



**CITY OF MISSION, KANSAS**  
**FINANCE & ADMINISTRATION COMMITTEE AGENDA**

**WEDNESDAY, MARCH 6, 2024 at 7:30 p.m.**  
**(or immediately following 6:30 p.m. Community Development Committee)**

**MISSION CITY HALL**  
**6090 Woodson Street**

**Meeting In Person and Virtually via Zoom**

*This meeting will be held in person at the time and date shown above. This meeting will also be available virtually via Zoom (<https://zoom.us/join>). Information will be posted, prior to the meeting, on how to join at <https://www.missionks.org/calendar.aspx>. Please contact the Administrative Offices, 913.676.8350, with any questions or concerns.*

**PUBLIC COMMENTS**

**PUBLIC PRESENTATIONS / INFORMATIONAL ONLY**

**PLANNING COMMISSION ACTION ITEMS**

**ACTION ITEMS**

1. Acceptance of the February 7, 2024 Finance & Administration Committee Minutes - Robyn Fulks ([page 3](#))

Draft minutes of the February 7, 2024 Finance and Administration Committee meeting are included for review and acceptance.

2. Mission Bowl Apartments, LLC (Sunflower Development Group) Funding Agreement – Laura Smith ([page 20](#))

Mission Bowl Apartments, LLC (Sunflower Development Group) is interested in doing a second phase of their multi-family project currently under construction on the former Mission Bowl property located at 5399 Martway Street. The preliminary development plan for the 96-unit (+/-), mixed use (multi-family residential and retail) structure on property to the east of Phase I was approved in the summer of 2023. The Developer intends to submit a TIF Application as well as an IRB Application for the sales tax exemption associated with the purchase of construction materials. Before the City spends time or resources reviewing the request, a funding agreement is required whereby the Developer escrows

funds to cover the City's costs in reviewing the incentive request.

3. Declaration of Surplus Equipment – Justin Carroll ([page 35](#))

City Council Policy No. 111 defines the process and procedure for the sale and disposal of real and personal property by the City of Mission, which is also outlined in K.S.A. 12-101. The City Council will be asked to consider a resolution identifying items to be declared as surplus which includes two dump trucks from Public Works and miscellaneous computer equipment from the Parks and Recreation Department, Police Department, and Administration Department.

### **DISCUSSION ITEMS**

4. 2023 Year End Project Status Update – Laura Smith

Staff will review the 2023 Year End Project Status Update. The report will be uploaded to the packet prior to the Committee meeting.

### **OTHER**

5. Department Updates – Laura Smith

**Mary Ryherd, Chairperson**  
**Hillary Parker Thomas, Vice-Chairperson**  
***Mission City Hall, 6090 Woodson St***  
**913.676.8350**

<b>City of Mission</b>	Item Number:	1.
<b>ACTION ITEM SUMMARY</b>	Date:	March 6, 2024
<b>Administration</b>	From:	Robyn Fulks

Action items require a vote to recommend the item to full City Council for further action.

**RE:** February 7, 2024 Finance & Administration Committee Minutes.

**RECOMMENDATION:** Review and accept the February 7, 2024 minutes of the Finance & Administration Committee.

**DETAILS:** Minutes of the February 7, 2024 Finance & Administration Committee meeting are presented for review and acceptance. At the committee meeting, if there are no objections or recommended corrections, the minutes will be considered accepted as presented.

Draft minutes are linked to the City Council agenda packet so that the public may review the discussion from the committee meeting in advance of the Council action on any particular item.

**CFAA CONSIDERATIONS/IMPACTS:** N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA



## **MINUTES OF THE MISSION FINANCE & ADMINISTRATION COMMITTEE**

February 7, 2024

The Mission Finance & Administration Committee met at Mission City Hall and virtually via ZOOM on Wednesday, February 7, 2024. The following Committee members were present: Sollie Flora, Hillary Thomas, Trent Boultinghouse, Cheryl Carpenter-Davis, Ben Chociej, Lea Loudon, Debbie Kring, Brian Schmid and Mary Ryherd. No councilmembers were absent. Councilmember Ryherd called the meeting to order at 7:15 p.m.

The following staff were present: City Administrator Laura Smith, City Clerk Robyn Fulks, Parks and Recreation Director Penn Almoney, and Public Works Director Stephanie Boyce.

### **Public Comments**

Councilmember Ryherd reminded the public they can participate via the chat feature on Zoom. All comments would be visible to the group.

Kim Donoway of Mission, Kansas gave kudos to the Public Works department for filling potholes in the streets so quickly. She also likes the all-abilities playground equipment for the new parks and thanked the City for that. She also stated that, in general, she is against any tax abatement for any project due to the recent rise of mill rates. She believes businesses and residents are upset at having to subsidize projects as Mission is a small community with tight resources. She also believes that multi-family properties are extremely lucrative and does not believe they are in need of tax abatement.

### **Public Presentations/Informational Items**

There were no public presentations or informational items.

### **Action Items**

### **Acceptance of the January 10, 2024 Finance & Administration Committee Minutes**

Minutes of the January 10, 2024 Finance & Administration Committee were provided to the Committee for review.

Councilmember Chociej recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

### **Milhaus Tax Abatement Request**

City Administrator Laura Smith began by providing the Committee a land map for her presentation. She brought online Bruce Kimmel of Ehlers via Zoom as well, and then recapped that a work session was held regarding this project and its status prior to the January 17, 2024 City Council Meeting. Since that meeting, Staff have met with the Developer to provide answers to many of the questions that arose from that work session.

She explained that this is being presented as an Action Item that would potentially move forward to the February 21 Council meeting. She commented that during this meeting the Committee will review the financials from Mr. Kimmel, including the taxes being generated currently by the parcels involved in the project, versus what taxes would be generated during the ten-year abatement period and beyond that, along with highlights from the cost-benefit analysis. Ms. Smith will focus more on the recommended abatement percentage and the increase to 75% from the 72.5% previously recommended. She will review the criteria used to raise cause Staff to feel comfortable recommending the increase. She will also address concerns and questions surrounding Beverly Park and the possible replacement of green space. She also provided estimated rents from Devon Coffey of Milhaus. She noted that, while the sustainability scorecard hasn't been formally presented to the Sustainability Commission, the project has been presented to a sub-committee who has reviewed the score the Developer gave themselves and provided additional feedback. The Developer is still pursuing a One Globe rating from the Green Globes Rating System, and they have also provided an additional list of sustainability enhancements they felt important to share. The scorecard will be updated and shared as a part of a preliminary development plan later in the development process after going through the formal review with the Sustainability Commission as a whole.

Ms. Smith reminded the Committee that one of the first steps in looking at a request for abatement or incentives, is for the City's financial advisor to review the proforma and work with the Developer to answer the question of whether "but for" the use of incentives, could you reasonably expect a Developer to take on the proposed project based on the anticipated rate of return. Once that

threshold is cleared, Staff then evaluates the request in more detail to determine an appropriate abatement percentage.

Mr. Kimmel began by reviewing the existing values of the parcels included in the project, the taxes generated by them currently, and compared that to the taxes that would be generated by the project upon completion. He reviewed the total assessed value of the parcels as they are now \$630,000.00, generating about \$11,800 annually in tax revenue. The Developer is anticipating an appraised value of \$43 million, which is consistent with his team's anticipated value based on appraisals of similar projects. Mr. Kimmel also noted that, once developed, the parcels will be taxed at the residential rate of 11.5% which is lower than the current Commercial Industrial rate of 25% which will yield an assessed value of approximately \$5 million. He noted that multiplying the assessed value by the current mill rate will generate approximately \$93,000.00. Upon abatement, the city will retain 25% of the tax levy of \$23,200.00, twice what is currently being generated from the parcels.

