoned city property.
3. Approval of the requested deviation to height to allow a maximum building height of five stories and or 67 feet.
4. Approval of the requested deviation to waive the minimum lot area per dwelling unit to allow for the proposed design of 156 units or 155,908 square feet of residential development in a mixed-use building.
5. Approval of the requested deviation to waive the 6' parking lot setbacks along the west property line. Alternative screening of the area should be provided for consideration with the final site plan.
6. Approval of the requested deviation to waive the parking lot buffers for the entire site.
7. Approval of the requested deviation to waive the site tree requirement based on parking spaces.
8. Approval of the requested deviation to waive the parking lot open space standard.
9. A revised final traffic study and final stormwater drainage designs must be submitted for review with the final site plan application. The appropriate data, text, maps, drawings and tables must be included per the Olsson Associates review comments dated September 20, 2017 and attached to this report.
10. Staff reserves the right to provide additional comments or stipulations on development plans until all traffic, circulation, ADA, storm drainage, and floodplain related concerns have been addressed.
11. Provide adequate right-of-way for the required streetscape elements. A minimum of 10' wide paved clear path is required for the Rock Creek Trail separated from the back of curb by a minimum 5' way planting zone.

Planning Commission Recommendation 9/25/2017

The Planning Commission, at their September 25, 2017 meeting, voted 8-0 to recommend denial of Case # 17-08 Martway Mixed Use due to concerns about the requested deviation in

height.

Update

On September 29, 2017 the applicant indicated to staff that they would rework their proposal based on public comment for reconsideration by the Planning Commission. Revised plans were submitted for review and notice of a public hearing was re-advertised.

Staff Recommendation 12.18.17

The proposed development conforms with the Comprehensive plan, meets the overall intent of the "MS2" zoning district, and complies with the required findings for Section 405.090 and 440.160. Therefore, Staff recommends the Planning Commission recommend approval of the Preliminary Site Development Plan for Case # 17-08 Martway Mixed Use to the City Council with the following stipulations:

1. Approval of the requested deviation to rear yard setbacks to waive the requirement for a 25' setback along adjacent "R-1" zoned city property.
2. Approval of the requested deviation to height to allow a maximum building height of four (4) stories and or 56' 3" feet.
3. Approval of the requested deviation to waive the minimum lot area per dwelling unit to allow for the proposed design of 117 units or 116,931 square feet of residential development in a mixed-use building.
4. Approval of the requested deviation to waive the 6' parking lot setbacks along the west property line. Alternative screening of the area should be provided for consideration with the final site plan.
5. Approval of the requested deviation to waive the parking lot buffers for the entire site.
6. Approval of the requested deviation to waive the site tree requirement based on parking spaces.
7. Approval of the requested deviation to waive the parking lot open space standard.
8. A revised final traffic study and final stormwater drainage designs must be submitted for review with the final site plan application. The appropriate data, text, maps, drawings and tables must be included per the Olsson Associates review comments dated September 20, 2017 and attached to this report.
9. Staff reserves the right to provide additional comments or stipulations on development plans until all traffic, circulation, ADA, storm drainage, and floodplain related concerns have been addressed.
10. Provide adequate right-of-way for the required streetscape elements. A minimum of 10' wide paved clear path is required for the Rock Creek Trail separated from the back of curb by a minimum 5' way planting zone.

Planning Commission Recommendation 12/18/2017

The Planning Commission, at their December 18, 2017 meeting, voted 7-1 to recommend approval of Case # 17-08 Martway Mixed Use with the following conditions:

- 1) Approval of the requested deviation to rear yard setbacks to waive the requirement for a 25' setback along adjacent "R-1" zoned city property.
- 2) Approval of the requested deviation to height to allow a maximum building height of four (4) stories and or 56' 3" feet.
- 3) Approval of the requested deviation to waive the minimum lot area per dwelling unit to allow for the proposed design of 117 units or 116,931 square feet of residential development in a mixed-use building.
- 4) Approval of the requested deviation to waive the 6' parking lot setbacks along the west property line. Alternative screening of the area should be provided for consideration with the final site plan.
- 5) Approval of the requested deviation to waive the parking lot buffers for the the west boundary only with evenly-spaced tree islands installed.
- 6) Approval of the requested deviation to waive the site tree requirement based on parking spaces.
- 7) Approval of the requested deviation to waive the parking lot open space standard.
- 8) A revised final traffic study and final stormwater drainage designs must be submitted for review with the final site plan application. The appropriate data, text, maps, drawings and tables must be included per the Olsson Associates review comments dated September 20, 2017 and attached to this report.
- 9) Staff reserves the right to provide additional comments or stipulations on development plans until all traffic, circulation, ADA, storm drainage and floodplain related concerns have been addressed.
- 10) Provide adequate right-of-way for the required streetscape elements. A minimum of 10' wide paved clear path is required for the Rock Creek Trail separated from the back of curb by a minimum 5' way planting zone.
- 11) Trash receptacle must be moved or screened to not impact residence to the South West.
- 12) Light Pollution must be rectified to the satisfaction of staff before construction can begin.

