

MINUTES OF THE PLANNING COMMISSION MEETING

November 28, 2016

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:05 PM Monday, November 28, 2016. Members also present: Jim Brown, Scott Babcock, Robin Dukelow, Stuart Braden, Dana Buford, Brad Davidson, Charlie Troppito and Frank Bruce. Also in attendance: Danielle Murray, City Planner; Brian Scott, Assistant City Administrator; Nora Tripp, Secretary to the Planning Commission.

Approval of minutes from the October 24, 2016 meeting

Mr. Troppito moved and Mr. Braden seconded a motion to approve the minutes of the October 24, 2016, meeting

The vote was taken (8-0-1). The **motion carried**. Ms. Dukelow abstained from the vote.

Case #16-07 Zoning Code Text Change – Signs – Public Hearing

Ms. Murray: Parts of this presentation may look familiar to folks in the audience who attended several of our open houses or meetings that we held in November. This is something that I shared a little bit about in staff updates to the Commission as it's been working its way to you, but this is the first time it's officially before you.

As the Chairman stated, this is a zoning code text change. Our sign code is located in our zoning code and is therefore set by state statute to be reviewed by the Planning Commission, and for this body to make recommendations to the City Council on any code changes that would be considered to be adopted.

A little background. Over time, staff has received various comments and concerns about signs in our commercial districts. Sometimes those complaints have been about a particular sign and its maintenance. More generally, they have been complaints about temporary signs and/or window signs. In 2012, staff started working with the city clerk as part of the business license renewal process to push out our sign code expectations to every business once a year. In that license renewal letter, we remind businesses what the rules are for temporary signs. We didn't see a great deal of improvement through that process, and we continued to hear feedback regarding the appearance of signs in the community. In 2015, in response to the feedback from the community and from City Council, staff proposed a process to conduct an inventory of our existing signs in Mission, examine the current sign code regulations and rules that we have, and to propose possible changes to those rules before we began a more intensive sign code enforcement effort.

In the past, the sign code has been enforced primarily as a zoning code and by zoning code staff, which would be the planner. The merger of the Community Development Department and Neighborhood Services has allowed us access to the Neighborhood Services officer to do more of that code enforcement for us. So, we have the ability to do more sign code enforcement than we have in the past. However, we wanted to take a step back, look at what our sign code said, and make sure that the rules were clear and enforceable before we started doing a lot of sign code enforcement. We didn't want to find out that maybe we weren't prepared from the regulation side to actually do what we wanted to do with enforcement.

So, for the past two years, we have been working on reviewing our sign code. The Commission is a little more familiar with what a sign code is, what it does, what it's allowed to regulate than

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the community is, so we've prepared this presentation to educate folks on our sign code as we started to talk about this in the community. I'll walk through it briefly tonight.

The sign code is part of our zoning code. It's a land use regulation. It has to do with regulating primarily permanent signs, but also temporary signs. It is primarily regulating the time, place and manner of signs. The sign code also lays out when we expect permits to be applied for and the expectations of each zone in the city. Our sign code is subdivided by zoning districts. So, in certain zoning districts, there are one set of rules, and in another zoning district, there are slightly different sets of rules around the allowed number, sizes, or types of signs.

The sign code does not regulate street signs or other kinds of public signs. It's primarily for signs on private property. It is intended to communicate expectations for the visual appearance of the community. Signs are a visual part of our community and part of the identity of our community. The sign code is intended to regulate visual clutter. Like I said, we control type, location and size, but not message, and the code is adopted as part of the City and land use regulations.

Included in the staff report is the process that we've followed to date. Basically, we have, as I said, taken a step back, done an audit of all the existing signs in Mission, created a database, and looked at the data that we got through that audit to try to identify where there are signs that may currently be in violation of our current ordinances, or where we're seeing certain conditions that we think are unfavorable, and how you might want to change our ordinances to address those. As part of our process, we solicited input from the community to make sure that we were hearing from folks as we went along. Staff has also communicated with City Council.

We also sent a letter out to every business license holder in Mission, summarizing the changes that were under consideration. We posted all of that information to our website as well, with a copy of the exact changes in a redline format. We conducted two meetings in November with businesses and property owners to explain the proposed changes, and we summarized their comments for you today in your packet. And of course, tonight is a public hearing as well, so there are folks who will want to give you their feedback.

Next steps: After tonight, once the recommendation is forwarded to the City Council and adopted as an ordinance, it would change our sign code and we would begin to conduct sign enforcement as necessary.