Ms. Smith added that the stormwater utility fees assessed on the parcels are about \$18,000.00 annually and will not be impacted by the abatement, therefore the true property tax revenue will be doubled plus retention of the stormwater utility fees during the 10-year abatement period.

Mr. Kimmel next reviewed an expectation of retention of taxes during the ten-year abatement period using a very conservative percent inflation rate, which covers inflation in the assessed value and/or increases in the mill rate. He believes total inflation would be more than the 3% per year used. Beginning with \$23,000 retained in year one and up to \$30,000 in year ten; after which the city will retain 100% of the taxes bumping those revenues up to about \$125,000 in year eleven.

Mr. Kimmel next reviewed information from a previous abatement request, to speak about how the cost-benefit analysis is factored. He included project specific elements including benefit and cost factors that generate taxes and fees compared to services the City will provide to the building and its tenants. He next reviewed why certain entities will have higher cost-benefit ratios and rate of return, and that is because not all entities have the same kind of revenue generation or costs involved to provide services to developments and residents. He then provided ratios, which are all well above 1%, of the benefit-to-cost ration for every taxing jurisdiction that are relevant to the parcels in question. The Average ROI is positive for each taxing entity as well, and Mr. Kimmel noted

these numbers are only factored for the ten-year period for the abatement. Obviously once the abatement is complete the numbers grow exponentially.

Councilmember Chociey asked if Mr. Kimmel could give an overview of how the two columns on his slide are calculated. Mr. Kimmel explained that they are calculated by looking at the same data in two different ways of calculation based on pure dollars (adding up taxes and fees to be collected and sales tax collection on building materials) using a simple fraction of the benefits being the numerator and the denominator being the cost is how the ratio in the first column is factored. The average ROI is calculated by looking at the same numbers on a percentage basis over the term of the abatement and applies a time value of money as well, which is why the percentages are different based on the discounting back to today's dollars.

Ms. Smith pointed out that the positive cost-benefit ratios for the other taxing entities means that those entities will also be receiving more revenue even during the abatement period than they are with the value of the parcels currently. She also explained this is different than a TIF where all entities forego revenues for up to twenty years versus.

Ms. Smith returned and reviewed a memo provided in the meeting packet which provided previous background and discussion of the project. She felt it was important for anyone who might be joining the conversation at this point to have the history available in one place to provide context. She will also recap the differences between the recommended 72.5% abatement last month and the increase this month, along with recapping the issues with Beverly Park. She began by illustrating the parcels that will be included in the project, noting that at the beginning of the project conversations two years ago the parcels on the south side of Martway Street were not included. Staff suggested from the outset that the City would consider including the Beverly Park land in the project limits if there was a way to add replace the greenspace that would be lost. Staff also suggested that the Developer speak to the owner of the parcels on the south side of Martway Street, who had been trying to develop those properties but had not been able to make the numbers work. The Developer spoke with the property owner and was able to bring those parcels in as part of the project. This allowed the height to be lowered for both the proposed buildings on the north and south side of Martway Street, to four stories on the north side and three stories on the south side. She mentioned that the parcels now are vacant buildings which the city has had to abate and board up recently. The area has not seen any other interest in redevelopment and is starting to experience blight

and deterioration.

Ms. Smith next reviewed factors that Staff used in evaluating the appropriate recommendation for an abatement percentage. Those included things such as the Developer being local with a good reputation and other successful projects in the region, the level of capital investment (~\$75 million), a demonstrated gap in market return without the incentives, and the willingness and ability of the Developer to assemble multiple parcels. Staff believes that, while the project has not yet gone through the planning and zoning process, the project allows for the development on the south side of Martway to be more sensitive to neighborhood concerns that Staff have heard in the past.

Ms. Smith explained that as the Developer and Staff have continued to work through the project, they were hopeful to complete a land swap for a portion of land on the south side of Martway. However, in preliminary consideration of the proposed design and layout of the south building a building permit wouldn't have allowed the City to issue a building permit because a portion of the building was in the floodplain. The building had to become longer and more linear, which eliminated the opportunity for the green space swap. Staff spoke with the Developer after the last work session. An original proposal was for the land swap, plus \$300,000. The cash was to be presented in lieu of attainable housing being part of the project. Staff shared with the Developer after the work session that not increasing the cash contribution while also no longer offering the land swap was perceived as a takeaway from the City's perspective and asked for the Developer to revisit that. The Developer has come back with an increased cash contribution of \$500,000. They have also indicated their plans to achieve a One Globe rating, similar to the 58/Nall project approved for a tax abatement in October of 2023. The Developer will review the additional sustainability components following Ms. Smith's presentation.

Ms. Smith moved on to explain changes from January to February, including the 2.5% recommended increase. She explained that, under the policy, if a project meets policy criteria, they begin at a 45% abatement and can receive additional abatement percentages all the way up to 75% depending on the criteria met by the project. Those criteria include a capital investment adjustment (over \$75 million dollars for this project) of 15%; a target area adjustment of 10%, no adjustments or creditors for attainable housing for this project; 2.5% for environmental design; and 2.5% for the increase of the cash contribution being recorded as a community benefit. Staff used feedback during the 58/Nall abatement request and this one to be very sensitive to the adjustments given



and to provide consistency in the percentages assigned for the sustainability element. Staff felt it was appropriate to adjust the community benefit portion in this case, which brings the abatement to 75%. She noted that conversations were also had during the work session about the Developer's hope to achieve higher than the 75% cap, and Staff has been successful in working with the Developer to get to the cap rate, but no beyond.

Councilmember Chociey asked when the cash contribution will be payable and Ms. Smith answered that those funds will be payable at commencement of the project.

Ms. Smith moved on to reviewing Staff's new plan for replacing the green space lost by including Beverly Park in the project. Beverly Park is a site that is .43 acres in size. Staff began looking at City-owned parcels after a conversation in January, and where additional park land could be secured or designated. She shared that for any city looking to dispose of designated park land, there is a statutory process that has to be followed. She showed current city owned parcels adjacent to the Rock Creek Trail along Woodson and across Outlook and over to the Mission market site. If those parcels were designated as park land (they are not currently), the City will add 1.35 acres of designated park and green space, more than tripling the size of the green space lost in Beverly Park. She noted that the City is currently working on a Rock Creek Corridor Study developing a plan for improvements along the trail. She believes that area is ready for investment and greening and the increased cash contribution would allow Staff to jumpstart some of the recommendations that will be coming out of the study. There is still work to be done in refining the improvements along the corridor, but having the cash contribution could allow the process to move forward quicker than waiting on grant funding. It could also allow for other opportunities for green space purchases. She believes that by adopting a Resolution to designate the parcels as park land communicates to the public and commits the City to going through the statutory process in the future should the City want to dispose of the park land. There will be an opportunity for public input as well. The green space will still be in the same proximity to residents as Beverly Park is, just a block to the east. She noted that The Mission Project uses Beverly Park, and Staff has explored additional options for that group including using the grounds of the Community Center. She believes this proposal keeps the green space in close proximity to that group as well, and really maximizes the investment in the core of Mission both through the project itself, and the ability to improve and add green space to the City.

