

# CITY OF MISSION PLANNING COMMISSION

## AGENDA

June 24, 2019

7:00 PM

Mission City Hall - 6090 Woodson

### Council Chambers

1. Call to Order
2. Approval of Minutes from the May 20, 2019 Meeting
3. New Business
  - A. Public Hearing - Application # 19-03: Amendment of Preliminary and Final Site Development Plan Review - Tidal Wave Auto Wash (Case # 17 -11)

The Commission will be asked to consider an application for an amendment to the preliminary and final site development plan for Tidal Wave Auto Wash (Case #17-11) at 6501 Johnson Drive.

    1. Staff Report
    2. Letter From Tidal Wave (Applicant) Requesting Consideration of an Amendment to their Preliminary and Final Development Plans
    3. Elevations of Proposed New Building
    4. Original Elevation, Site Plan, and Landscape Plan
    5. Minutes from March 26, 2018 Planning Commission Meeting
  - B. Case # 19-04 Non-Conforming Situation Permit, 5966 Barkely

The Commission will be asked to consider an application for a Non-Conforming Situation Permit for renovation of the building at 6591 Johnson Drive.

    1. Staff Report
    2. Letter of Intent from Valvoline Oil
    3. Site Plan (Including Landscape)
    4. Elevations
4. Old Business
  - A. Follow-up On Case # 19-02, Non-Conforming Situation Permit - 6591 Johnson Drive

5. PC Comments/CIP Committee Update

A. Mayor's Kansas City Climate Action Coalition

**Date:** Saturday, September 14th, 2019  
**Time:** 8:30 Registration  
9:00 - 5:00 Program with lunch provided  
**Place:** JCCC

6. Staff Updates

A. Draft of Request for Proposals for Update of the City of Mission's Comprehensive Land Use Plan

*Questions concerning this meeting may be addressed to staff contact,  
Brian Scott, Assistant City Administrator at (913) 676-8353 or [bscott@missionks.org](mailto:bscott@missionks.org).*

**Mike Lee, Chairperson**  
**Stuart Braden, Vice-Chairperson**

# **MINUTES OF THE PLANNING COMMISSION MEETING**

**May 20, 2019**

**DRAFT**

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, May 20, 2019. Members also present: Jami Casper, Robin Dukelow, Stuart Braden, Burton Taylor, Brad Davidson, Charlie Troppito and Frank Bruce. Pete Christiansen was absent. Also in attendance: Brian Scott, Assistant City Administrator; Martha Sumrall, City Clerk; Audrey McClanahan, Office Assistant; and Jim Brown, Building Official

## **Approval of Minutes from the April 22, 2019 Meeting**

**Comm. Dukelow moved and Comm. Braden seconded** a motion to approve the minutes of the April 22, 2019, Planning Commission meeting.

The vote was taken (7-0-1). The **motion carried**. Comm. Davidson abstained from the vote.

## **New Business**

### **Appointment of Audrey McClanahan as Planning Commission Secretary**

Brian Scott, Assistant City Administrator, introduced Audrey McClanahan as the new office assistant in the Community Development Department, and the new secretary to the Planning Commission.

**Comm. Troppito moved and Comm. Bruce seconded** a motion to appoint Audrey McClanahan as Planning Commission Secretary.

The vote was taken (8-0). The **motion carried**.

### **Case # 19-02, Non-Conforming Situation Permit, 6591 Johnson Drive**

**Mr. Scott:** This is an application for a non-conforming situation permit. The address is 6591 Johnson Drive. This is the former Taco Bell restaurant located at the north entrance of the Mission West Shopping Center. They wish to repurpose the building to a Slim Chickens restaurant. In doing so, they want to make a number of renovations to the building, both interior and exterior. The situation may sound familiar. We had the same situation with McDonald's back in late fall/December. The same rules apply. This property is within the Form Based Code. The underlying zoning C-2B, Retail Service, is applicable to this type of use, so it is appropriate. We do have Form Based Code for all properties along Johnson Drive, Lamar to Metcalf. That makes it a non-conforming site improvement, currently. Again, as with the McDonald's we had back in the fall, the rule for non-conforming situation permit or site improvement is really anything that is 10 percent or greater in value in terms of improvements, requiring a non-conforming situation permit granted by the Planning Commission. That is in conformance with Section 420.190 of our zoning ordinance. They basically want to re-skin the entire building. They would cover up the EFIS with a fiber cement board. There are metal awnings over the entrance and windows on the sides, as well as lights extending out from the building that shine down onto the metal awning.

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Signage. I did ask them to reduce the size of that chicken so that it would comply with our sign regulations, which require no more than 10 percent on each face of the building. The front and two sides; no signage on the back. They are also wanting to add onto the front of the building a kind of front porch, if you will, which I think is a nice addition and gives it a little more of a human scale and interaction with Johnson Drive. I don't believe it's large enough that there would actually be outdoor dining. It's a pretty small site to begin with. But it would give that kind of appearance and feel.

They also want to make some minor improvements to the parking lot. Essentially, everything that is grayed out are areas where they would like to make improvements. To the west, that kind of gray box, it shows the parking stalls. That's grass. They'd like to take that out and put parking in there. Likewise, down at the bottom on the south side, that kind of grayed-out area, which shows about 15 or so parking spaces. That's currently a very narrow grass median. They'd like to take that out and put parking in. They'd like to create a solid drive-through lane that wraps behind the building. They originally had a sign board on the island to the west. We asked them to move it to directly behind the building, the menu board, so it provides more of a queuing area for vehicles. It gets them out of the entrance coming into the shopping center.

Finally, some additional parking on the east grassy area where it starts to slope up to the property immediately to the east, the future Tidal Wave. Take that out a little bit and increase parking. And then, they would rebuild the trash receptacle on the southeast corner. All of these were reviewed by our traffic engineering consultant, and he didn't have comments.

There is a landscaping plan in your packet, which is in conformance with our Johnson Drive design guidelines. A representative from Slim Chickens is here, as well as Block and Company, the owner of the building. That concludes my report.

Comm. Dukelow: I just heard you say that they intend to rebuild the trash receptacle at the southeast...?

Mr. Scott: Yes.

Comm. Dukelow: Is that in addition to the service yard that's shown on the northeast corner? Which contains a grease bin and a couple of dumpsters?

Mr. Scott: Yes. So, that's new as well, what you see in the northeast corner, top, and then the southeast corner would be a larger area. Essentially, it's there now, so it would be rebuilt.

Comm. Dukelow: And is it to be rebuilt? It's not shown on this plan. Because I'm not seeing it at all here.

Mr. Scott: It's on the site plan, I believe. It's currently right here, and move that over... They are correct. There would be a new, smaller area to the north.

Comm. Dukelow: So the intent is to rebuild that, demolish it in its entirety and rebuild it per the details, in the exact same location, and at the exact same size?

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Mr. Scott: A little larger. Yes. Both were adjusted so that it's easier for the trucks to get in. To form a table in this that's straight.

[Multiple voices, examining documents...?]

Comm. Dukelow: Okay, I think I understand. So the little back-up, the little driveway there must be for the truck to back around...? It's not clear...

Mr. Scott: I think I misunderstood the plans, as well. That trash receptacle is going to be removed entirely and this will be a drive-through that connects it to the rest of the shopping center. This will be an area for your dumpster and trash.

Comm. Dukelow: That was my original thought. What is the little driveway for, that is adjacent there.

Mr. Scott: That might be a great question for Block.

*Rick Wiser, Executive Vice President, Block and Company, appeared before the Planning Commission and made the following comments:*

Mr. Wiser: Our goal is to maximize our parking for the entire development and the use of the site. So, we have spaced in every available parking space that we could provide for that. The very large oversized dumpster is coming out entirely, and we're putting one about half the size – or smaller – to the north. It would be half embedded into the hillside there. It's a pretty steep grade there, so that will be below probably the sight line of the drive lane on Johnson Drive. It will also open up the visibility to the other shopping center to the east, to the license bureau. And connect the drive lane there. It will help the circulation and the traffic flow, I think, and greatly improve the tight little corner, getting around that building.

Comm. Casper: I have a question. With changing the flow of traffic around the entire development, is there going to be improvements to the entire parking lot of the development?

Mr. Wiser: We are continuously making improvements to the parking lot as we go along, as our budgets allow. This spring, we made several patches, replaced a lot of the speed bump berms directly in front of the east building, on the west side, and some patching there, as well. So, we are making those improvements now. That has all been completed in the last two to three weeks. Took care of some potholes there, etc.

Comm. Casper: The parking stalls to the south, that you're adding the small strip line, I guess, is there now. Are those going to have a curb on the south side of those stalls? Or is that going to be open up to the...?

Mr. Wiser: It will be opened up, and it will all sheet drain, as it currently does, to the south. Right now, there is a thin, narrow curb, and then a slight grade change on the east end. There is a super narrow strip of grass in there that's not really very visible. That was a three-car drive lane width going across there, but it was just very under-utilized. So, we saw an opportunity to shorten up the green space to the south side of the building and create a double drive lane and parking there. So, with the added completion of the lease spaces that were there for the Hobby Lobby, we now have Super Kids, and we have

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Planet Fitness, Dollar Tree, and the license bureau there, the KU Health Midwest practice there. All pretty high-end users for traffic flow, and we're really trying to benefit the entire site there by adding that parking for shared use.

Comm. Casper: Okay, that was my next question, was if those spaces right there mainly designed to be for Slim Chickens, because I can see people from the license bureau, etc....

Mr. Wiser: It's really intended to be a shared use. It's probably more than the Slim Chickens would use, and it really depends on peak hours, who will get there first and utilize it the most.

Comm. Casper: Sure. I was just going to say that if those were going to be, you know, for the restaurant, there will probably be parking issues with those businesses that you just explained. If it's the overall game plan.

Mr. Wiser: Yeah, the idea is to open it up and get a shared use. I think I saw it on the original site plan for this development, and that site, before it was a Taco Bell or a KFC, I think it was a parking lot. So, the idea is to try to open it up and benefit the site again.

Comm. Troppito: I had a hard time wrapping my head around the green space percentages before and after there. What would you estimate them to be?

Mr. Wiser: I let my traffic engineer do the green space qualifications and they still were compliant. I think we had above and beyond what was originally necessary. The lot to the north and the lot to the east. I did create some green space to the south end, and some islands. They're also going to benefit by moving a parking light to the middle of the south end to help to get the benefit of lighting at that end. It's fairly large. And then, moving around the rest of the space. We also developed a sight line plan if necessary for the City to review.

Comm. Troppito: You've got more now than they did, again, percentage wise?

Mr. Wiser: Well, at the south end, there wasn't a green space. The only green space that was [crosstalk] at the far west edge and the far right edge of those great ad areas. We are borrowing some of that back.

Comm. Troppito: You're putting in some trees...

Mr. Wiser: We are. We're going to take out some trees and add some new trees. A lot of oversized trees on the right side; a lot of storm damage to the trees on the left side, so we will be replacing those and getting something appropriate that the City will approve.

Comm. Troppito: I have some other questions that you may or may not be able to answer. Is there anybody here from management?

Mr. Wiser: I represent Block and Company, the owner of this site, the adjacent Runza and Mission West.

Comm. Troppito: All right, I'll just ask my questions. If you can answer them, fine, if you can't... Looking on your website, I noticed some of the reviews, and I noticed one of the

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things they seem to be famous for is their music. Are there any external speakers? Or is all the music to be contained within inside?

Mr. Wiser: I can't address that question. Their site plan for their store, they address that. I have been to a couple of Slim Chickens. I don't know if you have had the benefit of being to one. I know they play it internally. Now, they may with an exterior seating area, but this space will not have an exterior seating area. So, I do not foresee any external speakers. If that is an issue, I can certainly bring it up with the architects.

*Gayle Walton, Architect, appeared before the Planning Commission and made the following comments:*

Ms. Walton: We're here, representing the architects. There are no exterior speakers.

Comm. Troppito: Okay, thanks. A couple more questions. Again, this is operational. Restaurants like this produce a lot of grease. Do you know anything about the disposal policy, whether or not the grease will get recycled into biofuel, or not?

Ms. Walton: I'll have to get back to you on that, but I would assume that it's going to follow whatever your regulations are for the City.

Mr. Wiser: There are grease interceptors on site currently. It's at the southwest corner of the building, the two circles, adjacent to the building, that's the list of grease interceptors. That will be pumped on a regular basis.

Ms. Walton: You asked about bio feed...

Comm. Troppito: Biofuel. I was wondering if the company had a practice of disposing grease for purposes of people that make biofuel out of it. Or companies that collect it.

Mr. Wiser: They actually do do that. It is profitable for them to re-sell those elements.

Comm. Troppito: You're saying that they will do that or...?

Mr. Wiser: It's my understanding that some do.

[crosstalk]

Comm. Troppito: That's why I asked. I want to know if they do that.

Mr. Wiser: Slim Chickens has that practice, where they will hire a local contractor to pump them out. I don't know who their contract will be with, if they do that practice of re-selling to biofuels. I can find that out.

Ms. Walton: I do not know, but we can find out.

Comm. Troppito: Thank you. How about their to-go containers?

Mr. Wiser: It's usually just a paper tray or paper bag. It's paper.

Comm. Troppito: Okay. That's the end of my questions. Thank you.

Comm. Bruce: On the parking, on the extension on the east side, that goes into a hill side. After the lot is improved, what will the height be from the existing grade down to the parking lot?

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Mr. Wiser: We did a topo map, and I had my civil engineer send that out so you could look at that in detail. It's very flat until you get closer to the tall retaining wall. The retaining wall is fairly shallow at the north end; it gets much steeper towards the southeast corner. And we looked at any requirements for a retaining wall, and we don't believe that we're going to need that at all. That will be terraced back to the existing height that it is up against the retaining wall, and it will slope down at a suitable grade to cause erosion or any other issues. And we'll stabilize those.

Comm. Troppito: One other question. Normally, staff does at least a semi environmental review, including stormwater run-off. Did you make sure stormwater run-off [inaudible] increase or decrease?

Mr. Scott: Did I do a formal review of that? No. The impervious surface area in the new plan is essentially the same, as what's currently there.

Comm. Troppito: A little more, wouldn't you say so?

Mr. Scott: Yeah. So, additional green space with these islands, it's probably about an even change. Stormwater run-off is about the same as before. Impervious hasn't changed that much overall.

Comm. Troppito: So, no negative impact.

Mr. Scott: No.

Comm. Troppito: Good. Thank you.

Comm. Dukelow: I have a few questions. I understand that you're doing the site work for the parking and the other team is working on the building.

Mr. Wiser: That's right.

Comm. Dukelow: So, with regards to the parking lot, I would like to consider, if you would consider something for a moment. The additional parking that's coming on the west side, if each of those are 20 feet deep, the west row could be at an angle. And we could save a four-foot strip across the front of there, of green space. Additionally, that would help discourage people from backing out of there into the southbound incoming traffic and heading south, and it would encourage them to go towards Johnson Drive, which would be a safer route, I believe.

Mr. Wiser: We have looked at that. The civil engineers, I myself am an architect, and I've done some preliminary conceptual driveways on this. And that drive lane appeared to be two lanes; it's at least three to four lanes wide. It's excessively wide. So, I think this drawing makes it appear narrower than it is. Those spaces are about 9 feet wide by 19 feet deep. Angle parking, while it requires a shorter back-out lane, it requires a deeper stall because of the angle. The angle of the car is actually deeper on its axis.

Comm. Dukelow: We've got the parking on the west side to draw from regarding the depth that would be required to make that a parking area.

[crosstalk]

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Comm. Dukelow: I'm looking at the 16-foot dimension.

Mr. Wiser: If we could get the same number of parking spaces, I have no issues with it whatsoever. You're talking about having them angle towards the northeast?

Comm. Dukelow: Yes.

Mr. Wiser: So they'd back out, they would egress?

Comm. Dukelow: Yes.

Mr. Wiser: I don't see any issues with that. I could bring it to my engineer's attention, see if they want to resubmit it. If that's something the City would like to see.

Comm. Dukelow: Well, the advantage I see in that, you maintain your curb on the east side. You put a new curb on the west side. You'd have a four-foot planting strip there, and then the angular parking.

Mr. Wiser: I'd be happy to review that with the engineer.

Comm. Dukelow: That would be appreciated. I'm not sure that we... I mean, I don't know that we would need a resubmittal on that, but perhaps you could follow up with staff on that, and that would be additional opportunities for landscaping, as well. Thank you for considering that. I think it will help break up the massive open concrete parking area. And I know that is a very, very busy area. It's a very busy strip mall, between Planet Fitness, and the restaurants, I mean...

Mr. Wiser: It's very successful.

Comm. Dukelow: Yes. I've got a couple more questions. This one says about materials and methods... There's an Aldi mentioned on here. That's probably not accurate.

Mr. Wiser: That was in an original plan for [inaudible]. I think he left his [inaudible] out of there. And there was an error there.

Comm. Dukelow: Is the service yard to be completed by the architectural team or by...?

Mr. Wiser: By service yard, are you referring to the trash enclosure?

Comm. Dukelow: Yes...

[crosstalk]

Mr. Wiser: ... coordinate that with the architects to make sure that we're compliant with requirements of Slim Chickens. So, undersize it for any of their needs. So, they will be similar materials to the existing.

Comm. Dukelow: I have a couple of questions regarding that. The detail doesn't address the slope, it doesn't address the back of the wall at that location, and the parking, the drive is at 994, and the grade around the back of that wall is at 1,000. So, that's six feet below...

Mr. Wiser: Right, and that is to minimize visibility from Johnson Drive. So, the slopes will be very close to the current slopes in the parking lot adjacent paving materials. It will continue all the sheet draining as it is currently, going towards the south. But yes, to be

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able to berm that into the side of the building is a bad fit to minimize that additional structure. Of course, we'll landscape it as well.

Comm. Dukelow: I noticed the landscaping there, as well. I mean, I was pointing out that... if we're going to bid this thing, I mean, somebody ought to let the contractor know because the detail that is shown here doesn't address or take into account that the back of that wall is going to be [inaudible].

Mr. Wiser: We've had multiple contractors out to the site already. They've visualized it. Hopefully they'll recognize it.

Comm. Dukelow: Okay. One more question regarding that enclosure and the building. The detail on the enclosure says that it's going to be split-faced block to natural filled-in wainscot. But the...

[crosstalk]

Comm. Dukelow: ... is going to be painted.

Ms. Walton: Right. Well, on the existing building, the wainscot on the bottom of existing is a split face, which we're keeping. And then, above is where we're going to put the fiber cement board. So, that block that's below of the existing is what you're talking about matching.

Comm. Dukelow: And that will be painted. The block that's on the building?

Mr. Wiser: No.

Comm. Dukelow: P-4, is this going to be block wainscot?

Mr. Wiser: Okay. So, regarding that. Is it also the intent to paint the enclosure?

Mr. Wiser: The exposed portion of that block would need to match, make it uniform.

Comm. Dukelow: So, it's not actually split...

[crosstalk]

Comm. Dukelow: It's CMU.

Mr. Wiser: It's CMU [crosstalk] some portion of it that's buried in the hillside, you might go with concrete. It would last longer. The block is somewhat impervious to water unless it's properly sealed. And paint is a benefit to sealing it.

Comm. Dukelow: Thank you.

Comm. Braden: Back to the layout of the site. I question, maybe I'm not seeing it correctly, but I question the usefulness of the drive entry on the west lot going to the south, through the drive-through queue lane. Is that really going to be useable if cars are backed up...?

Mr. Wiser: That's the idea there. One, we have a couple existing issues. There's a power pole, and a very narrow strip. We talked to Kansas City Power & Light, and from the far right - I'll step up to the screen a little bit - the power pole here, and it feeds underground to this power pole here, actually above ground. This power pole here comes down, feeds back into the building. I found out this week that that power pole continues to the west

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underground and feeds the former Runza, Planet Fitness and Super Kids goes up that power pole with three transformers continues on south. So, that's something that we're probably going to have to deal with one way or the other to keep that narrow strip there. So, it's not an ideal situation, but if we did have cars backing up, we'd have to have them queue there instead of an open strip. Power pole there, and some other additional green space. I know it's unusual. Some sites are restricted sometimes. We do the best we can.

Comm. Davidson: I had a question on that. Power poles is just one of my things, is probably the most unattractive thing on the planet, and we have a lot of them in Mission. Is there any possible way...? And of course, this is all driven by KCP&L, is to omit that, for this west pole that she talked about, and go underground?

Mr. Wiser: We looked into that, and I've been chasing that with my engineer at KCP&L. We talked with a KCP&L planner, who informed us that power pole does feed underground, continuing west. We assumed it went over, down, and then back to the building. That's not the case. Well, it does, but then it also continues with a primary feed towards the west underground. So, to go underground from that power pole, back to the power pole, and up again inside, I understand it's between \$30,000 and \$40,000.

Comm. Davidson: Well, I know there's a price tag with that. It's just the idea that one power pole out there with the overhead lines, that just...

Mr. Wiser: Right. We looked at it, and the price points come in pretty high. We'd have to have some consideration to maybe minimize some of our costs. If site improvements are extensive, then the landlord package is getting above what we had hoped it would be.

Comm. Davidson: Well, I just wanted to at least ask the question.

Mr. Wiser: Yeah, well, that's something that Brian brought to our attention. We looked at it, and we'll be doing our best to omit [inaudible]. Before we chased it with KCP&L, we were unaware that it also went underground towards the west as a primary feed to the remainder of the building. So, we would ask that we be able to keep the power pole versus omitting it. It's between \$30,000 and \$40,000, looking at cost estimates from my electrical contractors, to eliminate that power pole.

Chairman Lee: Thank you. Comments? [None.]

Comm. Dukelow: Mr. Chairman, I'll make a motion. I would move that the Planning Commission approve Case No. 19-02, Non-Conforming Situation Permit, for 6591 Johnson Drive, with the following stipulation: That the representative of Block coordinate with City staff to consider retaining four-foot green space along the existing curb line to the west, and using angled parking for the new parking area.

Mr. Wiser: I can certainly do a quick mock-up and forward that to the City for review, see how well that works out.

Comm. Troppito: Does that motion include the findings of fact as recommended by staff?

Comm. Dukelow: Including the findings of fact as recommended by staff.

Comm. Troppito: Second.

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The vote was taken (8-0). The **motion carried.**

**Old Business - None**

**PC Comments/CIP Committee Update – None**

**Staff Updates**

Mr. Scott stated that the next meeting is on June 25, 2019. Items on the agenda include applications by Tidal Wave and JC Speedy. Mr. Scott also said that the process for creating a comprehensive land use plan is moving forward. He anticipates that process will take about a year.

Comm. Dukelow inquired about possible changes on the east side of town and asked to see a revised preliminary development plan and asked if there have been substantial changes to that plan. Mr. Scott said there have not been any major changes to the plan and provided a brief overview.

**ADJOURNMENT**

With no other agenda items, **Comm. Braden moved and Comm. Dukelow seconded a motion to adjourn.** (Vote was unanimous). The **motion carried.** The meeting adjourned at 7:45 P.M.

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Mike Lee, Chair

**ATTEST:**

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Audrey McClanahan, Secretary

**STAFF REPORT**  
**Planning Commission Meeting June 24, 2019**

**AGENDA ITEM NO.:** 1

**PROJECT NUMBER / TITLE:** Application # 19-03: Amendment of Preliminary and Final Site Development Plan Review - Tidal Wave Auto Wash (Case # 17 -11)

**LOCATION:** 6501 Johnson Drive

**PROPERTY OWNER/APPLICANT:** Petty Hardin  
TW Mission Real Estate  
124 East Thompson Street  
Thomaston, Georgia 30286

**STAFF CONTACT:** Brian Scott, Assistant City Administrator

**ADVERTISEMENT:** 5/28/2019-The Legal Record newspaper

**PUBLIC HEARING:** Planning Commission meeting 6/24/2019

**Background**

The subject project is the site of the former Valero's gas and convenience store. A land use application (Case # 17-11) was filed with the City two years ago for the construction of an automatic car wash tunnel, office building and ancillary uses on the property. The preliminary development plan (PDP) was approved by the Planning Commission on March 26, 2018 and by the City Council on April 18, 2018. The final development plan (FDP) was approved by the Planning Commission on May 29, 2018.

The PDP and FDP provide for the construction of an automatic car wash tunnel at the back of the property and a two-story building at the front of the property. The lower level of the two-story building at the front would consist of stalls where the customer can vacuum their car and do any final drying with a hand towel after their car has gone through the wash tunnel. The second level of the building would be regional offices for the car wash company.

The applicant now desires to amend their PDP and FDP. In particular, the applicant desires to, make the two-story building at the front of the property a one-story building, eliminating the offices.

**Property Information**

The subject property is a former gas and convenience store located at 6501 Johnson Drive. To the immediate east is the Exact Performance auto repair facility. To the immediate west is the former Taco Bell restaurant (soon to be a Slim Chickens). The property is .76 acres in size.



Figure 1: Subject Property-6501 Johnson Drive

The subject property is zoned “CP-2B” Planned Retail and Service District. The proposed car wash use is an allowed use in this zoning district.

The subject property is also located in Block “Y” of the West Gateway Form Based Code (FBC) Overlay District. And, the Johnson Drive Design Guidelines are applicable to the property as well.

### **Original Proposed Development Project**

The PDP and FDP that were originally approved provided for the construction of an automatic car wash tunnel at the back of the property and a two-story structure at the front of the property. The two-story structure would consist of open bays on the first level where customers could drive their vehicle in and vacuum it after having gone through the car wash. The second level would consist of office space for the car wash company.

### **Approved Site Plan**

Ingress to the site would be on the east side of the property - a shared driveway apron with the property to the east, Exact Performance. A left turn lane along westbound Johnson Drive already exists, but the edge would be moved back a few feet to provide better turning radius. Vehicles would pull in and queue along the east side of the property line to access the wash tunnel at the back of the property.

Once through the wash tunnel, the vehicles would egress the property on the west side, or pull into one of the bays underneath the building at the front of the property for vacuuming or further cleaning.

The development would utilize a surface parking lot located in the interior of the lot. The City's traffic engineer, GBA, did review the site access plans, vehicle queues, turning templates, sidewalks, and traffic study and was satisfied with the design. Please see the attached site plan.

Storm water drainage is gradually west across the site. The proposed redevelopment would reduce the overall impervious surface area by 5%. Therefore, according to city ordinances, stormwater detention and BMP treatment are not required.

#### Approved Landscaping Plan

A detailed landscape plan was submitted with the FDP and approved. The plan indicated Shantung Maple, Velvet Pillar, and Everclear Laceback Elm to be planted along the front of the building on Johnson Drive. Each tree will be 2" caliber. Trees will be planted every 30 feet with tree grates incorporated into the sidewalk around each tree.

Plans also indicate that two trash receptacles (Black 36 gallon steelsites RB-36) will be incorporated into the streetscape along Johnson Drive as well as two bike loops (creative pipe inverted "U"). There will also be one black, metal bench (72 inches). In addition, plans indicate the installation of a decorative style of street light to be installed along Johnson Drive to match what the City intends for this section of Johnson Drive. Plans are in accordance with the Form Based Code and the Johnson Design Drive Guidelines.

Plantings throughout the rest of the site include Boxwood, Hooks Juniper, Switch Grass, Dwarf European Viburnum, and Periwinkle. Ground cover includes tall fescue and river rock. Please see attached landscape plan.

#### Approved Exterior Building Plans

Plans indicate that the Johnson Drive frontage of the proposed building will have 61% glazing (storefront windows). EIFS will only be 8% and is located along the top of the wall and parapet (or partial wall) at either end of the building. Stone veneer in a style known as "Southern LedgeStone" will be predominate on the front facade of the building. Split face block in an "Old Castle" style will go up the facade of the building approximately two feet from the ground on the front facade of the building. Please see attached elevations.

### **Form Based Code & Plan Review**

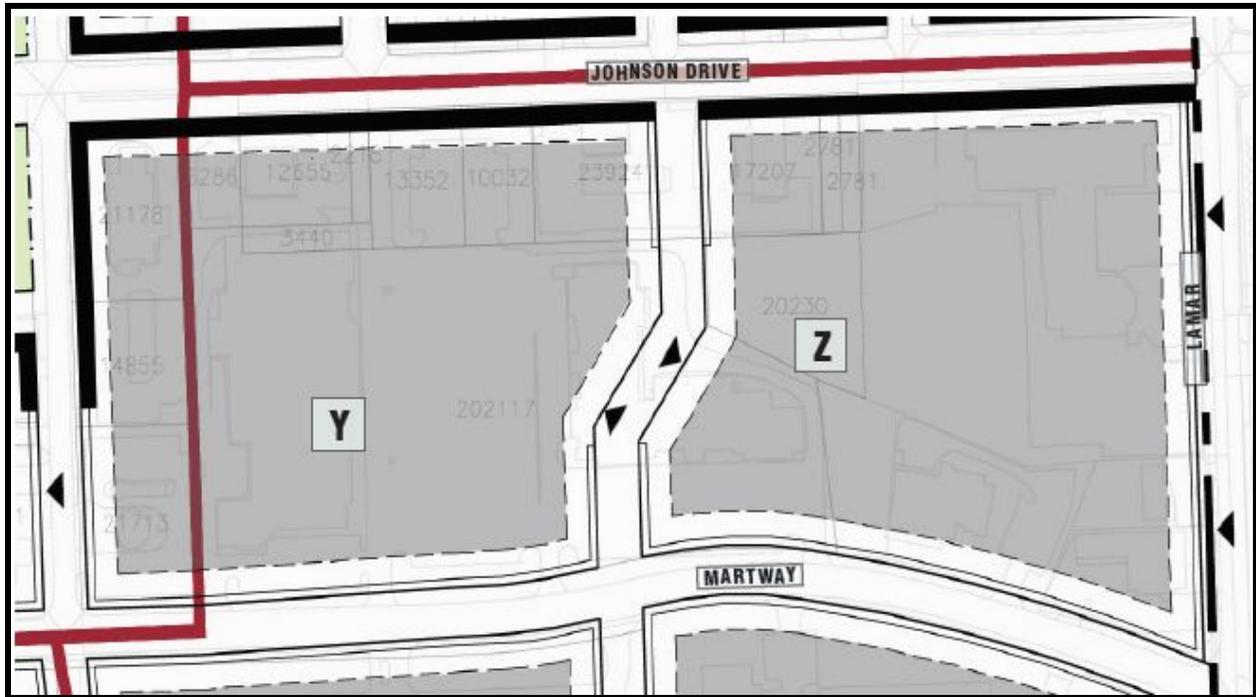
#### Sector & Regulating Plan

This property is subject to Form Based Code (FBC) for the West Gateway Study Area. It is located in the northern part of Block "Y" in the Martway Sector. The developer is not proposing to assemble any additional parcels into the project. In the event of a conflict between the provisions of the FBC and the City Code or Johnson Drive Design Guidelines, the FBC takes precedence.

Details from the current regulating plan for this entire block include the following:

- Contains a combination of small and large parcels, many with good visibility from Johnson Drive.
- Ground level retail uses are important facing Johnson Drive. Retail is required along the frontage facing Johnson Drive. Parking and service areas should be accommodated away from Johnson Drive.

- The entire block is large enough to accommodate structured parking which would be a good fit with the existing grade difference between Johnson Drive and Martway Street.
- The extension of Walmer Street to the south connecting with Martway Street would be required in conjunction with the development of the western half of Block Z.



### *Building Types Allowed*

The following building types are allowed:

Townhouse type requires a minimum of two stories and a maximum of four. All floors to be residential.

Mid-rise building type requires a minimum of two stories and a maximum of four. Ground floor office or retail and upper floor office, retail or residential uses are permitted.

Parking Structure building type has no minimum or maximum floors. Ground floor commercial or office is required at principal and secondary frontages.

Low-rise building types are currently allowed in any sector, provided the site under development is no larger than  $\frac{1}{2}$  acre. This site is  $\frac{3}{4}$  of an acre. The total site area exceeds  $\frac{1}{2}$  acre, but is less than 3 acres and would qualify for up to 60% of the gross square footage of development (in one or multiple buildings) to be Low-Rise building type. The applicant chose not to incorporate the extension of Walmer Street into their redevelopment plans. Such a street dedication may have reduced the area of this parcel below the  $\frac{1}{2}$  acre threshold.

### Application of the Form Based Code

The FBC was adopted in 2007 as a tool for implementing the West Gateway Vision Plan that had been created a few years before as a concept for the way future development in the west commercial area of the City should occur.

Whereas traditional zoning speaks to the permitted use(s) of a property, and specifically the regulations around those uses; the FBC speaks more to the character, look, and feel of the property through the built environment. In other words, it is not so much about the use as it is the building. The intent being that what is built on the site will last for many years through many generations of uses.

The developer is encouraged to work through their proposed development concept in consultation with the staff and the City's consultant so that the end product meets the desired outcome of the FBC. As an incentive for doing this, the proposed plan can be considered by the Planning Commission in one step instead of the more traditional two-step process - preliminary site development plan and final site development plan. And, once approved by the Planning Commission, the developer is eligible for a building permit with no approval from the City Council required.

Findings by staff are determined using the scoring system contained in the FBC. The FBC is structured hierarchically, understanding that certain elements are mandatory prerequisites, others are significant and others are minor.

During the development of the Code, it was reinforced that, in order to achieve the level of quality in the built environment as articulated in the West Gateway Vision Plan process, more attention should be paid to those elements that directly contribute to the public realm than to the individual elements of architectural design. Therefore, the review process is structured hierarchically, so that major elements are reviewed first. The early stages of review, including block configuration and building type, are more heavily weighted in the scoring process as they focus on elements that the FBC regards as inviolate or of significant importance. Conversely, lesser items may yield a lower score but not result in a finding for disapproval. All of the elements are important, but have different values to the public realm.

The threshold score for a recommendation of approval by staff as established by the FBC scoring system is 90 points or more, of a possible 100 points including the prerequisite passing scores in steps 1 and 2. Proposals which achieve this score should be considered to be in compliance with the intent of the FBC. They proceed on under the review steps outlined in the FBC. Development submittals which achieve a score of 89 points or lower will proceed through the more traditional approval process of the zoning code including full design review by the Planning Commission and City Council.

The FBC review that was conducted by staff and the City's consultant for this particular development project resulted in the original application receiving a score of 60 points, and thus failing several critical prerequisite steps. This was largely due to the proposed buildings failing to meet the required building type standards as provided for in the FBC for Block "Y." While the building fronting Johnson Drive did meet the requirement of two stories with a zero build line at the sidewalk, it failed in that the depth of the building was not enough, and the vacuum bays did not really meet the intent of ground floor retail.

Extensive discussion about the application of the FBC for this development occurred at the Planning Commission meeting on March 26, 2018. Please see the attached minutes.

It seems that the Planning Commission came to the conclusion that while the proposed development project did not receive a qualifying score under the FBC, it met the intent of the FBC in that the building fronting Johnson Drive was two-stories, and it did sit at the sidewalk,

and that it did incorporate those elements that were called out in the FBC and Johnson Drive Design Guidelines.

### **Planning Commission Recommendation**

The Planning Commission, at their March 26, 2018 meeting, voted 8-0 to accept that all of the required findings of fact would be met through compliance with the following conditions, and therefore, recommended approval.

- 1) Complete information about percentages of EIFS and storefront glazing are to be provided for staff review and approval.
- 2) Along the Johnson Drive frontage, windows and doors shall meet the minimum 60% total coverage of the storefront and EIFS or stucco shall not be used within 8' of the ground nor comprise more than 25% of the first story.
- 3) Complete information regarding trash enclosures, retaining walls, other screening, pay canopy and pay kiosk in compliance with the Form Based Code standards shall be provided for staff review and approval.
- 4) Complete details regarding the site landscape and public streetscape including street lights, benches, trash receptacles and bike racks in compliance with the Form Based Code standards shall be provided to staff for review and approval.
- 5) The median break in eastern entrance driveway shall be relocated to allow vehicles to leave the wash tunnel queue before the pay station.
- 6) Complete details regarding the circulation of trash and other service vehicles on site shall be provided for staff review and approval.
- 7) Applicant and Developer agree to install a median break along the west edge of the entry drive into the car wash facility that aligns with the westbound parking lot aisle.
- 8) Applicant and Developer consent to the Commission conditioning approval of the plan on compliance with such streetscape improvements, as are required by applicable City regulations and as set forth in the Form Based Code for the West Gateway Study Area, Chapter 6 (Landscape Architectural Guidelines, Type II-Urban Blvd).
- 9) Applicant and Developer consent to the Commission conditioning the approval of the Plan upon the conveyance of right of way for sidewalks and landscaping along the site's Johnson Drive frontage in such dimensions as is required by City regulations and via conveyance language usually and customarily provided in similar circumstances by the City.
- 10) Applicant and Developer will consent to meeting with the Sustainability Commission and implementing mutually acceptable recommendations. Applicant and Developer are convinced that Developer operates the most environmentally sound and sustainable car washes in the country with emphasis on recycling and water conservation.
- 11) Applicant and Developer consent to the Commission making approval of the Plan

conditioned on delivery of Architectural Plans, with corresponding calculations which shall provide that windows and doors shall meet the minimum 60% requirement of the Mid-Rise building's northern face, in compliance with applicable City regulations and as set forth in the Form Based Code for the West Gateway Study Area, Chapter 5 (Architectural Guidelines).

- 12) Applicants and Developer will consent to the Commission conditioning approval of the Plan on delivery of requisite landscape details.