There is a summary in the staff report about what we found in our audits as far as the number of signs in Mission and where they're located, the particular types of signs that we identified as being signs that were either poorly regulated currently under our ordinances, or a topic of discussion that the City Council wanted us to pursue. One of those sign types are pole signs. There are currently 23 known pole signs in the city of Mission. Pole signs are a prohibited sign type. Therefore no new pole signs allowed to be installed. They have been prohibited since 2003. So, any existing pole signs today are essentially nonconforming or grandfathered in.

We've seen existing pole signs go away over the years, about nine of them since 2009, as things that are nonconforming typically do, either because their use changes and they're not allowed to be reused for that new property, or sometimes it's because the property owner has chosen to taken them down because they were not interested in maintaining them. The City has had to abate a couple of signs that were abandoned when a business closed.

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The City Council did ask us to take a look at setting a deadline to require all existing pole sign to be removed through something called amortization. Basically, setting a sunset date for any existing non-conforming pole signs. We've looked at how other jurisdictions have done that and how many years they've given businesses to keep signs until they were required to be removed.

Another sign type that we looked at was temporary signs. Like I said, a lot of our complaints had to do with the duration and numbers of temporary signs in certain commercial districts in the city. At the time we did the study, there were roughly 90 temporary signs in the commercial area. They ranged in use from political signs, to garage sales, to sales and promotions of businesses, or advertisement of special events. Our current side code does not require a sign permit for temporary signs. It allows an unlimited number of signs but restricts the overall square footage of them. It also limits any one sign's duration to 60 days before that sign must be removed for 60 days. We found that that is very difficult to enforce. Since we don't have a permit that tells us when something went up, so we have to proactively go out and find them. And then, because the duration is based on individual signs, keeping track of deadlines is difficult to track. **We will make some recommendations later on about ways to address that.**

The other thing we noticed was window signs. Currently, our sign code only technically allows window signs in the downtown district. That's the area along Johnson Drive between Lamar Avenue and Nall Avenue. We noticed when we did the inventory that there are window signs outside of that district, which would be prohibited. Currently, window signs are allowed downtown because they are intended to address the customers on foot shopping in the area. There are certain design standards required such as being limited to 10 percent of the glazing of the window. We do currently require a sign permit for window signs. So, the inventory showed lots of non-compliance with the regulations that currently exist regarding window signs.

These are the primary types of signs that we gave the City Council more feedback on after we completed the inventory. They gave us goals they wanted us to work on as a result of that feedback. The goals of continuing to prohibit pole signs throughout the city, exploring amortization of those non-conforming pole signs, pursuing additional regulations for temporary signs so that we could do enforcement; and, to expand the allowance of window signs by right to areas outside of downtown. Then, of course, we want to be able to communicate our objectives to the community and conduct fair and consistent enforcement.

As I said, this is the presentation we gave to the public, and I'll walk you through the proposed changes that we have written for the City Council. By and large, most of the sign code is not changing. If adopted as proposed, most of the signs allowed in our zoning districts would stay the same. For example, wall signs, the percentage of coverage of wall signs – would not change. We're really just trying to adjust those few sign types that we identified as major problems when we did the inventory.

The first item in the proposed changes has to do with marquee signs. Oddly enough, the zoning district where the Mission Theatre is located, which has the one and only major marquee in town, doesn't allow marquee signs. They've been able to rehab theirs because they have a private sign criteria in place that allows it. So, now would be a good time to address where marquee signs are allowed. A marquee is a permanent structure over an entrance. This change would allow marquee signs by right in the zoning districts where we anticipate seeing these marquee signs to be located or maintained.

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The next change has to do with monument signs which are detached signs. By definition, a monument sign has a certain sign base width. To be a monument sign, the base has to be half of the width of the widest part of the sign face. The proposed change would allow monument signs by right in Main Street District 1 & 2 and C2-A pedestrian-oriented business district, where they are not currently allowed. In your packet is a table with the yellow highlighted boxes. This is a listing of our current side code with sign type on the side and zoning districts across the top. The boxes that are highlighted in yellow are the changes that we are proposing. So, if you wanted to follow along, you can see where these changes actually end up by sign type.

Currently, monument signs are not allowed in these districts. However, we've had at least two variances over the years requesting them. We thought now would be a good time to address that, to add the ability to have a monument sign into those zoning districts, with a set of conditions. We don't think we're going to see a whole lot of additional monument signs as a result because the conditions that we've written limit them to a certain physical development situation that there aren't many of. The conditions that are included in the sign code continue to promote the downtown district development style. The proposed changes would allow for monument signs in one or two instances rather than granting variances.