Councilmember Boultinghouse clarified with Ms. Smith that without the cash contribution from the Developer, there is not a clear, timely path to development of a downtown adjacent green space and Ms. Smith confirmed that is correct.

Councilmember Thomas would like to see more emphasis on what opportunities can come to the City with the investment. She also asked Mr. Kimmel to explain what the indirect costs are from the cost benefit analysis from the Milhaus report. Mr. Kimmel reported he does not know what all is included in that calculation. He stated that Mr. Robb uses a method of calculating that is based on population and other factors including certain costs of the city to the project. He can't speak to the specific factors of the formula. Ms. Smith added that Staff will work to find out that information and report it back out to Councilmember Thomas and the Committee. Councilmember Thomas stated that, since the City is looking to abate over \$700,00 over ten years and receiving a cash contribution of \$500,000, she sees the project as a huge benefit, but would like to know the indirect costs.

Ms. Smith mentioned that Staff have been working with the Parks, Recreation + Tree (PRT) Commission as this will be an area of interest for them. She and Mayor Flora will attend the upcoming PRT meeting to discuss this project with them and explain in further detail the project.

Councilmember Thomas shared that she believes that sometimes the need for housing tends to get lost around the discussion of abatement requests, and not just attainable or affordable housing but just housing in the city and beyond. She believes that The Mission Project is such a valuable asset for the community, and those members families were so excited for the prospect of additional newer housing in the area.

Councilmember Ryherd shared her excitement for the possibility to develop space near the market and the additional growth of green space in the downtown corridor. She feels like this could be an opening from the project site into the downtown corridor. She is very happy with the cash contribution and feels comfortable with designating the City-owned parcels as park space.

Councilmember Chociejski emphasized the financial piece, which is \$500,000 of upfront cash in exchange for about \$75,000 per year that the City will forego. He also wanted to point out that the City is backwards with land use now, and he likes developing vacant parcels or parcels that cannot be developed but can

be park land. In his review of the cost-benefit analysis and the other materials, he doesn't believe it will be a net burden on taxpayers.

Councilmember Loudon asked how long the buildings on the south side of Martway Street been empty. Ms. Smith stated the last tenants moved out in 2013 or 2014, a ten-year vacancy. She also shared that the parcel owner approached the City about not tearing them down and redeveloping, but rather reinvesting and creating updated office space. However, because the buildings are in the flood plain there is a limitation as to how much can be reinvested. She noted that these plans for office were all pre-pandemic. Looking back, it may be a good thing that those conversations halted as office space is not something that more is needed of now. She cited the large reduction of on-site workers at places like ScriptPro and other empty office towers post-pandemic. She also emphasized that the limitations of the flood plain, especially on the south side of Martway Street, are really a hinderance. Councilmember Loudon asked if any other developers have approached the City with a potential plan to develop in that area and Ms. Smith replied there have not been. Councilmember Loudon shared that she feels this is a huge opportunity for these parcels. She also added that the Developer would be paying for stormwater and sanitary sewer improvements in the area, which she sees as a huge benefit to the City. She knows that, looking at this plan, some residents may feel this is taking money out of the pocket of taxpayers. However, sitting on the land and receiving a miniscule amount of tax revenue is not a solution like allowing for development, receiving more tax revenue event during the abatement period, and then receiving the full amount after the ten years. She hopes not to see these parcels continue to sit when an exciting opportunity is presenting itself.

Ms. Smith shared that the current owner of the buildings on the south side of Martway has tried for several years to advertise the parcels as ready to build with an approved plan that he had, and still had no interest. She believes that opportunities for that property are not going to come around often.

Councilmember Boultinghouse shared his excitement and feels that the proposed ideas tonight are a significant leap forward and really exciting. He also shared that some of the challenges that the Community Center has faced, including membership, could be alleviated with 200 new residents just across the street. Councilmember Ryherd added that use of the downtown corridor, shops, restaurants, and bars will be immense.

Ms. Smith shared that, to Councilmember Loudon's point, the investment in the

stormwater and sanitary sewer system are not insignificant either. Staff have worked with the Developer to share that the expectation is that they will assume the cost of those improvements. Sanitary would be worked through with Johnson County Wastewater, but she shared that oftentimes a project expenses increase when re-developing rather than building on empty land. Milhaus will be making almost \$1 million dollar investment in those stormwater and sanitary sewer improvements which is a huge benefit to the City.

Mayor Flora acknowledged Ms. Smith's remarks and also mentioned that a Developer would expect about half of the \$1 million dollar cost on a newer or empty site.

Councilmember Schmid asked Ms. Smith to share the City's process for how to associate abatement with Green Globe certifications. He appreciates the need for consistency when comparing the project to the 58/Nall project, however he worries that a project that will be there 70+ years would need a certification with bit more behind it such as a LEED certification. Ms. Smith explained that conversation has arisen with several developers, particularly that the Green Globe certification is really only available for multi-family projects as she understands it. She believes some specific categories can be looked at, which is why Staff has the Developer complete the scorecard with the Sustainability Commission. She believes that there are other pieces that Ms. Coffey will speak to later that move the project in a direction where they could possibly seek two Globes, including EV chargers, building envelope, and future solar capabilities. The Developer has been preparing for these items, including looking at adding solar to the project. Unfortunately, solar rebates are not available in Kansas currently, however if they don't build solar ready then they will miss the opportunity when or if rebates do become available. She believes that Staff will need to learn more about the Green Globe process and get reengaged in energy code updates and conversations along with ensuring Staff have a comprehensive understanding of the impacts on different types of development along with educating developers to the potential. She believes moving in that direction will eliminate the back and forth about certification any not be as critical in the evaluation of projects.

Councilmember Chociej wanted to state that, while he appreciates the Developers' position of asking for an abatement higher than 75%, he hopes they can look at the cost benefit analysis and see there isn't much to gain between a 75% abatement and a 100% abatement on their side, however there is a large gain for the City at 75% vs. 100% abatement. He encourages

developers to view this as an opportunity for creativity and knows hopes that it helps underscore there are good reasons to restrict and cap abatement requests.

Ms. Smith gave accolades to Ms. Coffey and the Milhaus team for listening and hearing Staff. She feels they have a sincere interest in developing here after their tenacity over the last two years. They have spent a lot of time and money keeping the parcels assembled and she believes that deserves a lot of credit.

Councilmember Thomas spoke to Councilmember Schmid's concerns about Green Globes certification and the percentages. She believes that, looking back at the 58/Nall project, the maximum amount of 5% was originally on the table but was dialed back for this reason. She believes there is room to go back and explore what worked within the policy and what may need tweaking to be ahead of the game with the next proposed development project. She also believes different thresholds can be set. She also is curious to know if it is possible to run numbers to show the dollar amount increase between 2.5% and 5% for the sustainability piece and what the potential change from one Globe to two, or to the LEED program. She hopes a definition of what value could be assigned to the percentages. Ms. Smith stated that the range for adjustment on the sustainability piece is 5-10%. Councilmember Chociej did research that suggested that two Green Globes would get a developer to the bottom tier of the LEED program, according to a Canadian study he used. Councilmember Chociej confirmed that. Ms. Smith stated that is why Staff adjusted down to 2.5% for using one Green Globe. Councilmember Chociej stated that, to Councilmember Schmid's point, the study he used felt comfortable stating that the two processes are no less rigorous but are done in different stages and ways that may benefit a multi-family developer. He believes that is why it is preferred. Ms. Coffey confirmed that the Green Globe certification process is less costly and easier to navigate for the developers.