**Proposed Amendment to the Preliminary and Final Development Plan**

The applicant recently submitted a request (included in this packet) for an amendment to their PDP and FDP that would allow for the two-story building at the front of the property be a one-story building. The one-story building would be just the bays for vacuuming the vehicles. The office space originally proposed for the development project would not be included in the final development.

All other aspects of the proposed project as described previously would remain the same A approved with the final development plan.

Section 440.175 (4) and (5) of Mission Municipal Code states:

4. Once preliminary development plan approval has been granted, changes in the preliminary development plan may be made only after approval of a revised preliminary development plan. Changes in the revised preliminary development plan which are not significant may be approved by the Planning Commission and disapproval of such changes by the Community Development Director or his designee. Significant changes in the revised preliminary development plan may only be approved after rehearing by the Planning Commission and City Council, such rehearing shall be subject to the notice and protest provisions set forth in Section 440.140.
5. For purposes of this Chapter, "significant changes" shall mean any of the following:
  - a. Increases in the density or intensity of residential uses of more than five percent (5%).
  - b. Increases in the total floor area of all non-residential buildings covered by the plan of more than ten percent (10%).
  - c. Increases of lot coverage of more than five percent (5%).
  - d. Increases in the height of any building of more than ten percent (10%).
  - e. Changes of architectural style which will make the project less compatible with surrounding uses.
  - f. Changes in ownership patterns or stages of construction that will lead to a different development concept.
  - g. Changes in ownership patterns or stages of construction that will impose substantially greater loads on streets and other public facilities.
  - h. Decreases of any peripheral setback of more than five percent (5%).
  - i. Decreases of areas devoted to open space of more than five percent (5%) or the substantial relocation of such areas.
  - j. Changes of traffic circulation patterns that will affect traffic outside of the project boundaries.

- k. Modification or removal of conditions or stipulations to the preliminary development plan approval which are considered significant in the opinion of the Community Development Director or his designee.

Staff believes that the proposed amendment is significant and thus, believes that this should be considered through the process as outlined in the Code.

**Planning Commission**

The Planning Commission will consider Application # 19-03: Amendment of Preliminary and Final Site Development Plan Review - Tidal Wave Auto Wash (Case # 17 -11) at its regular meeting on June 24, 2019.

**City Council Recommendation**

The City Council will consider the recommendation of the Planning Commission pertaining to Application # 19-03: Amendment of Preliminary and Final Site Development Plan Review - Tidal Wave Auto Wash (Case # 17 -11) at its regular meeting on July 17, 2019.

# TIDAL WAVE AUTO SPA

124 East Thompson Street  
P.O. Box 311  
Thomaston, Georgia 30286  
Office - 706.647.0414 Fax - 706.647.0474

May 9, 2019

City of Mission  
Planning Department  
6090 Woodson St.  
Mission, KS 66202

Re: Amendment to Final Development Plan

Dear Mr. Scott:

I appreciate your recent follow up to check on the status of our project.

We've spent the last several months putting together construction pricing. Even after getting multiple bids and value engineering as much as possible, we've concluded with the current design, the project is not economically feasible.

In effort to make the project viable, we've been diligently working with our engineers, architects, and sub-contractors to redesign the building fronting Johnson Drive.

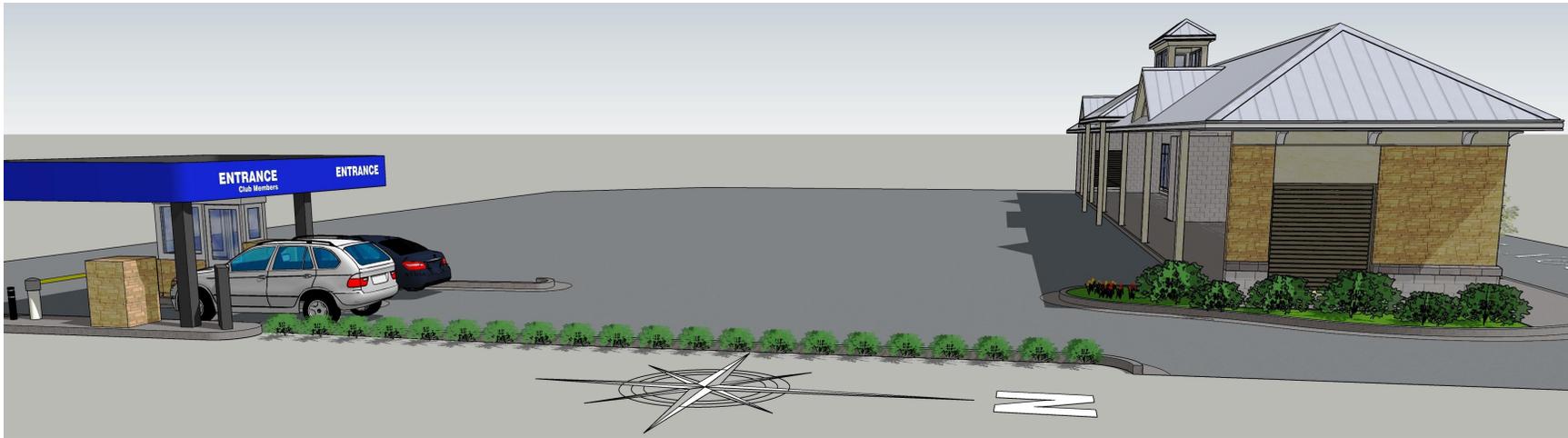
Per our conversation, Tidal Wave is respectfully requesting to amend the final development plan to allow for the re-designed building.

We ask to be put on the June 24<sup>th</sup> agenda to present the amended plan.  
Please let me know if any additional items or information is needed from us.

Sincerely,



Pettey Hardin  
Principal - K.C. markets



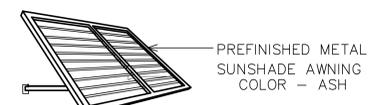
ALL GLAZING IS "CLEAR" GLAZING.



PREFERRED VIEW FROM SITE - SOUTH

SCALE: 3/16"=1'-0"

2562 SF WALL SURFACE EXCLUDING GABLES, ROOF, CUPOLA, & OPEN BAYS  
 502 S.F. GLAZING (WINDOWS AND SF ENTRY)  
 1834 S.F. EIFS OR HARD COAT STUCCO  
 162 S.F. STONE  
 64 S.F. SPLIT FACE BLOCK



PERSPECTIVE VIEW SUNSHADE

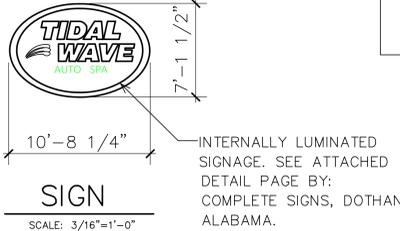


PREFERRED VIEW FROM JOHNSON DRIVE - NORTH

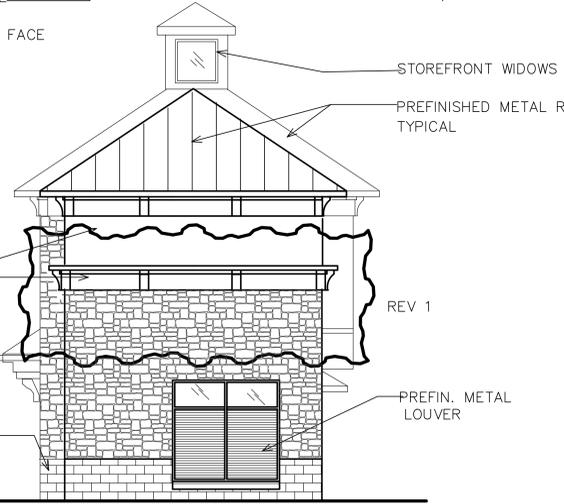
SCALE: 3/16"=1'-0"

OVERALL FRONT FACADE VENEER CALCULATIONS:  
 3850 SF WALL SURFACE EXCLUDING GABLES, ROOF, CUPOLA.  
 2337 S.F. GLAZING (WINDOWS AND SF ENTRY)  
 313 S.F. EIFS OR HARD COAT STUCCO (LESS THAN 25% OF FRONTAGE AREA)  
 1000 S.F. STONE  
 200 S.F. SPLIT FACE BLOCK

FIRST STORY FRONT FACADE VENEER CALCULATIONS:  
 2,080 S.F. WALL SURFACE EXCLUDING GABLES, ROOF, CUPOLA.  
 1393 S.F. GLAZING (WINDOWS AND SF ENTRY)  
 100 S.F. EIFS OR HARD COAT STUCCO ACCENT (LESS THAN 25% OF FRONTAGE AREA)  
 387 S.F. STONE  
 200 S.F. SPLIT FACE BLOCK



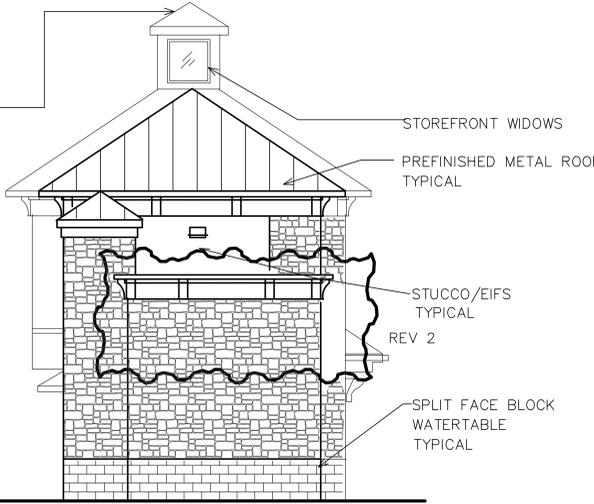
SIGN



PREFERRED SIDE ELEVATION WEST

SCALE: 3/16"=1'-0"

452 SF WALL SURFACE EXCLUDING GABLES, ROOF, CUPOLA.  
 60 S.F. GLAZING (WINDOWS AND LOUVER)  
 220 S.F. EIFS OR HARD COAT STUCCO  
 122 S.F. STONE  
 50 S.F. SPLIT FACE BLOCK



PREFERRED SIDE ELEVATION EAST

SCALE: 3/16"=1'-0"

514 SF WALL SURFACE EXCLUDING GABLES, ROOF, CUPOLA.  
 0 S.F. GLAZING  
 164 S.F. EIFS OR HARD COAT STUCCO  
 280 S.F. STONE  
 70 S.F. SPLIT FACE BLOCK

PROPOSED REVISIONS:  
 THESE ITEMS DO NOT IMPACT THE OVERALL MATERIALS AND GLAZING AREA CALCULATIONS.  
 THESE ITEMS DO NOT INCREASE THE ORIGINAL ARCHITECTURAL BUILDING FOOTPRINT.

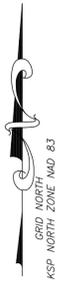
REV 1 IN LIEU OF SLOPING METAL ROOF AT WEST END 1 STORY AREA, PROVIDE FLAT ROOF AREA WITH PARAPET WALLS SCREENING MECHANICAL EQUIPMENT.

REV 2 IN LIEU OF UNCOVERED EQUIPMENT ENCLOSURE AT EAST END, PROVIDE ENCLOSED EQUIPMENT ROOM WITH PARAPET WALLS SCREENING MECHANICAL EQUIPMENT LOCATED ABOVE.

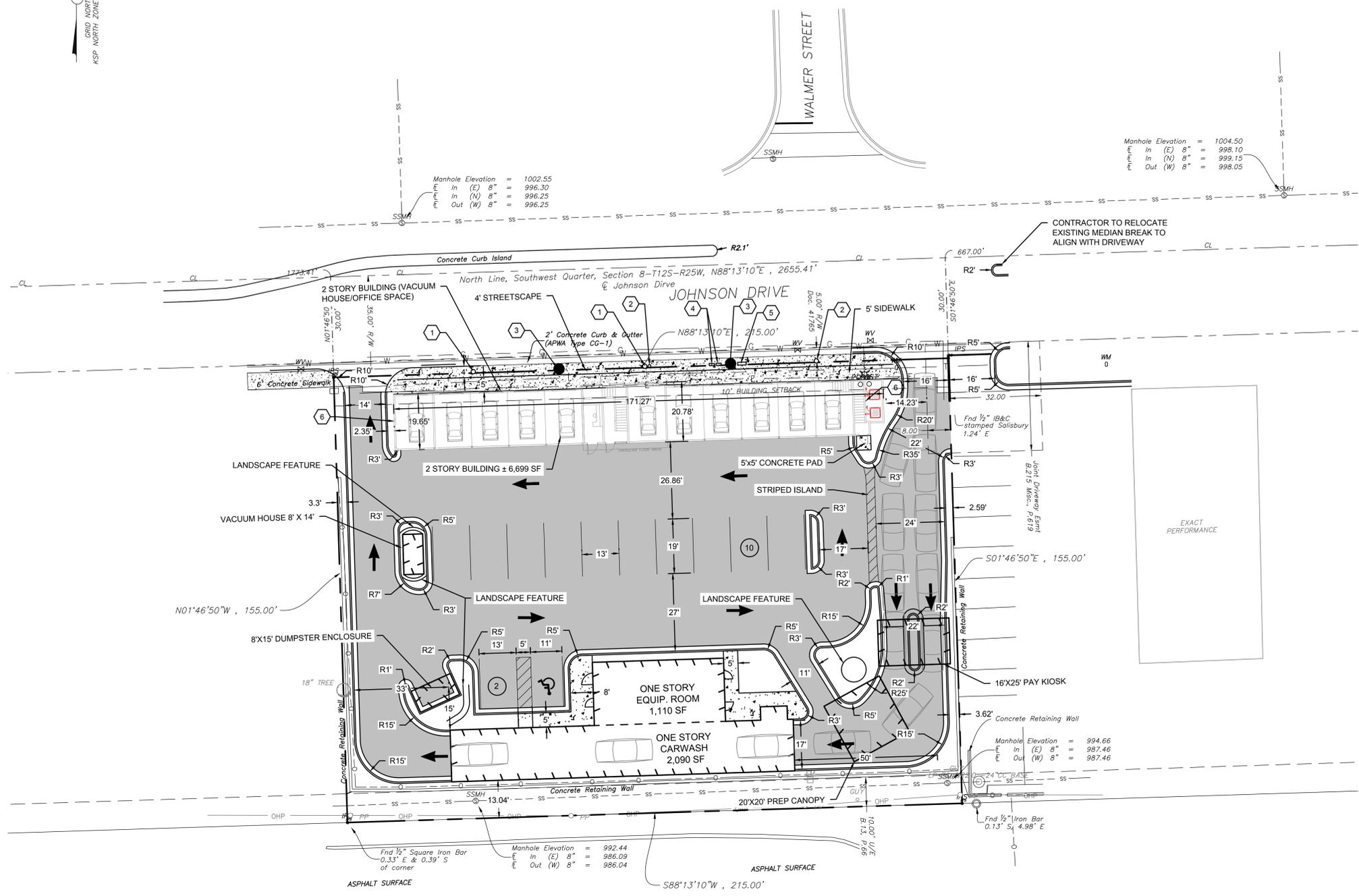
5/21/18

A NEW  
**TIDAL WAVE AUTO SPA**  
 MISSION, KANSAS

ARCHITECT:  
**M. TODD ALBRITTON**  
**ARCHITECT**  
 202 EAST MAIN STREET  
 THOMASTON, GEORGIA  
 770-550-3275  
 mtoddalbrittonarchitect@gmail.com  
 KANSAS REGISTERED ARCHITECT  
 #6993



C:\2017\17-6044-SHU - TIDAL WAVE JOHNSON DR MISSION, KS\DWG\17-6044C-BUILDING 5/10/2018 1:13 PM



Manhole Elevation = 1002.55  
 E In (E) 8" = 996.30  
 E In (N) 8" = 996.25  
 E Out (W) 8" = 996.25

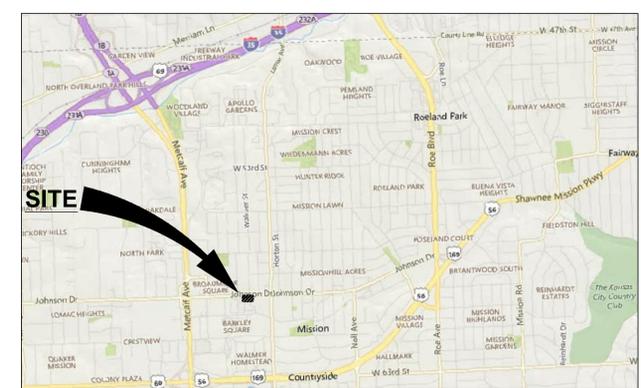
Manhole Elevation = 1004.50  
 E In (E) 8" = 998.10  
 E In (N) 8" = 999.15  
 E Out (W) 8" = 998.05

CONTRACTOR TO RELOCATE EXISTING MEDIAN BREAK TO ALIGN WITH DRIVEWAY

EXACT PERFORMANCE

Manhole Elevation = 992.44  
 E In (E) 8" = 986.09  
 E Out (W) 8" = 986.04

Manhole Elevation = 994.66  
 E In (E) 8" = 987.46  
 E Out (W) 8" = 987.46



VICINITY MAP  
N.T.S.

**SITE INFORMATION:**

ADDRESS: 6501 JOHNSON DRIVE, MISSION, KANSAS 66202  
 PROPERTY AREA: ±0.76 AC (33,105.60 SF)  
 PROPERTY ZONING: CP-2B  
 BUILDING SETBACKS:  
 FRONT: 0'-10"  
 SIDE: 0'  
 REAR: 0'

**PARKING NOTE**

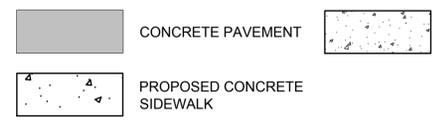
PARKING REQUIRED:  
 3.5 SPACE PER 1,000 SF  
 (3,250 / 1,000) X 3.5 = 12 SPACES

PARKING PROVIDE:  
 11 STANDARD SPACES  
 + 1 HANDICAPPED SPACES  
 12 TOTAL SPACES

**SITE LAYOUT AND STAKING NOTES**

- IF THE PLANS ARE NOT CLEAR OR DISCREPANCIES OCCUR, THE CONTRACTOR IS TO CONTACT EMC ENGINEERING SERVICES, INC AT 229-435-6133 FOR CLARIFICATION IMMEDIATELY.
- ALL NORTHING AND EASTING ARE TO THE FACE OF CURB, EDGE OF BUILDING.
- CONTRACTOR SHALL CAREFULLY EXAMINE ALL DOCUMENTS AND THE CONSTRUCTION SITE TO OBTAIN FIRST HAND KNOWLEDGE OF EXISTING CONDITIONS.
- ENTIRE SITE SHALL BE DRESSED TO UNIFORM, WELL DRAINED AND VISUALLY APPEALING SURFACE WITH A MINIMUM TOPSOIL LAYER OF FOUR INCHES.
- ALL STRIPING AND SIGNS SHALL CONFORM WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) LATEST EDITION. PARKING STALL STRIPPING TO BE YELLOW WITH BLUE HANDICAPPED STRIPPING
- ALL HANDICAP PARKING SPACES AND ACCESSIBLE ROUTE SHALL CONFORM WITH THE AMERICAN WITH DISABILITY ACT DESIGN GUIDELINES AND SPECIFICATIONS LATEST EDITION.
- DIMENSIONS AND CURVE RADII ARE GIVEN TO FACE OF CURB, WHERE CURB AND GUTTER IS SHOWN. OTHERWISE DIMENSIONS ARE GIVEN TO THE EDGE OF PAVEMENT. CONTRACTOR IS TO COORDINATE WITH THE ARCHITECTURAL PLANS AS TO THE BUILDING LAYOUT AND DIMENSIONS

**HATCH LEGEND:**



**GENERAL NOTE:**

- ALL DEVELOPMENTS SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF MISSION'S STORM WATER MANAGEMENT CRITERIA INCORPORATED BY REFERENCE HEREIN.

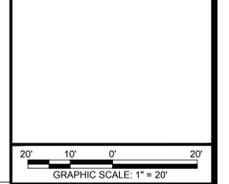
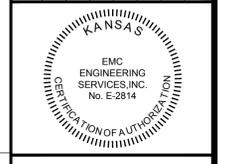
**STORMWATER NOTES:**

EXISTING CONDITION	PROPOSED CONDITION
PERVIOUS AREA = ± 0.05 AC (7%)	PERVIOUS AREA = ± 0.08 AC (11%)
IMPERVIOUS AREA = ± 0.71 AC (93%)	IMPERVIOUS AREA = ± 0.68 AC (89%)

**SPECIAL NOTES:**

- STREET LIGHTS 60' O.C. (SENTRY SCP LUMINAIRE / NEW YORK BLACK POST WITH TWO KEYSTONE RIDGE BASKET PLANTER PER POLE)
- TRASH RECEPTACLE (BLACK 36 GALLON STEELITES RB-36 BY VICTOR STANLEY)
- STREET TREES (30' O.C. WITH A NEENAH FOUNDRY TREE GRATE #R-8726)
- TWO BIKE LOOPS (CREATIVE PIPE: BLACK INVERTED "U" BIKE RACK)
- BENCH (BLACK 72" SCARBOROUGH BY LANDSCAPE FORMS)
- TIDAL WAVE CABINET SIGN ATTACHED TO BUILDING 8-10 FT ABOVE GROUND

NO.	REVISION DESCRIPTION	BY	DATE
1	PRELIMINARY DEVELOPMENT PLAN	DEM	04/11/18
2	FINAL DEVELOPMENT PLAN	DEM	06/09/18



**EMC ENGINEERING SERVICES, INC.**  
 1344 US Hwy 19S, Suite A  
 Leesburg, GA 31763  
 Ph: (229) 435-6133  
 Fax: (229) 435-6133  
 email: info@emc-eng.com  
 www.emc-eng.com

CIVIL  
MARINE  
ENVIRONMENTAL

OFFICE LOCATIONS: ALBANY, ATLANTA, AUGUSTA, BRUNSWICK, COLUMBUS, SAVANNAH, STATESBORO, AND VALDOSTA.

**SITE & STAKING PLAN**

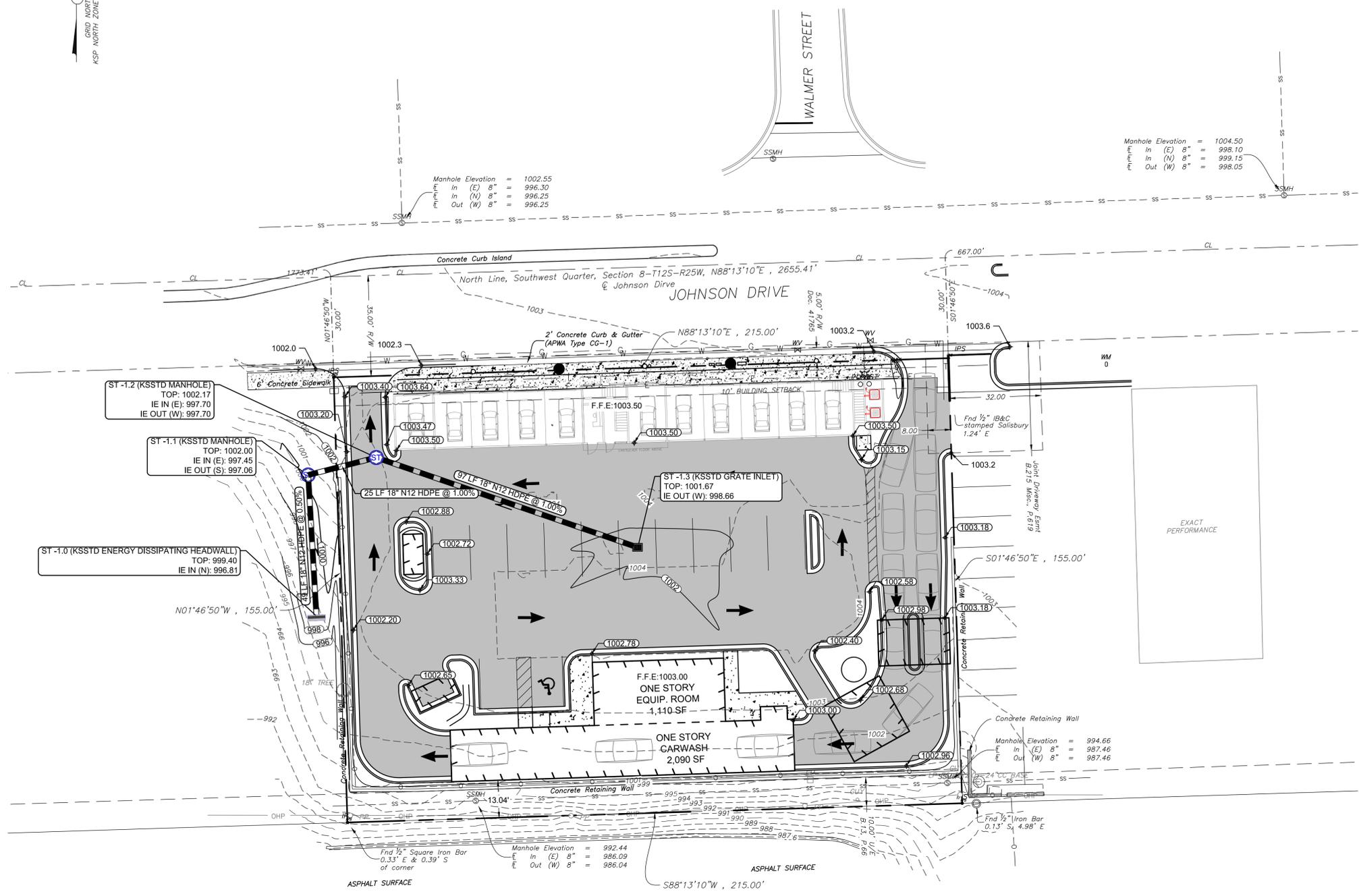
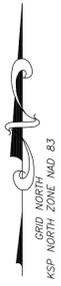
**TIDAL WAVE AUTO SPA**  
 PROPERTY ID #: KP6950001 0003  
 MISSION, JOHNSON COUNTY, KANSAS

Prepared for:  
**SHJ CONSTRUCTION GROUP**

PROJECT NO.: 17-6044  
 DRAWN BY: DEM  
 DESIGNED BY: DEM  
 SURVEYED BY: CFSE  
 SURVEY DATE: 05/30/2017  
 CHECKED BY: BHB  
 SCALE: 1" = 20'  
 DATE: 05/14/2018

**Kansas 811**  
 Know what's below.  
 Call before you dig.

SHEET  
**1**  
OF 2



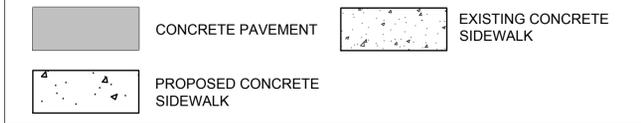
**PAVING, GRADING, AND DRAINAGE NOTES**

1. CONTRACTOR TO PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING.
2. ENTIRE SITE SHALL BE DRESSED TO UNIFORM, WELL DRAINED AND VISUALLY APPEALING SURFACE WITH A MINIMUM TOPSOIL LAYER OF FOUR INCHES.
3. MAXIMUM LONGITUDINAL SLOPE ON ALL ACCESSIBLE SIDEWALK SHALL BE 5.00%.
4. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THE SITE IS ADA ACCESSIBLE AS REQUIRED BY FEDERAL, STATE AND LOCAL GOVERNMENT.
5. FINISH GRADE ELEVATIONS INDICATE TOP OF PAVEMENT / FACE OF CURB UNLESS OTHERWISE NOTED.
6. REFER TO DETAILS FOR PAVEMENT TYPICAL SECTION.
7. SITE SHALL BE GRADED UNIFORMLY FOR POSITIVE DRAINAGE AS SHOWN FROM THE ELEVATIONS, PROPOSED CONTOURS, AND THE DRAINAGE SLOPE ARROWS.
8. MAXIMUM SIDEWALK CROSS SLOPE IS 2%. MAXIMUM SIDEWALK LONGITUDINAL SLOPE IS 5%. MAXIMUM PAVEMENT SLOPE IN HANDICAP PARKING AREA AND AISLE IS 2%. MAXIMUM HANDICAMP RAMP SLOPE IS 12:1V.

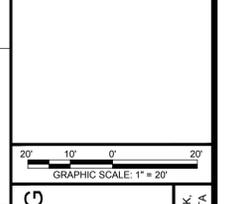
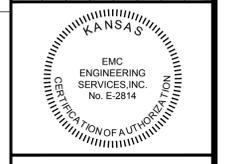
**UTILITY NOTES:**

1. THE LOCATION OF ALL EXISTING UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE-GROUND STRUCTURES AND IS APPROXIMATE AND SHOWN FOR INFORMATIONAL PURPOSES ONLY. NO CERTIFICATION IS MADE AS TO THE ACCURACY OR COMPLETENESS OF THIS INFORMATION.
2. ADDITIONAL BURIED UTILITIES / STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES / STRUCTURES.
3. BEFORE EXCAVATIONS ARE BEGUN, GIVE THREE WORKING DAYS NOTICE TO THE UTILITIES PROTECTION CENTER AT KANSAS 811 PRIOR TO ANY EXCAVATION IN ORDER THAT UNDERGROUND UTILITIES MAY BE LOCATED AND PROTECTED.

**HATCH LEGEND:**



NO.	REVISION DESCRIPTION	BY	DATE
1	PRELIMINARY DEVELOPMENT PLAN	DEM	04/11/18
2	FINAL DEVELOPMENT PLAN	DEM	06/09/18



**EMC ENGINEERING SERVICES, INC.**  
 1344 US Hwy 19S, Suite A  
 Leeburg, GA 31763  
 Ph: (229) 435-6133  
 alba@emc-eng.com  
 www.emc-eng.com

CIVIL  
 MARINE  
 ENVIRONMENTAL

OFFICE LOCATIONS: ALBANY, ATLANTA, AUGUSTA, BRUNSWICK, COLUMBUS, SAVANNAH, STATESBORO, AND VALDOSTA

**PAVING, GRADING, & DRAINAGE PLAN**

**TIDAL WAVE AUTO SPA**  
 PROPERTY ID #: KP6950001 0003  
 MISSION, JOHNSON COUNTY, KANSAS

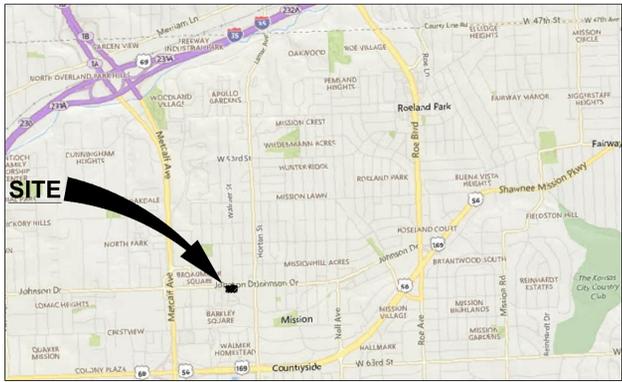
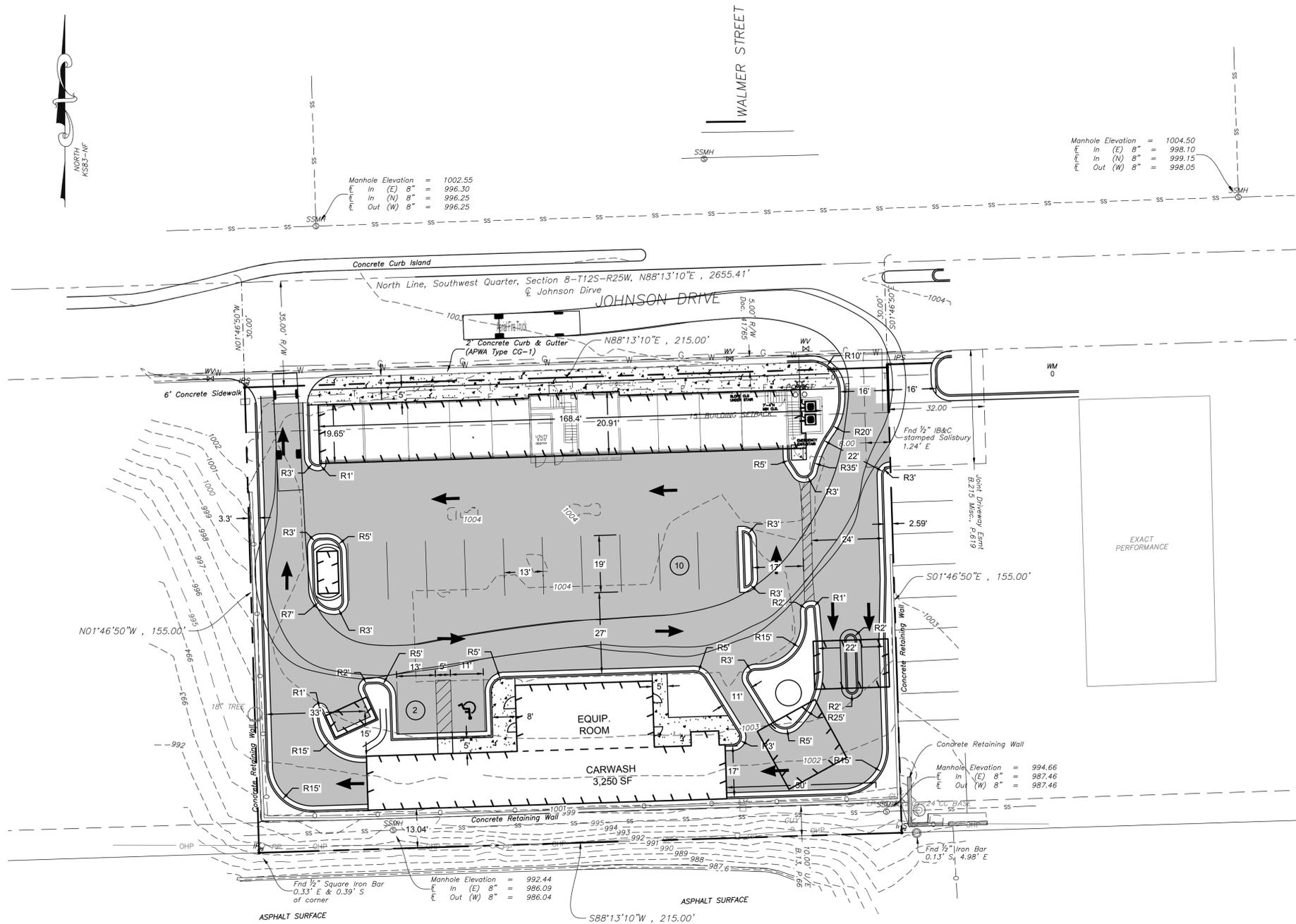
Prepared for:  
**SHJ CONSTRUCTION GROUP**

PROJECT NO.:	17-6044
DRAWN BY:	DEM
DESIGNED BY:	DEM
SURVEYED BY:	CFSE
SURVEY DATE:	05/30/2017
CHECKED BY:	BHB
SCALE:	1" = 20'
DATE:	05/14/2018



C:\2017\17-6044-SHJ - TIDAL WAVE JOHNSON DR MISSION, KS\DWG\17-6044-BOI.DWG 5/10/2018 1:13 PM





VICINITY MAP  
N.T.S.

**OWNER INFORMATION**

OWNER: CSTORE INVESTORS TOO, LLC  
 ADDRESS: 700 W 47TH ST, KANSAS CITY, MO 64118

**APPLICANT INFORMATION**

APPLICANT: TW MACON, LLC (d.b.a. TIDAL WAVE AUTO SPA)  
 ADDRESS: 124 THOMPSON STREET, THOMASTON, GEORGIA 30286  
 PHONE #: 770-271-5646

**SITE INFORMATION**

ADDRESS: 6501 JOHNSON DR., MISSION, KANSAS 66202  
 PROPERTY AREA: ±0.76 AC  
 PROPERTY ZONING: CP-2B  
 BUILDING SETBACKS:  
 FRONT: 0'-10"  
 SIDE: 0"  
 REAR: 0"

**PARKING NOTE**

PARKING REQUIRED: 3.5 SPACE PER 1,000 SF (3,250 / 1,000) X 3.5 = 12 SPACES  
 PARKING PROVIDE: 11 STANDARD SPACES + 1 HANDICAPPED SPACES 12 TOTAL SPACES

**HATCH LEGEND:**

- CONCRETE PAVEMENT
- EXISTING CONCRETE SIDEWALK
- PROPOSED CONCRETE SIDEWALK

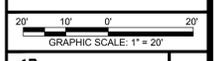
**GENERAL NOTE:**

1. ALL DEVELOPMENTS SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF MISSION'S STORM WATER MANAGEMENT CRITERIA INCORPORATED BY REFERENCE HEREIN.