The next change has to do with window signs. Window signs are permanently applied directly on either the inside or the outside of the building's glass, on its windows or doors. Currently, window signs are only allowed in the downtown, but we're seeing them being installed elsewhere. We wanted to write a more permissive language into our sign code to allow them. We also propose a change in the percentage coverage. Right now the limit of 10 percent is kind of a hard number to eyeball. We wanted to bump it up to 50 percent because that would be easier for our code enforcement officers to see and verify quickly. The 50 percent limit only apply to the downtown district, where we still do want to encourage storefronts that remain more transparent, more active and engaging with the streetscape so that there's more of a connection with the interior of the store and shoppers who may be walking and circulating outside.

The next change has to do with electronic signs, which are currently prohibited except for signs that have to do with temperature or time. We want to expand the allowed electronic signs to include for fuel pricing. We've seen a significant shift in the industry from fuel prices that were previously plastic numbers that were changed by hand, to something that's electronic. Also, we wanted to streamline the approval process for these kinds of electronic signs. Right now, the sign code says that if you want a clock or a thermometer, you have to go to City Council to have them review and approve it. We thought that could easily be handled through the sign permit process.

A temporary sign is a sign that, by its nature or content, is intended to be posted for a short period of time. They generally tend to be constructed from less durable materials and tend to be less expensive. As I said before, our difficulty in enforcing temporary signs has been, because they are a short duration in time and lack of permits, they could come and go faster than we can keep track of them. We would like to change the sign code to require permits for temporary signs without charging a fee. We'd like to do this as a way to register the number and duration of temporary signs. We also propose to change the duration of temporary signs to be based on the business rather than individual signs. The proposal is to limit the posting of temporary signs to no more than three non-consecutive 60 day periods per year, per business. The 60 days would be followed by 60 days in which no temporary signs are allowed. That works out three

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times a year. Requiring a permit would give us the ability to regulate those closely. We didn't want to limit temporary signs based on a per property designation because there are some commercial properties in Mission that have more than one business on them. Basing it on business allows each business to use temporary signs in the manner that best fits their operation.

The next type of sign is an attention-attracting device, which is a prohibited sign type. These signs are items that flash, rotate, move, etc and are intended to attract the attention of the public to the sign or to the establishment. We're proposing to add costume character to the definition of attention-attracting device. In the past, when we've asked our city attorney about regulating costume characters, his advice was that we specifically include it in this ordinance as attention attracting devices in order to do that.

Back to pole signs. As I said, we were asked to consider amortization for pole signs. When we reviewed other jurisdictions around us to see what period of time they have used, we found a range of years. The period of time that our land use attorney has recommended is seven years. If adopted, this would mean that any pole sign in Mission would have to be removed at the end of that period of time. A pole sign by definition is a detached sign supported by one or more poles. Basically, it's anything that's not a monument sign.

Finally, obsolete and abandoned signs. Right now, they are not allowed and we have an ability to abate them or remove them if we need to. However, the process that we have for recovering our costs if we have to do that, is a little different than our process for other abatements. For example, if we have a yard that needs to be mowed or trash that needs to be picked up, we send our abatement contractor out to do that. We would then send the bill for those services to the property owner. If they choose not to pay for the abatement, we would have the ability to place a lien against the property to recoup those costs as part of the county tax process. We're just proposing to make sign abatement the same process.

I'd be happy to answer any questions that you have specifically about the red line copy. Because this public hearing is occurring during the holiday season, we would ask that once you have had a chance to discuss it tonight and open the public hearing for public comment, that you make a motion to continue this to the January meeting. That way if there's anybody that feels like they also want to comment, they have that ability to do so in January, after the holidays.

Staff does recommend these changes based on our desire to accomplish the goals laid out to us by the City Council. They are interested in getting feedback from the committee.

Chairman Lee: Thank you.

Chairman Lee opened the public hearing and outlined the process for same.

Kim Donaway, 5535 Riggs, appeared before the Planning Commission and made the following comments:

Ms. Donaway: A couple things that I noticed that weren't addressed. One is commercial signs, business signs like lawn mowing – I have pictures – in residential properties. That stayed forever. This one in particular is in several cities. I'm all over the metro area every day. So, I located all of his signs just because I'm going up and down the streets. And that's not addressed in the sign ordinance. And speaking with Danielle in the past over this, they had no

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enforceability, so they let it be. So, you have commercial businesses putting their signs into residential districts, and there's no enforceability, nothing we can do. As far as I'm concerned, it's tacky. I know Roeland Park has a seven-day limit for any contractors or businesses. And they are on it. When I hear that they can't monitor, how come Mission can't and all these other cities can? And I know they can because I have properties in other cities, too, so I deal with a lot of codes, and we have discussions.