Ms. Smith added that the terms of the performance agreement, which Staff has been working through, are close to being able to be presented. There are some must-haves taken away from the 58/Nall project, and she noted that the sustainability certification is annual throughout the life of the abatement.

Ms. Coffey began her presentation and thanked the Committee for having her. She hopes to answer questions based on the information provided tonight surrounding the sustainability piece. She began by highlighting the recommendations that Ms. Smith had helped steer the Developer toward what

might appeal to the Sustainability Commission. EV chargers will be provided on-site, and her team looked at solar opportunities especially on the roof of the parking garage that would provide the power to the EV chargers. Unfortunately, that technology is still very expensive and wouldn't fit within the project specs. They will have EV chargers for 3-5% of the unit mix (approximately 10-12 chargers) when the building opens up and add to that as market utilization increases. Their standards are to go up to 20%. They are not seeing that need anywhere right now. Infrastructure will be built into the project to allow for quick expansion of the chargers. She also highlighted future solar capabilities. Again, on the roof of the garage infrastructure and power will be added to the floor of the top level to allow for added EV carports to be plugged in. She next addressed the building envelope, as Milhaus has building standards across the board. Many of them exceed current building codes for 2018. She referenced the City's plan to go to the 2021 or 2024 building codes soon, however Milhaus is not in any markets using 2021. Her team isn't as well versed as to the differences, although they are looking at that now. Speaking from a comparison of the 2018 code, their foundation insulation is at an R10 which exceeds the code, exterior walls are R-19, and the roof is R-20, all of which are very high insulation level standards compared to required. The project's windows exceed building code standards today as well. Milhaus is a long-term holder of their properties, so they hold on to them and manage them themselves versus building the project and selling it. The Developer will attempt to reduce the use of natural gas by outfitting all units with all electric appliances including HVAC and water heaters. The co-working spaces will have added huddle rooms to allow residents to be able to have an alternative space to work and will be outfitted with wi-fi, along with a clubroom or community room to work in a shared space. A conference room will also be available for online meetings. She hopes those additions help convey the message that they are doing what they can to participate and work toward more sustainability.

Councilmember Kring stated that the Council has heard that the city is fortunate to have Milhaus develop here, however she wanted to emphasize to Ms. Coffey that they are lucky to get Mission too. She stated that Mission is a non-transient city where people move in and stay. She thinks it's an opportunity for both parties.

Councilmember Ryherd next called for in-person public comments, followed by virtual comments.

Kim Donaway of Mission, KS returned to state that she was initially opposed to



losing green space, however with the blight along Martway she has changed her mind. She didn't realize that the City owned little pieces that will allow for a connected green space. She believes that ongoing cost for maintaining the additional green space would be a good thing to know, and she believes that many residents will champion this plan. She is willing to see Beverly Park given up even though its used, this will be a community gain.

Kandace Khoury of Mission, KS was participating via Zoom and thanked everyone for the presentation. She stated that she travels down Martway quite frequently. She was looking at Milhaus's development in Olathe and is worried about pricing of the units. The Olathe project offers a 520 s.f. studio for \$1218.00 per month; and a 1 bedroom 1 bathroom apartment is \$1,536.00 per month. The development also has a pet policy of \$400.00 pet fee plus \$25.00 per month per pet "pet rent". She calculates \$1,586.00 per month if you have a pet in the one-bedroom unit in the Olathe development. She believes that rent pricing is unsustainable and unaffordable for the average person. She did some quick math that for that rent amount to fall into a 30% living expense as recommended by most financial advisors, a resident would need to make \$27.42 per hour full time to afford the unit. She is estimating 1.5 person per unit so 390 people with an additional 312 cars on Martway from this project, not accounting for the Sunflower development project currently under construction on Martway east of Nall. She believes that those things should be accounted for prior to approval.

Ms. Smith stated that Staff will add the rent comparison information provided by Milhaus to the meeting packet so it will be available to the public. She also reminded everyone that a traffic study and analysis will be conducted as part of the planning and zoning process that Milhaus will go through.

Ms. Smith spoke to process and next steps, and asked bond counsel Kevin Wempe to speak to project milestones after she is finished. Ms. Smith began by stating that the incentives and the planning and zoning and entitlement process will move on a separate track. On the abatement side, a notice of the formal public hearing will be published next week, and Staff will notify the School District and the Board of County Commissioners (although they do not have veto power) of the public hearing scheduled for the February 21 meeting. The Resolution of Intent for the tax abatement which will also accept the performance agreement will also be considered at that meeting. Ms. Smith reminded the Committee that the bonds are not issued until the project is completed. Guardrails are in place similarly to the 58/Nall project milestones

and requirements that are important to the Council. The Resolution of Intent Ordinance was included in this meeting packet for review, and the performance agreement will be part of the February 21 packet. She also noted that, with the park land and an existing TIF district on the parcels south on Martway, these issues have been nuanced and accounted for the the performance agreement. The City would have first right of refusal to purchase back the park parcel is the project was not to move forward. The TIF district will also need to be dissolved but the City won't want to do so until a later date to preserve the ability to use TIF in the future if the Milhaus project weren't to move forward for some reason. She noted that Staff has really attempted to account for those issues and will plan to speak to the PRT next week, publish the required two-week notices for the disposition of Beverly Park, and then the Developer will begin submitting plans to the Community Development Department.

Mr. Wempe addressed the Committee and stated that he believes that Ms. Smith has covered all of the procedural aspects. He noted that the Performance Agreement is nearing completion and will be circulated shortly. That agreement contains all of the usual items the Committee would expect and is very similar to the 58/Nall agreement entered into in late 2023. He next highlighted key dates, including April 2025 for acquisition of the park land, payment of the \$500,000 and commencement of construction on the project. Next is the end of 2026 for the date of substantial completion, meaning the project could be occupied; and a final completion date in the summer of 2027 for punch list items from the final development plan. He then offered to answer any questions.

Councilmember Chociej asked Ms. Smith about notification to the School District and Board of County Commissioners and wondered if that notification extends to other taxing entities, specifically the Consolidated Fire District No. 2 as the Committee has heard from Chief Chick about frustration over incentives and abatement that he is accountable for. Ms. Smith answered that she and Mayor Flora have spoken with Chief Chick. Additionally, she has had subsequent conversations about this project and others more recently. He has indicated that he has been instructed by his board generally to oppose TIF projects, however tax abatement is different, especially when it's not a 100% abatement, due to the generation of additional revenues to be received as a result of the valuation.

Councilmember Ryherd recommended this item be forwarded to the City Council for approval. All on the Committee agreed, and this item will be on the Regular Agenda.



## **Resolution for City Sponsored Festivals and Events**

City Clerk Robyn Fulks presented the need for a Resolution for 2024 city-sponsored events that allow for alcohol in city parks. Ordinance No. 1172 was passed on September 14, 2005 exempting City-owned or public property from the prohibition on the consumption of alcoholic liquor in connection with City sponsored festival events. The four events are:

- Mission Summer Family Picnic - July 13 - Broadmoor Park
- Movie in the Park - August 9 - Mohawk Park
- Yoga on the Deck – August 23 – Mission Family Aquatic Center
- Concert in the Park - August 30 - Broadmoor Park

Included in the ordinance is a requirement that the City Council pass a Resolution each year designating specific events to be held in that calendar year.