**STORMWATER NOTES:**

<b>EXISTING CONDITION</b>	<b>PROPOSED CONDITION</b>
PERVIOUS AREA = ± 0.05 AC (7%)	PERVIOUS AREA = ± 0.08 AC (11%)
IMPERVIOUS AREA = ± 0.71 AC (93%)	IMPERVIOUS AREA = ± 0.68 AC (89%)

NO.	REVISION DESCRIPTION	BY	DATE



**EMC ENGINEERING SERVICES, INC.**  
 1344 LIS Hwy, 105, Suite A  
 Leesburg, GA 31753  
 Ph: (229) 435-6133  
 Fax: (229) 439-7979  
 albanym@emc-eng.com  
 www.emc-eng.com

CIVIL  
MARINE  
ENVIRONMENTAL

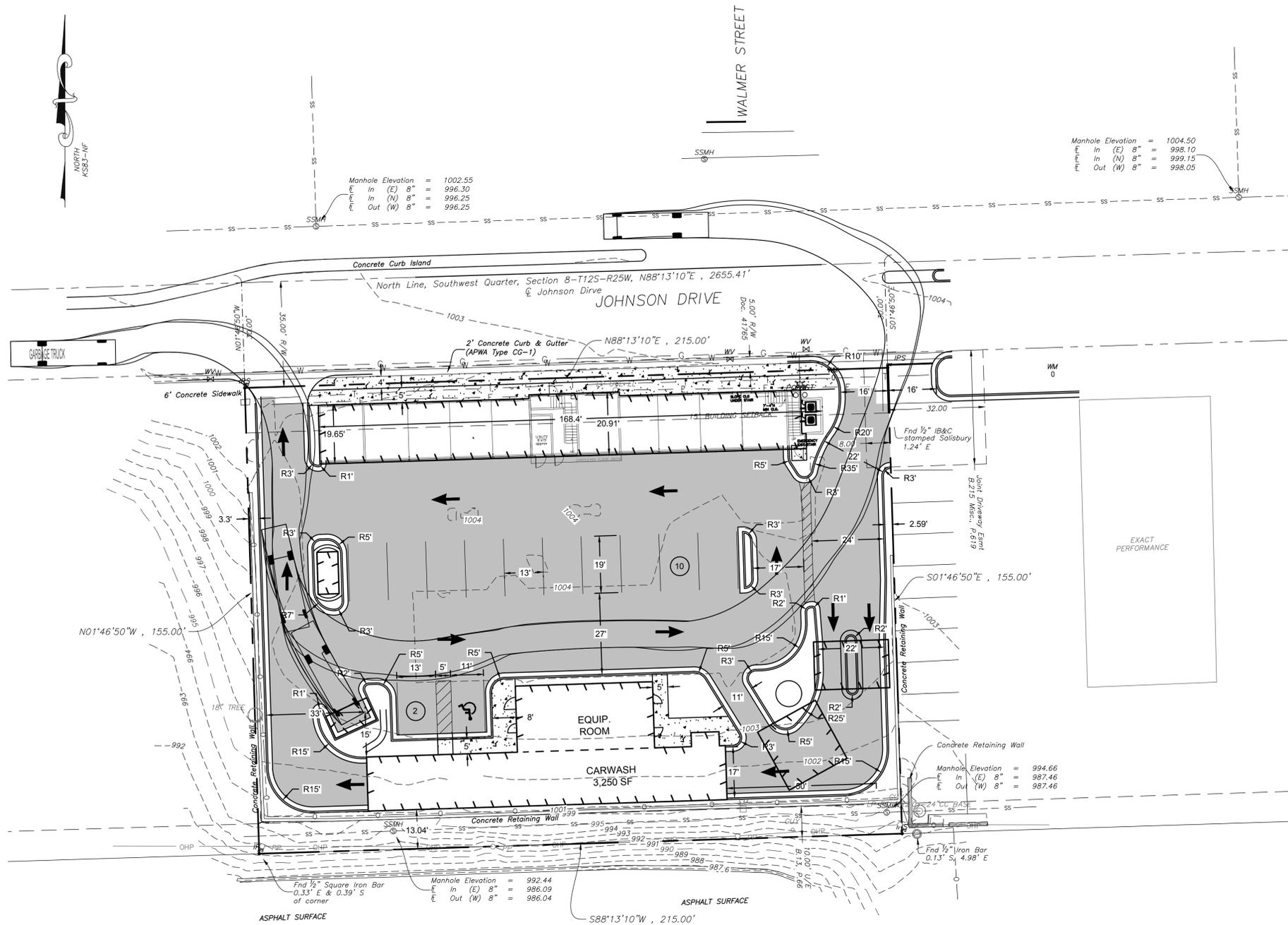
OFFICE LOCATIONS: ALBANY, ATLANTA, AUGUSTA, BRUNSWICK, COLUMBUS, SAVANNAH, STATESBORO, AND VALDOSTA

**FIRE TRUCK AUTO TURN TEMPLATE**

**TIDAL WAVE AUTO SPA**  
 PROPERTY ID #: KP6950001 0003  
 MISSION, JOHNSON COUNTY, KANSAS  
 Prepared for: SHJ CONSTRUCTION GROUP

PROJECT NO.:	17-6044
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DESIGNED BY:	DEM
SURVEYED BY:	CFSE
SURVEY DATE:	05/30/2017
CHECKED BY:	BHB
SCALE:	1" = 20'
DATE:	04/11/2018





VICINITY MAP  
N.T.S.

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ADDRESS: 700 W 47TH ST, KANSAS CITY, MO 64118

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**PARKING NOTE**

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- EXISTING CONCRETE SIDEWALK
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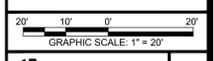
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NO.	REVISION DESCRIPTION	BY	DATE



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CIVIL  
MARINE  
ENVIRONMENTAL

OFFICE LOCATIONS: ALBANY, ATLANTA, AUGUSTA, BRUNSWICK, COLUMBUS, SAVANNAH, STATESBORO, AND VALDOSTA

**GARBAGE TUCK AUTO TURN TEMPLATE**

**TIDAL WAVE AUTO SPA**  
PROPERTY ID #: KP6950001 0003  
MISSION, JOHNSON COUNTY, KANSAS

Prepared for:  
**SHJ CONSTRUCTION GROUP**

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**MINUTES OF THE PLANNING COMMISSION MEETING**  
**March 26, 2018**

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, March 26, 2018. Members also present: Stuart Braden, Brad Davidson, Robin Dukelow, Charlie Troppito, Frank Bruce, Burton Taylor and Pete Christiansen. Absent was Scott Babcock. Also in attendance: Danielle Sitzman, Planning & Development Services Manager; Brian Scott, Assistant City Administrator, Chris Cline, Core Design, Pete Heaven, Spencer Fane Attorney, and Ashley Elmore, Secretary to the Planning Commission.

**Introduction of New Commissioners**

Chairman Lee introduced the two new commissioners Burton Taylor and Pete Christiansen.

**Approval of Minutes from the January 22, 2018 Meeting**

**Ms. Dukelow moved and Mr. Troppito seconded** a motion to approve the minutes of the January 22, 2018, Planning Commission meeting.

The vote was taken (8-0). The **motion carried**.

**Case # 17-08 Preliminary Site Plan – Martway Mixed Use**

Chairman Lee: This has been before us before and has been sent back to us from the City Council to look at and discuss again. Staff?

Ms. Sitzman: Thank you, Mr. Chair. Joining us this evening is our attorney Pete Heaven. I'm going to let him start with a little direction to you all about the remand and what the process can be tonight.

*Pete Heaven, Land Use Attorney, City of Mission, appeared before the Planning Commission and made the following comments:*

Mr. Heaven: We have a little bit of an unusual process, and for the new planning commissioners, I wanted to step you through a remand. Under Kansas law, when a zoning matter comes before the Planning Commission, you make a recommendation to City Council. The City Council has the ability to either accept your recommendation, deny it, or remand the matter back to you for further consideration. A remand in Mission is a relatively rare event, so I wanted to step you through the process.

All the public hearings have now been held. This matter is now back before the Planning Commission. You may solicit information from the public or from the applicant. Basically, what the City Council has asked you to do is to look at three items in this particular proposal, that being height, density, and setback deviations. Now, as Danielle will explain to you, we've had some modifications to the application, and of the eight deviations that were first sought, there are only two left. The other six have been satisfied. I believe those have to do with density and the height of the building.

With that, if you have questions, chime in. I'm happy to answer them. Tonight is a reflection upon what you've been asked by City Council to do, which is reconsider your thoughts and ideas about height and density. That's our process.

**MINUTES OF THE PLANNING COMMISSION MEETING**  
**March 26, 2018**

Ms. Sitzman: Mr. Chair, I'll go through the staff report, briefly. As Pete said, this is Case #17-08, a preliminary site plan for property located at 6005-6045 Martway Street. The applicant has submitted revisions from their December 18, 2017, plan and made adjustments to the overall height. Our height standards are both by overall feet and by number of stories, so, they are requesting a deviation to the number of stories. They also have made adjustments to the number of dwelling units and to the massing of the building. The revisions do not contain changes that were significant according to our applicable code standards, and as such, they're before you tonight as a continuation of the case that came before you, and directed back to you as a remand.

Onto the points of consideration that were referred to you by City Council. The first one is setbacks. The revised plans that are before you tonight have removed any need for a request to a deviation for rear-yard setbacks. Here is a map showing the property and surrounding zonings. What's highlighted on the screen are the properties owned by the City. The two that are yellow are City Hall and the pool campus and the tennis courts. This little tract in pink is Tract A, which was discussed previously. This is also owned by the City. The pink areas are what are zoned MS-2, and the standard for setbacks in MS-2 is that there are no rear yard setbacks required unless MS-2 is adjacent to Residential R-1. So, along the portion of the property where they are adjacent to an R-1 District, they have changed the massing of the building to withdraw it from that 25-foot requirement. On the areas of the site that are adjacent to MS-2, there is no rear yard setback, they actually alter the massing a little bit to extend it. Where they took away in one area to extend out to the other to make up for the difference. It does still meet the rear yard setback requirements, which are zero for MS-2 adjacent to MS-2. That deviation is no longer required.

Regarding building height, as I said, there are two standards in our code regarding height. One is the number of feet in height, and the other is the number of stories in height. I've been asked a couple of times, why both? I recently went to see the largest one-story building in the United States, which is 526 feet tall. But it's one story, and they build rockets inside of it at the Kennedy Space Center. So, the thought in planning is that you need to specify both height and stories when setting limits. So, our code has three stories and 45 feet as the base code requirement. It met the overall height in their revised plans, or actually showed slightly less than the 45 feet, but they still have that space divided up into four stories. Basically, they trimmed off a few feet on each one of those floors to make the overall height still fit the four stories. So, there's still a deviation required to allow that one additional story for the height. This also impacts density, the number of dwelling units that were in that additional story. Let's talk about that a little bit.

The revised plan contains 27 fewer dwelling units and, therefore, increases the amount of lot area per dwelling in the calculation. The new unit count is 90 units, and the new density calculation is 807 feet per unit of lot area, or 53.98 units per acre. They're requesting a deviation to allow those 90 units, or approximately the square footage that they're showing. Of course, this is a preliminary site plan, so they're not tied to this exact floor plan. It can still flex a little bit in the number of units. That's why we're identifying both

## **MINUTES OF THE PLANNING COMMISSION MEETING**

**March 26, 2018**

unit count and square footage, just to make sure that we don't need to come back and deal with these numbers again, between now and the final site plan. There's some additional ground floor space that's either to be utilized by the commercial tenants on the ground floor, additional storage for those businesses, or tenants as storage spaces. So, we've identified that as appurtenant ground floor space, allowing for a little bit of flexibility since they still haven't identified that space to use one way or the other.

There was a minor calculation error in the overall square footage of the lot in one of the previous versions. That's because we accidentally counted Tract A towards the land area of the development. We subtracted that out of the calculations and they've been re-run.

In your packet there's a density table that shows you how this specific density stacks up against other existing developments in similar zoning districts in the city of Mission, or in the downtown zoning district designation. It also compares this project to the zoning densities of the other current apartment construction going on in and around Johnson County, specifically highlighting projects in downtown Overland Park.

Staff reviewed the project again to make sure the other deviations had been taken care of and are no longer necessary. We went through the findings again and highlighted the exact findings that were being made for this case. We do have a recommendation for you tonight. Conditions 1, 2 - estimate in feet only - 4, 5, 6 7 and 10, from 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 MS-2 zoning district, and complies with the required findings for section 405.090 and 440.160. Therefore, staff recommends the Planning Commission adopt the findings of fact contained in the staff report and recommend approval of the preliminary site development plan for this case to the City Council, with five conditions. The first two conditions relate to the deviations that are still required. The first one is approval of the requested deviation to height, to a maximum building height for mixed use. The second is 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-used building. The third and fourth conditions relate to the need to finalize some of the traffic studies and stormwater drainage reports, especially in light of the changes. So, a revised final traffic study 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. Staff reserves the right to provide additional comments based on those new studies, or stipulations based on those to address traffic, circulation, ADA, storm drainage, and floodplain related issues. Fifth, there is a condition that came up through some of the public comments made at the Planning Commission hearing pertaining to light pollution. We carried that condition over to our recommendation tonight. It states that light pollution must be addressed to the satisfaction of staff before construction can begin. That concludes staff's report.

Chairman. Lee: Any questions? I assume the applicant is here.

**MINUTES OF THE PLANNING COMMISSION MEETING**  
**March 26, 2018**

Mr. Troppito: Pete, I assume, just for the record, that you're contending that this application meets the intent of the Comprehensive Plan, it meets all the zoning and code requirements?

Mr. Heaven: Yes, it does.

Mr. Troppito: One of the issues that was an original concern to me was hexavalent chromium in the building products. This is a question for the developer. I'd like you to state for the record that it has been resolved, and no other building materials to be used on this project contain hexavalent chromium. Besides shaking your head, would you confirm that for the record?

*Christian Arnold, Applicant, appeared before the Planning Commission and made the following comments:*

Mr. Arnold: Sure. We did investigate that product, and that product cut sheet that was submitted previously was for a residential product. A product that we would propose is a commercial product, so the safety data sheet will be submitted to the City. That product that you referenced is not in that at all.

Mr. Troppito: Thank you. One other question for Danielle. Recommendation - it's the last one. Light pollution must be addressed to the satisfaction of staff before construction can begin. I'll just state, I have a problem with that, in the sense that light pollution has been a major concern. The problem is it pushes it down the line to staff, and possibly an unknown staff member that we have no experience with. Why would this not be phrased to require the satisfaction of the Planning Commission, rather than staff?

Ms. Sitzman: It can certainly be rephrased that way. I think the element of allowing additional time to resolve it is because lighting and light levels is not a detail that is normally presented as part of a preliminary site plan. There would be a photometric study required at the time of a final site plan, and there are standards about foot candles, etc., that any staff would check at that point. But we could certainly reword that condition to say, "to the Planning Commission's satisfaction," or "at time of final site plan." That would be appropriate.

Mr. Troppito: Thank you.

Ms. Dukelow: I was going to ask Mr. Heaven for clarification on the, the plan that was remanded back to the Planning Commission. The plan that we previously recommended to City Council for approval, if I'm not mistaken, was the plan prior to a current plan that we are reviewing.

Mr. Heaven: That is correct. Yes.

Ms. Dukelow: That was the plan that we had seen in January, that was dated 11/26/17. Is that accurate?

Mr. Heaven: Yes.

## MINUTES OF THE PLANNING COMMISSION MEETING

March 26, 2018

Ms. Dukelow: Thank you. So, with regards to light pollution, I understand the photometric plan requirement - and this may be a question that we wait; this may be more appropriate for the applicant. I know that in previous meetings, the Commission has expressed concern about the headlights shining across the creek from the back parking area. I know that this is something that doesn't appear to have been addressed in this particular rendition of the plan. I just want to bring that up and make sure we address that through the course of this meeting.

Mr. Troppito: That was part of my concern.

Chairman Lee: Any other questions or comments?

Ms. Dukelow: This is probably a question for the applicant. I'm curious as to whether or not there will be bike storage for the residents.

Mr. Arnold: I can answer two of those questions at the same time. One, when we presented last time, this issue came up extensively at the City Council meeting. Once we looked at the topography of the site, the site is actually about 20 feet below the houses over there. So, we did a section study that was presented at the last meeting and showed that the tops of the houses were about in line with the top of the building because it is so far down. I think that has alleviated some of the concerns with headlights because they were so far down. Also, because we no longer have the parking lot pushed right up to the parking line - we're actually back six feet, which allows us to plant more vegetation along the back of the parcel, as well. So, when we last met, we said we were going to address these issues as we move through the process, and we have addressed these issues.

Bike storage? Yes. Because the first level is largely parking, there's ample storage for residents, as well as general bike storage. There's lots of space on the ground floor.

Chairman Lee: At this time, we will entertain a motion.

Mr. Braden: Mr. Chair, we have reconsidered the proposed height, density, and setback deviations within the Code as requested by the City Council, as well as the elimination of some of the originally requested deviations, and I believe the project should be returned to the City Council with our recommendation of approval. I therefore move we adopt the suggested findings of fact and recommendations of Staff as contained in the 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, as amended:

- 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,

## **MINUTES OF THE PLANNING COMMISSION MEETING**

**March 26, 2018**

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 shall have 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 Planning Commission upon submittal of the final site development plan.

Mr. Troppito: Second.

The vote on the motion was taken (8-0). **The motion to approve this application carried.**

### **Case # 17-11 Preliminary & Final Site Plan-Tidal Wave Auto Wash-Block Real Estate - Public Hearing**

Ms. Sitzman: Also with us tonight is Chris Cline of Core Design. Chris has been working with us for many years. He is our on-call architect that helps us perform our form-based code reviews. I asked him to give you a quick refresher on the Form Based Code since we have several new members since the last time we had an application, which was four years ago. I know the staff covers much of the same information, but I thought it would be good to have a quick refresher from Chris. He is also here to answer any questions as we go through this process.

*Chris Cline, on-call Architect for the City of Mission, appeared before the Planning Commission and made the following comments:*

Mr. Cline: We've been working with the City of Mission with the Form Based Code since the beginning of developing the code. I wanted to take a minute to take you back to what went into the code and how we've been applying that code throughout the West Gateway District.

The West Gateway District is from Metcalf on the west side of town, basically from Shawnee Mission Parkway up to about Foxridge/54th Street. It's about 230 acres or so of development there. There are three things I want to touch on: The goals that were developed for creation of the Form Based Code, what the planning process was in creating the code and putting it in place, and then, some frequently-asked questions that get asked from time to time.

The goals for the code were to engage the community in the process, and create a form-based code that was consistent with the City's vision plan. The City had adopted a vision plan for this area similar to Vision Metcalf. This was done prior to Vision Metcalf. The same consultant actually worked on it. That vision called for engaging the community. There were lots of large charrettes and workshop meetings where folks were shown pictures of more of a suburban-type development that's out there today, or something that's a little more pedestrian-friendly and brings the buildings right up to the street. There was a strong movement and input and direction received from the community that they

## **MINUTES OF THE PLANNING COMMISSION MEETING**

**March 26, 2018**

wanted something different in this part of town. They wanted something that wasn't as suburban, they wanted it urban, they wanted buildings up to the street, and to create a strong sense of streetscape and public realm. That's what we heard from engaging the community. Staying one step ahead was, if that's the type of development pattern that the City wanted to achieve in this area, how can we do that in a way that helped to guide developers to bring projects to the City that fit those guidelines? So, staying a step ahead was, let's put a code in place that really prescribed the type of development that's different than what's out there today, and hopefully encourage developers to bring projects that they could get approved faster. So, it's a proactive approach, and it's spelled out in the code.

In making the vision a reality, there were a lot of good ideas that were in the vision plan, but it didn't have all the details it needed to actually implement. We had to work through the details of taking those visions and turning it into a code that you could implement. In that process, we had 30-plus people on our advisory committee. It represented homeowners, property owners, commercial brokers, elected officials and community residents. A 10-month process. There were six meetings with the steering committee, lots of questions and things occurring throughout that process. We had three public meetings where folks came to look at the code as it was being developed and ask questions. Had two open house forums in March and July of 2007. And then, it went through a process where we got City Council and the Planning Commission together for a work session to walk through the bones of the plan, and then, took it to public hearings and adoption in October 2007. Really, took that vision plan, encouraging good projects by making them easier.

So, what that means is, in a lot of cases, a developer will bring a project and negotiate with staff on lots of things in a planned district project. And then, there are a lot of details that get worked out with staff, but sometimes the Planning Commission wants to talk about specific things in the project and make things better or different. Sometimes it gets cumbersome. The intent for the Form Based Code was to put all of that work at the front end and hopefully bring projects before the Planning Commission that have already been through that process. If they receive a passing score, then it's up to the Planning Commission to decide, well, if they followed the rules, should we approve this plan? And if you approve it, it doesn't have to go to City Council. They can immediately go into final development and construction. So, it alleviates the process a little bit, but it takes a little more work on the front end.

There were some questions asked about this. Will infrastructure serve it? At the time, we were talking about adding density to this district, different than what's out there today. There's a lot of low-story buildings. If we added more density, would the infrastructure that's out there be able to support it? We did that study as part of the Form Based Code, and most of the infrastructure can't support that. There were some things that were proposed and put into the CIP.

Can the market support it? There was an extensive market analysis done that looked to the future and what the feasibility and projections were for new development. The good

## **MINUTES OF THE PLANNING COMMISSION MEETING**

**March 26, 2018**

thing is, Mission is well positioned for future growth. We did study lots of different areas for different density development, types of development, to make sure that the code recommendations were realistic.

Is the code flexible? Prior to the code, I think there were a number of commercial properties that back up to some of the residential properties up on the north end of the district, primarily. The experience there has been that several commercial developments have come in; I believe residents would file a protest petition, there would be a big fight, a huge meeting at Planning Commission or City Council, and it was very difficult to try to work through that process. So, in development of the code and engaging the residents, we said, look, if we put this new code in place and put all these rules in place, if a developer follows those rules, should they be able to go ahead and get their project approved without a public hearing? So, if we looked through everything and scored it, and they get a passing score and the Planning Commission approves it, they're not rezoning the project. They're just getting their plan approved. Is that okay? And they said yes. If they follow those guidelines and give us a project like what we think, then yes, they were supportive of that. The City was supportive of it. Basically, it was put in as an overlay district, so it does not require someone to rezone the property. Therefore, there doesn't have to be a public hearing. So, if they get a passing score, they don't have to have a public hearing for a rezoning.

Mr. Troppito: Excuse me. You referenced "scores" several times. What's the score? Ninety? Eighty? Seventy?

Mr. Cline: I'll get to that. Existing businesses can still do business in the district, and we've had several cases where folks that have a non-conforming building can still make improvements to their building and continue to do business in the district. And then, developers, again, it avoids that protest petition process. It allows for a variety of building types and uses. There are architectural and site design opportunities, and development phasing possibilities. This is one example of a larger site. You can see where access points are shown in those dark triangles. Buildings will be placed up next to the street. Surface parking could be placed behind. And then, eventually, more buildings could be built and that surface parking could become structured parking. So, there are opportunities in there for larger properties and other properties to phase things in over time, as well.

And then, when we talk about a scoring system, what we tried to do was to break things down since these were a new set of rules. We wanted to break it down so developers understood how to design their projects so that it fit the code requirements. There are a number of steps that you have to go through to look at each area -- the sector plan, the regulating plan, the building types, the setbacks, the early guidelines -- and then, looking at the building themselves, and the streetscape improvements. We put a score to each one of those so that, at the end of the day, if they submit the plans and they didn't get a passing score, instead of just saying, "You didn't pass, here's a list of 25 things that you didn't pass for," and they didn't really know, well, how important were some of these, and how not-important were other ones? So, we tried to put some kind of system in place that

## **MINUTES OF THE PLANNING COMMISSION MEETING**

**March 26, 2018**

at least showed you what the relative level of importance was for each one of those items. They kind of go in a hierarchy fashion. You basically go through a four-step process. You look at the sector - in this case, that's Rock Creek. You look at the block in that area, which tells you what types of buildings are allowed in that block. You look at the building types themselves and it gives you some additional information about that building type. And then, you go through the architectural guidelines and the urban guidelines, which tell you where to place that building, how close to the street. And then, some of the streetscape improvements that need to be put in.

So, there is an extensive amount of information to get put in these plans, and there's usually a back-and-forth that happens with any applicant, where they may submit plans initially that don't have as much information and they don't get a passing score, but we give them a full listing of where they missed points, and where they could do better, and how they can improve their score when they re-submit and we score it again, and eventually, bring it before the Planning Commission.

Here are some examples of that: A bank proposal that was placed away from the building and was surrounded by parking. Eventually had the building pulled right up to the street corner and put all parking back behind. The Mission Crossing site. This was an initial proposal where the buildings were internally-oriented, pulled away from the streets. You can see how, in the concepts, the buildings started to move to the street corners, and eventually became a plan that looks pretty close to this, where the buildings all had that strong relationship with the street. Then, you can see what some of the renderings look like, and then, I've got a shot here, under construction. The last one is Cornerstone Commons, the grocery store and restaurants there on the corner. And then, the little two-story building that's on the southeast corner of that particular site. Again, buildings address each one of the streets adjacent to parking on the inside.

The Form Based Code is kind of a new thing in the metro, and Mission was one of the first to put it in place. It was done in 2007, right at recession time. And even with all of that in place, there's been more economic development activity and development here in this part of Mission than anywhere else in Mission. There have been a number of projects that have come through - and you've seen some of them here - and followed the code and gotten approved.

So, thankfully, I've been able to help the City not only create the code, but to help implement it. I'd be happy to answer any questions.

Ms. Sitzman: Thank you. With that, I'll present the staff report in this specific case. This is Case #17-11, Tidal Wave Auto Wash, a preliminary and final site development plan. The combination of preliminary and final plans is required so that all of the details for a full score are presented and can be awarded. This is how we do all of our Form Based Code cases. We can do this with applications outside of the District, but you have told us in the past that you find that a little overwhelming. So, for other areas of town, other developments like the Martway Mixed Use application, you'll see a preliminary site plan go through the entire process, and then come back to do a final site plan. In this case,

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they are combined so we can get all the level of detail necessary to get a full picture of the project and complete the scoring process.

The property is the site of a former gas station and is currently zoned CP-2B Planned Retail and Service District. It's located in Block Y. As Chris explained, the Form Based Code divides all of the land in the district into separate blocks, so you will be referencing Block Y for this one. It's also located in the Johnson County Design Guidelines district. This site is about three-quarters of an acre in size. The proposed car wash is an allowed use in the underlying zoning district.

In the past, some of the other Form Based Code developments, like the Mission Crossing project, made use of the fact that this overlay zone allows for cumulative zoning and additional use flexibility. So, in the example of Mission Crossing, that property was not zoned for those uses originally. But, because they had a Form Based Code compliant project, the overlay zone allowed for those other uses to happen without the need for a rezoning process. In this case, the underlying zoning would allow a car wash.

The regulating plan for this particular sector in the Form Based Code identifies this property as part of Block Y where ground-level retail uses facing Johnson Drive are important. This is not in the Downtown District of Johnson Drive; however it does continue to reinforce that retail is important along that street. There is an extension of Walmer Street shown in the Sector Plan. The future extension of Walmer Street between Block Y and Z would be triggered at the time that Block Z actually redeveloped. So, as that is not happening at this time, no proposed extension of Walmer Street is included in this proposal.

Both Block Y and Block Z are where the Mission West Shopping Center currently is with retail along its northern side. The Form Based Code is a long-range plan that envisions the eventual redevelopment of all of that area voluntarily by the owners of that property. The intent is to prepare for improvements to the street network, when that would eventually happen. Currently, that shopping center is in a really large block which is difficult to walk around on foot if you're a pedestrian. A goal of the future road extensions that are shown in the Form Based Code are really to make blocks smaller, more easy to navigate on foot by pedestrians. So, in summary, the Walmer Street extension not included in this plan, not required of this plan, but just noted as an element that's included for the long-range utility and usefulness of the district.

There are several building types that would be allowed in Block Y, anything from a townhouse development to a mid-rise building, a mid-rise building being something that's at least two stories tall. A parking structure-type building, which is really not just parking for cars, but envisions parking interior with retail wrapped around it. Also, low-rise buildings are currently allowed in any sector as long as the lot size of the development is less than a half acre. That gives additional flexibility for development of really small lots where it really wouldn't be feasible to do much of a large-scale development. As I said, this lot is larger than a half acre; it's about three-quarters of an acre. So, it does have to have a component of at least mid-rise development in it. For it's lot size, it is allowed to have 60 percent of the gross square footage of development to be low-rise building type,

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but at least 40 percent of the development has to be something that's mid-rise, or larger building type.

The Comprehensive Plan helped inform the development of the Form Based Code. The Form Based Code is compliant with the Comprehensive Plan and encourages mixed-use median density redevelopment in this area. That would include housing, limited office, and medium-density retail in this situation.

Chris said that there is a score that is given to Form Based Code projects by staff. His review memo discusses how many points were available and how many points the project garnered through its design. As he said, there was a list of components that the scoring walks through, and they are hierarchically labeled on this list, number 1 being the most important, and having the most points required in order to score a passing grade at the end. The reason that this is done is because some elements of design are more important and have more impact on the public realm. The architecture of your building may not have as big an impact on what the public experiences near your development as where the building is placed on the lot does. So, things like where the building is placed on the lot is listed up front and the most key components of the scoring system. A passing score is a 90 out of 100 points. There are some prerequisite levels that go with this score, so you have to at least get all of the points in those early categories. Otherwise, it's impossible to get to a 90. The later categories - 4, 5 and 6 on this list - are definitely points there to be had, but it's not as critical that an application receive all of the points in those categories. They could still get to 90 points without doing every thing called out there.

In the memo that follows this, you'll see that our scoring on this application came up with 60 points, which is not the 90 points required to receive staff's endorsement at this point. It fails in several critical prerequisite steps, which is why it could not get to that 90-point threshold. This is largely due to the fact that all of the proposed buildings fail to meet the required building type standards. So, they have a mix of a two-story building and a one-story building in their proposal. However, the one-story building is still shorter in height than it needs to be to meet the Form Based Code standard for a single-story building.

The north building was designed around the footprint of a car, and we had trouble deciding what kind of building type that it should be evaluated as. We didn't feel that a building that was only the depth of a vehicle was truly going to have a lasting value as a retail space. The code says a certain depth of space would be needed for reuse of that building as retail in the future. A goal of the Form Based Code is for reuse of these buildings over time and having flexibility to allow that. Staff's feeling was that to have a building footprint solely designed around the footprint of one car was difficult to justify as meeting the intent of the code for a mid-rise building type.

Therefore, failing that we looked at other building types to see what it might resemble more closely. It was a poor fit for a parking structure building type in the code also, but we went with that because it's the closest thing to a building designed around automobile in the building types. Of course, we let the applicant know that there were concerns about the design of their building which would affect their score. Like I said, we tried our best to score it with what they had submitted to us after staff comments were given to them.

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There were other points that were not attained because the submittal was missing elements of the proposal, specifically things that would typically be included in a site plan such as landscape, streetscape, or the accessory structures. Things like trash enclosures, planting plans, street lights, benches - all of the elements that go into the streetscape plan.

As I said, the proposed development does include two buildings. One building is a two-story 6,699 square foot building. The other one is a one-story 3,200 square foot building. That works out to about 68 percent of the buildings being a two-story and 32 percent being a one-story, which meets the Form Based Code requirement. However, as I said, we had difficulty determining that the two-story building was a mid-rise building type and truly compliant with the Form Based Code.

The ground floor of the northern building would contain parking stalls for vacuuming vehicles and some office space up above on the second floor. The applicant has indicated that the width of the northern building is sufficient to be used for retail space in the future if a car wash facility ceases. Again, the second story would be office and storage.

The Form Based Code says if there are not enough points earned within the prerequisite steps, we could stop review at that point. Staff feels that it's more important to give the applicant a chance to come before you tonight, so we went ahead and performed a review and scored the rest of their project so they could come with as much information as possible.

In our review of the exterior building materials we had some concerns about windows and doors not meeting the minimum of 60 percent requirement for storefronts. We also looked at some of the other exterior materials. They have proposed EIFS on the ground floor and upper floor of the northern building; 45 percent of the coverage of that space is EIFS. As you'll note, the Johnson Drive Design Guidelines actually put a limit on the amount of EIFS on building faces because it's a less-durable material. We certainly had concerns about how close to the ground it is located, where it can have a greater wear.

The development would utilize a surface parking lot located on the interior of the lot, behind the buildings, and would be accessed by two driveways. Basically, there is a one-way flow in and out through queuing up for the car wash tunnel, and then, circulating around the interior of the site, either for vacuuming bays or for parking for the office space, and then, existing in a one-way flow on the west side of the lot. There is an existing median along Johnson Drive that would need to be altered to allow inbound and outbound turning movements. There's also a median break interior to the site, so if you decide at the last minute you don't want to go through the car wash, there is a way to exit that queue. We've feel that the median break for getting out of the queue should be earlier in the flow, not after the pay kiosk.

Our traffic engineer, George Butler Associates, has looked at the site access, the vehicle queues, and the turning templates. They've also looked at sidewalks and the traffic study. They are generally satisfied with those designs. However, they do recommend moving the median break to earlier in the queue flow. Also, there were no turning movements

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provided for service vehicles, so it is unclear how trash and other service vehicles would maneuver through the site. If it's a one-way flow, they are going to be either coming in through the same areas that vehicles would be, or moving counter to the flow, which is not desirable.

A landscape plan detailing streetscape improvements was not submitted. Generally, we feel like there's sufficient width being allocated for the streetscape improvements in the five-foot sidewalk and a four-foot tree zone, which would be compliant. However, we were unable to check all the other details that we needed to check for the planting of street trees and street lights, benches and trash receptacles, and bike racks. As with other developments, those elements would be required to be constructed by the developer at the time that they do the project. Final placement and configuration of those elements must be confirmed before they could begin construction.

There would actually be a reduction in the impervious surface with redevelopment, so there is no stormwater treatment required at this time. The Sustainability Commission has not had a chance to review this application, so they've not made a recommendation to you. They have a separate scoring process that they go through. They have a sustainability checklist that they use, which would be a recommendation that would come to you from them.

Staff has included in the staff report suggested findings of fact, both for a preliminary and a final site plan. We feel that there are deficiencies in the site plan process, primarily due to absence of information. For example, the finding of fact that needs to be made for the final site plan has to do with landscaping and screening, which we were unable to make a determination on as the information was not provided. Also, we feel that because there was not a passing score achieved for the Form Based Code, that the findings that need to be made for consistency in good land planning and site engineering designs were also deficient.

According to Chapter 8 of the Form Based Code, applications are reviewed in that four-step process. They do need to comply with the requirements of the first two steps to automatically proceed. This is coming to you tonight without having met those prerequisites. You do have the authority to do the final review and approval of a Form Based Code application if it had garnered the 90-point score. This is what we would consider to be a non-compliant application, so it's back to you tonight for full review. The project as submitted fails to receive that passing score in the prerequisite steps. Staff feels that there are major flaws to the building types, and those should be addressed. And then, the minor supporting details should be provided for review as described.

Therefore, staff recommends the Planning Commission adopt the findings of fact contained in our staff report tonight and recommend denial of the preliminary and final site development plan for this case, for the Tidal Wave Auto Spa project. The applicant has requested to proceed with the meeting tonight with this failing score. They want to present their opinion on the project and its conformance to the code to you. You're certainly able to consider their opinion and consider making alternate findings of fact that you might determine based on what you've learned tonight. Included in your packet was

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some alternate motions that you could consider. Also, the applicant has actually provided a written statement, letting you know what they would be willing to agree to as conditions. If you were to take an action tonight to adopt alternate findings of fact and make a recommendation of approval, I would highly recommend that you do that with conditions, and consider those conditions provided by staff and the applicant. That concludes the staff report.

Chairman Lee: Thank you. Is the applicant here? Please introduce yourself.

*Paul Schepers, Attorney, Seigfreid Bingham, appeared before the Planning Commission and made the following comments:*

Mr. Schepers: I technically represent the owners of the platted 6501 Johnson Drive, who are technically the applicants who have submitted the preliminary development plan for your consideration. With me is the principal owner of Block Real Estates Services, the owner of that site, Mr. Stephen Block, who is sitting here. I also am here representing the developer, Tidal Wave Auto Spa. From that organization is Thomas Wells, an independent consultant with a company called Keystone, which has been working with Tidal Wave to navigate our plan through the process. Also present is Marty Murphy, the project manager for Tidal Wave on this particular project. Also, the principal of Tidal Wave Kansas City, Petty Hardin, who will be taking over after I finish my remarks, to tell you in greater detail what our vision is for 6501 Johnson Drive.

I listened very carefully to Mr. Cline's recitation of the history and the creation of the Form Based Code, and I will be here to testify that I've practiced law for 36 years, and this is my first encounter with a Form Based Code process. I agree with Mr. Cline. It's a very unique overlay or addition to the zoning ordinances that I typically see in Kansas and Missouri. My research indicates - and I can't guarantee this - that Mission, Kansas, may be the only municipality in the whole state of Kansas that's adopted Form Based Code. Before I even make this statement, I want to assure you that my purpose here this evening is not to shake my fist and threaten to sue you, because that's the last thing that my client wants to happen. But, I would point out to you that there is no Kansas case which has held that a Form Based Code - and in particular, the way the Form Based Code has been applied to my client's application - is authorized by the Kansas Zoning Enabling Act. There's no case that holds that on its face or as applied, it's constitutional.

So, there are some questions with regard to the lawfulness of the Form Based Code for use to deny an application for development like the one that my client has been presenting to the City of Mission. But, I'm not here to tell you I'm going to sue you. I'm very hopeful that at the end of our presentation, you will look at what's there at 6501 Johnson Drive, and look at what's going to be there when Tidal Wave Auto Spa completes their project. And, in particular, I'd like you to look and take into account everything that Tidal Wave Auto Spa has done to try the best that they possibly could to bring this project within the spirit of the Form Based Code, if not the letter of the Form Based Code.