Second, I took a picture – and I take pictures. I've notified them of this one before, in particular. In the commercial district; it's pretty tacky-looking. I know by state statutes and everything that you can't impede traffic. I'm not picking on a business. It's about the placement. When I'm at the corner, I can't see the traffic coming. And that's impediment. That one I do know because of a congressman blocking traffic because you couldn't see through his political sign during the last election. You pull out, and you're going to get hit. I have not seen anything about placement of the signs. It's tacky. They did say in the temporary signs, talking about not made of durable materials. I think they need to get back out on the street and look at what's there because a lot of them are made of metal. That's how different cities started noticing that these temporary signs and these businesses were back-dooring the sign ordinance because they left out metal. They just said it was cardboard, paper, plastic – whatever. An example would be – and I know they're exempt, I have no issue with them – real estate signs. They're metal. So, don't forget that metal structures are also temporary signs. And that one, I don't have an issue with. I'm just looking at the corridor of Johnson Drive, and it's tacky. It's ugly. Except for where the signs are limited. That's it. Thank you.

David Shepherd, Vice President, Mission Bank, 5201 Johnson Drive, appeared before the Planning Commission and made the following comments:

Mr. Shepherd: I live in Overland Park but I spend all my waking hours at 5201 Johnson Drive, at the Mission Bank. I'm a senior vice president there. Thank you for this public hearing so we can talk about this. I'm simply here to express my very strong objection, on a personal and corporate basis, to the section of the proposed sign ordinance that would require the elimination of pole signs. As you are probably aware, we have four of them, two on Johnson Drive and two on Martway. Maybe people have said stuff behind our backs, but we have never received a phone call complaining about our signs in any way, shape or form, except for one time, and it was when our time and temperature sign was out at Johnson Drive and Metcalf. We had phone calls, and plenty of them, from customers and non-customers, saying, you know, I don't know if I'm late getting to work today because your time and temperature sign is out. I have a tenant in our building whose father comes into his office and says, "Do you want to play golf today," and he leans over and looks out at our time and temperature sign to see if it's within his window of tolerance to play golf. So, there are people who utilize those.

The banning of pole signs would take from us the four signs that we value greatly. We think they're very important to our model, and we think they have true value. We just feel like it's dead wrong to require us to take those down. The Mission Bank, as it sits today, was chartered in 1980, and the bank that it acquired at that time, which was the Mission State Bank & Trust Company, was chartered in 1915. And I'd like to think we've been a pretty good citizen for a lot of years. We get involved in a lot of community affairs and the like, and I think that entitles us to be listened to. I don't think we've ever come up here and asked for anything from the City at all, but we really feel like this is important, and we intend to fight this tooth and nail. So, I'd really

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appreciate consideration to strike that section. I think it would be pretty easy. It's number H in the pole sign section. Thank you for your time and your consideration.

Charlotte Humphrey, Fast Eddy's Car Wash, 5180 Johnson Drive, appeared before the Planning Commission and made the following comments:

Ms. Humphrey: We own Fast Eddy's Car Wash. I know some people are not wild about it, but we are. We do have a big pole sign. A few years ago, the City told us we had to take it down. So, we investigated. I drove up and down Johnson Drive, and at that time, there were 14 pole signs. So, I came back and told the City, if everyone else took theirs down, we would, too. We never heard another word. We investigated because we wanted to do what was right. We were grandfathered in at the time. So, I don't know if that still stands or not. I didn't understand her part on that. We pay a lot of taxes to Kansas to keep the car wash open, and we try to take very good care of it. I highly oppose taking our pole sign down. It's going to cost a lot of money for us and everyone else that's involved. So, I hope we can think about that.

Steve Caffey, Block & Company, appeared before the Planning Commission and made the following comments:

Mr. Caffey: I represent the owners of the Mission West Shopping Center and the Advanced Auto store on Johnson Drive. We've been involved in shopping centers since the late 1970s and have recently gone through a change in tenancy, as you're probably well aware, with the Hobby Lobby moving out and Planet Fitness moving in, Dollar Tree, etc. The pole sign that sits on Johnson County that advertises those businesses, I would ask that you consider the impact of having someone who might want to drive to the driver's license bureau to know where they're going. How do they see it from the street? They don't. I think you'll find people who will stomp on their brakes, try to make a turn because they didn't know in advance what was going to be there, looking for an address. Or, any of those small mom-and-pop tenants that are in that configuration of buildings that go around there, from the Thai restaurant, to the Italian restaurant, and so on. Very difficult for people without signage to know where they're at. We did lose the Hobby Lobby sign when they left. That's down and taken away. We understand that. What I would suggest to you is that the public hearing would remain open until your January meeting. I'd like to do more investigation and try to get some facts that perhaps would educate us as a group, as to what's going on in the municipalities around us. I understand that the staff investigated certain municipalities that had set time constraints for the removal of signs. My quick investigation – and I've only become aware of this in the past few days – shows that there are municipalities, including the County, that continue to allow these signs as grandfathered signs. I'd like to see what the other municipalities are doing about it. I think they're maybe one or two, but there may be a dozen who have looked at this and opted not to do it.