Councilmember Chociey recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

## **Special Events Permit for SMN Class of 1974 Picnic**

Ms. Fulks' third item of the evening was a request for approval of a Special Events Permit for the Shawnee Mission North Class of 1974 Picnic at Broadmoor Park. She reported that the group has rented the shelter at Broadmoor Park for June 28, 2024 from 5:00 p.m. to 8:00 p.m. There will be food and music, and attendees can bring their own food and drink. They would like to allow BYOB alcohol at the event, and the Police Department and Public Works Department have reviewed the plan. She also noted that, because there is no selling of alcohol, tickets or purchase of alcohol, no State license is required. However, because the event will be held on city-owned property Council approval is required.

Councilmember Carpenter-Davis recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

### **Terminate Fifth Amended Gateway TIF Project Plan**

Ms. Smith presented two housekeeping items related to the Gateway development in its current iteration. She reminded the Committee that the redevelopment agreement was terminated in July of 2023 that voids any incentives approved. Without that contract, the rest of the items are null and void as well. Due to other pressing items around the time that the redevelopment agreement was terminated, these terminations were put back to bring to the Committee as time allowed. This Ordinance will not abolish the underlying TIF district, however it will void the project plan as it was approved.

Ms. Smith also presented termination of the Community Improvement District, which was the layer on top to impose an additional sales tax. The CID was effective January 1, 2024. However, because no retail generators are on site no funds are being received. This action will be communicated back to the Department of Revenue.

Councilmember Chociej recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

### **Terminate Gateway Community Improvement District (CID)**

Councilmember Chociej recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

### **Resolution Updating Bank Signatories**

Ms. Smith moved into another housekeeping item, updating the City's bank signatories and Municipal Investment Pool to add new Deputy City Administrator Justin Carroll upon his start with the City on February 19.

Councilmember Boultinghouse recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

### **MIP Authorization**

Councilmember Boultinghouse recommended this item be forwarded to the City Council for approval. All on the committee agreed, and this item will be on the consent agenda.

### **DISCUSSION ITEMS**

There were no discussion items tonight.

### **Department Updates**

Ms. Smith noted that Mr. Carroll will begin on February 19. She also stated that she and Mayor Flora will be circulating the 2024 master calendar soon, and it will be updated periodically throughout the year as new things come up. Additionally, she noted that she had an opportunity earlier in the day to attend a focus group hosted by the UMKC Innovation Center related to small business entrepreneurship with a focus on cities. There were three in her group including Merriam and Shawnee, so very relevant. The UMKC Innovation Center has a lot of resources available that can be shared out as well. Focus groups are being done across many types of demographics. She found a lot of value in what was shared today, and an exciting way to start the day.

### **OTHER**

### **Meeting Close**

There being no further business to come before the Committee, the meeting of the Community Development Committee adjourned at 8:39 p.m.

Respectfully submitted,

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Robyn L. Fulks, City Clerk

<b>City of Mission</b>	Item Number:	2.
<b>ACTION ITEM SUMMARY</b>	Date:	March 6, 2024
<b>Administration</b>	From:	Laura Smith

Action items require a vote to recommend the item to the full City Council for further action.

**RE:** Mission Bowl Apartments, LLC Funding Agreement

**RECOMMENDATION:** Approve the funding agreement with Mission Bowl Apartments, LLC for review and consideration of Phase II of the Lanes at Mission Bowl project.

**DETAILS:** The Sunflower Development Group is interested in doing a second phase of their multi-family project currently under construction on the former Mission Bowl property located at 5399 Martway Street. Last summer, Sunflower submitted a preliminary development plan (PDP) to construct a second, 96 unit (+/-), mixed use (multi-family residential and retail) structure on property to the east of Phase I. The PDP was approved by the Planning Commission in July 2023 and by City Council in August 2023.

Sunflower has indicated a desire to seek Tax Increment Financing (TIF) incentives similar to those granted for their Phase I project, The Lanes at Mission Bowl. They intend to submit a TIF Application as well as an IRB Application for the sales tax exemption associated with the purchase of construction materials. The Developer has communicated to staff that for Phase II they would plan to dedicate 20% of the units as attainable housing (60% of AMI) and would secure LEED Silver Certification for the project.

Before City staff or consultants spend time and resources reviewing the applications or engaging in negotiations with the Developer, Mission historically requires a funding agreement. This agreement recognizes Mission Bowl Apartments, LLC as the exclusive developer of the project and requires them to provide an initial escrow of \$10,000 to cover the City's costs in reviewing their applications. The escrow must be replenished if costs exceed \$10,000.

The funding agreement **does not** obligate the City to approve any incentives for the project. It is the first step in the evaluation process, ensuring that Mission residents do not bear **any** costs associated with consideration of the incentive request. It is anticipated the review and discussion, with required hearings and public notice, would occur between late March and June 2024.

Council may recall from the PDP approval that though similar in design to the first building, the Phase II building will have different color brick work and other elements intended to give it a distinctly different yet complimentary feel when compared to the Phase I building. The staff report on the preliminary development plan has been

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	N/A
Available Budget:	N/A

<b>City of Mission</b>	Item Number:	2.
<b>ACTION ITEM SUMMARY</b>	Date:	March 6, 2024
<b>Administration</b>	From:	Laura Smith

Action items require a vote to recommend the item to the full City Council for further action.

included in the packet for reference. The site accommodates the majority of the required parking, and the Developer expects to enter into a cross access parking agreement with the former Mission Bank building property on the north side of Martway to supplement the on-site parking.

Sunflower has formed Mission Bowl Apartments, LLC, a limited liability corporation, for the purpose of conducting this redevelopment project.

**CFAA CONSIDERATIONS/IMPACTS:** Access to quality housing for individuals of all ages is an important pillar of the Community for All Ages initiative. The proposed redevelopment project will provide additional housing options for residents of Mission as well as continue to advance the Council’s goals related to the construction of sustainable, efficient buildings.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	N/A
Available Budget:	N/A

## FUNDING AGREEMENT

THIS FUNDING AGREEMENT (this “Agreement”) is entered into as of the 20th day of March, 2024, between the CITY OF MISSION, KANSAS, a municipal corporation of the State of Kansas (the “City”), and MISSION BOWL APARTMENTS, LLC, a Kansas limited liability company, and its successors and assigns (the “Developer”) (the City and Developer are hereby collectively referred to as the “Parties”).

### RECITALS

A. The Parties desire to enter into this Agreement in order to designate the Developer as the exclusive developer during the term of this Agreement for the purpose of studying the feasibility of a multi-family housing development (“Development”) to be located at 5201 Johnson Drive, Mission, Kansas (“Project Area”) and determining matters that may be included in a development agreement between the Parties (“Development Agreement”).

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the City and the Developer agree as follows:

1. DEVELOPER OF RECORD. The City acknowledges that there are risks and costs of preliminary planning activities and other requirements associated with the preparation of a project plan under development. As an inducement to Developer to assume those costs and undertake those activities set forth herein, and for the other consideration described herein, the City designates Developer as the exclusive developer of record for the Project Area for a period of nine (9) months from the date hereof, expiring December 20, 2024 (“Term”). During the Term, as

long as this Agreement is in effect, the City agrees that it will not enter into an agreement with any other person or entity for the implementation of any redevelopment project within the Project Area without the written consent of Developer.