In addition to Mr. Hardin, who will be making some comments and explaining the project to you, I have a gentleman who I think some of you are familiar with, who has experience

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with the Form Based Code that I did not have. I brought Dave Olson on board our team because he certainly has experience with the Form Based Code, having represented the developer who successfully obtained approval of a development plan in the same West Gateway area as is covered by the Form Based Code. I believe that Mr. Olson's knowledge and experience with the Form Based Code entitled him to create a different Form Based Code scorecard than the one that Mr. Cline has created for our project. And at the close of this presentation, Mr. Olson will walk you through his own Form Based Code scorecard, which I'm pleased to tell you that Mr. Olson thought we had a 90 or a 91.

Again, the main area of disagreement, the main driving force behind the discrepancy with the grade we received from Mr. Cline, and the grade Mr. Olson gave us in his analysis of our compliance with the Form Based Code, rests virtually entirely with the two structures that are going to be located on the site. We received a failing Form Based Code score from Mr. Cline because he thinks that our two-story building that is going to front Johnson Drive is a parking garage. And if you read the Form Based Code, the definition of what a parking garage is, the first line states: *Parking structures or buildings which are specifically designed to store vehicles*. Not surprising. That's what I would have said a parking garage is. That's not what our two-story building is, at all. When you store your vehicle in a parking garage, you park it there, you get out, you go someplace, and then you come back and get in your car and drive away. That's not what's happening on the bottom floor of this two-story building. What's happening on the bottom floor of the two-story building is an extension of our retail operation. Because when you come into the Tidal Wave car wash, as part of your purchase price, you receive the right to use the vacuum cleaners, which everybody uses after they wash their cars.

We have designed the two-story building so that the vacuum cleaners will be on the first floor in a series of areas where you can pull in and vacuum your car, but you're not storing your car there. You're vacuuming it so it can be clean when you finally exit our facility. So, what we consider that building to be is a combination of offices on the top floor, and an extension of our retail operation on the bottom floor, which makes it a mid-rise structure. And if you grade that structure in accordance with the criteria you find in the code for mid-rise structures instead of the parking garage that's imaginary, you're going to get real close to a passing score. Because the main reason we failed the Form Based Code scorecard that Mr. Cline prepared is because our building isn't 40 foot deep. And parking garages under the Form Based Code are required to be 40 feet deep. There's no such requirement for a mid-rise structure. And our mid-rise structure is going to be plenty deep. If someday Title Wave goes off into the sunset and leaves that building there so that that bottom floor can be used for retail purposes, repurposed, if you will, for retail purposes, and if the Form Based Code had desired there to be some minimum depth of a mid-rise structure, why isn't it in there? It's not in there.

With respect to the car wash tunnel. Obviously, the Form Based Code doesn't have a couple pages that tell you what the criteria are in order to put an acceptable car wash tunnel on a site. There isn't any way to classify the car wash tunnel. If we were to classify

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it - as Mr. Cline has - as a low-rise structure, it still comes darn close to meeting the requirements in the Form Based Code. Not counting the cupola that's on top, which I think you'll find very attractive, the height of that is about 21 feet. So, we're five foot short of what Mr. Cline says the height of the car wash tunnel ought to be. What's the purpose of the 26-foot car wash tunnel compared to a 21-foot car wash tunnel? There's no purpose to be served by that. The City of Mission isn't in any way benefitted by that. In fact, if Tidal Wave leaves, they're going to take all the stuff in that car wash tunnel and it's just going to be a shell. And the next person that comes along and tries to develop that site is going to tear it down. So, it isn't as if there's a reason why we need to be concerned about whether the car wash tunnel complies with the low rise building structure. I suppose if somebody decided they wanted to use that shell and make it some sort of retail operation, they could do that, and they could do it if it's 21 feet tall or 26 feet tall.

So, the Form Based Code, at least in our experience - and I'm not trying to cast aspersions on Mr. Cline, or anybody that had anything to do with the creation of the Form Based Code - but I'm here to guarantee you, it hasn't made this process easier for us. The Tidal Wave Auto Spa company is nationwide, and Petty Hardin and Thomas Wells have been before boards like yourself all over the country, and they've never encountered anything like a Form Based Code. Mr. Block has been in the real estate development business a long time. He's never encountered anything like this. And, I hate to say it, but it's based upon more of an imaginary vision of what somebody decided they thought the city of Mission ought to look like than the real-life situation that's out there.

I want to emphasize that despite my reservations about the enforceability, the wisdom, and the rationale behind the Form Based Code, we did everything we were told we needed to do to try and meet the Form Based Code requirements. Mr. Olson will be the last person to speak on our behalf, and he will present to you what he views to be the proper way to grade our project under the Form Based Code, and he'll draw upon his understanding and experience of the Form Based Code that he gained when working on that development that's just diagonally southwest of 6501 Johnson Drive.

When Mr. Block was approached by Tidal Wave, he was ecstatic that someone would be interested in buying this old abandoned gas station site that he owned, and he was convinced that when this development of the Title Wave Auto Spa was presented to the Planning Commission, and ultimately the City Council, they would see it the same way we do. Let me start by showing you where our site is. It's outlined in purple there. It might be easier to orient yourself if you were to glance at the color aerial photos I brought.

That little red circle with the point on it is 6501 Johnson Drive. Let's go to slides 2 and 3. This is the front view of the existing structure. This is the rear view. This is the drop-off that is directly behind the site. That fence that I'm standing next to is the southern boundary of 6501 Johnson Drive. And I'm here to tell you, it's not easy to walk up that grassy slope. From the cement ground of 6501 Johnson Drive down to here is 15 feet. That 15-foot slope is contained in less than 6 feet of width. So, we've got a drop-off that's very, very dramatic, and that's going to become important when I explain to you the

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process that we've gone through so far to try to bring our project in as close to compliance with the Form Based Code as possible.

Go back to slide #2. This is what's there now. I'm old enough to remember when that was a Vicker's station. I grew up in Roeland Park, grew up driving up and down Johnson Drive. Most recently when we had a legitimate operator at that site, who was actually paying rent it was a Valero. That operation that was legit failed on Mr. Block in November 2015. We brought in a new operator to run that business. He had somewhat of a creative business plan that didn't really include paying rent. So, he operated it until April 2017 when Mr. Block finally put his foot down and said he had to go. No legitimate operator of a gas station and convenience store is interested in this site. The only real, viable use for this particular site, we are convinced, is the Tidal Wave Auto Spa that we're asking you to approve the development of today.

So, given what's there and what we think ought to be there with this two-story building on the front of Johnson Drive, winding around to the Taj Mahal of car wash tunnels, we were really thinking that when we showed up here and said we've got the greatest thing we could imagine to be done with this site, we were expecting to be patted on the back. That's not what happened. When we first showed up and were talking to staff, we had a car wash tunnel here with pretty nice landscaping and a way to get in and out, outdoor vacuums, etc. At that point, we were acquainted with the Form Based Code. And we were told, well, you're really not going to be allowed to do that because under the Form Based Code, we're going to need a structure, could have office, or retail use in that structure, but we had to have a building that fronts Johnson Drive. And if you could come up with a building that meets the Form Based Code - which we meant mid-rise structure - if you come up with a building and had it constructed on Johnson Drive frontage with a sidewalk there, for pedestrian access that isn't going to be there for years - If you could come up with this building, we think you're fine, and you can pass the Form Based Code, and we'll get you all developed, and everybody will live happily ever happy. Well, we did that. Drew up plans, paid a lot of money for architects to draw up plans for this two-story structure.

And, by the way, I should mention, the top floor of this structure has already been committed by Tidal Wave Auto Spa to be the offices for the Midwest region of Tidal Wave Auto Spa, a nationwide company. So, that second floor is going to be occupied from day one of the completion of this building. We couldn't come up with any kind of retail operator that we thought would be interested in this bottom floor. So, the idea was, well, you know, the vacuum cleaning part of our operation is retail. So, what we're going to do is have the greatest spot you could pull your car in and vacuum it out after we've finished cleaning it. There are 10 stalls for cars to come in to be vacuumed after they're finished. Petty will show the traffic flow that gets cars through the parking, through the site, through the car wash tunnel, and into those stalls. They don't have to put a coin in them like the old-fashioned ones. It is part of what you get for the fee to have your car washed. So, we see that as retail. So, it's combination office and retail, and it sure as heck is a lot more of a combination office and retail than it is a parking garage.

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Then I think, as Mr. Olson will elaborate, we've met all FBC requirements with respect to that. This car wash tunnel, if you view it as a low-rise structure, is technically six feet shorter than what Mr. Cline thinks it ought to be, but it's really more of an accessory to the retail operations being conducted there. It's full of state-of-the-art equipment. It's the greenest car wash in the United States, using almost all recycled water, and we're very proud of it. We think if it's viewed as an accessory structure, it's not subject to being graded under the Form Based Code. If you wanted to view it as a low-rise structure, it's five feet shorter than it maybe ought to be, maybe lose a point there, two or three points there - I don't know. But it's not going to make any difference, now or in the future, whether that's 21 feet tall or 26 feet tall.

So, we do this, and we think we've got it. We present it to the Planning staff, and what do we hear next? "Yes, you're getting close, but by the way, the Form Based Code calls for the extension of Walmer Street to go across Johnson Drive, and in order for you to be allowed to proceed with your plan, you're going to have to lop off 10-12 feet of the eastern edge of the site, because that's where Walmer is going to go." And if you look at the aerial photo, you'll see that if you extend Walmer in a straight line, you're running right through the eastern portion of our site. That's when I raised my hand and I called Pete, and said, "Pete, you can't do that. You've taken my site. You're condemning me. If you're going to do that, you're going to pay me for the whole thing, because there is no feasible use." Tidal Wave is gone. This Tidal Wave development is using virtually every square inch of this three-quarter-acre site in order to conduct an efficient business. When we were hit with carving a bunch of land and giving it up for an extension of Walmer, that's when I did have to shake my fist and say, "Pete, we can't do that. That kills this deal. And, you've taken my property."

So, after a period of time, Pete and the staff got back to us and said, "We don't think you need that. We'll run Walmer, not across your site; we'll veer it off to the east." I'm not sure how that happens, etc. Then go to the third slide. How are you going to get it down there to a level where it can go down to Martway? And, by the way, there are a couple buildings in between that we're going to have to tear down in order to get Walmer over to Martway. So, is that ever going to happen? I don't think so. I think it's cost prohibitive. Is it going to happen in my lifetime? Surely not. But, that's somebody else's problem now because we've agreed with the City - and the City's agreed with us, I should say - that Walmer's not an impediment to our development.

Now, we think we've got it. We come back and submit our preliminary development plan, thinking that we've met what they told us we needed to do to comply with the Form Based Code, and then we got a scorecard back that said we got a 57. It's like, what the heck? And reading that scorecard, this part hasn't changed. We went from a 57 to a 60 because of some tangential things. But we can't get a 90 as long as you're grading this as a parking garage. Because there's no way to put it out another 10 feet without destroying the whole traffic flow that you need to conduct a car wash operation.

So, when we got that 57 score back, we contacted Mr. Heaven and staff and said, "We give up. There's no way we're going to convince you that we should get a 90 Form Based

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Code." And we're told, and I think Danielle agrees, that if we can't make the Form Based Code, we can't use the expedited procedure in order to get approved without going before City Council. We said fine. Process this as you would any other preliminary development plan that's subject to the Form Based Code. Let's have our day before the Planning Commission, where we explain what we want to do, why it's a mystery to us that the City of Mission isn't jumping for joy about what we're trying to do. And then, we'll let City Council decide after we hopefully get Planning Commission approval of our preliminary development plan.

On the other hand, in the package we received along with our very disappointing Form Based Code grade card were several things that Danielle and her office thought we also needed to do. We then put together an enhanced supplement preliminary development plan that addressed many of those items raised. Other than, obviously, the Form Based Code scores that were attached to those two buildings, which made it impossible for us to get a passing grade there.

In addition - and I apologize for the late agreement to these things - again, this is apart from the Form Based Code provisions that Mr. Cline has applied to our buildings. We went together and came up with a list of conditions that we would be willing to meet in order to bring ourselves closer to compliance with the spirit of the Form Based Code, and which addressed many of the non-Form Based Code comments that we received from City staff. If you were to approve our preliminary development plan subject to these conditions, allow us to go forward in the normal process with the City Council, we're committed to satisfying these conditions.

So, we haven't thrown up our hands and said -- we did what we thought we could, what we were initially told we needed to do, to satisfy the Form Based Code. And I believe that the final development plans, if you look at the architectural plans and our site plan and some other information that Mr. Hardin is going to show you, I hope you'll come to the conclusion that this is pretty darn close to a totally-compliant Form Based Code development, but we're not asking for the expedited process. All we're asking is for you to approve the preliminary development plan and pass that on to City Council with your approval. Rest assured you're fully empowered to approve our preliminary development plan and pass it on to the City Council, despite what Mr. Cline's Form Based Code says we achieved. I believe you'll find Mr. Olson's comments enlightening. It boils down to, that's not a parking garage.

In closing, let me point out a couple of things. If we make that building 40 feet deep, the project is dead. You can't operate the car wash with the traffic flow if we make that thing 40 feet deep. It doesn't help the first floor area to be developed in the future, and it certainly doesn't have any impact on the new Tidal Wave Auto Spa division headquarters on the second floor. I think you're going to be very impressed with the aesthetics of what you're going to see when we show you what this development is going to look like. Our plan is going to bring much-needed revenue to the city of Mission. You saw the picture of what's there. Look at the assessed property value. You can look at what's going to be there. You can pretty well project the assessed property value. The property taxes are

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going up, and a lot of that is going into the City of Mission's coffers. Same thing with sales tax. Right now, you're getting zero. But as I read the sales tax statutes, you're going to get 1.6-plus cents of every dollar that's spent by someone going through the car wash. Again, we're bringing Tidal Wave divisional headquarters to Mission, Kansas, on Day 1. We're not asking for a penny of incentives. We're not asking for any property tax breaks. We're not asking for help to pay for any of this, except there is a mention in our conditions, which is common, that the City should pay for the electricity and controls that are necessary to operate the street lights that are going to go along that sidewalk between Johnson Drive and our two-story building. There won't be any need for litigation if we can get approval.

Most important, I would urge you to look at what is an extremely detailed traffic study that was performed by BHC Rhodes, who is probably the most reputable survey firm here in the Kansas City area. They have stated, in no uncertain terms, that our car wash operation is not going to have any kind of negative impact on traffic going up and down Johnson Drive.

At this point, I will turn it over to Petty, who is going to explain all the marvelous features that will be associated with the Tidal Wave car wash development, which we're asking you with great respect and humility to approve tonight.

Chairman Lee: Thank you.

Mr. Troppito: Is it appropriate to ask some questions now? I'm just wondering, you referred several times to this being the Midwest headquarters. How many jobs, and how many new jobs?

Mr. Schepers: There's not that many jobs in the car wash tunnel. It's a highly-automated operation. There will be a couple people working there. That's really a question for Mr. Hardin.

*Petty Hardin appeared before the Planning Commission and made the following comments:*

Mr. Hardin: We'll have 10 to 12 full-time employees at this particular location.

Mr. Troppito: Who is going to be the owner of this after approval? You'll be acquiring the land?

Mr. Murphy: Yes, sir. I'll be purchasing the land and am the principal owner of the car wash. Eighty-one percent, to be exact.

Mr. Troppito: And all the requisite environmental studies have already been done on that?

Mr. Schepers: Well, it's an old gas station, so there's going to be --

Mr. Troppito: That's why I'm asking.

Mr. Schepers: The tanks are going to have to go. We're not asking for any money to help pay for that. That's something that's going to have to happen.

Mr. Troppito: It hasn't happened yet.

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Mr. Schepers: It hasn't happened yet.

Mr. Hardin: Upon approval of this, Mr. Block will be taking the tanks out at his expense.

Mr. Schepers: And that's probably a good thing, to get rid of them. Thank you very much for your attention.

Mr. Hardin: Thank you for hearing us tonight. I appreciate your time, and respect it, for sure. I'll just go through a few slides and tell you about who we are, what we do, where we started. I'll be as brief as possible because I know others want to speak, and I also see that there's other business owners in town that might want to speak at the public hearing. We first began washing cars out of Atlanta, Georgia, in 2004. We've been in business about 15 years. This location would be our 37th location. We have six other properties in the Kansas City metro area under contract and in various stages of development. We definitely want to build more locations, and we're excited about coming to Mission, which has been identified as having a good bit of opportunity. In 2009, we were voted Business of the Year by the Small Business Association. We're very serious about what we do.

A little bit about car washes of this magnitude. This concept is referred to as a spray-wash on the agenda there. It's not a self-service spray car wash. It's not a full-service detail wash, where you hand your keys over to folks and they detail the inside. The customer stays in possession of their vehicle. We've got four attendants on site most of the time. If it's a slow day, we could get down to as few as two. The customer stays in the vehicle. We assist with the payment process. They load their own vehicle onto a conveyor, keep their vehicle in neutral, and it pushes the customer through the tunnel. They come out clean and dry in roughly three minutes. As they exit the facility, they can opt to use our self-serve vacuum system, which is not individual canister vacuums. It's a centralized unit powered by a 25 horsepower motor, which we have in special enclosures that are not visible, and you're not able to hear them as well, the way we designed it. The customers have the option of whether they would like to vacuum their vehicle, or not.

Like Paul said, we would have regional headquarters upstairs. We thought about the aspect of retail and just felt like, knowing what's on the market, we didn't want to compete in that space. We're not landlords, we don't want to be, but in the effort to satisfy a Form Based Code in the city and the vision to build a two-story building, to make use of that ourselves we felt was the best thing to do.

There's roughly 27,000 of these type of conveyor car washes in the country. There's an industry magazine that rates us every so often, called *Modern Car Care*. We've consistently been in the top 50 car washes over the year. It's something we're proud of. We're very serious about operating clean, friendly environments. We have a similar vision as Chick-fil-a as far as quality of service that we offer, the friendly staff, etc. Our goal is not to be the most attractive car wash in a market. Our goal is to be the most attractive business in the market. And I can tell you, at the 30-some-odd locations we've done over the years, we have not built one to this magnitude. This is - in Paul's words - a Taj Mahal, and it will be. Our average car wash is somewhere in the neighborhood of \$3 million. We

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haven't formally bid this out yet, but we're pretty sure it's going to go north of \$4 million. So, we've got our due diligence in what we think that car wash can generate, and we feel certain that we can afford to design that and make it work. We're very proud of it. There's nothing in the country that looks like that.

Having said that, we want to be the most attractive business in the community, not necessarily the most attractive car wash. There are other car washes out there. It's not hard to be more attractive than them. We want to be just as attractive, if not more attractive than some of the later, newer buildings that have been developed recently in Mission. Like Paul mentioned, we're definitely clean, green, recycled water. The chemicals are not hazardous to the environment. We discharge into the sanitary sewer system. We are open 7 days a week. Hours are not set in stone. Sometimes on Sunday we may open a little later. But point being that we're not open after dark. So, in the wintertime, when it gets dark earlier, we may shut down at 5:30 or 6:00 o'clock. In the summertime, we may stay open as late as 8:30. People generally don't wash after dark.

We talked about the recycling of the water a little bit. I'll tell you, you can't recycle 100 percent of the water because when you use fresh water to wash a vehicle and you recycle that water, it's somewhat dirty. So, even though you've recycled it through a really good, sophisticated filtration system, you can't ever really get it back to that quality of truly-fresh water. So, we're able to use that recycled water, about two-thirds of the car wash, in the early process. For instance, high-pressure water that cleans wheels or undercarriage, things like that. You really can't use recycled water to mix with chemicals, and you surely don't want to use recycled water at the end of a car wash. But, somewhat clean water in the final rinse processes. So, you're not able to obtain 100 percent. But, if we didn't recycle water, we'd use about 47 gallons of fresh water per vehicle. Over the years, the equipment has come along, we've gotten better. We're able to now use 14 to 20 gallons of fresh water per vehicle, as opposed to some folks who said if you run a garden hose out on your driveway, you might use north of 50 gallons, 80 gallons - whatever it says. Point being, if someone washes their vehicle in their driveway, those chemicals and all that water is going down the storm drain, straight into streams and creeks. We capture all the water, recycle it, filter it through underground tanks, and discharge it into the sanitary sewer.

We definitely give back to the community. We're very big on donating to the 501(c) 3 organizations in each location. Site managers are responsible for finding who they want to donate to each year. The third Friday in September every year, at every location nationwide, we donate 100 percent of, not profits, not money we've made, or a portion of it, but every single dollar that comes in that day, we give to charities. The founder of our company has a disabled child, and that's kind of where this came from. It's really been effective over 15 years and been greatly appreciated. We definitely like to be partners in the community and good stewards of it.

This is our site plan. Johnson Drive is running east and west up this way. Customers will pull into here, the pay lane there. Pull under this canopy here, and there's two pay stations. It's more like an ATM style machine where the customers can pay. We have an

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attendant there at all times, assisting with payment. Once the customer pays, this is another canopy that we may or may not leave there, just because it's a little bit tight. If someone has ice on their vehicle, or some heavy-duty bugs, things that we know the automated equipment may not get off their vehicle, we can do some prep work here. We'll do it here, or we'll try to do it up front. Again, the customers stay in their vehicle. They've already paid. They put their vehicle in neutral. It pushes them through the tunnel, which takes about three minutes. As they exit the tunnel here, if they do not want to vacuum, they can leave straight out and go back on Johnson Drive. If they did want to vacuum, they take a right here and choose a vacuum in any of these spots. Or, this is an uncovered area, and if it's cold outside, people may want to be out in the sunshine. But if it's drizzly, or snowy, or what-not, and they want to be under the canopy, they can come under here, not a canopy, but a two-story building, and pick from one of the spots here. There's five spots over here, maybe six over here and five over here. This central area here is a stairwell, and we've got some vacuum equipment. The equipment that produces the suction will be housed inside the building, and it's piped out to both sides, which has the nozzles for each of those spots. After the customers finish vacuuming, they come out the same exit here. It's a consistent flow. It's one way in and it's one way out.

Staff had concern about trash or any other service vehicles that come. This is our proposed trash dumpster here. This exit is primarily during the daytime, 100 percent for customers or employees leaving. Trash comes at night. There's a gate here, and the trash guy can have a clicker and open that gate. He's coming after hours, so he's not going against traffic to pick up the trash. That's the general flow of the property.

*Thomas Wells, Consultant, appeared before the Planning Commission and made the following comments:*

Mr. Wells: The other concern that was raised by the City's civil consultant is creating another median break or access point off the entrance drive into the retail/office area. We don't have an issue providing that secondary break.

Mr. Scheppers: And that is listed on the material that I just handed out. We reluctantly caved on that point.

Mr. Wells: This is a front view of Johnson Drive, our two-story mixed use. As stated before, the upper level would have the Tidal Wave division offices, training room, material storage. The lower level would be retail of vending machines, products associated with the car wash tunnel, as well as the retail vacuum spaces in conjunction with the tunnel wash itself. That's a side perspective.

The materials that we have proposed - and this has been an evolution, as well. One of the points that was brought up earlier is providing information on the storefront facing Johnson Drive, north-face to meet requirements of the architectural guidelines of the Form Based Code. In essence, 60 percent of that building façade has to be glass, doors, windows, between the sidewalk and 18 feet up. And we have no problem making revisions to the architectural plans in order to meet that.

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Another concern raised is the amount of EIFS or stucco where that is located. Again, we can make revisions to address those concerns. Typically, at the lower level, we have a split-face concrete masonry unit, and then a precast work table that sits on top of it, roughly about three feet up. And then, either a combination of stucco, EIFS or veneer stone that is above it. So, there's basically three primary products on the face, plus the glass, and then, we use an engineered, prefinished standing seam metal roof.

This is the exterior finishes. The one you can't see is the clear glass glazing. On the left is a representation of the split face masonry unit, and the color would be on the very lower level. The top-middle is the water table, water ledge that sits on top of the split face. And then, top left is a color representation of the hard coat stucco and EIFS that would be above that, and the stacked veneer stone that is used above that water table. Top-right is actually a change in the traditionally roof color Tidal Wave blue, in order to try and be more attractive along this style, which is one and only, you know, for the mid-rise two-story that's planned on the front.

This is floor plans. The top one is the lower level. You can see some of the vacuum stalls, and in the central portion, there is an ADA-accessible office. There will be some equipment in there, as well as vending services. Off to the far right is another stairwell and lower-level HVAC units. On the bottom section is Level 2 floor plan. Central stairway there. Emergency egress on the right side and two restrooms and office/storage/training rooms.

This is a perspective view of the accessory tunnel in the back that's considered the one-story. That's basically shielded from any views from Johnson Drive because our two-story mid-rise goes drive to drive. So, unless you look backwards or around the corner. This is a similar architectural theme, with the split-faced concrete masonry unit, the precast water table, and then, the veneer stone on the tower, and then veneer stone columns and accents, accent on the mechanical room, and then some of the EIFS and hard coat stucco on the mechanical room, as well.

Again, this is just a view of the various materials that we went over on the previous slide. As Mr. Schepers alluded to earlier, the top of the cupola on this property is somewhere around 22 feet based on standard design. This is an actual vacuum enclosure. A lot of car washes, you'll see the large canisters nearby a space. A very noisy mechanical unit. This is standard for all Tidal Wave locations, to actually enclose that equipment in a vacuum enclosure so that we're able to control the noise. Here in a very urban and commercial area, it's not a major concern, but it still would be beneficial for our employees, our customers, our neighbors, and was brought up by Mr. Bennett, one of our neighbors to the east, to address that.

This is the express pay terminal - XPT - and this is the pay canopy. It has two lanes, it's basically like an ATM machine. You pick how many dollars you want to put in by the type of car wash you select.

Ms. Dukelow: Where on the site is the vacuum enclosure?

Mr. Wells: It's this building right here, in that landscape aisle.

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Mr. Hardin: This uncovered island here, that enclosure would be there, and the other would be inside to service that portion.

Mr. Wells: We talked about the divisional office. In our initial meetings with staff, you know, having a functional two-story building up on Johnson Drive was going to be paramount to meeting the spirit and intent requirement of the Form Based Code. So, that quickly developed as a prime location, central location to a lot of the locations that we currently have in our development pipeline here in Mission. Quik Trip's division office is right around the corner. They didn't put it there just because there was an inexpensive office building. They put it there because it's centrally located to their stores and employees, and easy access. QuikTrip is another entity that Tidal Wave tries to emulate.

This particular site is .76 acres. We've got an 18-foot drop-off to the back. Part of Mission West shopping center that surrounds, is in the rear, wraps around, comes back onto the front. So, kind of land-locked on the west and the east. We've got Exact Performance to the south and west, and to the east we've got Exact Performance. We've been in dialog with Mr. Bennett, who owns Exact Performance. He doesn't have any plans to go anywhere. So, we're landlocked with what we're able to do and the size of the property that we have to work with. We're kind of a hybrid of a service and a retail-based operation, so we feel like from a pure retail standpoint, we've got better longevity. With Amazon and the Internet, pure retail is evolving quickly. We feel like the longevity of our business plan, even with Uber or Lyft, there will still be cars to wash.

Also, we feel there are ways that we could adapt this mid-rise building on the front, that at such time - 15, 20, 50 years - that Tidal Wave ceases to operate, there could be some adaptation of this building. But, at the same time, with the evolution of retail that's taking place, it's hard to guess what that adaptation might look like, or what we need to incorporate into the building now for some 15, 20, 30 year period out. This is one of our existing locations. It shows the intensity of landscaping. And then, the vacuuming canopy that we've eliminated on this one, so it will be open-air out front. You can see the mechanical room on the side. I'll turn it back over to Mr. Schepers.

Mr. Schepers: I will follow Mr. Olson to make sure I can respond to any questions you might have. But, at this point, I'd like to turn it over to Dave Olson, to express his own views on compliance of our plans with the Form Based Code, and in particular, with respect to those structures. Dave?

*Dave Olson, Monarch Acquisitions, appeared before the Planning Commission and made the following comments:*

Mr. Olson: It was about four years ago that I worked with staff, worked with the City, and we completed a development on Johnson Drive. It took a lot of work, but I won't go into a lot of details on that project. I want to boil it down. We have their staff report, eight pages, going through the rationale. So, being an engineer by trade, I've boiled it down to its essence. I've created a single-sheet scorecard. Look at what's possible, what's required. And in my opinion, what I think should have come out of the evaluation.

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In the staff summary they talk about the code being a tool to evaluate the appropriateness of a project. So, we're sitting on a very small parcel, and you think about what's appropriate. I want to look at three things. I heard it mentioned earlier, but they're proposing - in my opinion - a two-story structure, office on top, retail on bottom. Certainly not a parking garage. And, they're proposing to build that second-story office space without any incentives. I know the last development that came before you went kicking and screaming about second story office space above retail. It would be difficult to lease. It's still vacant today.

That hits two of the three items that I want to put in your foremind. The third item is, I look at the rear building, the tunnel, as an accessory structure. I've also heard mentioned, as far as visibility, because of the almost complete frontage of the two-story building and the height of the two-story structure, you won't see the accessory structure. So, taking the scorecard - before I pass that out, again, I apologize. I got the numbers wrong on the actual score given to us from, from Chris. I somehow got it to 64 instead of 60. I'll pass that out. I want you to look back at the conditions that Mr. Schepers has provided, and as you look down the scorecard, I made brief notes on what the issues were that we didn't receive a passing grade. In each section, it starts out, you know, the rear building is not 28 feet high; under the regulating plan, the front building is interpreted as a parking deck and not 40 feet deep. The third item did not provide a traffic or turning template. With the access and introduction of the median break as some of the conditions, I think we're satisfying the traffic turning template issues, and if in your mind you consider the rear building as accessory and the front building two-story structure office and retail, I think we get to 15 points in all three categories.

Under step 2, the building types, the basic essence of why we're not passing. Rear building is not 26 feet high, and the front building doesn't have commercial use on the ground floor. Which, again, is part of retail sales. If you're collecting sales tax on the services that are being sold, to me, it has to be considered commercial use.

Step 3, the Urban Guidelines. You don't have to get the perfect score under Step 3. There's some elements of - You don't have to get a perfect score. But, that was actually a category we did well in, and I didn't change or amend any of the scores, other than with parking area and using the conditions that we proposed, which were complying with the required streetscape, the landscaping that's required on the side and rear yards, and the one item that I suggested we add as a condition, which is the pedestrian connectivity. Tidal Wave chose not to agree to provide pedestrian connectivity through their parking and vacuum area, which I understand they're not really wanting to - if pedestrians don't have a car, they're not going to be using the facility. So, under Step 4, the architectural guidelines, the intent, the materials, the configuration and technique, again, considering the rear building as an accessory use subject to the 26 feet in height. And then, the north building storefront being 60 percent to the 18 feet level, they've agreed to do that. I think they've given you compliance. So, given that, I would estimate the score somewhere between 90 and 91. Thanks for your time.

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Mr. Schepers: Ladies and gentlemen, I know it's late, and I fear we've tried your patience already. So, unless any of you have any questions, we'll submit the preliminary development plan and request that it be voted to be approved, subject to the list of conditions that we've agreed to abide by that are on the handout I gave you earlier today.

Chairman Lee: Any questions?

Mr. Troppito: Did staff review your list of conditions that you passed out tonight?

Mr. Schepers: I did not have a chance to finish that in time. I gave it to Pete before the hearing. I don't have any problem with staff taking time to look at it. But, I will say that each of those conditions were derived from comments that staff made in their recommendation, which they asked, which formed the basis for their disapproval of the plan. So, it's not as if we pulled those out of thin air. We took the staff comments and addressed as many as we could by agreeing to, what we interpreted those to be conditions to the staff's approval. So, they're not secret, but I didn't hand it out until just today.

Mr. Troppito: You mentioned that you wouldn't mind taking the time. Can you quantify that? Two weeks? Thirty days?

Mr. Schepers: Wouldn't mind taking the time to have the staff review it?

Mr. Troppito: I thought you were indicating that you would willing to provide extended time for the review of what you propose tonight. Is that correct?

Mr. Schepers: I'd rather just get the plan approved, but if Danielle is in a position to say she needs to review those, then who am I to say you can't review them because you had 30 minutes to look at it before the meeting today? So, yes.

Mr. Davidson: I have a question. Those offices above, as far as - and the four employees that are on site, or so, where would that office people and employees, where's the parking for them? And I understand that is a very tight project on three-quarters of an acre. I think that's a nice job, getting everything in according to how your national plan is. But, where would those vehicles be parking?

Mr. Wells: Two options. Obviously, depending on how busy the site is, some of the vacuum spaces could be used for employees while they are there. There are also plans that would be engaged to lease or rent off-site parking spaces so that employees wouldn't be taking up a space. And the idea of, you know, a lot of the training, team meetings, etc., will much likely be taking place after normal operating hours, which would then open up the entire facility for employees and team meetings.

Mr. Davidson: You're saying those office spaces would not be used during car wash hours?

Mr. Wells: Not to full occupancy, no. They would be operational people there during normal business hours, but as far as having team meetings and 100 percent occupancy of the office space upstairs, that would most likely be after operational hours.

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Mr. Troppito: A question for staff. The varying conditions for approval presented tonight, do you feel you'll have adequate time to address these tonight? Or will you need more time?

Ms. Sitzman: Well, with a quick review of them while the presentations were going on, against the staff report, I feel like we could be comfortable with these tonight. I do have concerns about number 2 and the meaning of the "City agrees to provide power control equipment." I feel the topics raised cover the issues. I'm not sure that they're adequately addressed as worded.

Mr. Braden: Out of curiosity, what is Mr. Olson's relationship with this property, other than just -?

Mr. Schepers: I retained him as a consultant.

Mr. Braden: Is he getting paid?

Mr. Schepers: Yes. He loves the City of Mission, but not enough to waste his Monday evening here without being compensated.

Mr. Braden: In your wash bays, since it's enclosed on all three sides, is there any means - and this gets into the internal part of the building - for exhaust, for vehicle fumes? Has that been addressed?

*Marty Murphy, Project Manager, Tidal Wave, appeared before the Planning Commission and made the following comments:*

Mr. Murphy: With the open-roof system, there's no issue with exhaust. We have an open-roof system where at the end of the gables, it has a place for the exhaust to settle. That would be something your fire marshal would have to look into. We pass that everywhere we go. I've been developing these all across the United States. Every one that's been developed in the last few years, I've been there. We pass every inspection and review by fire marshals and by fire code standards everywhere we go. Once they see our architectural and our plans, we don't have any issues with that.

Mr. Braden: You said you haven't had one with offices on top.

Mr. Murphy: We've never had offices above the parking, which is our back stalls downstairs, but it's open on the back side. It's like an open garage on the back side. It's only enclosed on three sides. There's not an issue of exhaust. And it doesn't cover the car completely. The rear end of the car stays out. What we try to provide is shade for you at the doors, hit the side of the car. We don't provide shade for the entire car. So, your parking will actually stop at about the 14-foot mark, so you would only be able to enter into the back canopy or the two-story mid-rise building approximately 14 feet.

Ms. Dukelow: I have a few questions of staff. I have a question on Sheet A2.1. I could not figure out what these elevations are for. As far as I can tell --? Sheet A2.1 [*Looking for form.*] So, the top two elevations on that sheet, can anybody tell me how those line up with the plans.

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Mr. Wells: Yes. This an accessory building located on the southern portion of the site. This is a single-story structure. The top one is one of the perspectives. You've got the tunnel, and the mechanical room. The middle elevation is the south side elevation.

Ms. Dukelow: Okay. I've got you now. Thank you for that clarification. And is all this glass along these elevations clear?

Mr. Wells: Yes, ma'am.

Ms. Dukelow: Also, I want to ask about the glass that fronts Johnson Drive. The intent is for that to also be clear?

Mr. Wells: Correct. It's required by the Form Based Code.

Ms. Dukelow: Yeah, I'm remembering that now. Thank you. Just a couple more questions. It appeared from one of the perspectives that we saw that there may be drinking fountains and restroom facilities also included in this accessory --?

Mr. Wells: Correct, in the mechanical room on the side of the tunnel, yes. There is an ADA restroom there, and there is a high-low drinking fountain provided on the side of the mechanical room. Another ADA requirement.

Ms. Dukelow: I also noticed on the site plan that there is an accessible parking stall at the back of that building.

Mr. Wells: Yes, on the southwestern portion of the site, the required ADA accessible, van-accessible parking space.

Ms. Dukelow: I didn't notice if there's an elevator provided in up to the office --?

Mr. Wells: At this point, no, there is not an elevator. Per the architect, based upon the size and occupancy load, etc., that is not required. But, I would have to defer to him on that.

Ms. Dukelow: Thank you. I have a question for staff, Mr. Cline, Mr. Heaven. I know that the sector plan shows extension of Walmer. But, with regards to that, I have several questions. One of them has to do with, how much of the property to the west of Horizons is owned by the district? I'm wondering about the feasibility of ever extending Walmer because the school district - I don't know who owns that property, but it may be the school district. And we all know that there's a dramatic slope. The other question I have is, looks like the fire station is not, is clearly out of the way of that. I really wonder about the feasibility, and would be interested in hearing more about that.

Mr. Cline: Sure. There are a number of places in the Form Based Code area where street realignments were considered, and this was one of them. Danielle touched on one of the primary reasons for that initially, was the large block size. There's a lot of property here to work with. The slopes, all that engineering has to be worked out as to where that alignment falls and how to make it connect with Martway. But, it would be feasible to do that in a number of different configurations. So, the intent behind the original code showing some type of connection here was to try to provide a mid-block connection between Johnson Drive and Martway. So, you can see there, I believe right where the Z

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is, I believe that parcel of property is part of the school property. It wraps around that commercial business there that's located just to the north.