City Council Action 2.21.18

The City Council, at their February 21, 2018 meeting, voted 7-1 to remand Case #17-08 to the Planning Commission for the reconsideration of the height, density, and setback deviations within the Code.

Revised Suggested Findings of Fact - Code Review: Standards of Development (405.090)

The Planning Commission, in the process of approving preliminary site development plans, may approve deviations upon a finding that all of the following conditions have been met:

1. The granting of the deviation will not adversely affect the rights of adjacent property owners.

-The requested deviations, with stipulations where noted, do not infringe upon the rights of other adjacent property owners to continue to reasonably use their own properties. The proposed development repeats a pattern already established in the neighborhood of ground floor retail or small office along Martway Street and multi-story multi-family housing.

2. That the deviation desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

-The impacts of the deviations upon traffic, stormwater runoff, and the public streetscape are being examined and must be found to meet city requirements at the time of final site plan approval. At this time, it appears all impacts can be mitigated.

3. The granting of the deviation will not be opposed to the general spirit and intent of this Title.

-The requested deviations with stipulations as noted meet the spirit and intent of the code to encourage redevelopment which is in compliance with the comprehensive plan as discussed in the section above.

4. That it has been determined the granting of a deviation will not result in extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing federal or state laws.

-The proposed deviations will not create additional public expense, nuisances, or violate other laws.

Revised Suggested Findings of Fact - Code Review: Consideration of Site Plans (440.160)

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

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

-The building, parking area, driveways, and open space have been designed to meet codes and guidelines within a planned district.

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

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

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

-The proposed project is in preliminary conformance with the Main Street District 2 zoning district with the deviations and conditions below and the Mission, Kansas Design Guidelines for the Johnson Drive Corridor for building placement and massing.

4. An appropriate degree of harmony will prevail between the architectural quality of the

proposed building(s) and the surrounding neighborhood.

-The proposed project is subject to the design guidelines for the downtown district which will ensure architectural harmony as the final site plan is prepared. The design concept expressed at preliminary site plan indicates a modern architectural style similar to many similar mixed use developments occurring in Northeast Johnson County and the mid-century office buildings in the immediate neighborhood. Design elements of the surrounding buildings are shown in the exterior renderings.

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

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

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

-Any required right-of-way changes for this site to accommodate such things as public trails will be satisfied with preparation of a revised final plat.

Staff Recommendation 3.26.18

Conditions 1, 2 (as to height in feet only), 4, 5, 6, 7 and 10 in the Planning Commission's recommendation of December 18, 2017 have been withdrawn as they are now unnecessary. It is the opinion of Staff that the proposed development, as revised, conforms with the Comprehensive plan, meets the overall intent of the "MS2" zoning district, and complies with the required findings for Sections 405.090 and 440.160. Therefore, Staff recommends the Planning Commission adopt the findings of fact contained in this staff report and recommend approval of the Preliminary Site Development Plan for Case # 17-08 Martway Mixed Use to the City Council with the following stipulations:

- 1) Approval of the requested deviation to height to allow a maximum building height of four (4) stories.
- 2) Approval of the requested deviation to waive the minimum lot area per dwelling unit to allow for the proposed design of 90 units or 92,896 square feet of residential development and appurtenant ground floor space in a mixed-use building.
- 3) A revised final traffic study and final stormwater drainage designs must be submitted for review with the final site plan application. The appropriate data, text, maps, drawings and tables must be included per the Olsson Associates review comments dated September 20, 2017 and attached to this report.
- 4) Staff reserves the right to provide additional comments or stipulations on development plans until all traffic, circulation, ADA, storm drainage, and floodplain related issues have been satisfactorily addressed.
- 5) Light pollution must be addressed to the satisfaction of staff before construction can begin.