We're opposed to it, generally speaking. We think it's bad public policy to do that. We think it will cause traffic issues on Johnson Drive as people are looking for these small businesses, and we would like to keep our sign in place. Thank you.

Ken Savage, McDonald's, 6767 Johnson Drive, appeared before the Planning Commission and made the following comments:

Mr. Savage: I'm one of the owners of the McDonald's at 6767 Johnson Drive. As most of you know, we have a large pole sign that represents our business. We have owned that McDonald's for about 15 years now. That sign has been in place long before we bought and rebuilt the

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restaurant. Quite frankly, it is our view that that advertisement is important to our business. We've invested in that sign to ensure proper illumination, invested in LED. We have investigated the cost to remove the sign, and we believe that that cost is onerous. It would put us at a disadvantage, certainly from an advertising standpoint, but also the cost associated with having it removed.

So, like the other folks who have spoken, we believe that you ought to vote no to the pole sign portion of the ordinance, that we continue to allow the pole signs that are there, as long as they are in good working order and condition, to be grandfathered indefinitely. That would be our request. We appreciate the opportunity to voice our opinion, and would hope that you will seriously consider our views as business people in this community. We feel like we are part of the community, as well. Thank you.

Lee Lynch , Discount Sales Outlet, 5930 Broadmoor Street, appeared before the Planning Commission and made the following comments:

Mr. Lynch: I own Discount Sales Outlet, the mattress furniture store. I have had this pole sign for over 23 years. Because of that pole sign and my relationship to where the post office is, I have generated more business off of having a sign – Mattress Furniture – we sell over 200 sets a month due a lot to that sign. We supply the Veterans Administration in five counties because the guy in charge of that saw the sign while he was at the main post office. So, you need to reconsider your pole sign. Besides the fact I feel that you'd be stepping on federal laws regarding property, grandfather clauses regarding property. So, it's not a good thing to do. Thank you for your time.

Chairman Lee: Anyone else wishing to speak? [*None.*]

[*The Chairman closed the public hearing.*]

Chairman Lee: I would like to add a couple of things. I've heard what was said, and I agree with both sides of this thing. The items that I think in particular that need to be changed or reworded, one of them being the temporary signs. I don't think it's restrictive enough. Doing three 30-days, in my opinion, [*inaudible*]. We're only eliminating a small portion of it. I agree that it's good to have it for a certain period of time and then be down for a certain period of time, but I think when you can go for 60 days, and then down for some time, back up for 60 days, etc., that's way too much. I also think that [*inaudible*] permit does, but I think there needs to be a fee for that. Not a large fee, but a small fee.

In addition to that, I think there needs to be restrictions along with how tall they can be, how far back from the property lines; do they impede? That's a big area, and as you said, that section of Johnson Drive is not just tacky, it's sign clutter. That's the true word of sign clutter, is Johnson Drive.

The other thing where I think a big mistake is being made is on the pole signs. The people that have purchased those signs and have permitted those signs did so with the ordinance being allowed. Now, all of a sudden, halfway through the process, or whatever time period, we're changing the rules. That's like playing a football game and all of a sudden, I can no longer do something. The dollars were invested, the time was invested, and they were permitted. Not allowing new ones is certainly understandable. Look at the other cities in Johnson County that have the amortization. In most of those cities, that went in typically when they also eliminated

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pole signs from the ordinance. So, it wasn't a case of they went for 10 or 12 years with not allowing them, and all of sudden, deciding to go with the amortization. Usually they'll find that losing nine of them over the last 10 years probably isn't bad. There's only 23 left, I think you said. And as people move out, those will continue to go by the wayside. But we don't have that many anymore. It's difficult to call it clutter, like I'm using the term for temporary signs. Those are my comments.

Mr. Braden: As far as pole signs are concerned, in my mind, I don't care how it's bringing in business now, or what the disadvantages are to not having a pole sign. I agree that we should give disallowance to new poles signs. But, I do believe if we make the owners that have existing signs and are maintaining the signs, it would be a burden to them to have to tear those signs down, and then have to turn around and build a monument sign, or some other type of signage. In my opinion, I think the grandfather should stay with the business, but as soon as that business changes hands, they have to notify the purchaser that that sign will no longer be allowed and has to be taken down.

Mr. Babcock: I tend to agree with the Chair on the temporary signs. I think it's not restrictive enough. I just did the math and it's like, okay, you get a temporary signs for six months of the year. I agree, it's clutter, it's trash. I don't remember your name, ma'am, but your point about commercial signs in neighborhoods is a great point. I think that needs to also be addressed, and I think it should be prohibited, other than maybe the seven-day rule. I live on Lamar. I have a contractor come and do business at my house, I tell them to put up a sign. But I don't want it there when they're done. So, it's one of those things, I agree with you 100 percent.