Ms. Dukelow: So, that's shown directly along the west side of the district property.

Mr. Cline: Correct. And the intent was to line up with Walmer across the street and try to, since Johnson Drive is the busier street, to try to create a four-way intersection at that location. So, there was consideration made on that end to make that alignment at that location versus one of the other two blocks. Split the difference between the other two streets, to the east and west. You can see where Walmer lines up just to the north. Any anticipation as a part of all of the Form Based Code is that at some point, some of these properties may redevelop. So, if there was an opportunity in conjunction with some other redevelopment that might occur to the south, all of those connections could be made and considered at that time.

Chairman Lee: How much of the cost of the car wash is reduced if I decide not to use the vacuum? What is the cost of going through the car wash if I opt not to use the vacuum? The reason I'm asking, you keep referring to the front being retail, which would be the vacuum. So, the value of that vacuum is how much in relationship to the cost of washing my vehicle? Which is really not being done in the accessory building. Isn't that where the retail actually is taking place?

Mr. Murphy: As you pay for the wash, that's part of the wash. It's not an option. If you need a percentage breakdown, I'd be glad to get you that information.

Chairman Lee: My point is that you refer to this front building as where retail at the first level is taking place. There is no retail being taken. If I can't pay for that service, where's the retail component?

Mr. Schepers: All I can tell you is that you pay for the right to use the vacuum when you buy your car wash.

Mr. Murphy: Yeah, there's retail sales and vending in that area.

Mr. Schepers: Yeah, there's going to be deodorizers, wipes...

[crosstalk]

Chairman Lee: Off the top of your head, what percentage of your business uses the vacuum?

Mr. Schepers: What percentage of the people who use the car wash? Use the vacuum?

[crosstalk]

Chairman Lee: Is that 10 percent of the sale? Five percent? Eighty percent?

[crosstalk]

Mr. Hardin: Of all of our revenues, how much is vending? It's not a huge portion.

[crosstalk]

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Mr. Hardin: --- it's five percent, maybe?

Chairman Lee: So, you're saying retail that is taking place on the first floor is just that vended portion.

[crosstalk]

Mr. Schepers: As counsel, I would say that the retail service that you buy when you pay for your car wash includes the use of the vacuum.

Chairman Lee: I understand that.

[crosstalk]

Chairman Lee: -- there's no reduction if I opt not --

Mr. Schepers: The only reduction would be fewer people might buy car washes if they didn't get a complimentary vacuum.

Mr. Murphy: If we had a car wash, which in some big metro areas, I know some folks in Houston, Texas, where they had a very small site, much smaller than this, and they don't have vacuums. They have just a tunnel car wash, and they're cheaper because they don't have to buy as much property, buy the equipment. There's definitely a lot of dollars saved with electricity, running motors, that type of thing, associated with the vacuums. And it's a huge part of our business. If the vacuums were not available, probably 60 to 70 percent of the customers do use the vacuums. They can use them for five minutes, or 20 minutes. It's a very significant business model.

Chairman Lee: At this time, we're going to call the public hearing. If there is anyone who wants to get up and speak either in favor or against, this would be the time to do it.

*Ben Bennett, Exact Performance, appeared before the Planning Commission and made the following comments:*

Mr. Bennett: I'm to the east of the project. My concerns are traffic, noise, but I'm also tired of looking at, just a desolate piece of property next to me. So, I feel like it's kind of up to you guys to make the proper choice. I don't feel that a car wash is a bad decision. I don't know if there's a better decision out there, but I don't think it's a bad one.

My concern is Walmer Street. The comment I heard from Pete is, "it's moved to the east".

Mr. Heaven: No, that wasn't Pete who said that. I'm Pete, and I'll tell you this. That is a futuristic street plan, and one of the reasons we didn't press it in this case is we don't see it happening in the near future. It may be when your building comes down. Whenever that might be. The City has no interest in trying to condemn land or take buildings down and build streets.

Mr. Bennett: Or move businesses.

Mr. Heaven: Right. Absolutely.

Mr. Bennett: Yeah. Because I feel like I'm established, for 20 years. Our birthday is coming up this week. I feel like I contribute to this community.

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Mr. Heaven: Absolutely. There is absolutely no intention --

Mr. Bennett: So, if there's any threat to my business, I want to know about it. Other than that, I'm fine. I hope he gets some business.

Chairman Lee: Anybody else who would like to speak, either for or against?

*Sandi Russell appeared before the Planning Commission and made the following comments:*

Ms. Russell: I'm a Mission resident, as well as a business owner. I have Twisted Sisters coffee shop on Johnson Drive. When you keep asking about the retail, isn't the cost of the charges for the car going through to get cleaned, is that not considered retail? I'm trying to get it clear in my head. So, they're paying money for a service, just like they would pay money for a service that they walked into. They're just driving in. So, I would consider that retail. I think it's an awesome-looking project against what's sitting there now, and has been there for years. We don't have much development on the west side, and that would be an awesome start. Unfortunately, Mission is kind of going through a phase now where people are moving out, businesses are moving out. So, for a business to come in, that would be awesome. And to have them not ask for any incentives, that's even more incredible. That's it.

*Cathy Casey appeared before the Planning Commission and made the following comments:*

Ms. Casey: I'm a business owner of two businesses in Mission, Casey's Auto Repair and Casey's Auto Repair on the Drive. I would just like to say, I challenge you to have the same landscaping that we offer at our shop. I agree with Sandi on everything she said. One thing I'm really troubled about is you're talking about Walmer going through. Why was it brought up? Why did he have to get a lawyer to come and talk to the City? Because it was brought up. Makes no sense to me. We have somebody who's going to have a beautiful building in Mission. Try and help them. Give them every chance to open up, instead of having them have to contact lawyers all the time to try and get something done. I would really like to hear that things are happening in Mission without having to get a lawyer to fight. That's what I'd like to say, and that's it.

*Kevin Fullerton appeared before the Planning Commission and made the following comments:*

Mr. Fullerton: I'm a resident of Mission, and I'm also a business owner. I own Springboard Creative down on Johnson Drive. One of the things I've been worried about, we have a Mission business partnership, of which I'm the president. We've been getting a lot of feedback from our businesses that our city has become very business-unfriendly. And as I sit here and look at the struggles they're having to go through to get in front of you all, to get in front of the City Council, that concerns me greatly as far as what other kinds of businesses are going to want to come to Mission.

It was mentioned earlier that we've got businesses that have been leaving. Bad timing. We've lost several. But, let's not make it harder for people to come into Mission, to start

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a business, to do it without asking for any incentives whatsoever. To me, all I had to hear was "no incentives," and that's great. And what they're doing, the way they've bent over backwards to get where we want them to be, has been amazing. So, I hope we can bring in a great business like this to be part of the Mission business community. Thank you.

Mr. Schepers: I'd like to add for the record, not a single one of those people who just spoke was compensated in any way.

[*Laughter.*]

Chairman Lee: With that said, I'll close the public hearing.

Ms. Dukelow: Mr. Chairman, I have a question regarding next steps. I'm wondering if we - I don't know what, what would be the preferred way. If we choose to deny versus table, would that enable the applicant more opportunity to -? Would they still be able to take advantage of the expedited procedures that would be provided by the Form Based Code? Is that desirable? I mean, I'm just trying to figure out through these options what the outcomes of them would be for this particular project, on this particular site, for this particular applicant.

Ms. Sitzman: With the score they have currently from staff, they would still need to go to City Council for a final determination. If you wanted to make a motion to table this and direct staff to apply a different building type, if you were to tell us you have listened to comments tonight and you think the mid-rise building height should be evaluated, we can certainly come back to you with a revised score based on that direction. If they were to get a score that was 90 or better at that point, they could go back to the Form Based Code review that ends at the Planning Commission. That would address the expedited versus the normal review.

Ms. Dukelow: And if they were to, if we were to do a mid-rise building type review and they achieve the 90 points, then they would be here in a month?

Ms. Sitzman: Right.

Ms. Dukelow: I'm just trying to figure out how these things are going to impact, be impacted by schedule.

Ms. Sitzman: The next meeting is April 16th, a little earlier than usual. It's the third Monday. I think there is still time to prepare a review and have it before you at that meeting.

Ms. Dukelow: And then, the alternative would be, if we choose to do that, if we were to proceed and send it to City Council, staff would have time to review and go on --?

Ms. Sitzman: Right, and the meeting for City Council would be the Wednesday of that same week April 18th.

Ms. Dukelow: So, from a schedule standpoint, it really doesn't make a difference.

Mr. Schepers: Excuse me, Ms. Dukelow, if I might make this quick point with respect to that. My concern is that we've been what we thought was very close to the finish line

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several times, only to have it moved. So, if what happens, based upon your suggestion, is we're back here on April 16th with the staff saying, "We've looked at it, it looks like a parking garage to us, no passing Form Based Code grade," now you've set us back even farther. And if that were the way it plays out, I would just prefer that you go ahead and approve it subject to our conditions and let the City Council make a final decision.

Ms. Dukelow: I have another question of staff. I'm not familiar with the history of this project, so I'm wondering, how long has it been, really? How long have we been -?

Ms. Sitzman: I don't have the timeline in front of me, but there was a period of time where the applicant took some time to consider how they wanted to proceed. They took several months to consider this.

Unidentified: Fourteen months.

Ms. Sitzman: That sounds correct.

Mr. Braden: I have a question of staff. Again, can we just go over what the big heartaches are? I remember reading that there was a tough time telling what kind of building this is, so it was assumed a parking structure.

Mr. Cline: This one has been challenging because it doesn't neatly fit into any of the building type considerations. So, when I'm interpreting what's in the code and how to rank this project and score it appropriately, I had to look at the information that's here in the code about this type of use. So, a car being inside part of the building. When looking at mid-rise, or parking structure, or low-rise, all of them say accessory units prohibited. So, when we talk about this, the car wash in the back being an accessory use that was part of the score, accessory uses are not permitted with any of those building types. So, if you were to direct us, that this is a mid-rise building and score it that way, when I look at a mid-rise building type, it still doesn't allow for an accessory use. So, the structures in the back really need to be considered as one of these building types, which I consider it as a low-rise building. And it doesn't meet the 26-foot requirement. We've had other submittals in the past that have come through a few times before they finally meet the 26 feet.

Mr. Braden: How short are we of the 26 feet?

Mr. Cline: There was one case where it was four inches short and it failed. So, that precedent was set. The intent behind a low-rise building having such a tall profile was to create a sense of scale out here, and to make sure that the building fit the area a little better. I've been very fair and consistent in the way that we've scored that throughout that, and that's why that back unit being less than 26 feet doesn't qualify as a mid-rise building.

But, when I look at the mid-rise building, even when I get to the urban guidelines that are located in Chapter 4, page 3, it says: [Reading] *Depending on lot size and block configuration, parking may be provided under the building (below grade) - not on the ground floor - in a structured garage behind the building or in a well-designed surface lot behind the building.* So, it provides three different options for how to address parking a vehicle as a part of the mid-rise building type, and none of those conditions say you can park directly underneath the building in the ground floor. So, when I look at what's written

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here, I don't consider this a mid-rise building based on this definition. So, the closest thing I could find in a building type to what's being proposed is a parking garage, and a parking garage, it says there has to be 40 foot of depth, a linear building, if you will, for retail use or some type of use out in front of the parking garage. That's where we came up with the 40 foot as a minimum depth. That's where it's referenced in the definition here for parking structure.

So, I've been trying to figure out how to adapt this to what's written and what's defined, and that's what I put in my report, is the way it stacks up with the way it's written right now.

Mr. Taylor: And I understand the challenge there, and I appreciate all the work that you all are doing to make this assessment. It occurs to me, I'm looking for other comparisons, types of businesses that might utilize this space and house cars. We have two others who spoke today who are mechanics or auto care companies, and I'm just curious, as a new member of the commission, how would those types of businesses qualify? Would they be parking structures? Can you speak to that at all?

Mr. Cline: Like I said, I'd have to see the floor plan and understand what it is --?

Mr. Taylor: It's not that simple?

Mr. Cline: Yes.

Mr. Taylor: Okay. The other question, I'm curious about the process. If we move forward and allow this plan, they would go outside of the Form Based Code and work with City Council. Not gaining any benefit. And they've spoken as though they accept that term.

Mr. Schepers: We came here resigned to the fact that we weren't going to get a passing score from Mr. Cline. Consequently, in my discussions with Mr. Heaven, we came to the conclusion that the path forward for us was to present this as any preliminary development plan outside of the Form Based Code areas where people presented, subject to your approval under the criteria that's set forth in the process for consideration of preliminary development plans. At that point, whether you vote it up or down, it goes to the City Council, which is really where we'd like to head.

Mr. Cline: I've done my best to be fair in the application of these standards to every application. I want the applicant and the City to know that I've tried to be very consistent and look for opportunities to score this as best I possibly can. I'm constrained by what's in this document just as much as anyone else.

Mr. Davidson: And I understand, you try to place a rubber stamp on something, you know, to keep uniformity throughout the city, through all these projects. And when we agree that we have this code on a property that we didn't want to say yes in this situation and no in another situation. But I think these gray areas that the Form Based Code is based upon, it is a gray area. Meaning it's not a parking garage, but that's the closest definition you have in your descriptions. I think it comes to a point in time when the Planning Commission, it becomes our place in a gray area to say, do we like this project, or not? I'm talking about that single structure, the accessory building being six feet short from that

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26-foot height, or what-have-you. But when you see that structure from the south and you have an elevation drop of 16 feet, you're looking at that structure, you know, 16 feet up in the air. And a lot of times you're not going to be able to tell if it's six feet taller than it is, or that kind of thing. So, I'm just saying, the logistics for this piece of property, those are the kinds of things that we as a Planning Commission have to use our common sense.

As far as the project, I think what is there and what they are proposing is quite, I mean, a wonderful use of the property. And I am familiar with cities that sometimes can be very difficult for businesses, and we don't want Mission to be like that. I hear that resident loud and clear, as well.

Mr. Bruce: Mr. Chairman, I'd like to jump in on what Brad was saying. We've heard from our business community this evening. There seems to be a general feeling that we're not supporting the business community. I think that ought to be one of our highest priorities as a group here, and also as a group at the City Council meeting, is to support, encourage and develop our business community.

Now, it looks to me like they have gone through a lot of exercise here to meet the requirements of the Form Based Code. Mr. Cline, I apologize, but it seems like we have a legalistic issue that is dividing us from accepting a viable development here because of some wording that says, either the rise, or on something else. So, my personal feeling is that I would like to see this move on to City Council and let them determine how strongly they want to support the Form Based Code when you have a project of this quality sitting as a potential along this eyesore of Johnson Drive. Thank you.

Mr. Heaven: If I could try to put this in perspective. The Form Based Code is a vision. It's kind of a general vision for what we want our city to look like. And the reason that we adopted the Form Based Code was to accelerate the process. If you meet our criteria, you get a passing grade, you basically go straight to the Planning Commission then you get your building permit. The idea was to promote business, not slow it down. But we do hit these gray areas. So, when we do hit a gray area, we circumvent the Form Based Code. The fact that you don't get a passing grade doesn't mean you can't do your project. It just means you can't have the accelerated process. So, you have every right to approve this project tonight, recommend approval to the City Council. You don't have to worry about the Form Based Code. It doesn't pass the Form Based Code. So, get over that. Let's not try to make it pass something it can't pass. And that's our fault. Our code doesn't deal with this.

I say, tonight, just make a decision. Decide whether you think the project is good and recommend it to the Council, or decide it may not be the best use and recommend denial. Really, the Form Based Code should be a guide, but - it's not deal-killer. It's something that would accelerate the process, and it doesn't qualify. So, I'd say go ahead and vote tonight if you can.

Mr. Braden: I have a question, and I know the Form Based Code kind of incorporates that, to not only speed up the process but give us an idea what this area is supposed to look like. In this case, maybe that's not sensible for this particular application. But what I

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want to make sure is that if we do go ahead and approve this, does that set a precedent for projects moving forward? That would be my main concern. Also, I would suggest that we find a definition in the Form Based Code that meets one of these kinds of structures. I think we need to look at that.

Mr. Heaven: Mr. Braden, I think the precedent you'll set tonight, if there is a precedent, is that you as a Planning Commission can rise above the Form Based Code and make decisions for the city. I don't think you're locking yourself into doing anything in the future that would be bad for the city. I think you're retaining your discretion to do what's good for the city.

Mr. Braden: Thank you, Pete.

Mr. Troppito: I have a question for Pete. Pete, you suggested we make a motion to approve this and move it to City Council. But, to what extent do you envision such motion would be including the conditions for approval that were passed out tonight?

Mr. Heaven: I believe in your packet, Danielle has given you a proposed motion with some conditions. One is to approve and send on. I have gone through what was prepared and handed out tonight by the applicant. I have no problem with it. I do have the same concern Danielle does. I don't understand exactly what it says, when we're going to agree to provide power and control equipment for street lights. I'd want to clarify that. But, I think with the conditions that Danielle suggested, and these conditions, in addition, I'm very comfortable with it.

Mr. Schepers: I have a question, Pete. Does the City not pay for the electricity for lights that are on public right-of-way?

Mr. Heaven: Yeah, but I don't know what you mean by control equipment. What is that?

*[Overlapping comments.]*

Mr. Schepers: The thing that turns it off and on. Like that photocell thing. The power and off-and-on thing.

Mr. Scott: You have to provide lights that conform to our design code. Beyond that, we pay for the power.

Mr. Schepers: Yeah. And we're applying for that. That's what we meant to say.

Ms. Dukelow: Mr. Chairman, I will make a motion.

Ms. Sitzman: Ms. Dukelow, I'm sorry, you're going to have to read some conditions into the record, however, if you don't want to read all of the ones in the applicant's handout, you can simply say "conditions 1 through 6 as provided in the handout." We will provide a full record to City Council as to what that means.

Ms. Dukelow: Provided by applicant?

Ms. Sitzman: Yes. Although staff would recommend you simply strike the last part of number 2, starting from the word, "provided, however, the City agrees to provide power and control equipment."

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Ms. Dukelow: Okay, so, the suggestion is to strike the last portion of condition #2 after the semicolon, which says, "The City agrees to provide power and control equipment for the street lights."

Ms. Sitzman: Correct.

Ms. Dukelow: Okay. Mr. Chairman, I move to adopt the following findings of fact and recommend to the City Council to approve Case #17-11, the Preliminary and Final Site Development Plan for Tidal Wave Auto Wash development, with the following stipulations. And these are as written by staff:

Prior to the issuance of a building permit:

- Complete information about percentages of EIFS and storefront glazing are to be provided for staff review and approval.
- Along the Johnson Drive frontage, windows are doors shall meet the minimum 60% total coverage of the storefront and EIFs or stucco shall not be used within 8' of the ground nor comprise more than 25% of the first story.
- Complete information regarding trash enclosures, retaining walls, other screening, pay canopy and pay kiosk in compliance with the Form Based Code standards shall be provided for staff review and approval.
- Complete details regarding the site landscape and public streetscape including street lights, benches, trash receptacles and bike racks in compliance with the Form Based Code standards shall be provided to staff for review and approval.
- The median break in eastern entrance driveway shall be relocated to allow vehicles to leave the wash tunnel queue before the pay station.
- Complete details regarding the circulation of trash and other service vehicles on site shall be provided for staff review and approval.

In addition to those conditions provided by staff, those will also include those conditions as provided by the applicant, and the amendment to the conditions provided by the applicant. We shall strike the last portion of item #2, in which the City agrees to provide power and control equipment for the street lights.

Mr. Troppito: Second.

Chairman Lee: Call the roll, please.

The vote on the motion was taken (8-0). **The motion to approve this application carried.**

Mr. Hardin: I want to personally thank staff for working through the challenges so far with this project. I know it's been a gray area, and I appreciate your willingness to work with us. Our work has just begun, but I want to personally thank everyone involved in this. Thank you so much.

Mr. Schepers: I echo that. Thank you.

**Planning Commission Comments/CIP Updates**

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Mr Braden provided the Planning Commission with an update on the CIP Committee's activities.

**Staff Update**

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

**ADJOURNMENT**

With no other agenda items, **Mr. moved and Mr. seconded a motion to adjourn.** (Vote was unanimous). The **motion carried.** The meeting adjourned at \_\_\_\_\_ P.M.

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

**ATTEST:**

\_\_\_\_\_  
Ashley Elmore, Secretary



# FORM BASED CODE SUMMARY PRESENTATION

April 4, 2018



# WEST GATEWAY

REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION



# REDEVELOPMENT INITIATIVES



## WEST GATEWAY REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION



# FORM BASED CODE

## 1. Goals

- Proactive vs. Reactive

## 2. Planning Process

- HBA Tours / Examples

## 3. FBC – FAQ's

- Will the Infrastructure Serve It?
- Can the Market Support It?
- Is the Code Flexible?
- Using the FBC / Steps
- Other FBC's – Downtown OP



# WEST GATEWAY

REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION



# PLANNING PROCESS

## - ADVISORY COMMITTEE MEETINGS

- 30+ / 6 meetings held
- 10-month process

## - PUBLIC MEETINGS

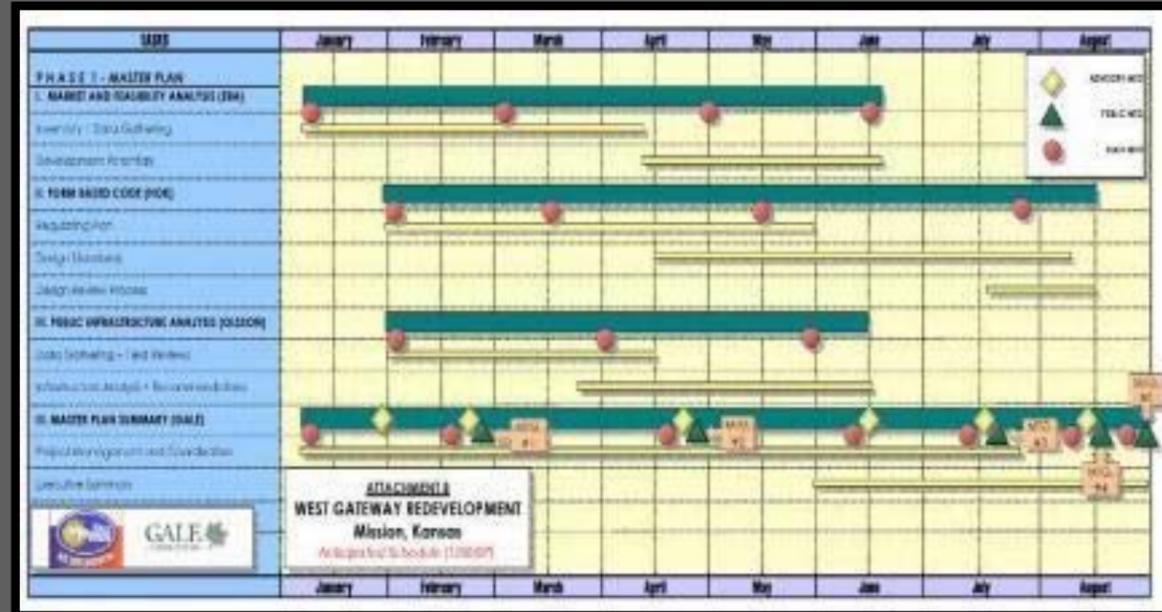
- 3 public meetings held

## - OPEN HOUSE FORUMS

- 2 sessions held (March and July)

## - PLANNING COMMISSION + CITY COUNCIL MEET

- Work Session
- Public Hearings
- Adoption (October 2007)



# WEST GATEWAY

## REDEVELOPMENT AREA

## FORM BASED CODE SUMMARY PRESENTATION



# GOALS

- ENGAGE THE COMMUNITY
  - Create a “Form-Based Code” consistent with the Vision Plan
  - Successfully guide all parties through the planning process
- STAY “ONE STEP AHEAD”
  - Pro-active approach to attracting and guiding redevelopment opportunities
  - Capitalize on superior location – develop a framework that leads to success
- MAKE THE VISION A REALITY
  - Provide guidelines for design flexibility and long-term sustainability
  - Attract high-quality mixed-use projects that benefit the entire community

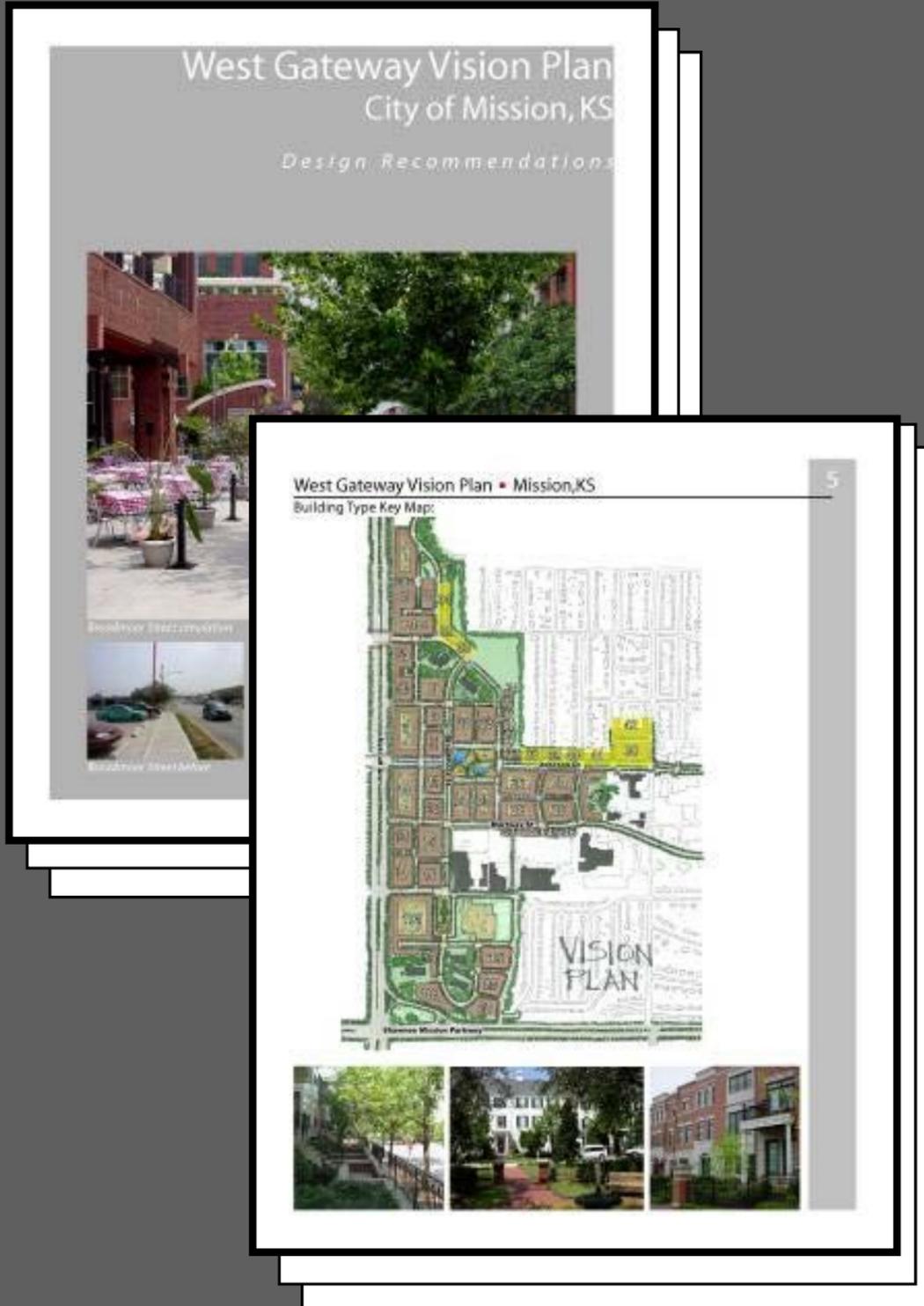


## WEST GATEWAY REDEVELOPMENT AREA

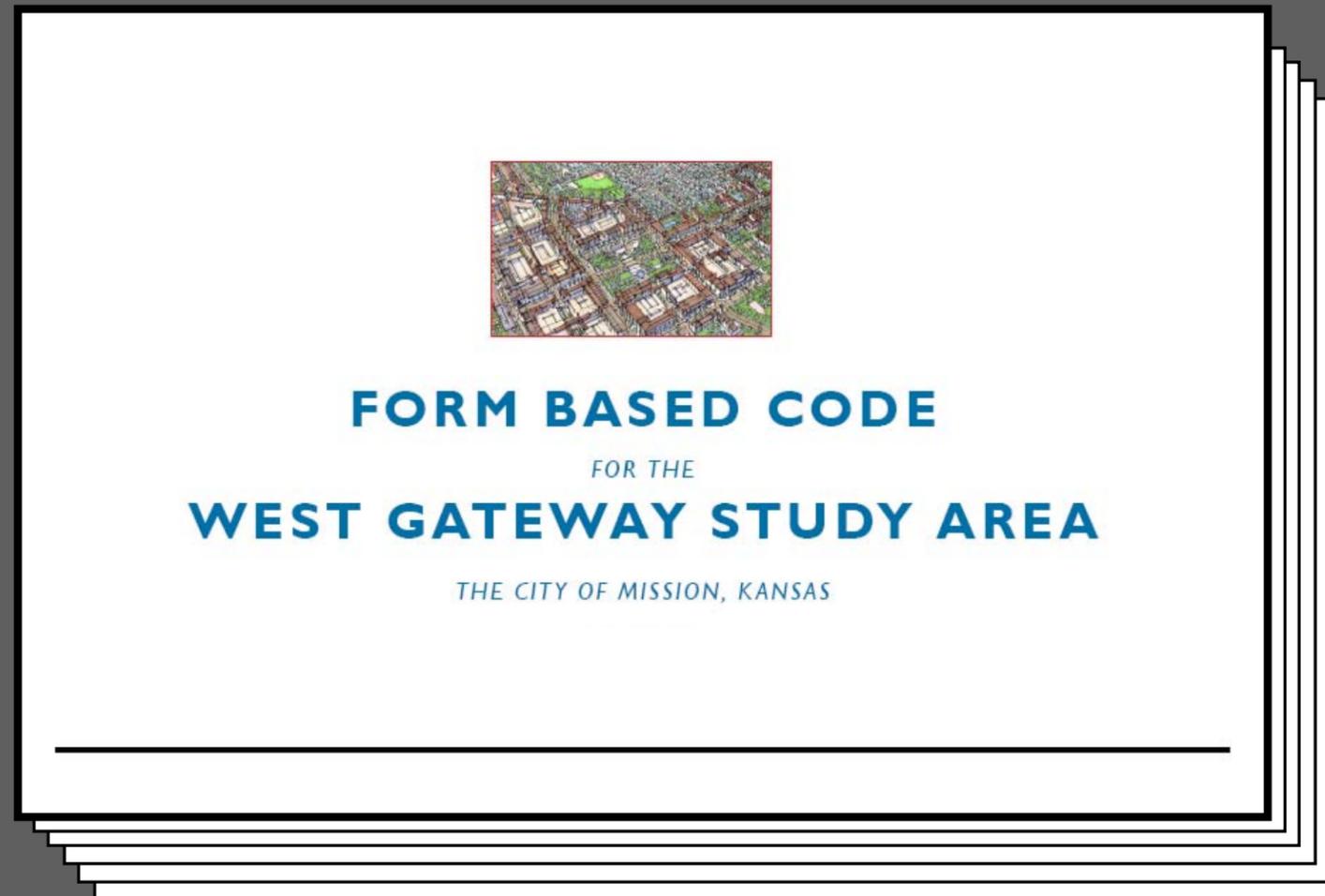
FORM BASED CODE  
SUMMARY PRESENTATION



# VISION PLAN



# FORM BASED CODE



Encouraging "GOOD" projects by making them "EASIER"



# WEST GATEWAY REDEVELOPMENT AREA

FORM BASED CODE SUMMARY PRESENTATION





# Will the Infrastructure Serve It?

## Review Included:

- Sanitary Sewers
- Water Lines
- Gas + Electric Lines



## MAJOR FINDINGS:

- Each utility is capable of serving the area
- Some improvements needed - detailed report
- Recommendations were incorporated into the City's CIP

**WEST  
GATEWAY**  
REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION



# Can the Market Support It?

- **Scope of Analysis:**
  - Comprehensive review of existing market conditions
  - Anticipate future market demand
  - Test feasibility of various buildings and development scenarios
  - Identify opportunities for appropriate public incentives
- **Feasibility + Projections:**
  - The Form Based Code is a realistic regulatory control
  - Mission is well-positioned for future growth



## WEST GATEWAY REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION



# Is the Code Flexible?

## 1. Residents

- Protects single family housing with building massing controls and linear parks

## 2. City

- Promotes desired redevelopment
- Overlay district
- No rezoning needed

## 3. Existing Businesses

- Allows maintenance of non-conforming building stock

## 4. Developers

- Considers transitional redevelopment with limited suburban construction (i.e. drive-thrus, 1-story buildings, surface parking)
- Avoids protest petition process



# WEST GATEWAY

## REDEVELOPMENT AREA

## FORM BASED CODE SUMMARY PRESENTATION



# Is the Code Flexible?

1. Allows for Variety of Building Types + Uses
2. Architectural + Site Design Opportunities
3. Development Phasing Possibilities