2. BASIC TERMS OF FINAL DEVELOPMENT AGREEMENT.

The Parties agree that before either party is obligated to proceed with any development within the Project Area, a Development Agreement, satisfactory to both Parties in their sole and absolute discretion, must be entered into. Although the specific terms of such Development Agreement must be negotiated between the Parties, the Parties presently believe that such terms must necessarily address, at a minimum, the following matters, to-wit:

A. Determination of Development. The Parties must agree on the proposed square footages of each building, number of living units, and the exterior design for the Development.

B. Agreement on Site Work, Infrastructure and Utilities. The Parties shall agree on how site work, utilities, street, intersection, sidewalk, and similar improvements are to be addressed by any development plan.

C. Agreement on Plans and Specifications. The Parties shall agree on the plans and specifications of the exterior design of the Development.

D. Agreement on Progress Schedule. The Parties shall agree on a progress schedule by which the Development will be undertaken and completed, subject to force majeure.

E. Zoning Changes. The Parties shall agree as to how any necessary zoning changes will be addressed. Nothing contained within this Agreement, nor any future agreement, shall be deemed to bind the City, acting in its governmental capacity, to make any such zoning changes.

F. Public Incentives. The Parties shall agree on public incentives, if any, for which the Development qualifies.

G. Other Matters. The Development Agreement shall also address any other matters that either party deems appropriate.

In the event of a conflict between this Agreement and the Development Agreement, the terms of the Development Agreement shall control.

3. OBLIGATIONS OF THE PARTIES TO PROCEED.

The obligation of the Parties to proceed beyond this Agreement is dependent upon the Parties entering into a Development Agreement prior to the termination of this Agreement. Nothing contained herein shall: (i) obligate the City to create or approve the Development; (ii) obligate the City to create or approve a development plan for Project Area; (iii) obligate the City to approve or provide public incentives; or (vi) obligate either party to enter into a Development Agreement.

4. FEASIBILITY STUDY. The City may wish to obtain a third-party Feasibility Study (the “Study”) to determine whether the Development’s benefits and tax increment revenue and other available revenues are expected to exceed or be sufficient to pay for the eligible costs of the Development. Developer shall reasonably cooperate with the City and its consultants in connection with the Study, including but not limited to sharing non-proprietary information, attending public input sessions and attending City Council work sessions.

5. MISCELLANEOUS.

A. Costs. Except as otherwise provided specifically herein, each party shall be solely responsible for all costs and expenses incurred by such party in connection with the matters contemplated by this Agreement. Provided, however, that the Developer will reimburse and pay the City for its expenses incurred (“City Expenses”) following execution of this Agreement.

i. In order to ensure the prompt and timely payment of the City Expenses, the Developer will establish a fund (the “Fund”) in the amount of \$10,000.00 (“Initial



Deposit”) by paying such amount to the City contemporaneously with the execution of this Agreement, receipt of which is hereby acknowledged.

ii. City shall provide Developer with a written description of each City Expense containing the name of the party to which the expense will be owed and a reasonable description of the work to be performed or service to be provided. Developer shall have fifteen (15) days after receipt of the City’s notice to approve or deny the expense or request additional detail. In the event Developer fails to respond within the fifteen (15) day period, the expense shall be deemed approved. In the event Developer denies any City Expense, the City and Developer shall attempt in good faith to resolve Developer’s objection thereto; in the event the parties are unable to resolve such objection, City may terminate this Agreement.

iii. On a monthly basis, the City will pay the approved City Expenses from the Fund and will submit to Developer monthly statements itemizing the approved City Expenses paid from the Fund during the preceding month.

iv. In the event the City determines that the total of the City Expenses will exceed the balance in the Fund, the City will submit an itemized statement therefor to the Developer to replenish the Fund so that there is a cash balance available against which additional City Expenses may be applied on a current basis.

v. All statements of approved City Expenses will be payable by Developer within thirty (30) days of receipt thereof.

vi. If economic incentives are extended to Developer for its project, and any City Expenses are eligible for reimbursement through such incentives, the City will not oppose such reimbursement.

vii. All studies, reports, and other work product, other than attorney-client work product, prepared for City and paid out of the Fund shall be provided to Developer at no charge to Developer.

B. Assignability. Neither party shall assign this Agreement without the written consent of the other party.

C. Amendments. This Agreement may be supplemented or amended only by written instrument executed by the Parties affected by such supplement or amendment.

D. Applicable Law. This Agreement shall be deemed to be entered into in the state of Kansas and shall be enforceable under the laws of that state.

E. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon the Parties hereto, and the permitted successors and assigns of the Parties.

F. Non-liability of City Officials and Employees. No member of the governing body, official or employee of the City shall be personally liable to Developer, or any successor in interest to Developer, pursuant to the provisions of this Agreement, nor for any default or breach of the Agreement by the City.

G. Not A Partnership. The provisions of this Agreement are not intended to create, nor shall they in any way be interpreted or construed to create, a joint venture, partnership, or any other similar relationship between the Parties.

H. Termination. Developer may terminate this Agreement upon ten (10) days' advance written notice to the City, in which event (i) the City will be reimbursed for all approved City Expenses actually incurred by the City prior to the receipt of such termination notice, (ii) all remaining moneys on deposit in the Fund shall immediately be returned to Developer, and (iii) this Agreement shall automatically terminate and the Parties shall have no further obligations hereunder.

IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

CITY OF MISSION,  
a Kansas municipal corporation

\_\_\_\_\_  
Solana Flora, Mayor

ATTEST:

\_\_\_\_\_  
Robyn L. Fulks, City Clerk

MISSION BOWL APARTMENTS, LLC,  
a Kansas limited liability company

By: \_\_\_\_\_  
Jason Swords, Manager

**AT A GLANCE**

**Applicant:**  
Mission Bowl Apartments LLC

**Case Number:**  
23-13

**Location:**  
5201 Johnson Drive (South of Martway)

**Project Name:**  
Residence on Rock Creek Phase II

**Property ID:**  
KP38000000 0007

**Project Summary:**  
The applicant proposes a mixed-use development of multi-family residential and retail for the existing parking area on the south side of Martway as phase two of the Residence on Rock Creek development that is currently under construction on the adjacent property to the west. It is a five-story structure, with four stories of 96 residential units over a first floor parking garage and small retail space with additional surface parking and on-street parking on site.

**Current Zoning:**  
MS-2

**Proposed Zoning:**  
N/A

**Current Land Use:**  
Surface Parking

**Staff Contact:**  
Karie Kneller, City Planner

**Proposed Land Use:**  
Mixed-Use

Public Hearing Required

**Legal Notice:**  
July 4, 2023



## PROPERTY BACKGROUND AND INFORMATION

The subject property is located at 5201 Johnson Drive, on the lot south of Martway. It is a proposed development for Phase II of the Residence on Rock Creek that is currently under construction. The property is zoned “MS-2” Main Street District 2. The lot is currently combined with the lot to the north on Martway, which is a high-rise office building.

The subject property is currently an impervious parking lot with an approximately 15-foot buffer between the lot and the stormwater channel. The north, west, and east perimeter also contain a small area of pervious landscaping strip; to the north is a two-foot strip on the south side of the existing sidewalk, with two landscaped islands at the west and east vehicular drives. According to County maps, the south side of the subject property lies partially within the 100-year floodplain, adjacent to the Rock Creek channel.