Pole signs. I think I'm in the same mode as most everyone else so far. What comes to mind is Village Inn. My family has lived in Mission since 1966. I can't remember a time when the Village Inn sign wasn't there. To me, it's part of the character of the city. It's a very well maintained sign. Now, here's my thing that I would say on that: If you don't maintain your sign, shame on you. You lose your privilege, you lose the ability to be grandfathered. I don't care if it's going to cost you to bring it down; shame on you for not maintaining your sign. But, if you maintain your sign, I don't see any reason why they need to come down. I don't want to see any new ones.

The other part of that is, if there is a movement toward amortizing the signs, then I think it's 15 years to amortize a sign, to depreciate a sign. Well, if it's 15 years to depreciate a sign, we should amortize it 15 years so they get their depreciation off that sign.

Mr. Bruce: I mentioned at the last meeting that I think we're doing everything we can to support our business community. I would agree with the comments about the pole signs. I do know that Village Inn gets a lot of business because of their sign. They are very visible in their area just off of Metcalf. The other thing I'd like to comment on is I think our sign ordinances ought to be universally applied over our whole business community. We seem to have segregated pockets that have certain rules, and other ones don't seem to apply.

The other thing that comes to mind is certain businesses - this gentlemen mentioned theirs - it's off Johnson Drive, not readily visible. There are other businesses that have similar problems. The businesses that line Johnson Drive to the east of Nall set way back off the street, so they have a different problem. And I do think they get a lot of foot traffic, and they would benefit from window signs, and maybe other avenues of advertising that would be more visible along the Johnson Drive corridor. Thank you.

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Mr. Troppito: I'm in agreement with most of the statements about pole signs, including the requirement for maintenance. I am curious. Staff mentioned City Council put it on us to do this process, and I'm curious where this came from. What was City Council's [*inaudible*] on this issue, if any.

Ms. Murray: I'm not sure if I can summarize every meeting where they discussed it, but I think they had many of the same concerns that you're mentioning about clutter when it comes to temporary signs. It was a dialog over several meetings.

Mr. Troppito: I mean on the pole signs.

Ms. Murray: I don't know that I can tell you who said what and when exactly it came up, but it was something that came up in one of the committee meetings, and they all discussed it together and gave staff direction to pursue avenues to address that.

Mr. Troppito: That won't be necessary. Another question, nothing to do with pole signs, but with costumes and characters as an attention-attracting device. Personally, I have a problem with that. One, I think costume characters are people, and people aren't devices. I don't think we should ban that. I can see regulation of some type, like if there's a public safety concern, to limit the activities to not extending past the curb line, etc. Lastly, I have students, and they need jobs. This could be a job that a college student might want or need. I don't think the City ought to be in a position of eliminating jobs of any kind. We can regulate if there is an issue or a concern.

Mr. Babcock: Mr. Chair, one other point. The temporary signs in the windows, it's interesting when you put up your fixtures somewhere of that, the business that came to mind was Popeye's. There's temporary signs in the windows, and right now, our rules are, I believe, 10 percent of the square footage of the window that can be used for signs. But, we're looking at increasing it to 50 percent. I kind of think they're obnoxious. I think it's counter to the feel that we're trying to get with the walking retail in Mission. I think we're looking for a quaint feel, not a tacky commercial feel, and I think those kinds of signs don't give the feel that we're looking for. So, increasing it to 50 percent I don't think is the answer.

The other thing that comes to mind is, it's almost like they've become an expectation of certain businesses, where it should be for a special event. So, I think we should keep the limitation on the size, and limit the time that they are used, also.

Ms. Dukelow: Mr. Chairman, I have a few questions and comments. I guess overall I agree that the existing pole signs, my sense is that we should continue to grandfather those. The issue of the window signs is something that really jumped out at me. I agree that 50 percent is way too much. However, I recognize that businesses currently are posting signage in their windows, usually from corporate or whatever, but it seems to me that 25 percent would be a more reasonable amount if we were going to do that overall. And maybe 10 percent is right in the downtown district, because I think what we're looking for is more transparency into the business. I think we would rather see what they've got inside than what they're posting on the windows. Maybe go back to a window dressing.

I do think it's important that we address the placement of signs, as was mentioned by one of our members from the community, and also size and material. What constitutes a permanent sign? That's very important because I know for a fact that we have some questionable materials out there on Johnson Drive.