## WEST GATEWAY

REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION

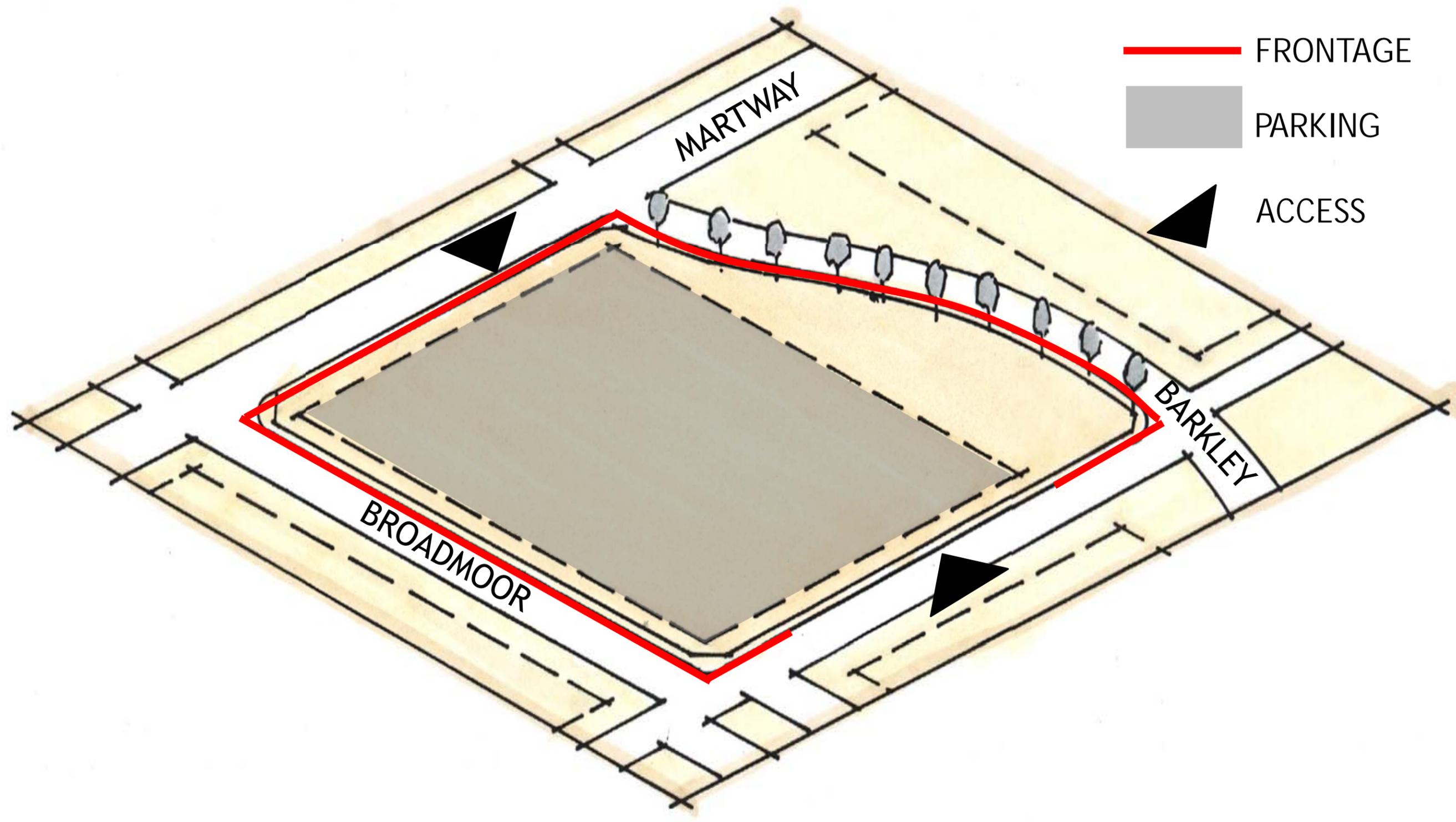


# DEVELOPMENT PHASING POSSIBILITIES



## WEST GATEWAY REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION



- FRONTAGE
- PARKING
- ACCESS

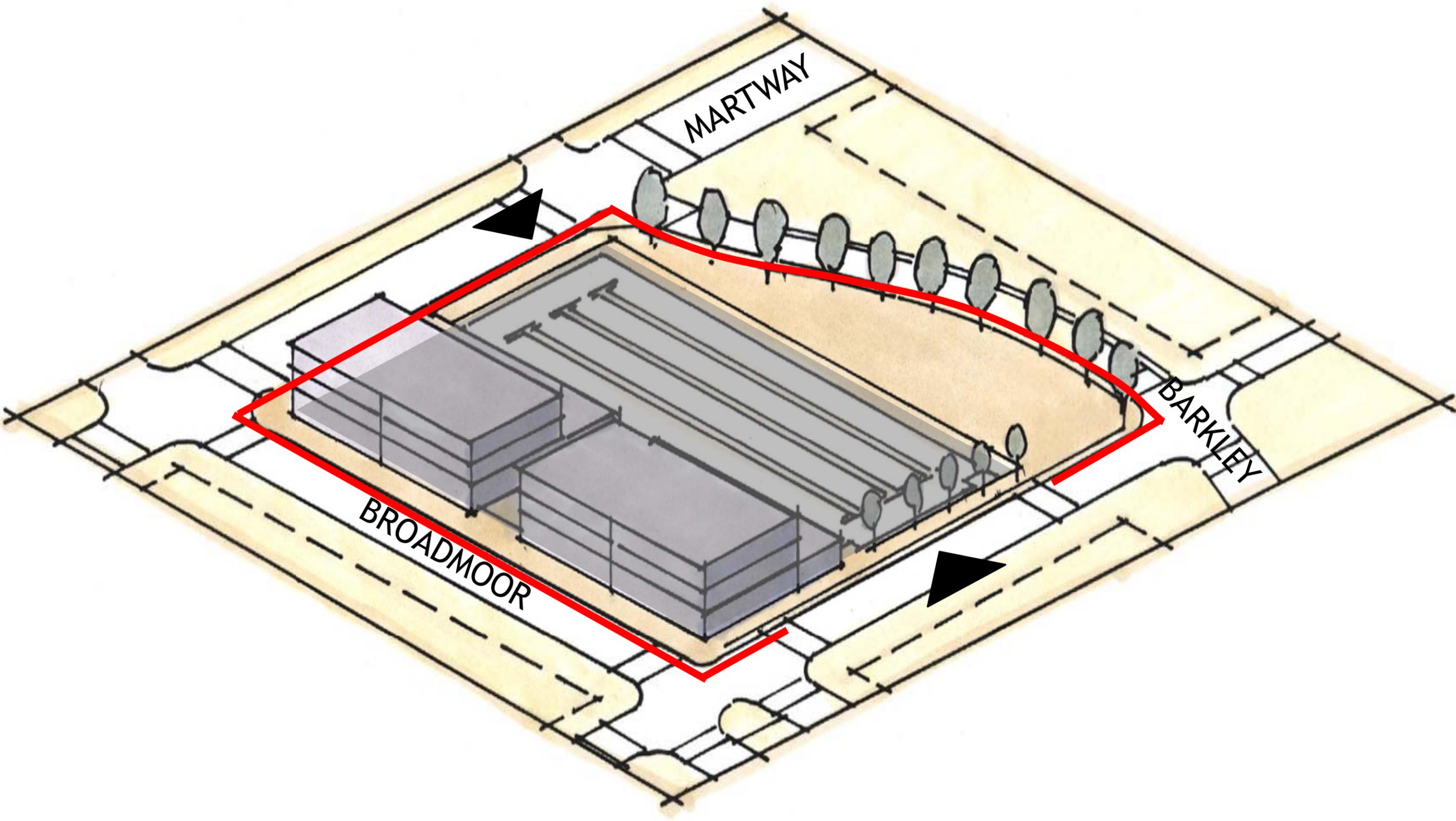
Example Block

# DEVELOPMENT PHASING POSSIBILITIES



## WEST GATEWAY REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION



Scenario 1

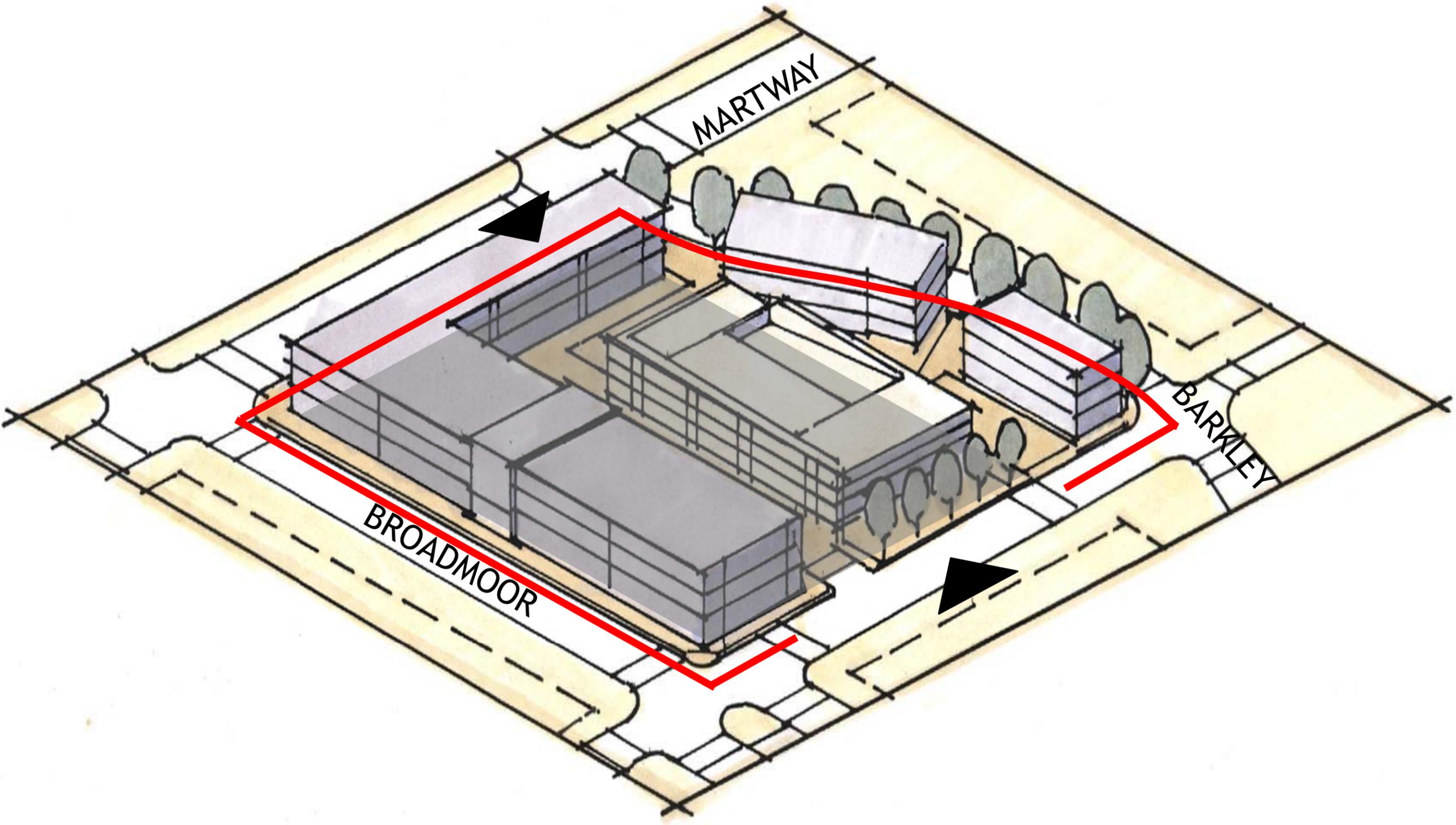


# DEVELOPMENT PHASING POSSIBILITIES



## WEST GATEWAY REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION



Scenario 2



# USING THE FORM BASED CODE

Elements of the Code

90 Points = Passing Score

1. Sector Plan / Regulating Plan  
45 Points Possible / 45 Points Required
2. Building Types  
10 Points Possible / 10 Points Required
3. Urban Guidelines  
30 Points Possible / 25 Points Required
4. Architectural Guidelines  
15 Points Possible / 10 Points Required



**WEST  
GATEWAY**  
REDEVELOPMENT AREA

**FORM BASED CODE  
SUMMARY PRESENTATION**





# WEST GATEWAY REDEVELOPMENT AREA

## FORM BASED CODE SUMMARY PRESENTATION



# USING THE FORM BASED CODE

### 3 LOOK UP BUILDING TYPES IN BUILDING TYPES MATRIX

Resource: Building Types (Chapter 3)  
Building Types List: Townhouse, Mid-Rise, High-Rise

### 4 REVIEW URBAN + ARCHITECTURAL GUIDELINES FOR PERMITTED BUILDING TYPE

Resource: Urban Guidelines (Chapter 4) & Architectural Guidelines (Chapter 5)

BUILDING TYPE	PERMITTED BUILDING TYPES
TOWNHOUSE	<ul style="list-style-type: none"> <li>• Single, two-story units</li> <li>• Continuous frontage</li> <li>• Similar across front</li> </ul>
LOW-RISE	<ul style="list-style-type: none"> <li>• Single-story or two-story</li> <li>• Continuous frontage</li> <li>• Clear articulated entry</li> <li>• Common lobby hall</li> <li>• Barriers required</li> </ul>
MID-RISE	<ul style="list-style-type: none"> <li>• One-story, two-story or three-story</li> <li>• Continuous frontage</li> <li>• Clear articulated entry</li> <li>• Common lobby hall</li> <li>• Barriers required</li> </ul>



## MISSION WEST GATEWAY FORM BASED CODE

## USING THE FORM BASED CODE

The following pages identify the procedure to be followed when using the form based code

### 1 IDENTIFY PROPERTY LOCATION & NOTE ITS SECTOR

Resource: Sector Plan Map (Chapter 2, Page 1)  
Sector List: Broadmoor, Westgate, Johnson Corridor, Rock Creek, or Martway Corridor



SECTOR AND REGULATING PLAN CHAPTER 2: PAGE 1

### 2 DETERMINE BLOCK & NOTE PERMITTED BUILDING TYPES

Resource: Sector and Regulating Plan (Chapter 2)  
Block List: G  
Building Types List: Townhouse, Mid-Rise, High-Rise

**MISSION WEST GATEWAY FORM BASED CODE**

**BLOCK F**

- Higher visibility and proximity to Metcal provides optimal locations for office, residential, or retail uses.
- Higher development intensities are appropriate due to the block size, proximity to Metcal, and distance from existing low-scale residential uses.
- Ground-level retail uses are encouraged on this site.
- The pedestrian main along Broadmoor is important to give the sector an urban sense of place.
- A 20' north-south trail connection shall be required along the Metcal frontage.
- Building types appropriate for the block include:

**MID-RISE, HIGH-RISE, LINER**

**BLOCK G**

- The block's use permits higher densities by accommodating parking structures in the middle of the block.
- Commercial and residential uses, along with ground-level retail uses are suitable on this site.
- The pedestrian main along Broadmoor is important to give the sector an urban sense of place.
- Ground-level retail uses are articulated on the northern and western edges of the block.
- Parking is anticipated to be extended to connect site to Martway, and will be required in conjunction with development of the eastern portions of the block.
- Building types appropriate for the block include:

**TOWNHOUSE, MID-RISE, HIGH-RISE, LINER**

**BLOCK H**

- Higher visibility and proximity to Metcal provides optimal locations for office, residential, or retail uses.
- Higher development intensities are appropriate due to the block size, proximity to Metcal, and distance from existing low-scale residential uses.
- Ground-level retail uses are encouraged on this site.
- The urban park along Broadmoor requires development to support a strong pedestrian main in block.
- A 20' north-south trail connection shall be required along the Metcal frontage.

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**ROCK CREEK SECTOR**

SECTOR AND REGULATING PLAN CHAPTER 2: PAGE 5

# USING THE FORM BASED CODE

## 1 IDENTIFY PROPERTY LOCATION & NOTE ITS SECTOR

Resource: Sector Plan Map (Chapter 2, Page 1)  
Sector List: Broadmoor, Westgate, Johnson Corridor, Rock Creek, or Martway Corridor.



SECTOR AND REGULATING PLAN  
CHAPTER 2: PAGE 1



# WEST GATEWAY REDEVELOPMENT AREA

## FORM BASED CODE SUMMARY PRESENTATION



# USING THE FORM BASED CODE



## WEST GATEWAY REDEVELOPMENT AREA

### FORM BASED CODE SUMMARY PRESENTATION

## 2 DETERMINE BLOCK & NOTE PERMITTED BUILDING TYPES

Resource: Sector and Regulating Plan (Chapter 2)  
Block List: G  
Building Types List: **Townhouse, Mid-Rise, High-Rise**

**MISSION WEST GATEWAY FORM BASED CODE**

**ROCK CREEK SECTOR**

**BLOCK F**

- Higher visibility and proximity to Metcalf provides optimal locations for office, residential, or retail uses.
- Higher development intensities are appropriate due to the block's size, proximity to Metcalf, and distance from existing low-scale residential uses.
- Ground-level retail uses are encouraged on this site.
- The pedestrian realm along Broadmoor is important to give this sector an urban sense of place.
- A 20' north-south trial connection shall be required along the Metcalf frontage.
- Building types appropriate for the block include:

**MID-RISE, HIGH-RISE, LINER**

**BLOCK G**

- The block's size permits higher densities by accommodating parking structures in the middle of the block.
- Commercial and Residential uses, along with ground-level retail uses are suitable on this site.
- The pedestrian realm along Broadmoor is important to give this sector an urban sense of place.
- Ground-level retail uses are articulated on the northern and western edges of this block.
- Parking is obligated to be extended to connect site to Metcalf, and will be required in conjunction with development of the eastern portions of the block.
- Building types appropriate for the block include:

**TOWNHOUSE, MID-RISE, HIGH-RISE, LINER**

**BLOCK H**

- Higher visibility and proximity to Metcalf provides optimal locations for office, residential, or retail uses.
- Higher development intensities are appropriate due to the block's size, proximity to Metcalf, and distance from existing low-scale residential uses.
- Ground-level retail uses are encouraged on this site.
- The urban park along Broadmoor requires development to support a strong pedestrian realm in block.
- A 20' north-south trial connection shall be required along the Metcalf frontage.

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SECTOR AND REGULATING PLAN  
CHAPTER 2: PAGE 5



# USING THE FORM BASED CODE

## 3 LOOK UP BUILDING TYPES IN BUILDING TYPES MATRIX

Resource: Building Types (Chapter 3)  
 Building Types List: **Townhouse, Mid-Rise, High-Rise**

MISSION WEST GATEWAY FORM BASED CODE				BUILDING TYPES
BUILDING TYPE	FRONTAGE	BUILDING HEIGHT	USE	REFERENCE IMAGES
<b>TOWNHOUSE</b>	<ul style="list-style-type: none"> <li>• Stairs, balconies and common areas permitted</li> <li>• Continuous frontage required, screen walls permitted</li> <li>• Vehicular access from rear required</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum 2 stories</li> <li>• Maximum 4 stories</li> <li>• Two-4+ story buildings are permitted within 90 feet of the property line of existing single-family residential properties.</li> </ul>	<ul style="list-style-type: none"> <li>• All floors residential required</li> <li>• Accessory units permitted</li> </ul>	
<b>LOW-RISE</b>	<ul style="list-style-type: none"> <li>• Shopfront &amp; awning required</li> <li>• Continuous frontage required, screen walls permitted</li> <li>• Clear articulated entries</li> <li>• Common lobby not permitted (driv. access required)</li> <li>• Banner-free required</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum 1 story</li> <li>• Maximum 2 stories</li> </ul>	<ul style="list-style-type: none"> <li>• Ground floor commercial retail required</li> <li>• "Mezzanine" commercial retail support required</li> <li>• Accessory units prohibited</li> <li>• Mezzanines permitted, but not required in low-rise buildings (see Letter Guidelines)</li> </ul>	
<b>MID-RISE</b>	<ul style="list-style-type: none"> <li>• Courtyards, stoops, porches, common areas for residential applications</li> <li>• Shopfront &amp; awning required for commercial retail applications</li> <li>• Continuous frontage not required, walls permitted</li> <li>• Common lobby permitted</li> <li>• Storage recommended to engage sidewalk</li> <li>• Banner-free required</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum 2 stories</li> <li>• Maximum 4 stories</li> <li>• Two-4+ story buildings are permitted within 90 feet of the property line of existing single-family residential properties.</li> </ul>	<ul style="list-style-type: none"> <li>• Ground floor commercial office or retail permitted, residential permitted</li> <li>• Upper floors commercial office or retail permitted, residential permitted</li> <li>• Accessory units prohibited</li> </ul>	



# WEST GATEWAY REDEVELOPMENT AREA

## FORM BASED CODE SUMMARY PRESENTATION



# USING THE FORM BASED CODE



# WEST GATEWAY REDEVELOPMENT AREA

## FORM BASED CODE SUMMARY PRESENTATION

### 4 REVIEW URBAN + ARCHITECTURAL GUIDELINES FOR PERMITTED BUILDING TYPE

Resource: Urban Guidelines (Chapter 4) & Architectural Guidelines (Chapter 5)

**MISSION WEST GATEWAY FORM BASED CODE**

**TOWNHOUSE (OR ROWHOUSE)**

Townhouses are a three-story or eight-unit building. They are the simplest and most common residential building type in the West. They are typically built on narrow lots and are often attached to one another. They are typically built on lots that are 20 to 30 feet wide and 40 to 60 feet deep. They are typically built on lots that are 20 to 30 feet wide and 40 to 60 feet deep. They are typically built on lots that are 20 to 30 feet wide and 40 to 60 feet deep.

Townhouses may be between 2 and 3 stories in height. All townhouses are permitted to be up to three stories in height, with a fourth floor permitted in the attic with dormer windows providing headroom at the top level. Townhouses are the second (2) allowed to provide some of the allowed and some are up to 4 stories in height between public and private streets. In order where parking garages are provided they must provide a second entrance to an existing permitted building and/or "single level" structure.

Units may be attached to a street that is not a public street and a second street. Garages may be attached to a building or a building may be attached to a second street. If an existing building is attached to a street that is not a public street, the garage is permitted to be attached to the building and the garage is an existing garage.

<b>A FRONT SETBACK</b>	5' - 10'	The front setback is required from the property line along the primary frontage to the front facade of the building. The same setback applies to the front facade of the building. These setbacks may include setbacks for porches, decks, and patios and may include setbacks for porches, decks, and patios and may include setbacks for porches, decks, and patios.
<b>B SIDE STREET SETBACK</b>	5' - 20'	Side Street Setback applies to lots at the intersection of streets. Side Street Setback is measured from the secondary frontage to the side street to the facade of the building. Townhouses that are fronted by the Public Square are the secondary frontage to the side street.

**MISSION WEST GATEWAY FORM BASED CODE**

MATERIALS	CONFIGURATIONS	TECHNIQUES
<ul style="list-style-type: none"> <li>Wall height is limited to 10 feet above the finished ground level.</li> <li>Wall height is limited to 10 feet above the finished ground level.</li> <li>Wall height is limited to 10 feet above the finished ground level.</li> <li>Wall height is limited to 10 feet above the finished ground level.</li> </ul>	<ul style="list-style-type: none"> <li>All buildings shall be constructed of masonry or concrete.</li> <li>All buildings shall be constructed of masonry or concrete.</li> <li>All buildings shall be constructed of masonry or concrete.</li> <li>All buildings shall be constructed of masonry or concrete.</li> </ul>	<ul style="list-style-type: none"> <li>Building walls of masonry construction shall be constructed of masonry or concrete.</li> <li>Building walls of masonry construction shall be constructed of masonry or concrete.</li> <li>Building walls of masonry construction shall be constructed of masonry or concrete.</li> <li>Building walls of masonry construction shall be constructed of masonry or concrete.</li> </ul>

**ARCHITECTURAL GUIDELINES**  
TOWNHOUSE, ROWHOUSE, MID-RISE

BUILDING WALLS
<p><b>INTENT</b></p> <p>Building walls of smaller buildings in the West Gateway Redevelopment Area shall be constructed of masonry or concrete, primarily through the use of masonry or concrete.</p> <p>A combination of masonry and concrete materials shall be used to create a sense of scale and texture, and the use of masonry or concrete shall be encouraged.</p>

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**ARCHITECTURAL GUIDELINES**  
CHAPTER 5: PAGE 1



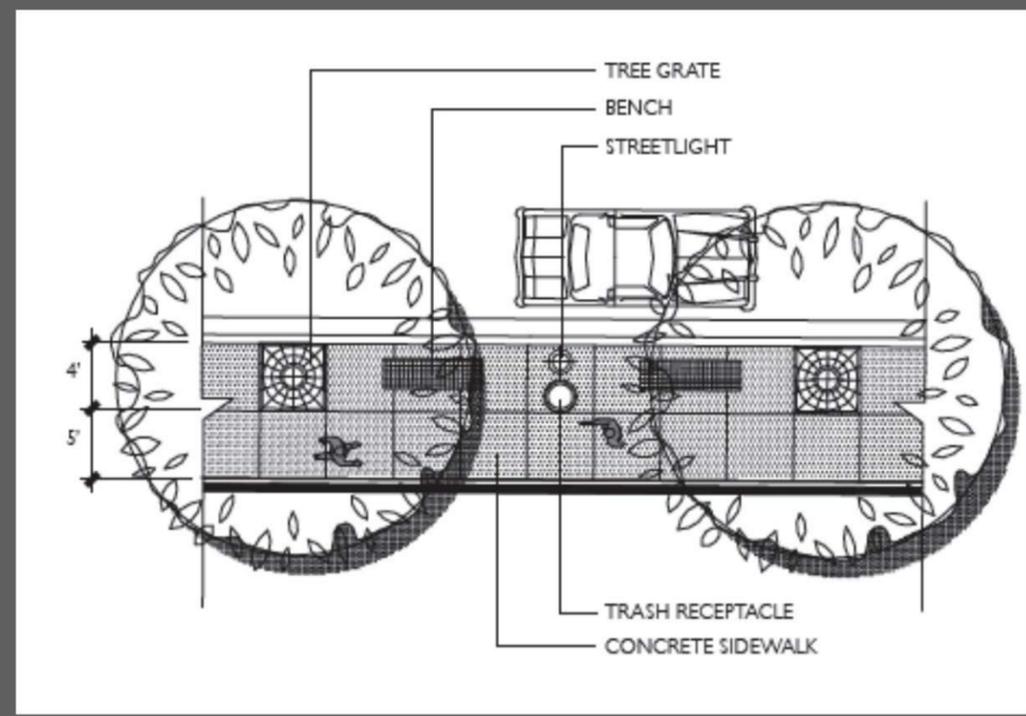


# USING THE FORM BASED CODE

## LANDSCAPE GUIDELINES - THE RULES FOR THE PUBLIC REALM



+ TYPICAL PARKING LOT PLANT SCREEN



+ CREATIVE PIPE: INVERTED "U" BIKE RACK  
3LJ-20, flanged surface mount, black polyester powder coat finish



+ NEENAH FOUNDRY COMPANY: TREE GRATE #R-8726  
48" square with 12" diameter expandable tree opening

MISSION WEST GATEWAY FORM BASED CODE

RIGHT-OF-WAY	56'
PAVEMENT	36'
TRAVEL LANES	2
PARKING	BOTH SIDES
SIDEWALK	6'
PLANTER TYPE	FITS
TREES	40' O.C. AVG.

STREET LAYOUT GUIDELINES  
TYPE IV - BARKLEY STREET NORTH

Section between 58th and Johnson Drive looking north

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FINAL REVISION - 08.07.07

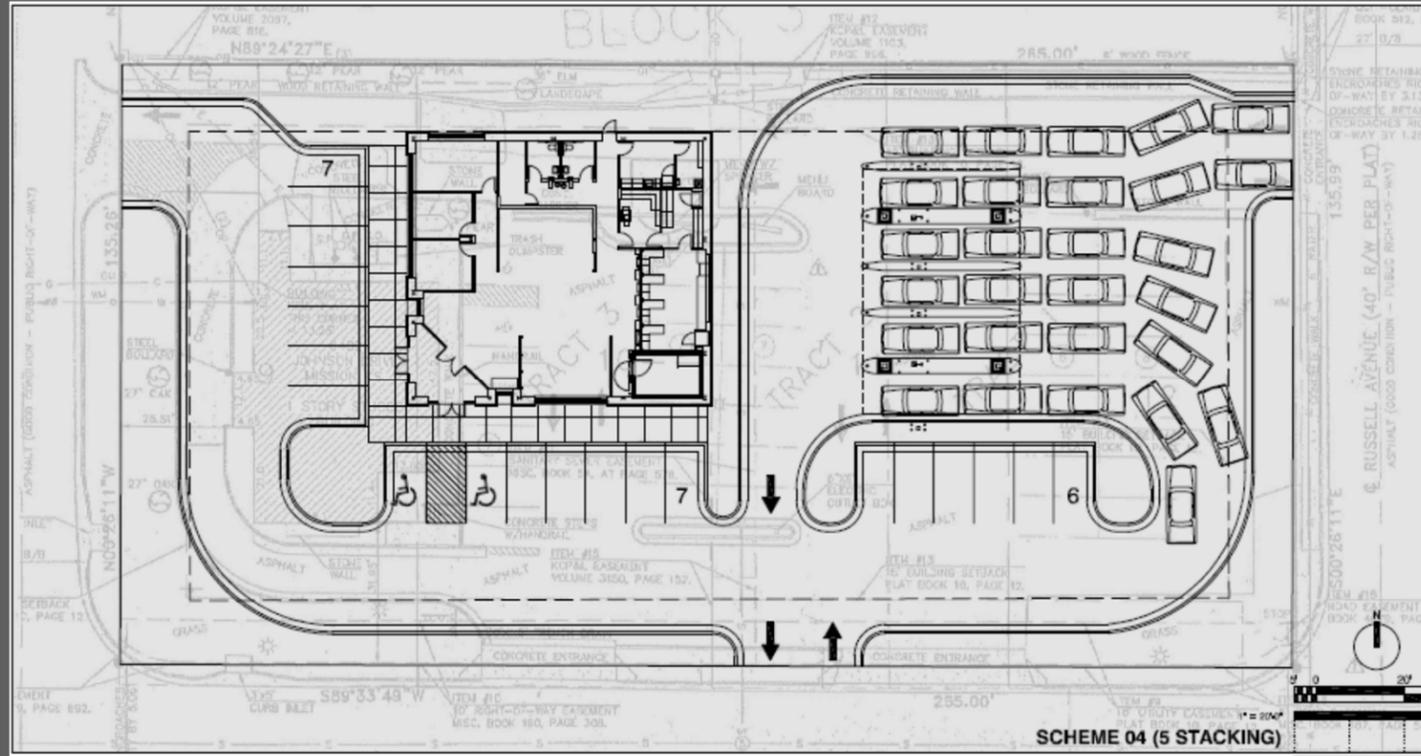
STREET LAYOUT GUIDELINES  
CHAPTER 7: PAGE 6

# WEST GATEWAY REDEVELOPMENT AREA

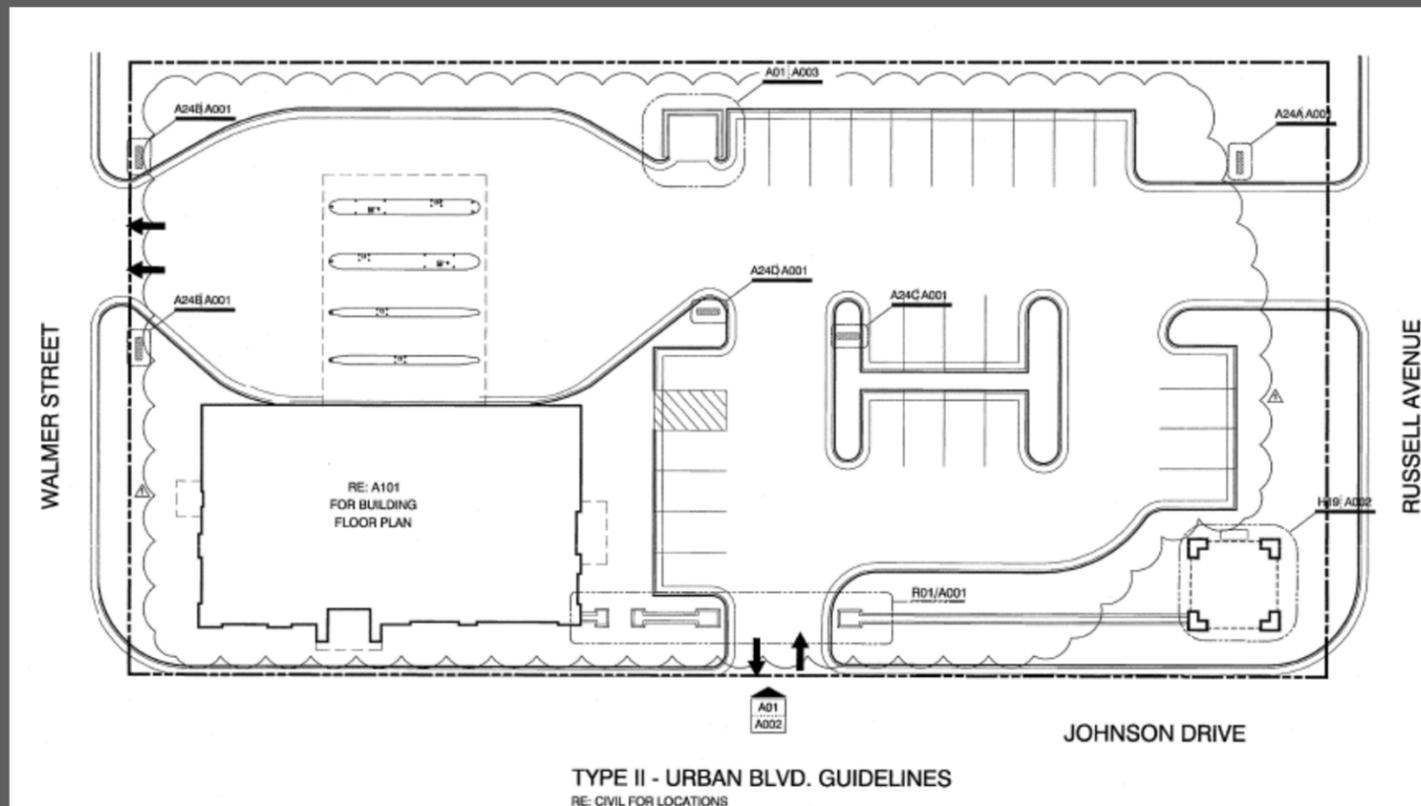
## FORM BASED CODE SUMMARY PRESENTATION



# Examples



Initial Plan - Conventional 1-story building, building set back from street



FBC Plan - 2-story building, at build-to line, pedestrian realm improvements

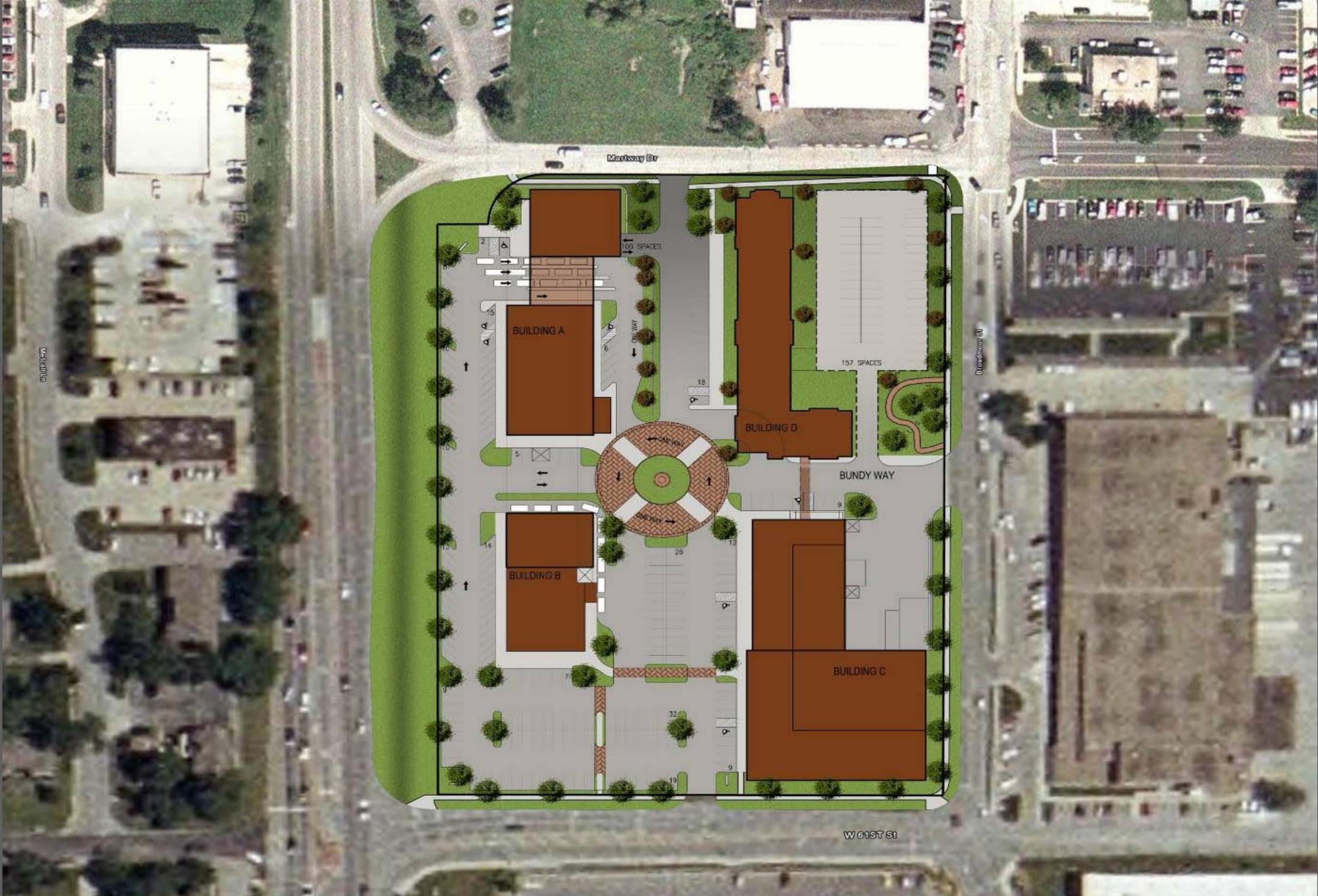


# WEST GATEWAY REDEVELOPMENT AREA

FORM BASED CODE SUMMARY PRESENTATION



# Mission Crossing



# WEST GATEWAY

REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION



# Mission Crossing



# WEST GATEWAY REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION



# Mission Crossing



# WEST GATEWAY

REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION



# Mission Crossing



# WEST GATEWAY REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION



# Mission Crossing



# WEST GATEWAY

REDEVELOPMENT AREA

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## Cornerstone Commons

**Building Placement** – All structures relate to and connect with adjacent streets

**Pedestrian Realm** – Streetscape improvements are provided on all adjacent public streets, including landscape plantings, site furnishings, lighting, etc.



# WEST GATEWAY

## REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION





# FORM BASED CODE SUMMARY PRESENTATION

April 4, 2018



# WEST GATEWAY

REDEVELOPMENT AREA

FORM BASED CODE  
SUMMARY PRESENTATION





February 27, 2018

Ms. Danielle Sitzman, AICP  
City Planner  
City of Mission  
6090 Woodson  
Mission, KS 66202

**RE: Tidal Wave Auto Spa - Development Plan Submittal**

Dear Danielle,

As master developer of the West Gateway Redevelopment District for the City of Mission, it is our responsibility to conduct a review of development plans and applications within this area, and to provide comments relative to their compliance with the recommendations outlined in the City's Form Based Code (FBC).

It is our understanding that this applicant, Mr. Steve Block and/or TW Macon LLC, wishes to obtain approval for an amended and supplemented preliminary site development plan submittal for a ~0.76 acre site located on the southwest of the intersection of Walmer Street and Johnson Drive. As indicated in the submitted plans, the proposed improvements are intended to remove an existing single-use building with a large surface parking lot and redevelop the site to incorporate a proposed drive-through auto spa, a structure containing vehicle vacuum bays and commercial offices, and related site improvements.

Our review of the plans is provided below, including our interpretation and recommendations regarding their conformance with specific requirements outlined in the FBC. Since the site is larger than 0.50 acres, the FBC allows for up to 60% of the gross square feet of development to utilize low-rise building(s) in conjunction with at least 40% of other identified building types (in this case Townhouse, Mid-Rise, High-Rise, or Parking Structure).

This application includes two proposed structures - neither of which are consistent with the building types identified in the FBC. The smaller of the two structures (the car wash) does not meet the identified height requirement for a low-rise building type. The larger of the two structures (the vacuum bays with office space above) does not meet any of the building types identified in the FBC. Due to the ground floor of this structure proposed primarily for vacuum bay parking with no doors or full enclosure, we interpreted the closest FBC building type for comparative purposes to be a Parking Structure - and have used this for the analysis outlined herein.

Please note the FBC regulating plan also calls for Walmer Street to be extended south from the existing Johnson Drive intersection. If the dedicated street extension and related right-of-way were to have been incorporated, the remaining development site area could be less than 0.50 acres and would then qualify for use of a low-rise building as part of an alternative redevelopment scenario. However; this application does not include the proposed extension of Walmer Street as identified in the FBC.