Stormwater generally flows from north to south and west to east on the property surface, without underground infrastructure to capture runoff. A concrete flume currently located on the southeast corner of the lot shunts stormwater from the surface into the Rock Creek channel. A water main is located on the north side of Martway and on the adjacent property to the west. Gas, electrical, and sanitary sewer utilities are available. The property is not currently platted.

## PROJECT PROPOSAL

The applicant submitted a preliminary development plan for a 90,647 square foot 96-unit multi-family development with a 1,750-square foot retail component on the northwest corner of the ground floor. A structured parking and surface parking component with 98 spaces for residents is located under and at the back of the building, accessed on the south side of the lot via the east vehicular drive. There is an additional seven parking spaces located diagonally along Martway for retail customers. The building is a five-story structure, about the same height as the Residence on Rock Creek development that is currently under construction. This development is phase two of Residence on Rock Creek, and circulation through the phase two development consists of a drive onto the phase one property for fire access ingress and egress.

The building footprint is outside of the 100-year floodplain, with some surface parking located within the floodplain on the south side ground floor. While a stormwater capture component will be part of the final development plan, it is not included in the preliminary development plan as this time. The stormwater infrastructure needed to improve the site with this development will consist of best management practices for stormwater management according to the American Public Works Association (APWA) and Mid-America Regional Council (MARC) guidelines, and will be the standard of evaluation for plan details. Impervious surface will nominally increase by about 3.3% with this plan, therefore stormwater calculations are provided with the project packet. The conversion from paved parking to more than 23,000 square feet of rooftop impervious surface is anticipated to decrease runoff contaminants from oil, salt, and gasoline.

Landscaping consists of a variety of trees, bushes, and ground cover that will provide green space on

site on the perimeter and within the parking area. There are nine street trees proposed along Martway with this plan. Annual planter beds are also a part of the landscaping plan. An extension of the existing Rock Creek Trail is located on the north side of the lot to maintain that connection, and a small area with public exercise equipment is also located adjacent to the trail. This exercise equipment is an extension of equipment located similarly on the first phase of the Residence on Rock Creek project.

Materials consist of brick and stone, with breeze block detailing on the ground floor facing Martway east of the retail location. There are four glass doors proposed along street frontage, and spandrel glass detail along a storage wall on the north façade at the ground floor. Several balconies and vertical architectural details around 360-degrees of the building breaks up the frontage on each floor of the proposed development. Park benches and bike racks are available along Martway, as well.

The design team submitted a sustainability scorecard for review by the Sustainability Commission. The meeting will be scheduled to provide the Commission with an opportunity to review the project and provide feedback for ways to improve the sustainability of the project.

## PLAN REVIEW AND ANALYSIS

### Mission Comprehensive Plan and Municipal Code

The 2007 Comprehensive Plan indicates future land use for the subject property as mixed-use. The draft update to the Comprehensive Plan defines the property as “High-Density Residential,” defined as 21 or more units per acre. The municipal code for properties located in MS-2 zones at §410.230-410.240 states that multi-family dwellings have a minimum of 35 units per acre.

***Analysis: The proposal conforms with the municipal code and the comprehensive plan (2007 and draft update) for lot density.***

The maximum height permitted in MS-2 is three stories and/or 45 feet. No front, side, or rear setback is required, except where the lot is adjacent to properties in R-1 or R-2 zoning districts.

***Analysis: Because the lot is separated by the adjacent Rock Creek channel, this stipulation would not apply, but development is not permitted within the floodplain, so there is a significant back yard setback as determined by the floodplain area. This project is consistent with the development type, height, and density of phase one to the western adjacent lot, and the proposal conforms with the density and land use stipulated in the municipal code.***

Parking requirements per municipal code at §410.250 (A) stipulate that for each 1,000 square feet of gross floor area, four spaces shall be provided. The retail space is 1,750 square feet, therefore the requirement for parking is seven spaces. These are provided in diagonal parking along Martway at the north side of the property. Americans with Disability Act (ADA) guidelines state that one ADA-accessible parking space should be provided for every 20 parking spaces on a site. There are a total of 105 parking spaces proposed, therefore six accessible spaces are required. Additionally, parking requirements for residential uses (B) stipulate that one space per bedroom for one- and two-bedroom units is required.

The project contemplates 112 bedrooms in 96 units, with 98 resident parking spaces in covered and uncovered lots.

***Analysis: Staff is currently working with the applicant and the property owner to provide an agreement for shared parking to accommodate parking needs between the office use on the north side of Martway and the residential needs of this project. Staff will also work with the applicant to ensure that the ADA needs are met for the residents and customers. The shared parking agreement and equitable ADA access will be required with the final development plan.***

Screening on the property is provided on the east side of the property, via a 4-foot high wall, that will be detailed in the final development plan. Trash receptacles are located behind the building in the uncovered parking lot, with access from within the building or covered parking garage. The final development plan will detail the enclosure materials.

Per municipal code at §415.030, screening for trash bins must be provided so that it is not visible from the pedestrian realm or off site, and the enclosure shall be constructed of masonry or frame. All roof-mounted equipment shall be screened from adjacent property or street level.

***Analysis: The trash enclosure is located at the back of the building and will be enclosed with details to be provided in the final development plan***

Landscaping requirements are provided in the municipal code at §415.090, which states that one tree is required for each 50 feet of street frontage. The frontage measures 385 feet, with a required eight trees. The proposal shows nine trees along street frontage. Additionally, one tree for each 3,000 square feet of open spaces is required. The lot has 5,390 square feet of open space, for a required two additional trees, which are provided in the plan. Landscaping within parking lots requires 6% of landscaped space and one tree for each 20 parking spaces (not to include garage). There are 50 uncovered parking spaces and three trees required. The area that is required to be landscaped is at least 486 square feet, and the proposal shows 592 square feet of landscaped parking area.

***Analysis: The landscaping requirements as set forth in the municipal code are met with the preliminary plan; staff requires a landscape plan that details native and non-invasive species for the final development plan as noted.***

### **Johnson Drive Design Guidelines**

Materials in accordance with the Johnson Drive Design Guidelines (referenced in the municipal code as the City Wide Design Guidelines) shall be neutral beige, tan, and yellow tones and shall be of durable, high quality such as brick and stone. Each façade shall be addressed to provide a 360-degree design. The pedestrian realm is a priority, and should provide adequate connections for improved walkability. Park benches and bike racks are encouraged as part of design for walkable connections throughout the community as part of new developments. Ground floor transparency is encouraged to provide an enhanced pedestrian experience.