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I do notice in the redline, under 430.060 – Prohibited Signs, there is a section here that addresses directly illuminated signs. I think what we're talking about is a light that sits on the ground and shines on the sign. We indicate that it should be shielded, but I don't think "shielded" is specific enough. I think we need to indicate that that would be full cut-off, and we need to indicate the angle that the light can shine up into the sky, if at all. Address that a little more specifically.

I'm not sure what "direct illuminations" means, if someone could tell me. I'm looking at Section 430.090, D, Article 2: *In lieu of any or all of the wall signs, up to marquee signs, not more than one on each marquee façade shall be permitted for each establishment. Marquee may incorporate direct illumination into their design.* Is that back lighting? Is that direct illumination?

Ms. Murray: We can make sure that we explain that as we go. It's important to reference the "Definitions" section for a lot of those terms because they're specific to sign codes and not necessarily common language usage definitions.

Ms. Dukelow: Okay, I'll make a note about that. I notice there was a comment in the notes from the public meeting, and also, neon signs are listed here. I'm gathering from this that the "Open" and "Closed" signs, which I know a lot of the businesses have, I'm guessing that they do not fall under this restriction because they're much smaller than the indicated neons.

Ms. Murray: There's a separate section that has to do with those signs versus neon signs in general.

Ms. Dukelow: Okay, thank you for clarifying that.

Mr. Babcock: I have a question for staff. Do you know the old Vicker's station? It's a gas station, kind of a convenience/gas station. They've got the cover. Previously Valero. The cover over the gas pumps, they've got temporary permit signs - ? It looks like they've taken cardboard and stuck it up there. Does that meet code?

Ms. Murray: We've reviewed their sign permit. Those are not expensive signs, but they did meet our sign code requirements. Our sign code does not have a list of specific materials that are allowed or not allowed.

Mr. Babcock: How about when they're affixed to the structure.

Ms. Murray: They need to be securely affixed. That's what we review.

Mr. Babcock: You might want to tighten that up so that doesn't happen.

Ms. Murray: We've had to work with that property to help them along, to understand the sign code. They're exploring having a monument sign rather than some of the canopy signs.

Mr. Brown: I don't have a problem with the pole signs either, as long as they are well maintained. If you don't maintain them, you deserve to *[inaudible]*. And if the business goes out, and they're advertising, and it's no longer allowed *[inaudible]* valid application, it should get – But if you've paid for it and been maintaining it all along, especially if you're providing me with time and temperature – *[laughter]*. I personally don't have a problem with electronic signs either, as long as they're not flashing. I personally think modern technology should be allowed. I mean, we have evolved beyond paint. As long as it's muted and not super bright where it's distracting drivers, or flashing, or changing the message every five seconds, or whatever. There should be

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a time limitation on that. But I don't have a problem with electronic signs. I see them when I'm driving down I-70 and they don't seem to be offensive. Of course, that's on the highway and not necessarily somebody's house or window. If you're providing some light pollution. But if they're done in a monument sign type of setting, on the ground, and they're done with muted lights, I don't have a problem with that, personally.

I do like the concept of limiting those contractor-for-hire or other solicitation signs, limit them to residential neighborhoods. If you've come in to re-side somebody's house or put in new windows, etc., and you want to drop your sign in the yard for the time period that you're working there, I don't think that's a problem. But to leave it behind for a month after you're gone – It should go. To me, that's no different than the sign being on the side of your truck while you're parked in front of the house. All those little plastic signs that get thrown out in the right-of-way on the weekends, etc., it would be nice if we had a better way to regulate that. Everyone knows staff doesn't work on weekends, so people are taking advantage of that. The Liberty guy hailing somebody in a suit, that doesn't bother me at all. I think some people are bothered by that, but I'm not. That isn't any different than the guys changing your oil that don't have anybody in the shop, so they grab the sign and go down stand out at the street and advertise their price. They're trying to stay busy and keep the busy going. I don't have a problem with that. It's when it becomes clutter. How to write a regulation to address that and tighten that up is a challenge. So, is there a possibility to put a committee together to address specifically that temporary sign issue? If the sign doesn't have a permanent face, as far as I'm concerned, it should be defined as a temporary sign and be restricted to the amount of time it can be out there.

Mr. Braden: I agree that 60 days is too long.

Mr. Brown: To find that balance where people can advertise what they're doing and who they're doing it with is fine, but for them to leave it behind, or to be running out there every weekend and putting them out just because they know staff isn't around, I think we need to find a way to deal with that.

Mr. Davidson: This business of the pole signs, I think that's great that they can say, you know, I think they have a lot of neat history in the city of Mission. So, that's my feelings on that. I was just going to say, Danielle, on these window signs, are you talking about the new graphic styles and things like that, with the graphic art and stuff? I don't know whether writing a definition of a window sign – Does it have text? Does it have some type of verbiage? Because you can have glazing, but then you also can have it as part of the architecture of the structure – graphic art, if you will – that might not [*inaudible*] the definition of the window signs. So, if there could possibly be some type of verbiage in that restriction - ?