That said, the City has requested our review of this application be provided under a scenario wherein Walmer Street is interpreted to not be designated for extension to the south as part of the FBC requirements. Our review is provided with this understanding.

These comments are provided in accordance with the “steps” outlined in Chapter 8 of the FBC, including the FBC scoring system.

**Step 1 - Regulating Plan (45 Points Required to Pass, 45 Possible Points)**

- *Block Configuration and Frontage Type:* In our opinion, the proposed development generally respects the hierarchy of frontage types identified in the FBC, with the primary (taller) of the two proposed structures placed along the existing Johnson Drive frontage. The regulating plan identifies building types appropriate for this block as Townhouse, Mid-Rise, High-Rise, and Parking Structure; however, this taller structure does not meet the definition of any of these appropriate building types. There is also no indication of retail uses proposed for the ground floor of this structure along Johnson Drive as required in the regulating plan.

The FBC also allows for the use of Low-Rise buildings in certain circumstances, and these buildings are required to be 26' in height. The smaller one-story auto spa structure located on the south portion of the site does not meet the 26' height requirement, and therefore does not meet the definition of the Low-Rise building type.

For these reasons, the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant revising the design of these structures to comply with FBC building type requirements and continuing to place the tallest structure along the Johnson Drive frontage.

Score: 7/15 points

*Parking:* In our opinion, the proposed development generally meets the conditions identified in the FBC for placement of surface parking areas towards the interior of this development site; however, other parking proposed within a structure conflicts with provisions of the regulating plan. The taller structure proposed along Johnson Drive indicates vehicular parking in the ground floor space, with access provided from the interior of the site on the south side of this structure.

The use of the ground floor space of this structure for vehicular parking is not consistent with a mid-rise building type, and does not allow adequate space for retail uses along Johnson Drive as required in the FBC regulating plan. Because this building has parking included on the ground floor, it is interpreted to be reviewed as a Parking Structure building type; however, the size and configuration of this structure also doesn't meet the definition of a Parking Structure building type.

For these reasons, the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant revising the design of the taller structure to comply with the FBC building type requirements.

Score: 7/15 points

*Access:* In our opinion, the proposed development adequately addresses site access issues identified in the FBC. Access to the site is provided near the

Walmer Street and Johnson Drive intersection with the proposed removal of a portion of the existing Johnson Drive median island. There are no provisions for a driver to be able to exit the line or to access parking for the proposed office space without first entering through the pay kiosk. A "right-out only" egress drive connection to Johnson Drive is also provided on the west edge of the site.

The applicant has provided an auto turn template using a passenger car to illustrate the ability to enter the site through the pay kiosk and exit to Johnson Drive on the west side of the site. However; it is unclear if trash and/or other service vehicles are anticipated to access the site using this entry drive through the pay kiosk, or whether they are anticipated to access the site through the single exit lane (west side) connecting to Johnson Drive. If they are anticipated to use this exit lane, it should be considered for widening to accommodate two-way traffic.

For these reasons, the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant providing additional information regarding the ability of relevant vehicle types to access the interior portions of the site either through the pay kiosk lane or via alternative access points.

Score: 14/15 points

*Total Score: 28/45 Points (NOT PASSED - 45 Points Required)*

Note: According to Chapter 8 of the FBC, development submittals must comply with the requirements outlined in the regulating plan, and a score of 45 is required to automatically continue to the next review group in the process. At this point in the review process, the Community Development Department was notified of this issue/score, and it was determined that due to the nature and complexity of the overall project, the review should continue to be provided for the remaining steps of the FBC.

#### **Step 2 - Building Types (10 Points Required to Pass, 10 Possible Points)**

- *Building Type Matches Regulating Plan Text:* The taller structure is interpreted to be considered as a Parking Structure building type, but there is no ground floor commercial retail use along the Johnson Drive frontage as required in the FBC. The proposed height of the one-story structure (located along the south edge of the site) does not meet the minimum 26' height requirement to qualify for consideration as a Low-Rise building type.

For these reasons, the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant revising the design of these structures to comply with FBC building type requirements outlined in the regulating plan text. Two example scenario concepts are provided below.

One concept could include revising the taller structure to meet the Parking Structure building type by expanding the width/depth of the habitable portion of the building to a minimum of 40' along the entire length of the building and 20' tall to accommodate a variety of uses, while including the proposed covered vehicle parking vacuum bays along the rear of the building with commercial, office, or parking spaces above in a second story.

Another concept could include be revising the taller structure to meet the Mid-Rise building type by expanding the width/depth of the building to a minimum of 40' along the entire length of the two-story building with habitable space on both levels, and an option to place the vehicular parking vacuum bays either behind the building or in a basement below a portion of the rear of this building by sloping the site grading for vehicular access to this basement condition.

These and/or other scenario concepts could be explored further in collaboration with the applicant to address specific programmatic and development requirements associated with these or other alternative approaches.

Score: 2/5 points

- *Building Type Matches Chapter 3 Definition:* The proposed taller structure proposed for the northern edge of the site does not contain the ground floor commercial retail along the Johnson Drive frontage as required in the FBC Parking Structure building type definition. The proposed smaller auto spa building structure on the southern edge of the site does not meet the minimum 26' height requirement to qualify for consideration as a Low-Rise building type.

For these reasons, the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant revising the design of these structures to comply with FBC building type requirements as previously outlined herein. The auto spa structure needs to be increased in height to meet the 26' height requirement to qualify as a Low-Rise building type.

Score: 2/5 points

*Total Score: 4/10 Points (NOT PASSED - 10 Points Required)*

### **Step 3 - Urban Guidelines (25 Points Required to Pass, 30 Possible Points)**

*Intent:* The development plan submitted by the applicant does not provide clearly outlined proposed building type designations for proposed structures. For a site this size, the FBC outlines "Low-rise buildings, built to low-rise building guidelines, may be developed as up to 60% of the gross square feet of development (in one or multiple buildings) ..." While the applicant has provided square footages of the proposed buildings, they do not meet the building type criteria as outlined below.

The proposed height of the one-story structure (located along the south edge of the site) does not meet the minimum 26' height requirement to qualify for consideration as a Low-Rise building type, and does not meet the intent.

The taller structure is interpreted to be considered as a Parking Structure building type, but there is no ground floor commercial retail use along the Johnson Drive frontage as required in the FBC. Above-ground Parking Garage structures must also include an inhabitable 20' high ground floor with a minimum depth of 40' along the entire length of the garage to accommodate a variety of uses. The proposed taller structure does not provide these features and does not meet the intent of this building type.

For these reasons, these structures do not comply with the written intent for these building types, and the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant revising the design of these structures to comply with the intent of the FBC building type requirements.

Score: 1/5 points

- *Front Setback - Johnson Drive:* As the proposed taller structure is considered to be a Parking Garage building type for the purposes of this submittal, it appears the front setback on Johnson Drive has not been provided appropriately. Since the Walmer Street extension and its related secondary frontage line was removed from consideration as part of this review, the placement of the taller structure with an integrated Parking Structure along the primary Johnson Drive frontage was considered to be an acceptable approach. The front setback to secondary frontage lines is 40' minimum with the intent to require a 40' deep building use at street level adjacent to this corridor. This is not included on the submitted revised site plan.

In addition, the application has submitted some additional (yet very limited) information regarding proposed streetscape improvements along Johnson Drive including a few tree, light, bench, and trash receptacle locations - but these plans are still missing numerous notations, the types of lighting and site furnishings, and other details associated with providing the required quantity and configuration of streetscape improvements and related landscape plans that should be included for the front setback area along Johnson Drive. Street trees are required at 40' maximum spacing, and the plans indicate two trees - but three additional trees are required. One bench is shown, but two additional benches are required. One trash receptacle is shown, but one additional receptacle is required. Hanging baskets/planters are to be utilized with the lighting (2 per pole), but none appear to be indicated on the plans. Tree grates are to be utilized with the street trees, but none appear to be indicated on the plans. Three bike rack loops are required, but none appear to be indicated on the plans.

The sidewalk area is proposed to be 9' in width on the application, which matches the width as outlined in the FBC requirements.

Some additional information related to FBC lighting requirements for the Johnson Drive Corridor is provided below:

- *Street Lights:* use of the same street light fixtures utilized along the west side of Broadmoor south of Martway (Lumec or City approved equivalent) located on a taller single shared pole for use along Broadmoor at approximately 120' intervals.
- *Pedestrian Lights:* use of the same pedestrian light fixtures utilized along the west side of Broadmoor south of Martway (Lumec or City approved equivalent) located on shorter single poles along Broadmoor at approximately 60' intervals.
- Prior to ordering and installing any of the lighting or site furnishings associated with this project, additional design coordination with the City of Mission may be necessary to ensure the appropriate fixtures and furnishings are selected to be consistent with the City's final streetscape design recommendations and previous selections for use in the West Gateway area.

The development plan also includes references to landscape features and a proposed dumpster enclosure location in the southwest corner of the property, but no details or landscape plans have been provided for these items as part of the application.

For these reasons, the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant revising the design of the taller structure along Johnson Drive to match one of the building types and placing it to correspond with the front setback outlined in the FBC, and also providing additional streetscape design, landscape, lighting and related Johnson Drive sidewalk area improvement details.

Score: 3/5 points

- *Side Street Setback:* Due to the Walmer Street extension being removed from consideration, there is no side street setback related to this proposal and the placement of structures appear to be generally acceptable.

Score: 5/5 points

- *Side Setback:* The locations of proposed structures along the east and west property lines generally meets the intent of the FBC relative to any side setback criteria, and thus complies. No landscape plans or details associated with proposed plantings along these areas have been submitted.

For this reason, the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant providing appropriately detailed landscape plans.

Score: 4/5 points

- *Rear Setback:* The locations of proposed structures along the south property line generally meets the intent of the FBC relative to any rear setback criteria, and thus complies. No landscape plans or details associated with proposed plantings along these areas have been submitted.

For this reason, the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant providing appropriately detailed landscape plans.

Score: 4/5 points

- *Parking Area:* The proposed development appears to meet the conditions identified in the FBC by placing the surface parking areas towards the interior of this development site. There are notations of landscape features and a trash enclosure located in the southwest area of the property, but no details associated with the proposed plantings and trash enclosure have been submitted. This enclosure needs to be architecturally compatible with the adjacent building's appearance and use of materials. There is also no provision currently for pedestrian sidewalks leading into the interior of the site and the proposed auto spa structure located in the southern portion of the site from the adjacent Johnson Drive corridor.

For these reasons, the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant providing appropriately detailed landscape plans and a pedestrian sidewalk connecting to the auto spa structure.

Score: 3/5 points

*Total Score: 20/30 Points (NOT PASSED - 25 Points Required)*

**Step 4 - Architectural Guidelines (10 Points Required to Pass, 15 Possible Points)**

- *Intent:* The proposed architectural treatments generally comply with these requirements, and the revised plans provide indications of proposed architectural materials.

Due to the aforementioned one-story structure not meeting the required 26' building height to be considered a Low-Rise building type, the taller structure not meeting the definition of a Parking Structure building type, and the material comments outlined above, the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant revising the design and providing additional details for these structures to comply with the intent of the FBC building type and architectural treatment requirements.  
Score: 2.5/6 points

- *Materials:* It appears the initial materials indicated for use on the proposed taller structure and the one-story structure generally complies with these requirements. It appears the vast majority of façade material for the taller structure is proposed to be stucco/EIFS. The use of EIFS material in lower elevations of the building (within reach of people) can present some maintenance concerns, and more durable options could be explored for use on lower portions of the building while still complimenting the overall architectural appearance of the structure. The use of E.F.S. (similar to the proposed EIFS?) on the one-story structure presents similar durability concerns as noted above. There are also no materials or finishes specified for the trash enclosure or the concrete retaining wall, including whether there will be a railing installed atop this wall.

For these reasons, the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant revising the elevations of these proposed structures, walls, and railings (if any are needed for safety) to reflect proposed materials and finishes, and by submitting samples of these materials for review.

Score: 2/3 points

- *Configuration:* It appears the proposed structures in some ways comply with these requirements; however, the aforementioned structure dimension and configuration changes associated with the taller structure are needed for it to be considered a Parking Garage building type, and the aforementioned structure height changes associated with the one-story structure are needed for it to be considered a Low-Rise building type. This will require substantial changes to the configuration of these structures - and additional review will be necessary at that time. Some additional observations on the application as submitted are noted below:

"Roofs":

- Provide calculations for the proposed cupola features to indicate they do not exceed 500 square feet in plan.

"Storefronts":

- Provide calculations indicating windows and doors of commercial establishments occupy no less than 60% of the total storefront, from sidewalk grade to a distance of 18' above the sidewalk grade.

The calculations provided appear to include the entire façade, and do not meet this 60% requirement.

"Awnings & Canopies":

- The use of awnings is permitted along the base of a building. Those proposed on any upper floors will be further considered in conjunction with any revised elevations that adequately address other issues outlined herein.

For the reasons stated above, the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant revising the configuration of various components of the structures as outlined to comply with the FBC's configuration requirements.

Score: 1.5/3 points

- *Techniques:* It appears most of the structures generally comply with these requirements; however, the aforementioned structure dimension and configuration changes associated with the taller structure are needed in order for it to be considered a Parking Garage building type, and the aforementioned building height changes associated with the one-story structure are needed in order for it to be considered a Low-Rise building type. This will require substantial changes to the techniques used in the design of these structures - and additional review will be necessary at that time. Some additional observations on the application as submitted are noted below:

"Building Walls":

- Please indicate where any air conditioners and other utility elements are intended to be placed to eliminate their placement on a building wall facing the street, and indicate techniques proposed to properly screen them from public view.

For the reasons stated above, the full score for this portion of the plan review has not been achieved. This can be rectified by the applicant revising the design of these structures to reflect the comments outlined above to comply with the FBC's technique requirements.

Score: 2/3 points

*Total Score: 8/15 Points (NOT PASSED - 10 Points Required)*

The overall score for this proposal is 60 out of a possible of 100 points, with an overall total of 90 points required to pass. If you have any questions about these comments, please don't hesitate to contact me to review in further detail.

Best Regards,



Wm. Christopher Cline, ASLA  
Core Design Development, LLC



**City of Mission, KS**  
**6501 Johnson Drive**

Planning Commission

March 26, 2018

Preliminary Development Plan



Starbucks

Johnson Dr

Johnson Dr

Shawnee Missions  
Horizon High School

MISSION WEST  
Shopping Ctr

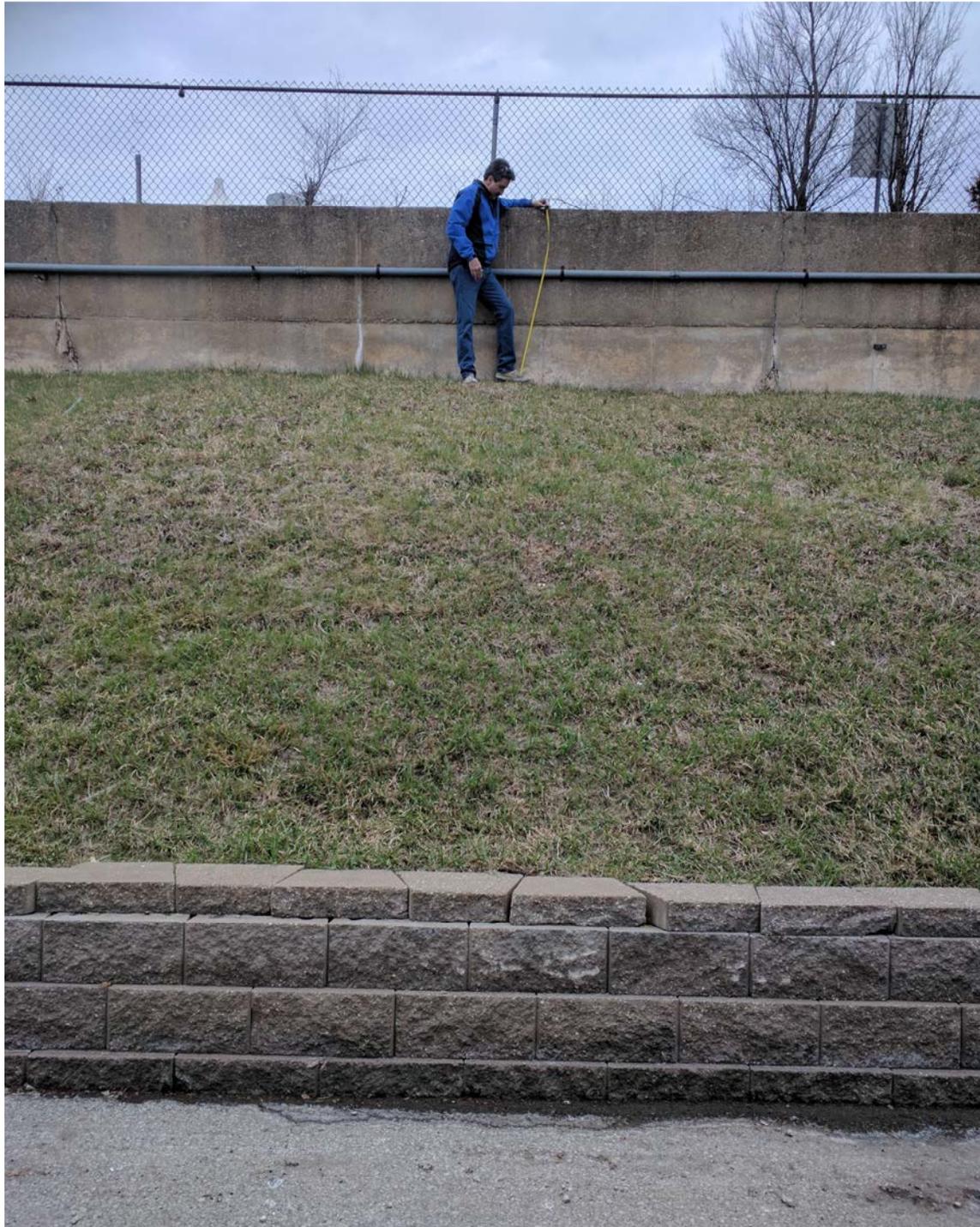
Lamar Ave





NOTHING BUTT CAKES

HONDA



# Project History

- History of prior Use – Vacant for a year
- Site is in a zoning district that permits car wash facilities
- Form Based Code Objectives
- City's expression that a functional two-story building directly adjoining Johnson Drive was paramount to meeting the primary objectives of the West Gateway FBC
- 2-story renderings
- Traffic Study
- Amended Preliminary Development Plan submittal

# COMPANY HISTORY

- Tidal Wave first began washing cars in 2004 in Atlanta, GA.
- Tidal Wave was selected by the United States Small Business Administration as the Small Business of the Year for Georgia in 2009.



# COMPANY OBJECTIVES

- To be the most attractive business in the community.
- Provide the cleanest, greenest and easiest car cleaning service.
- Maintain each location in a clean and beautiful manner with superior customer service.



# OPERATIONS

- Open seven days per week, 8 AM to 8 PM.
- Recycled water used at all locations.
- Water conservation promoted by reducing the amount of 'fresh' water needed to provide a quality exterior wash vs. car washes at home. 14-20 gallons vs. 80-140 gallons.
- Waste water filtered prior to entry into the sanitary sewer system.



# COMMUNITY

- Tidal Wave partners with local schools, athletic teams and their booster clubs, service organizations, churches and other 501(c)(3) organizations.
- The third Friday of September is designated as 'Charity Day' with 100% of ALL proceeds donated to special needs charities.









# Building Material List – Mid-Rise



VIEW FROM JOHNSON DRIVE

3850 SF WALL SURFACE EXCLUDING GABLES, ROOF, CUPOLA.  
1800 S.F. GLAZING (WINDOWS AND SF ENTRY)  
1750 S.F. EIFS OR HARD COAT STUCCO  
300 S.F. SPLIT FACE BLOCK

# TIDAL WAVE AUTO SPA

## EXTERIOR FINISHES



EIFS/STUCCO  
SW 9102 QUINOA



WATERTABLE  
BASCO PRECAST PRODUCTS  
COLOR - BUFF



METAL ROOFING  
COLOR - KHAKI



WATERTABLE  
SPLIT FACE BLOCK  
OLD CASTLE

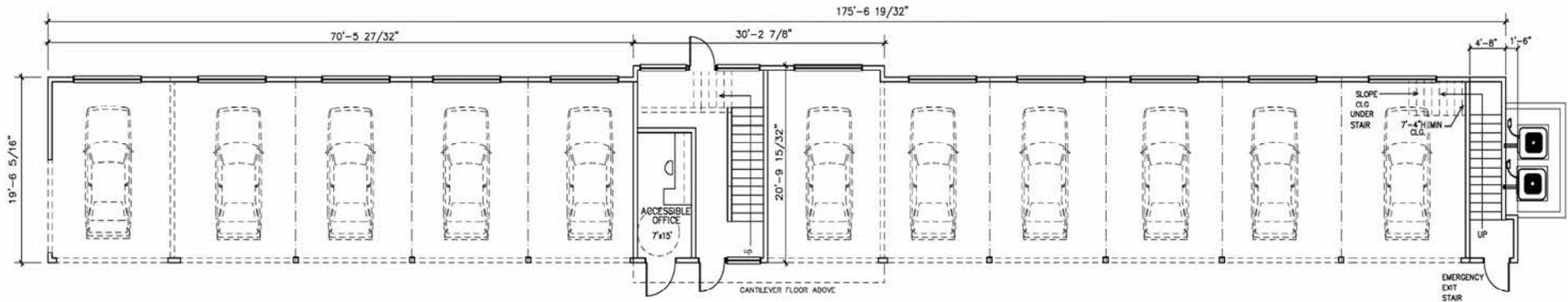


BORAL PROFIT  
SOUTHERN LEDGESTONE  
COLOR - BUCKS COUNTY

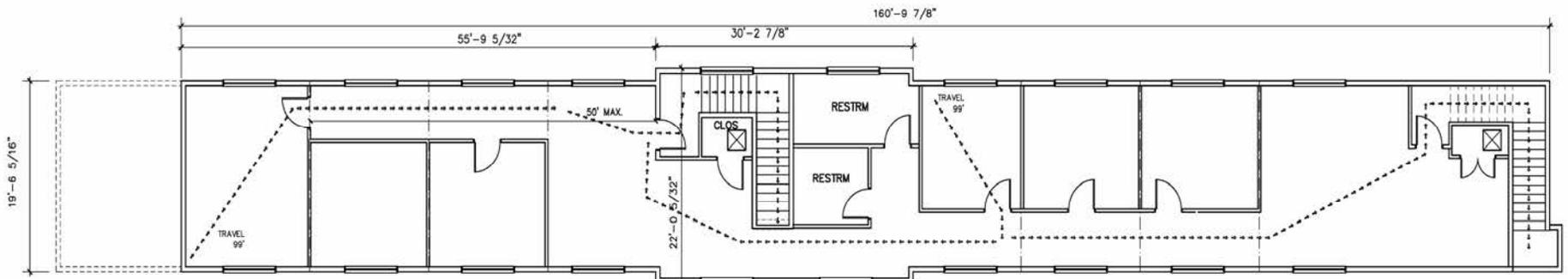


GLAZING  
CLEAR GLASS

# Floor Plan - Mid-Rise



FLOOR PLAN - LEVEL 1 3,473 sf

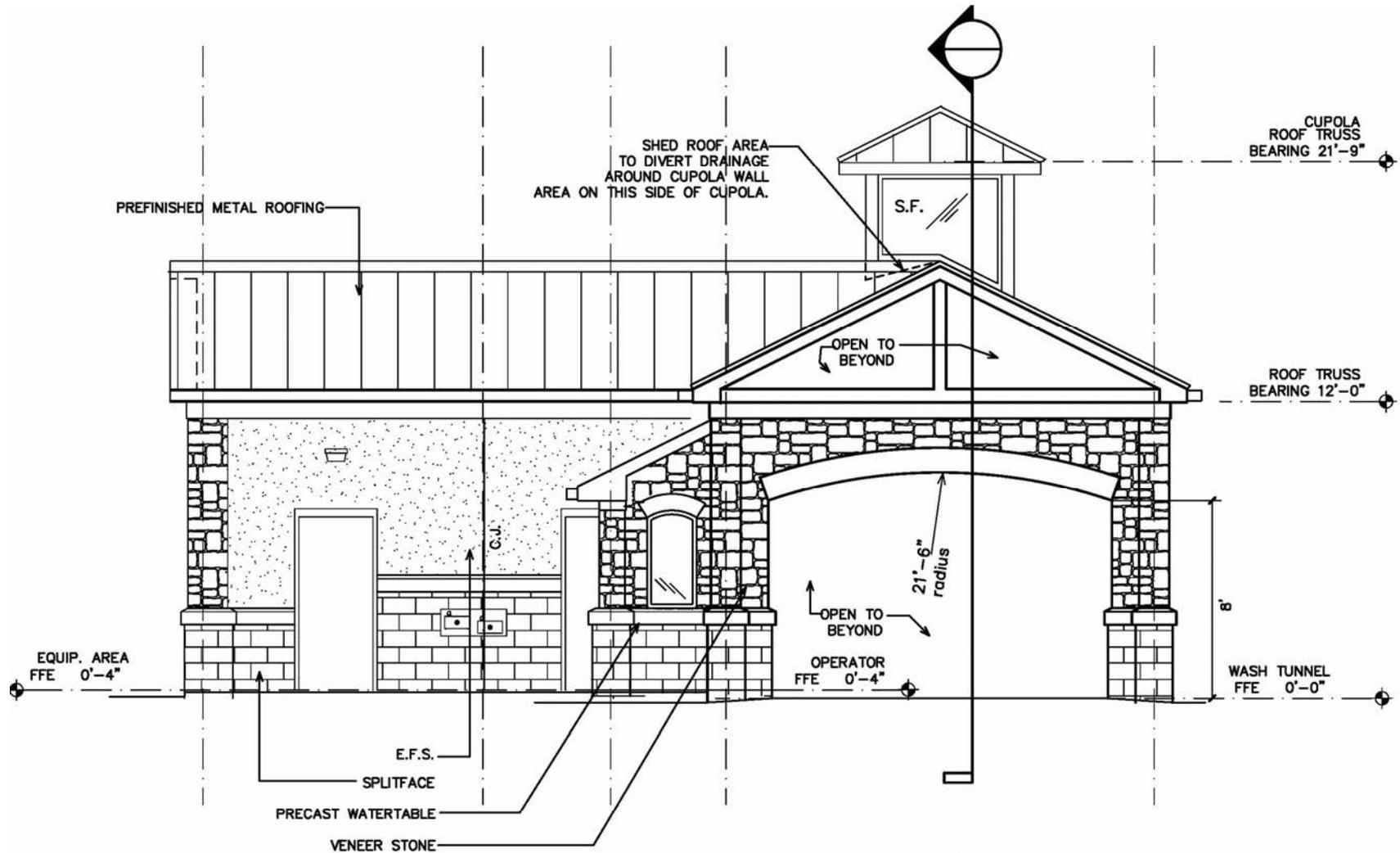


FLOOR PLAN - LEVEL 2 3,226 s.f.

# Tunnel Entrance Perspective



# Building Material List – Tunnel



REAR ELEVATION (ENTRY)

SCALE: 1/4"=1'-0"

5  
A2.1

# Vacuum Enclosure

(Height 11 Ft.)



# Xpress Pay Terminal (Height 4.5 Ft.)



# Project Future

- Planned for Tidal Wave Auto Spa's Divisional Office
- Site is on an "Island"
- Serviced Based Operation
- Future Retail Adaptation
- Building Type Designation (Mid-Rise vs. Parking Structure)





**THANK YOU**

## Form Based Code Score Card

w. stipulations  
Proposed

	Possible Score	Required	Actual	Perceived
<b>Step 1: Regulating Plan:</b>				
Block Configuration and Building Type	15	15	7	15
Parking	15	15	7	15
Access	15	15	14	15
<b>Total Step 1:</b>	<b>45</b>	<b>45</b>	<b>28</b>	<b>45</b>

**Notes:**

Rear Building is not 26 feet High

Front Building is interpreted as parking deck and is not 40 feet deep.

Did not provide two way traffic or turning template.

**Step 2: Building Types:**

Building Type Matches Regulating Plan	5	5	2	5
Building Type Matches Chapter 3	5	5	2	5
<b>Total Step 2:</b>	<b>10</b>	<b>10</b>	<b>4</b>	<b>10</b>

**Notes:**

Rear Building is not 26 feet High

Front Building does not include commercial use on ground floor.

**Step 3 Urban Guidelines:**

Intent	5	5	1	1
Front Setback - Johnson Drive	5	5	3	5
Side Street Setback	5	5	5	5
Side Setback	5	5	4	5
Rear Setback	5	5	4	5
Parking Area	5	5	3	4
<b>Total Step 3:</b>	<b>30</b>	<b>25</b>	<b>20</b>	<b>25</b>

**Notes:**

Rear Building is not 26 feet High

Front Building is interpreted as parking deck and is not 40 feet deep.

Did not provide required Streetscape Details.

Did not provide required landscape plans along side and rear yard.

Did not provide required landscape details and pedestrian sidewalks for connectivity.

**Step 4: Architectural Guidelines**

Intent	6	6	4	3
Materials	3	3	3	3
Configuration	3	3	3	3
Techniques	3	3	2	2
<b>Total Step 4:</b>	<b>15</b>	<b>10</b>	<b>12</b>	<b>11</b>

**Notes:**

Rear Building is not 26 feet High

Front building does not provide 60% storefront to 18 feet aff.

<b>Total Project Score:</b>	<b>100</b>	<b>90</b>	<b>64</b>	<b>91</b>
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**NOTICE OF HEARING**  
**BEFORE THE CITY OF MISSION**  
**PLANNING COMMISSION**

**YOU ARE HEREBY NOTIFIED THAT** application #19-03 has been filed in the City of Mission's Community Development Department by Petty Hardin representing TW Mission Real Estate, LLC for the property located at 6501 Johnson Drive, Mission, Kansas. The applicant is requesting an amendment to the preliminary site plan originally approved by the City Council on April 18, 2018.

**LEGAL DESCRIPTION (Abbreviated)**

WEST MISSION LOT 3 EX N 5' & EX E 25' & LT 4 & 5 BLK 1 EX N 5' MIC 255 3

More specifically identified as Johnson County parcel  
ID #KP69500001 0003

There will be a Planning Commission meeting to consider the application on **Monday June 24, 2019 at 7:00 p.m.** at Mission City Hall, 6090 Woodson St, Mission, Kansas, at which time all interested persons will be heard.

Kansas State Statute requires that the City of Mission notify property owners within 200 feet of the subject property regarding this proposed change in land use. The application and complete legal description are on file and available for public inspection in the Community Development office at 6090 Woodson St, Mission, Kansas.

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Audrey McClanahan,  
Planning Commission Secretary

**STAFF REPORT**  
**Planning Commission Meeting June 24, 2019**

**AGENDA ITEM NO.:** 2.

**PROJECT # / TITLE:** Case # 19-04

**REQUEST:** Non-Conforming Situation Permit

**LOCATION:** 5966 Barkley  
Mission, Kansas 66202

**PROPERTY OWNER/  
APPLICANT:** Richard Jacobsen  
President  
Valvoline Instant Oil Change  
10150 Wornall Road  
Kansas City, MO 64114

**PUBLIC HEARING:** None

**STAFF CONTACT:** Brian Scott, Assistant City Administrator



**Property Information:**

Zoning of the Subject Property

The subject property is currently zoned “C-2B” - Retail and Service District.

Surrounding properties are zoned and developed as follows:

West: “CP-2B” Retail and Service District - Diamond Auto Wash

South: “C-2B” Retail and Service District - Sonic

East: “C-2A” Pedestrian Oriented Business District - Vacant Lot

North: “C-2B” Retail and Service District - Cornerstone Commons

Comprehensive Plan Future Land Use Recommendation for this area:

The Comprehensive Plan indicates this area as mixed-use, with medium density appropriate for residential, office, and retail uses.

**Background:**

The structure currently on this property is a one-story, oil change and lube business built in 1989. There is a basement as well. The structure has a facade that is primarily brick with a parapet around the top constructed of wood. The brick is beige in color, or light tan, and the parapet a dark blue.

Though always an oil change and lube business, the property has been under different ownerships over the years. It was most recently a JC Speedy, which closed this winter.

**Proposed Improvements:**

The applicant is interested in purchasing the property and re-opening it as a Valvoline Instant Oil Change. The applicant would like to replace the existing parapet with an EFIS that incorporates a bump-up, or raised corner, for the store sign.

Five parking stalls are proposed on the west boundary of the property for employee parking. Work will need to be done to the surface of the lot consisting of patching holes, sealing, and re-stripping. Drainage issues on the south side of the building where water runs across the existing sidewalk will need to be addressed.

A landscaping plan is proposed showing additional trees on the east side of the property and bushes around the front drive that will somewhat conceal the cars and activity that is occurring in the building.

Signage will be reviewed and approved under a separate application with the City. There is an existing monument sign on site.

**Zoning:**

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

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

The existing use is permitted within this zoning district, and the structure and overall property comply with the stipulations of the zoning district in terms of height, setbacks and parking.

This property is also located in the West Gateway overlay district, which stipulates the application of the Form Base Code. The subject property is located within Block "S" of the West Gateway overlay district plan, which stipulates mid-rise structures (2 to 4 stories in height) and high-rise structures (5 to 16 stories in height) with parking structures behind.

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

- C. There is hereby incorporated herein by this reference the "Form Based Code for the West Gateway Study Area" ("Form Based Code"), copies of which are on file in the City offices. The Form Based Code shall be applicable to the West Gateway District.
  - 1. Designs and uses set forth in the Form Based Code shall govern all facets of the development or redevelopment in the West Gateway Study Area, *except as indicated in Sections 420.130 through 420.230 (emphasis added)*.

Section 420.190 - Non-Conforming Site Improvements states:

- A. On lots with non-conforming site improvements, no additions to or repairs or renovations of any structure or site improvement may be made without first either bringing the non-conforming site improvements into complete conformity with the regulations applicable to the zoning district in which the lot is located or obtaining a non-conforming situation permit pursuant to this Section. Provided however, that this Section shall not apply to the following circumstances:
  - 1. Repairs or restoration of a structure pursuant to Subsection (B) of Section 420.170; or
  - 2. Minor repairs or renovation of a structure or site improvement.
- B. For purposes of this Section, "*minor repairs or renovation*" shall mean repairs or renovation costs which do not exceed ten percent (10%) of the structural value of a structure or site improvement.

- C. When an addition to or repairs or renovation of any structure or site improvement is proposed on a lot with a non-conforming site improvement(s), the Board of Zoning Appeals (in the case of a conventional zoning district) or the Planning Commission (in the case of a planned zoning district) may approve a non-conforming situation permit allowing such addition or repairs or renovation if it finds that:
1. The non-conforming site improvement(s) is the only non-conforming situation pertaining to the property.
  2. Compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible.
  3. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.
- D. For purposes of Subsection (C), mere financial hardship does not constitute grounds for finding that compliance with the site improvement requirements is not reasonably possible.

**Analysis:**

While the existing structure conforms to the C-2B base zoning, it does not conform to the Form Based Code in terms of height and setbacks. Any improvements to the structure would need to comply with the Form Based Code except for those improvements that fall within Section 420.130 through Section 420.230 of the Code pertaining to non-conformity. Section 420.190, in particular, pertains to non conforming site improvements, which would be the case with the subject property.

Section 420.190 states;

(N)o additions to or repairs or renovations of any structure or site improvement may be made without first either bringing the non-conforming site improvements into complete conformity with the regulations applicable to the zoning district in which the lot is located or obtaining a non-conforming situation permit (emphasis added) pursuant to this Section. Provided however, that this Section shall not apply to the following circumstances:

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

Section 420.170 - Repair, Maintenance and Restoration - pertains to the routine repair and restoration of non-conforming structures, or repair and restoration resulting from a fire or some other type of damage to a structure. This would not be applicable to the situation at hand with the subject property.

Minor repairs or renovation of a structure is defined as anything less than 10% of the value of the structure. The Johnson County Appraiser indicates the value of the structure to be \$89,680. Ten percent of this amount would be \$8,900.

Thus, subsection "C" of Section 420.190 becomes applicable.

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

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

**Suggested Findings of Fact - Section 420.190 Non-conforming Site Improvements.**

The Planning Commission makes the following findings of fact in granting a non conforming situation permit to the applicant for the property located at 6591 Johnson Drive:

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

The structure itself is the primary non-conforming situation on the property. The Form Based Code stipulates a mid-rise structure with a minimum height of two stories and a setback of no more than ten feet. The current structure is only one story and is approximately 65 feet from the front property line. The proposed improvements to the structure are cosmetic in nature and will not add to or increase the non-conformity of the structure. The structure, and property as a whole, complies with all aspects of the base zoning district.

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

The Form Based Code stipulates a mid-rise structure with a minimum height of two stories and a setback of no more than ten feet. The current structure is only one story and sits further back from the property more than 10 feet. To comply with the Form Based Code would mean that the structure needs to be substantially renovated, or demolished and rebuilt altogether, which is not reasonable possible.

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

The property has existed as is for nearly 30 years without an adverse impact to surrounding properties. The property directly to the west is also an auto oriented service provider. The proposed improvements are cosmetic in nature and will not substantially change the structure, and thus will not have any impact on the

surrounding properties. In fact, as presented, the improvements will provide a fresh look to the structure that is more in keeping with other recent developments and facade improvements in the area. Elements of the proposed design including materials, signage, landscaping, and sidewalk do comply with the Form Based Code as well as the Johnson Drive Design Guidelines.