***Analysis: It is staff's determination that the materials and overall architectural design is in conformance with the Johnson Drive Design Guidelines and provides a comprehensive design that is in context with surrounding properties. The extension/retention of the Rock Creek Trail connection provides improved walkability that is inviting and safe for pedestrians and the additional seating, bike racks, and exercise equipment provides enhancements that are consistent with improvements along the corridor. The breeze block detail on the ground floor facing Martway, entry doorways, and spandrels create an environment that engages passing pedestrians and bicyclists.***

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval to the City Council of Case #23-13, the preliminary development plan for Residence at Rock Creek Phase II with the following conditions:

1. A final development plan will be submitted to the City and approved by the Planning Commission prior to the issuance of any building permits.
2. A Final Stormwater Management Report will be required with the Final Development Plan submittal. The stormwater report will document stormwater infrastructure and detention basin design details, subject to review and approval by Public Works staff.
3. All necessary stormwater infrastructure, as determined by guidance in the adopted 2009 APWA/MARC Manual of Best Management Practices for Stormwater Quality, will be detailed in the final development plan.
4. A Cross Parking Access Agreement outlining arrangements for shared parking between the proposed development site and the office building to the north located at 5201 Johnson Drive is required for the final development plan. Said Cross Parking Access Agreement will be signed by all parties and recorded with the Johnson County Register of Deeds prior to a building permit being issued.
5. Provide adequate ADA parking; One stall for every 20 spaces is required for final development plan. At least one ADA parking stall should be available to residents on-site outside of the parking structure.
6. Provide an ADA parking stall for the retail use.
7. A study to determine the sight-line from the residential properties that are adjacent to the south to the equipment on the roof shall be completed to ensure that roof-mounted equipment is adequately screened from view; to be provided with the final development plan.
8. A detailed landscaping plan is required with the submittal of the final development plan;



landscaping that is native and non-invasive shall be provided.

9. A detailed lighting plan is required with the submittal of the final development plan; lighting specifications that adhere to International Dark Sky Standards is preferred.

10. A study to determine the need for an improved crosswalk and/or beacon for pedestrians at the mid-block crossing for access to parking on the north side of Martway shall be included in the final development plan.

11. Details of the trash enclosure shall be provided that ensure adequate screening of waste from view off the site; to be provided with the final development plan.

12. All necessary easements and dedicated rights-of-way shall be submitted in a preliminary plat prior to final development plan approval.

13. An application for a Land Disturbance Permit shall be submitted to, and issued by, the City before any clearing, grading, or digging occurs on the site beyond the demolition that has already occurred.

14. The applicant shall submit a Final Site Plan and construction documents to the City for review and approval prior to building permit issuance.

15. The applicant shall obtain all approvals from Johnson County Wastewater and Johnson County Water District #1 prior to building permit issuance.

16. The applicant shall obtain all necessary reviews, inspections, and approvals from Consolidated Fire District #2 prior to final occupancy permit being issued.

17. The applicant shall be responsible for all damage to existing City infrastructure, including roads, curbs, and sidewalks. Repairs shall be of a quality like or better than existing conditions before final Certificate of Occupancy issuance.

18. The applicant shall provide a two (2) year warranty bond on all public infrastructure installed as part of this Preliminary Development Plan; bond(s) will be placed on file with the City of Mission Community Development Department.

19. Maintenance agreement for all site improvements, including but not limited to structures, improved infrastructure, landscaping, parking, and pedestrian connections on the property shall be provided and signed by the applicant and the appropriate City officials prior to construction permitting.

20. This Preliminary Plan approval shall lapse in five (5) years from its effective date if construction on the project has not begun, or if such construction is not being diligently pursued; provided, however, that the applicant may request a hearing before the City Council to request an extension of this time period. The City Council may grant an extension for a maximum of 12 months for good cause.



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## **PLANNING COMMISSION ACTION**

The Planning Commission will hear Case #23-13 at its July 24, 2023 public hearing.

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## **CITY COUNCIL ACTION**

The City Council will hear Case #23-13 at its August 16, 2023 public hearing.

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<b>City of Mission</b>	Item Number:	3.
<b>ACTION ITEM SUMMARY</b>	Date:	March 6, 2024
<b>Administration</b>	From:	Justin Carroll

Action items require a vote to recommend the item to full City Council for further action.

**RE:** Declaration of Surplus Equipment

**RECOMMENDATION:** Approve the resolution providing for the sale/disposal of surplus equipment from various Departments.

**DETAILS:** City Council Policy No. 111 defines the process and procedure for the sale and disposal of real and personal property by the City of Mission, which is also outlined in K.S.A. 12-101. Property and equipment identified for surplus has been included as Attachment A to the Resolution.

Each Department, in consultation with the Deputy City Administrator, will be responsible for determining the best method for disposal in accordance with Council Policy and State law.

Items to be declared as surplus include two dump trucks from Public Works and miscellaneous computer equipment from the Parks and Recreation Department, Police Department, and Administration Department.

**CFAA CONSIDERATIONS/IMPACTS:** NA

Related Statute/City Ordinance:	K.S.A. 12-101, City Council Policy 111
Line Item Code/Description:	NA
Available Budget:	NA

**CITY OF MISSION, KANSAS  
RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DECLARING SURPLUS PROPERTY FOR SALE OR DISPOSAL**

**WHEREAS**, City Council Policy No. 111 defines the process and procedure for the sale and disposal of real and personal property by the City of Mission, which is also outlined in K.S.A. 12-101; and

**WHEREAS**, the City, has identified those items listed on Attachment A as “Surplus Property;”

**NOW, THEREFORE**, be it resolved by the Governing Body of the City of Mission:

**Section 1.** The items included on Attachment A are hereby declared as surplus.

**Section 2.** The Deputy City Administrator, in consultation with each Department, will be responsible for determining the best method for disposal or sale of the items declared as surplus.

**Section 3.** In accordance with Council Policy 111, all City Officials and employees, both elected and appointed, are prohibited from participating in the purchase of real and personal property from the City.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION** on this 20th day of March 2024.

**APPROVED BY THE MAYOR** on this 20th day of March 2024.

\_\_\_\_\_  
Solana Flora, Mayor

ATTEST:

\_\_\_\_\_  
Robyn L. Fulks, City Clerk

## Attachment A

3/6/2024

Item	Description	Serial Number/Asset Tag	Department	Quantity	Potential Resale Value
<b><u>Vehicles / Equipment</u></b>					
Dump Truck	2010 International WorkStar 7300 SFA 4x2 Dump Truck	1HTWAAAR5AJ244574	Public Works	1	\$40,000.00
F-550 Dump Truck	2015 Ford F-550 Regular Cab 4x4 Plow/Salt Spreader	IFDUF5HT7FFA10785	Public Works	1	\$40,000.00
<b><u>Other Equipment</u></b>					
N/A					
<b><u>Computer Equipment</u></b>					
Network Server	Dell PowerEdge R740		Admin/Police	2	\$0.00
Battery Back-up	Uninterruptable Power Supplies (UPS) For City Network	SUA2200xl and SMX300LV	Admin/Police	2	\$0.00
Battery Backup	ADU Battery Back Up Units	BN600G	Police	1	\$0.00
Battery Backup	Telephone/Internet Battery Backup Units		Parks + Recreation	2	\$0.00

**CITY OF MISSION**  
**CITY COUNCIL POLICY MANUAL**

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**POLICY NO. 111**

**SALE OF REAL PROPERTY & EQUIPMENT**

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- 1.01 This policy describes the process and procedure for the sale of real and personal property by the City which is also outlined in KSA 12-101.
- 1.02 All City Officials and employees both elected and appointed are prohibited from participating in the purchase of real and personal property from the City.
- 1.03 All real property of the City of Mission will be sold in accordance with applicable state law and requires the approval of the City Council.
- 1.04 The City will, on an as needed basis, establish a listing of unclaimed or obsolete personal property to be declared surplus. It will be the responsibility of the Department Head and Finance Director to determine the best means for disposing of or selling obsolete personal property, including the method of advertising.
- 1.05 The sale or disposal of real property will be determined on a case by case basis by the City Council.

**APPROVED BY THE GOVERNING BODY ON DECEMBER 8, 2004**

**REVISED AND APPROVED BY THE CITY COUNCIL ON APRIL 17,  
2019**