Ms. Murray: I'm writing down the comments from this evening, and I've got a list of things to address. I think based on some of the things you're asking about that maybe I need to go back and review the sign code layout with the Commission.

Mr. Davidson: And they may already be. Just for the record, just make sure there's already wording.

Mr. Brown: I just have one last thing to say. Whatever we do, we need to keep it simple so that it can be easily followed. Two, it can be enforced. To just write a regulation that staff or the City doesn't have the resources, or is willing to commit the resources, to enforce, it's pointless.

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Mr. Babcock: I think that follows along very well with what the Chair said, that there should be a fee for a temporary sign. That helps us pay for the enforcement of that sign.

Mr. Troppito: From all that you've heard so far, Danielle, is it practical to expect that you would have replies back by the next meeting in January?

Ms. Murray: I think my plan of attack would be to come back in January with responses to as many of these questions as I can. I haven't heard too many things that make me think that there are a lot of things that need to change in the proposed code. It's probably more walking through what the mechanics are. The comments that I've heard about temporary sign duration, that may take longer to address some of the concerns about setbacks for signs. I think I can have something back to you for consideration in January. Now, it may not be something that you can take final action on in January. It may be that we have another meeting in February.

Mr. Troppito: That's why I'm asking. We're looking at continuing the public hearing to the January 23rd meeting, so I'm wondering if we shouldn't continue the hearing to the February meeting.

Ms. Murray: I think January would be okay because then you could get the rest of the public comment that it would be fair and reasonable to ask for. The rest of what we would need to do would be just the nuts and bolts of codifying it. I hate to push it out until February for additional public comment because then it may drop off people's radar.

Chairman Lee: And if nothing else, at that time, we could continue it if we need to do it.

Mr. Brown: I would also like to address the issue of the temporary signs for specific charitable events. Like McDonald's, for examples, if they're having high school kids in for a fundraiser, they'll put up a "Shawnee Mission Fundraiser" sign out on the lawn. I don't think they should need to get a permit to do that. Just like I don't think the church doing a bible study or something like that, if they're just doing it for a specific –

Ms. Murray: And we'll [*Overlapping comments.*] here because that's content-based, and we can't regulate based on content. As much as we'd like to.

Mr. Brown: Well, let me rephrase myself. If it's for a not-for-profit, charitable, specific event with a window of time that specifies – I don't want to require somebody to have to get a permit.

Ms. Murray: There may be other ways to do that besides based on the content. Maybe off-premise advertising, because essentially what you've got is you're advertising something for what's not there on the property. Right now, we consider that to be a billboard and it's prohibited, so you can't have off-premise advertising. However, there may be a way, and we can look at how you would do that in another manner.

Mr. Brown: That's what I'm asking, is how we get there. Lots of those things are just good community service and they're supporting the ideals that we're trying to promote.

Chairman Lee: If we had a fee, would you waive that for charitable situations?

Ms. Murray: Yes, we could structure the fee in that way. For those kinds of questions, I'm going to consult with our attorneys, just to make sure that we're not setting up a challenge to our entire sign code.

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Mr. Brown: I'm certainly not trying to do that. I'm just trying to crack the window open so we don't make it unnecessarily difficult for somebody who is doing something for the good of the community for a short window of time.

Ms. Dukelow: Could it be duration-based? Like two days?

Ms. Murray: It could be.

Mr. Brown: I'm just trying to engage the conversation.

Ms. Dukelow: Right. But if it's two days, you know –

Mr. Troppito: You could always say "not to exceed" X hours.

Ms. Murray: Like I said, I'll take that to our city attorney and see what options he can provide us.

Mr. Brown: See if we can find a way. That would be good.

Chairman Lee: Okay, other comments? [*None.*] I would entertain a motion.

Ms. Murray: Mr. Chair, please ensure that the motion includes continuing the public hearing to a date certain.

Mr. Braden moved and Mr. Babcock seconded, in regards to Case #16-07 Zoning code text changes for signs, to continue the public hearing to the next regular meeting of the Planning Commission on January 23, 2017, to allow for additional public comment after the holidays, and to accommodate the suggestions of the Planning Commission.

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

Staff Update

Staff provided an update on various planning items.

ADJOURNMENT

With no other agenda items, **Mr. Braden moved and Ms. Dukelow seconded a motion to adjourn.** (Vote was unanimous). The **motion carried.** The meeting adjourned at 8:30 P.M.

Mike Lee, Chair

ATTEST:

Nora Tripp, Secretary