**Staff Recommendation**

Staff recommends the Planning Commission adopt the findings of fact contained in this staff report and grant a non-conforming situation permit for Case # 19-04 - 5966 Barkley Permit for Non Conforming Situation with the following condition:

1. The surface of the lot will need to be patched, seal coated, and re-stripped.
2. Drainage issues on the south side of the building where water runs across the existing sidewalk will need to be addressed.

**Planning Commission Recommendation**

Planning Commission will meet on Monday, June 24, 2019 to consider Case # 19-04 - 5966 Barkley Permit for Non Conforming Situation.

**City Council Action** - No City Council action is needed.

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**5966 Barkley Street**

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**dick.jacobsen@westcolube.com** <dick.jacobsen@westcolube.com>

Wed, May 29, 2019 at 10:02 AM

To: bscott@missionks.org

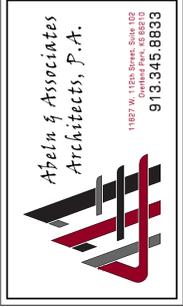
Cc: mabeln@abelnarchitects.com

Brian

As you are aware, my company Westco Lube is in the process of attempting to purchase the closed quick lube facility at 5966 Barkley Street. I would like to request to be added to the next available city Council agenda for consideration of obtaining a non conforming use permit for a Valvoline Instant Oil Change/auto lube and oil change business. Thank you for your consideration, Dick

Sent from my iPhone

Preliminary  
Not for Construction



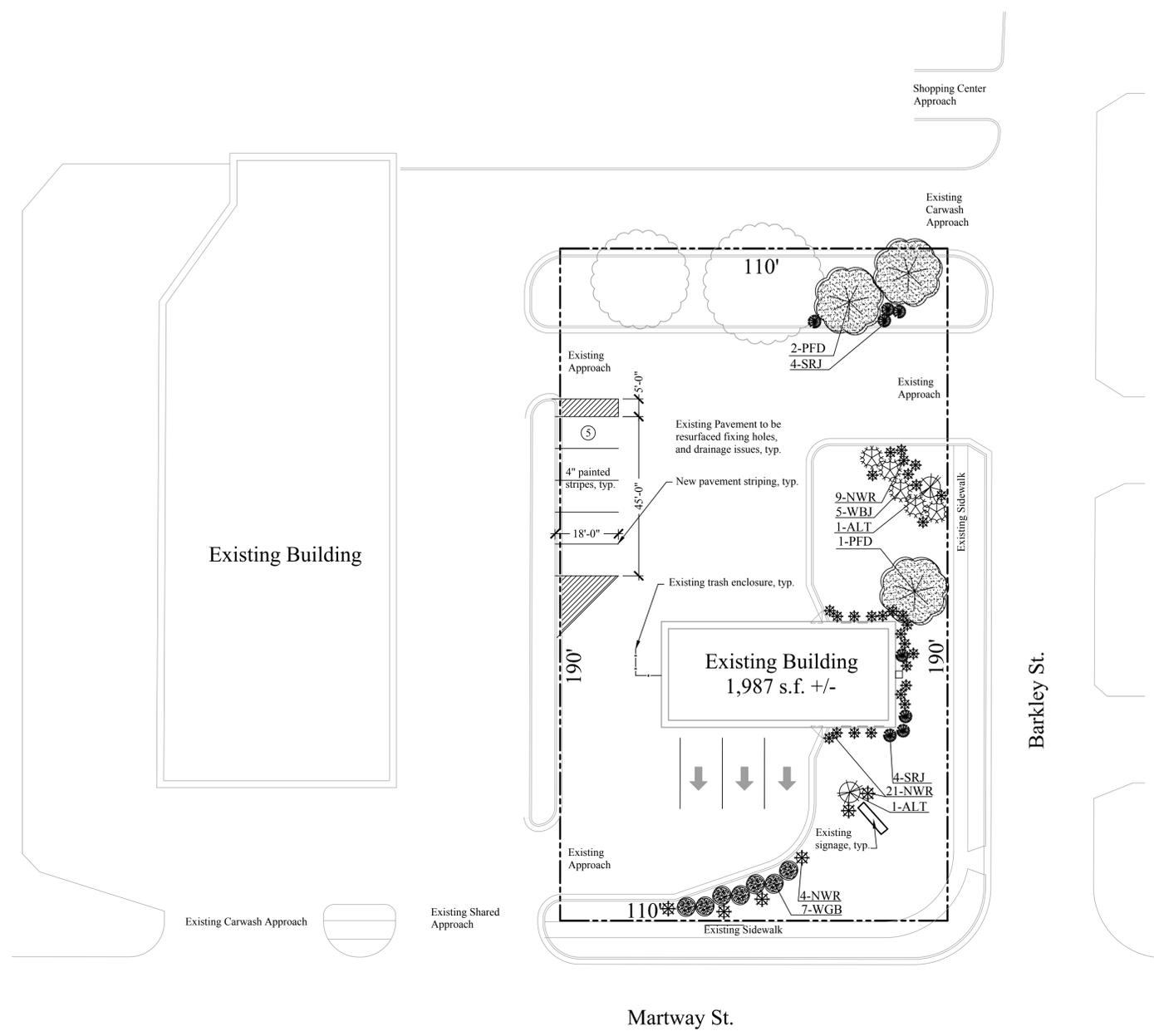
HLH / MLA

VIOC - Mission  
5966 Barkley St.  
Mission, Kansas

Project # - 1927

DATE  
May 30, 2019  
revisions

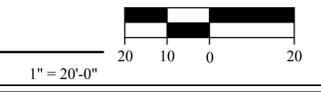
SHEET NUMBER  
SP-1  
Site Plan & Details



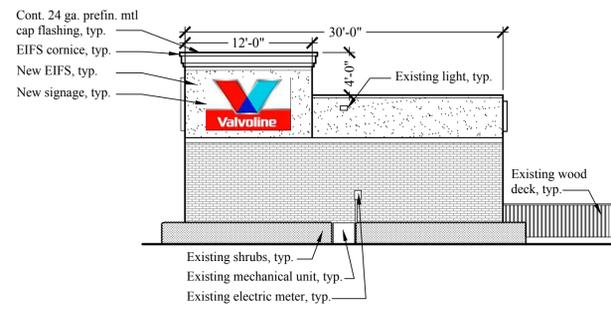
Landscape Schedule					
Key	Common Name	Botanical Name	Quantity	Size	Condition
PFD	Dogwood - Pink Flowering	Cornus florida f. ruba	3	6'-8" tall	Potted
ATR	Rose of Sharon - Althea	Hibiscus syriacus (mixed colors)	2	4' high	Potted
NWR	Rose - Nearly Wild	Rosa rugosa 'Nearly Wild'	34	2 gallon	Potted
SRJ	Juniper - Skyrocket	Juniperus virginiana 'Skyrocket'	8	4' high	Potted
WGB	Boxwood - Winter Gem	Buxus sinica var. insularis 'Winter Gem'	7	12" - 18" high	Potted
WBJ	Juniper - Wichita Blue	Juniperus scopulorum 'Wichita Blue'	5	4' high	Potted



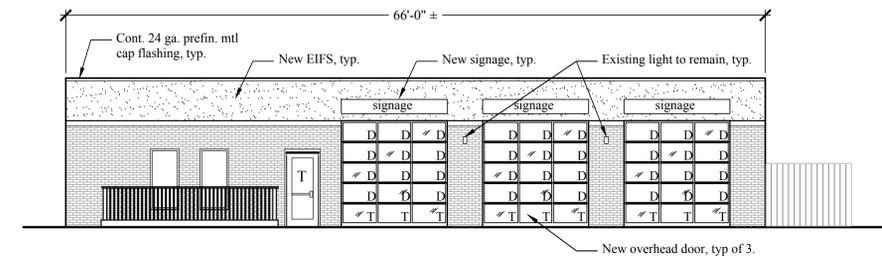
1 Site Plan w/ Proposed Landscaping



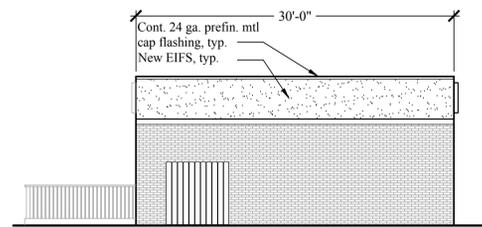
Preliminary  
Not for Construction



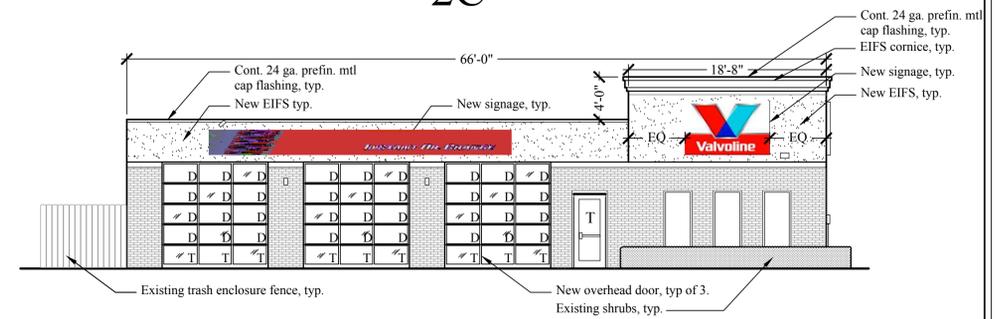
2D East Elevation



2C North Elevation



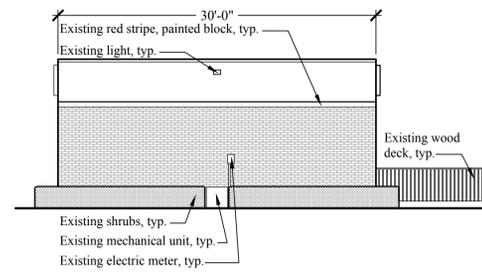
2B West Elevation



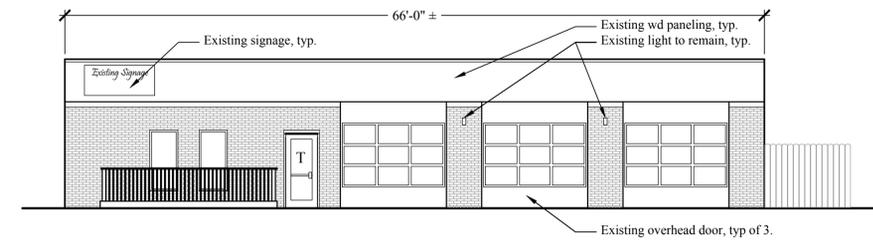
2A South Elevation

2 Elevations (Proposed)

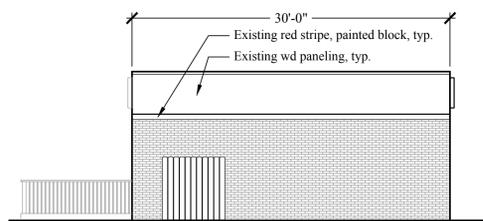
1/8" = 1'-0"



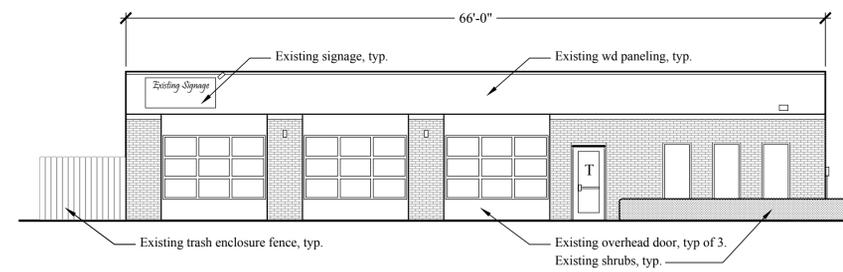
1D East Elevation



1C North Elevation



1B West Elevation



1A South Elevation

1 Elevations (Existing)

1/8" = 1'-0"



HLH / MLA

VIOC - Mission  
5966 Barkley St.  
Mission, Kansas

Project # - 1927

DATE

May 30, 2019  
revisions

SHEET NUMBER

A-301

Elevations



## MEMORANDUM

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**Date:** June 18, 2019

**To:** Chairman Lee and Planning Commissioners

**From:** Brian Scott, Assistant City Administrator

**RE: Proposed Parking Lot Reconfiguration for 6591 Johnson Drive**

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At the last Planning Commission meeting on May 20th, the Commission consider Case # 19-02, Non-Conforming Situation Permit for 6591 Johnson Drive. This case pertained to the renovation of the former Taco Bell restaurant to a Slim Chicken restaurant.

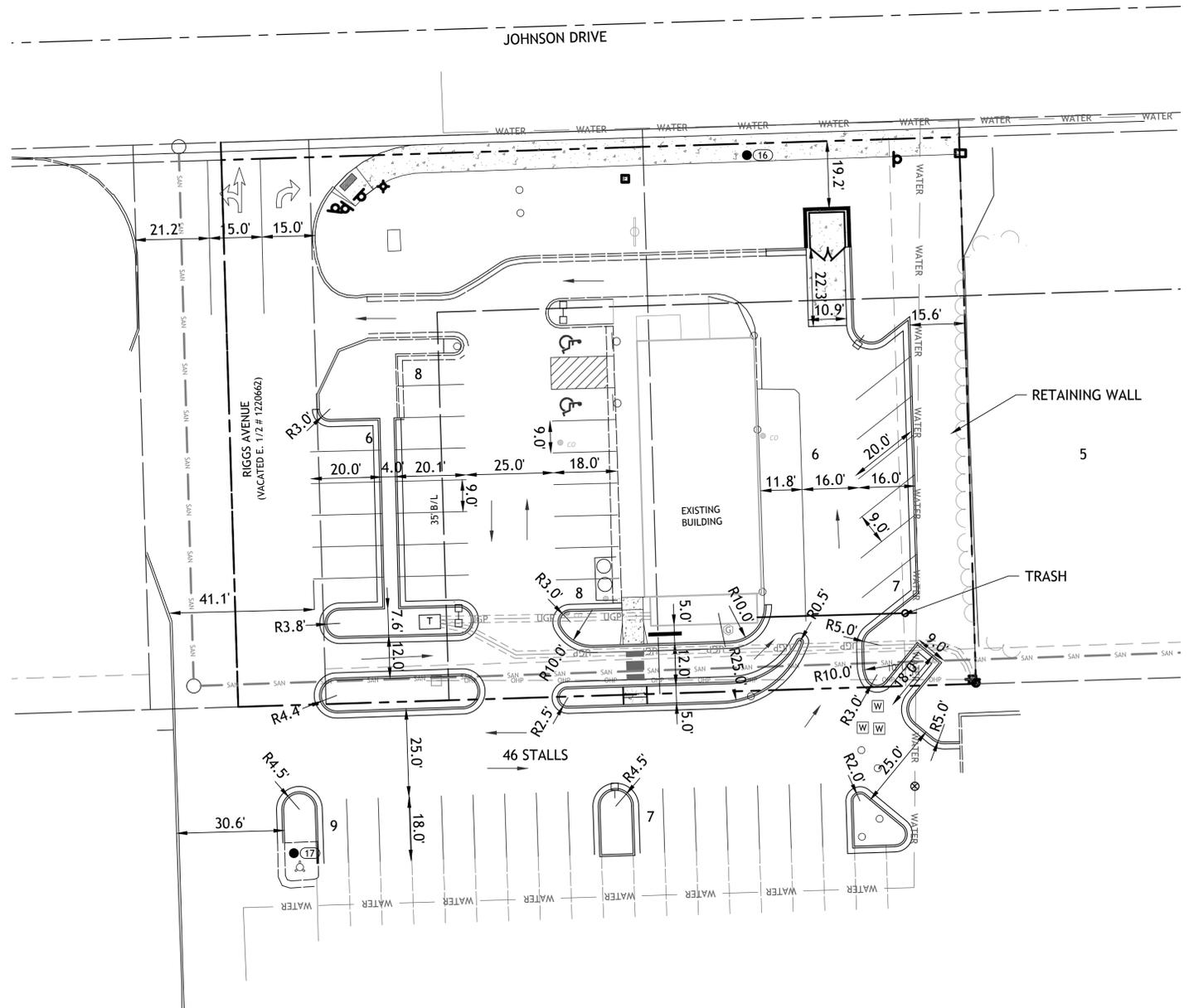
At the meeting, Commission Dukelow suggested a reconfiguration of the proposed parking lot changes on the west side of the lot by providing angled parking along the drive out of the shopping center, and adding a grass median between these stalls and the adjacent stalls on the interior of the lot.

The applicant provided staff two options, one with angled parking and one with perpendicular parking. After discussing the options, it was decided that the perpendicular option would be the best fit.

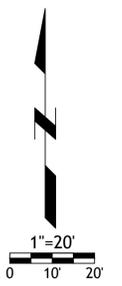
The parking is intended to serve the shopping center as well as the Slim Chickens restaurant. The concern that the applicant had is that the angled parking may not be used to its full advantage by vehicles coming into the shopping center given the difficulty of maneuvering a vehicle into one of those stalls. The vehicle would, instead, have to drive through the parking lot of the shopping center and come around in the opposite direction to access the angled parking stalls. The perpendicular parking will allow for easier maneuverability and discourage driving through the shopping center lot. There will be a four foot grass median between the two rows of parking.

Drawings and/or Specifications are original proprietary work and property of the Engineer and intended specifically for this project. Use of items contained herein without consent of the Engineer is prohibited. Drawings illustrate best information available to the Engineer. Field verification of actual elements, conditions, and dimensions is required.

Revisions



**SLIM CHICKEN**  
 M16591 JOHNSON DRIVE  
 MISSION, KANSAS





## **REQUEST FOR PROPOSALS**

**FOR**

# **Comprehensive Land Use Plan Update**

The City of Mission is seeking proposals from a qualified consulting firm, or a team of consultants, to assist the City in the update of its comprehensive land use plan.

Interested parties should submit four (4) hard and (1) digital copy of a proposal in a sealed envelope to the City Clerk's office at Mission City Hall, 6090 Woodson, Mission, KS 66202.

**RESPONSES MUST BE RECEIVED BY  
FRIDAY, XXXXX, 2019 at 5:00 P.M. CDT**

**Questions regarding this RFP may be submitted in writing to:**

Brian Scott, Assistant City Administrator

6090 Woodson Street

Mission, KS 66202

[bscott@missionks.org](mailto:bscott@missionks.org)

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## 1. INTRODUCTION

The City of Mission is seeking proposals from a qualified consulting firm, or a team of consultants, to assist the City in the **update of its comprehensive land use plan**.

A full Request for Proposals (RFP) can be obtained from the City's website – [www.mission.org](http://www.mission.org). The RFP contains proposed scope of work and requirements for submittal. Any revision to the RFP, or additional information to be provided, will be through addenda published on the City's website. All respondents must verify with their submittal that they have received and considered all addenda.

**To be considered, four (4) hard copies and one (1) digital copy of a proposal should be submitted in a sealed enveloped labeled "Land Use Plan Update" to the City Clerk's Office, Mission City Hall, 6090 Woodson St., Mission, KS 66202 by 5:00 p.m. CDT, Friday, XXXXXXXXX, 2019.** Any proposals received after this date and time will be returned unopened.

Questions regarding this RFP should be submitted in writing to:

Brian Scott  
Assistant City Administrator/Finance Director  
City of Mission  
6090 Woodson  
Mission, KS 66202  
[bscott@missionks.org](mailto:bscott@missionks.org)

The City will not pay for any information herein requested, nor is it liable for any costs incurred by those responding to this RFP. The City reserves the right to select the proposal that best meets the needs of the City and to waive any informalities, technicalities, or irregularities in the proposal. Proposals that do not meet the stated requirements will be considered in non-compliance and will be disqualified unless the City waives such non-compliance.

## 2. BACKGROUND

### 2.1. The City of Mission

The City of Mission (hereafter, City) is a municipal corporation organized under the Kansas state statutes. The City serves a population of approximately 9,500 residents within a 2.87 square mile area located in Northeast Johnson County, Kansas; two miles west of the Missouri/Kansas boarder.

The City is comprised of five operating departments: administration, community development, police, public works, and parks and recreation. The City has 72 full-time employees and an annual operating budget of approximately \$12 million. Respondents unfamiliar with the City can find more information online at the City's website, <http://missionks.org/>.

## 2.2. History

Today, Mission is a mature, first tier suburban community within the larger Kansas City metropolitan area. The city is located in the northeast portion of Johnson County, Kansas – just two miles due west of the Missouri/Kansas border and the city of Kansas City, Missouri. However, nearly 200 hundred years ago, the area was a wilderness that lay just beyond the border of the newly formed state of Missouri, and at the edge of a vast, open prairie.

The first “settlers” where members of the Shawnee Indian tribe that were relocated to the Kansas Territory as part of the 1830 Indian Removal Act. Missions were soon established in the area by well-intentioned Christians to help assimilate the Indians to the ways of “white people.” The missionaries taught reading and writing to the Indian children and farming techniques and household practices to the Indian adults. The Shawnee Baptist Mission, was established by the Rev. Isaac McCoy in 1831 in the vicinity of 55th Street and Walmer in present day Mission. The Shawnee Methodist Mission was established in 1839, just a mile to the east, by the Rev. Thomas Johnson, for whom Johnson County derives its name. These missions, and their association with the Shawnee Indian tribe, is what has given this part of Johnson County its identity as “Shawnee Mission.”

By the 1840s, the Santa Fe, Oregon and California Trails had become established corridors through the area for those going west. Departing from the Westport settlement in what is today the mid-town area of Kansas City, Missouri, these trails passed directly through present day Mission from approximately 53th Street and Nall Avenue on the east to Broadmoor Park on the west where they split, the Santa Fe Trail going to the south and the Oregon and California Trails continuing west. Local history has it that there were two watering stops in Mission in the area of 5920 Maple and 6201 West 61st Terrace.

With the passage of the Kansas-Nebraska Act in 1854 the area started to be quickly settled by those wanting to establish homesteads. One of the first families to settle in the area of present day Mission was that of Washington Cross who purchased approximately 200 acres from a Shawnee Indian named John Prophet. Washington Cross and his wife are buried on their original homestead. The grave site is preserved at the corner of Lamar Avenue and Johnson Drive in the heart of Mission. Other families soon followed including the Walmer, Breyfogle, Barkley, Miller, and Roe families. These families would become some of the leading families of Johnson County in the later part of the 19th Century.

The Kansas City Interurban Railroad was established in 1906 by William B Strang, Jr. The railroad ran from downtown Kansas City, Missouri through northeast Johnson County to Olathe. Strang utilized the Interurban as a commuter line for people that were moving to newly platted residential areas that he had established just to the south of present day Mission in what would become Overland Park. The rail line followed much of the same path as the Santa Fe Trail, passing through Mission with two stops, Morrison Ridge stop near 53rd

Street and Lamar Avenue and the Goodman Station stop located at Herald's corner near Metcalf Avenue and Johnson Drive.

With the advent of the automobile a few decades later, commercial businesses started to be built along Johnson Drive providing services and goods for the growing number of residents. The first business was a pharmacy established in 1928 by John Morrow. The first independent grocery store was established by Oral Rider in the early 1930's. Mack Hardware, which is still in operation today, was established in 1937. And, the Dickenson movie theater was built in 1938. By the end of the 1940's the stretch of Johnson Drive from Nall to Lamar Avenues had become a thriving commercial corridor with a variety of stores and businesses. Many of the one-story, brick buildings that housed these businesses still stand today, serving as the core of Mission's downtown business district. The first residential plat was established as Mission Hills Acres in the 1930's. The subdivision comprised portions of the original Cross family farm.

The end of the Second World War brought a flood of young families seeking new housing opportunities beyond the traditional urban setting of Kansas City. The rural farmsteads that had made up northeast Johnson County quickly gave way to suburban style subdivisions with single-family homes. This rapid growth led to demands for more formal land use control, planning, and services including public safety and utilities. In short succession the area of northeast Johnson County began to be incorporated into distinct communities such as Fairway, Roeland Park, and Mission. Mission was formally incorporated as a city on July 2, 1951 with a population of approximately 1,500 residents.

With an established commercial district along Johnson Drive and easy access provided by U.S. 69 Highway (Metcalf Avenue) to the west and U.S. Highway 50 (Shawnee Mission Parkway) to the south, the city began to see rapid growth in the residential, retail/business, and office sectors. The Mission Shopping Center, one of the first suburban malls in the nation, was built in 1956. Other businesses soon followed and by the 1970s the city was at its zenith as the commercial hub of Johnson County.

Today Mission is a fully developed city with a population of just under 9,500. Its growth and development is now in the form of regeneration. Many of the young families that originally moved to the city during the early days have now grown and moved on, leading to a generational turnover of new young families. And, new development opportunities are in the form of redevelopment of older commercial sites. The city stills remains a vibrant, prosperous community with a strong future.

### 2.3. Current Land Use Patterns

The boundaries of Mission comprise the northern boundary of Johnson County, Metcalf Avenue (U.S. 69 Highway) on the west, Shawnee Mission Parkway, and 63<sup>rd</sup> Street between Lamar Avenue and Nall Avenue to the south, and Nall Avenue to the east with a bump out bounded by Shawnee Mission, Roe Avenue, and Johnson Drive on the east.

Johnson Drive is Mission’s “Main Street.” Johnson, and Martway to the south, serve as the community’s commercial corridors. The Gateway, a 540,000 square foot mixed-use development comprised of apartments, retail, a hotel, and entertainment venue, is currently under development at the east end of Johnson Drive.

Traveling west properties along Johnson Drive are mostly commercial office and retail/service with an auto orientation. Building construction varies in size, architectural style, and age. Crossing Nall Avenue brings the traveler into the historic, Johnson Drive corridor with one-story brick commercial buildings dating from the 1930s. This portion of Johnson Drive from Nall to Lamar Avenue underwent an extensive reconstruction five years ago with full-depth reconstruction of the street, new sidewalks, planter boxes, street lights, and streetscape. This project was recognized by..... Just east of Lamar Avenue, the Mission Trails luxury apartment complex is currently under construction at Johnson Drive and Beverly. This five-story 200 unit apartment building will share a block with the City’s Community Center (built in 1998) and Mission Square senior housing complex (built in 2004).

Continuing west across Lamar Avenue, the traveler encounters more auto-centric, commercial development including fast food restaurants, shopping centers, and large retailers such as a Hy-Vee grocery store and a Target. To the north and south of Johnson Drive, east of Metcalf, is an area made up of retail/service properties and office buildings. The City adopted a form based code in 20XX for future development in this area of the city. Examples of the implementation of this can be seen in the Mission Crossing development at Metcalf, Martway, and Broadmoor and the Cornerstone Commons development at Johnson Drive and Barkley.

Properties to the north of Johnson Drive, along Foxridge Drive, are zoned multi-family and comprise various apartment complexes built in the 1970’s and 80’s. The rest of the land area to the north of Johnson Drive is comprised of mostly of single-family dwellings ranging in age from 50 to 70 years. Properties to the South of Shawnee Mission Parkway (mostly the Mill Haven subdivision) are newer single-family dwellings dating from the 1960’s and 70’s.

#### 2.4 Current Comprehensive Land Use Plan and Master Plans

The City has had a series of Comprehensive Land Use Plans dating back to the 1960s. The most current was adopted in 2007. In addition, the City developed the East Gateway master plan in 2004 in conjunction with the Cities of Fairway and Roeland Park. This plan provides a vision for the type of development that is desired by the three communities that share a border on Mission’s east side. The West Gateway Vision Plan, and the corresponding form based code, were adopted by the City in 2007. The Johnson Drive Design Guidelines establishes guidelines for the look and feel of development along Johnson Drive. These plans, and other plans and relevant documents can be found at: [www.missionks.org/documents and forms/community development documents](http://www.missionks.org/documents%20and%20forms/community%20development%20documents).

## 2.5 Various City Initiatives

The City has also become actively involved with a number of regional initiatives through the Mid-America Regional Council including Community for All Ages and the First Tier Suburbs Coalition. The City also has an active Sustainability Commission and is considering

## 3. SCOPE OF SERVICES

### 3.1. Purpose

The City is seeking to update its Comprehensive Land Use Plan through a highly interactive process with various community stakeholder groups. It is expected that the end product will be a plan that reflects the aspirations and values of the community in land development and redevelopment for the next 20 to 25 years. The adopted update will meet the provision of K.S.A 12-747.

### 3.2. Review of Existing Plans

The selected firm will need to familiarize themselves with the current Comprehensive Land Use Plan as well as other area master plans, studies, and specific task force recommendations. This review should not only be for background, but also toward an eye if these plans are still relevant and the recommendations applicable.

### 3.3. Review of Community Trends

The selected firm will review current community demographic information as well as past demographic information. Projected trends for population, demographic make-up of households and income will be developed from this information.

Likewise, past housing and commercial real estate trends should be examined with the intent of projecting trends for the future.

It is expected that the final plan will contain recommendations to address emerging trends that may be either opportunities for the City to build on or threats to be aware of and address.

### 3.4. Community Satisfaction Survey

The City will conduct a Community Direction Finder Survey in conjunction with the process to update the Comprehensive Land Use Plan. This will be the third survey that the City has done through ETC Institute of Olathe, Kansas. It is expected that the selected firm will review

the results of this survey, as well as past ones, to identify any key themes or trends in regards to land use and development in the community.

### 3.5. Market Economic Analysis

The selected firm will need to develop understanding of the current market economic conditions of the city, and be prepared to provide an analysis of the potential economic impact that land use recommendations may bear on the community.

### 3.6. Transportation Component

The selected firm will need to review the City's current capital improvement plan and any other plan pertaining to roads and streets, sidewalks and trails, and transit to develop an understanding of the City's current transportation plans. The selected firm will also need to evaluate the need for any updates to these plans.

### 3.7. Community Engagement

The selected firm will assist the City in leading a highly interactive process for updating the Comprehensive Land Use Plan. It is expected that the process will include an advisory committee made-up of representative sampling of the community (business owner, property owner, home owner, renter, new resident, old resident, young resident, mature resident, etc.). This advisory committee will provide guidance in identifying key areas of focus for the plan update and key stakeholders and desired public input processes. It is expected that there will be one to two public workshops, one or two focus groups and several stakeholder interviews and a joint City Council / Planning Commission workshop.

### 3.8. Preparation and Presentation of a Draft Plan

The selected firm will prepare a nearly finished, draft plan that will be presented to the Advisory Committee, Planning Commission and City Council as well as in a general public forum. The presentation should include a methodology or process for gathering input and weighting the value of the input on the final plan.

### 3.9. Preparation and Final Plan

A final, complete update to the Comprehensive Land Use Plan will be completed and presented to the Planning Commission and City Council for formal adoption in per K.S.A 12-747. The plan will be an electronic form that can be posted on the City's web site.

## 4. SUBMITTAL REQUIREMENTS AND TIMELINE

### 4.1. Submission of Response

Those desiring to submit a response to this RFP shall **submit four (4) hard copies and one (1) digital copy of their proposal to the City Clerk’s Office by no later than 5:00 p.m.(CT), Friday, XXXXX, 2019.** Submission should be clearly marked “Land Use Plan Update” and addressed to:

City Clerk  
 City of Mission  
 6090 Woodson St.  
 Mission, KS 66202

Submissions received after the date and time stated in this RFP shall not be considered. Any submissions received after the deadline shall be returned unopened providing the entity submitting the response is identified on the response envelope.

4.2. Submission Timeline

The following is a list of key dates for consideration of proposals:

Event	Date
RFP Issued	
Last Day for Addenda	
Due Date for Submittals	
Initial Review of Submittals	
Interviews	
Selection and Final Contract Negotiation	
City Council Consideration	
Notice to Proceed Issued	

4.3. Contents of Submittals

To be considered for selection, proposals shall be (1) clear and concise, (2) responsive to all RFP requirements, and (3) presented in the form of a written report with the following subheadings clearly marked:

1. Cover Letter
2. Experience of the Firm
3. Project Team Organization
4. References
5. Project Approach
6. Appendix A – Acknowledgement of Addenda

4.3.1. Cover Letter (Limit One (1) Page)

Submit a cover letter signed by an individual authorized to obligate the Respondent to fulfill the commitments contained in the proposal. The letter must include the following: (1) a contact for all communication pertaining to the proposal (including

name, position, address, direct phone number and email); (2) a statement of the Respondent's understanding of the scope of services to be provided and overall ability and qualifications to successfully fulfill the scope of services; and (3) acknowledgment by respondent that it meets all requirements for award of a contract.

4.3.2. Experience of the Respondent / Statement of Qualifications (Limit Two (2) Pages)

Provide a brief description of the Respondent including length of time in business, services provided, and any certifications and/or affiliations that may be relevant. Provide sufficient information in the proposal for the selection committee to evaluate the ability and experience of the Respondent to successfully fulfill complete the scope of services.

4.3.3. Project Team Organization (Limit Two (2) Pages)

Describe the Respondent's team that is being proposed for the project. In particular, describe how the proposed team will be organized to provide the requested scope of services. If any sub-consultants are proposed, indicate who these are and if they have a track record of successful projects with the Respondent.

4.3.4. References (Limit Two (2) Pages)

List the most significant projects (maximum of 5) performed in the last five years that are similar to the project described in this RFP. Entities located within the Kansas City area are preferred, but not required.

Indicate the date, scope of services, and total cost of the projects; and the name and telephone number of the principal client contact. The City reserves the right to contact the clients listed to perform reference checks.

4.3.5. Project Approach (Limit Four (4) Pages)

Provide a detailed description of the process for accomplishing the services outlined in the Scope of Work. Note any methods for accomplishing what is desired in the most efficient manner. Suggest anything that may not be mentioned in the Scope of Work, but may be beneficial for the process.

4.3.6. Appendix G – Acknowledgement of Addenda

Respondent should complete and sign the Acknowledgement of Addenda as found in Appendix A of this RFP.

4.4. Questions and Addenda

Questions regarding this RFP may be addressed to:

Brian Scott  
Assistant City Administrator/Finance Director  
6090 Woodson  
Mission, KS 66202  
bscott@missionks.org

Questions must be submitted in writing.

Any addenda will be sent to all that attend the mandatory pre-submittal with answers to further questions or clarifications of the RFP. Addenda will be posted on the City's website as well.

The last date for addenda to be issued will be **XXXXXX, 2017**, except for an addendum extending the date of submission or withdrawing the RFP.

#### 4.5. General Requirements and Stipulations with Submission

The City reserves the right to reject any or all submissions and to waive any minor informality, technicality or irregularity in any submission.

All responses, and related reference information, submitted in response to this RFP will become the property of the City and will not be returned. Each Respondent submitting a response waives any right of confidentiality as to the response documents. If a Respondent submitting a response considers certain material in the response proprietary information, it shall clearly designate those portions of the response it wishes to remain confidential. As a public entity, the City is subject to making records available for public disclosure. The City will attempt to maintain confidentiality of material marked proprietary; however it cannot guarantee that information will not be made public.

The City reserves the right to (1) accept or reject any and all submissions and to waive any technicalities or irregularities involving any submission and to cancel the RFP process at any time prior to entering into an agreement, (2) not award a contract for any or all of the services that are the subject of this RFP process, (3) negotiate a contract terms acceptable to the City with the respondent and (4) disregard all nonconforming, non-responsive or conditional submissions.

During the evaluation process, the City reserves the right to request additional information or clarifications from those Respondents submitting proposals and to allow corrections of errors and/or omissions.

Submission of a proposal indicates acceptance by the Respondent submitting the proposal of the terms, conditions and specifications contained in this RFP to include any contract requirements set forth herein.

The City will not pay for any information herein requested, nor is it liable for any costs incurred by those Respondents submitting proposals. The City reserves the right to select the

submission that will best meet the needs of the City. Submissions that do not meet the stated requirements will be considered in non-compliance and will be disqualified unless the City waives such non-compliance.

No submission may be withdrawn for a period of ninety (90) days from the date set for the opening thereof.

By submission of a response, each Respondent submitting a proposal certifies and acknowledges that:

- a. It has not paid nor agreed to pay any person, other than a bona fide employee, a fee or brokerage fee resulting from the award of the RFP.
- b. The City may, by written notice to the respondent submitting the response, reject the RFP or cancel any award under this RFP if it is found by the City that gratuities, in the form of entertainment, gifts or otherwise were offered or given to any representative of the City with a view toward securing an agreement or other favorable treatment with respect to this RFP or the entity submitting the response participated on collusion with another entity to restrain or eliminate competition.
- c. The contents of this RFP and any clarifications distributed or issued by the City shall become part of the contractual obligation and incorporated by reference into the ensuing contracts as the City deems appropriate.

**Appendix A – Acknowledgment of Addenda**

Respondents will need to complete this and sign this acknowledgment that it has received and considered all Addenda that were issued in relation to this RF.

\_\_\_\_\_ (Vendor) does hereby certify that we have received any and all addendum issued by the City of Mission in relation to the Request for Proposals for:

TCP/IP Based Video Surveillance System

And, that Vendor has reviewed and understands each addenda issued and has developed its response to the Request for Proposals in accordance with said addendum.

Name of Respondent: \_\_\_\_\_

Address of Respondent: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of Individual of Respondent with Authority to Sign on Behalf of Respondent:

\_\_\_\_\_

Title of Individual:

\_\_\_\_\_

Signature:

\_\_\_\_\_