

# MINUTES OF THE PLANNING COMMISSION MEETING

May 29, 2018

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Tuesday, May 29, 2018. Members also present: Stuart Braden, Brad Davidson, Robin Dukelow, Burton Taylor, Charlie Troppito, and Pete Christiansen. Absent was Frank Bruce. Also in attendance: Brian Scott, Assistant City Administrator; Laura Smith, City Administrator; and Ashley Elmore, Secretary to the Planning Commission.

## Approval of Minutes from the April 16, 2018 Meeting

**Ms. Dukelow moved and Mr. Troppito seconded** a motion to approve the minutes of the April 16, 2018, Planning Commission meeting.

The vote was taken (7-0). The **motion carried**.

## Case # 18-02 Proposed Changes to the City of Mission Zoning Code as it Pertains to Regulation of Signs

Chair Lee: I'd like to first read something I received today via email: "*Hey, Mike, hope things are going well. I see that the Casey's signage is on the agenda this evening for the Planning Commission. I would encourage the Commission to allow the signage as they have proposed. They are local and they are involved in the business community. My company has been in Mission for 62 years, believe it or not, at a Johnson Drive location. We support the needs of Johnson Drive businesses by making a positive contribution to this community. To not allow an updated sign on the old Sinclair sign post does not seem in the best interest of Johnson Drive businesses. I'm hoping for a positive outcome on behalf of the Casey's this evening.*" **Signed, Doug Gregg**. I'll turn it over to Brian Scott.

Mr. Scott: Okay. Thank you, Mr. Chair. I'm going to hand it over to Ms. Smith, our City Administrator. She's more knowledgeable about this agenda item than I am.

Ms. Smith: Do we open the public hearing?

Chair Lee: Normally, we don't until after.

Ms. Smith: I'm happy to do whatever your normal process is. Thank you, all. I'm happy to be here this evening and appreciate your flexibility in accommodating the holiday schedule this week. As the information that was included in your packet outlined, we have been talking about signs, in some level of detail, really for about the last two and a half years. Back in 2015, based on feedback from the community and the City Council as it related to the aesthetic issue of signs, we proposed taking a very comprehensive look at our sign codes, which had not been reviewed and updated for an 8 to 10 year period. In early 2015, we said we would like to go back and conduct an inventory. So, before we start talking about potential changes to the sign code and/or sign code enforcement, let's make sure we have a clear understanding of what we have and what we might be faced with as we move through that process.

Staff conducted an inventory, looked at the sign code regulations, held a series of public meetings, public input sessions, public hearings, and eventually recommended potential changes to the sign code. The Planning Commission reviewed the recommended

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changes to the sign code in March 2017 and approved these for the Council's consideration. Your recommendation proceeded to City Council, who adopted the final revisions to the sign code in April 2017.

Following that, we communicated to the business community that before we went out and started enforcement under the new sign codes, we would take a period of time to do some education. We actually sent letters and did a variety of other things, trying to educate on the changes to the sign code before we went out and started enforcement efforts. And then, last summer, the enforcement efforts were initiated on a more specific basis. As we started that process, we had more questions and concerns, and we continued to hear feedback, both at the staff level and the Council level, regarding various sign types, particularly as it related to pole signs. But, there were other signs included as well. You may recall that the lion's share of the changes to the sign code revisions that were adopted in the spring of 2017 dealt with temporary signage, in particular.

Council discussed the issue at a number of their committee meetings, both in 2017 and early 2018. They ultimately asked staff to look at drafting proposed revisions that might allow for the reuse of certain prohibited sign types on a very limited, case-by-case basis. As you know, changes to the City zoning text can be initiated by staff or done at the request of the City Council or the Planning Commission. We took a step back and looked to see what options we might have. In doing that, one of the things we were also talking about as we prepared for and went through some council retreats, thinking about strategic goal setting and things like that, we kept talking about, what is our brand as a community, what is the character of our community, who are we as Mission, Kansas? That small-town feel, that ability to be flexible and adaptable, to maintain that small-town atmosphere, was a very common theme throughout those conversations.

So, as I researched what had been done in other communities, I discovered that oftentimes there was a section of sign code ordinances that allowed for signs that contributed to that sense of place, that have historic character, to be considered outside of the regular sign process through, sometimes if the community had a historic organization or historic board established, an application might be made through that process, or an application would be made to the Planning Commission. So, we worked with Mr. Heaven, our attorney, to look at crafting some language and creating a new section with proposed changes to the sign code, which would create a new sign category. That would be Signs of Historic Significance. Again, it's really intended to provide that mechanism to preserve or maintain signage that contributes to the character, history or identity, which otherwise would be prohibited. And I'll be happy to walk through some of the specific provisions and code changes, but generally, the process would be that someone would make application to the Planning Commission, who would consider that application against the criteria that was established in the zoning code. And then, they would make a recommendation. But, if the decision of the Planning Commission was adverse, the applicant had the opportunity to appeal that to the City Council. Would you like me to walk through the criteria in the ordinance, or have you had an opportunity to review them?

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Chair Lee: I've read it, but yeah, why don't you review.

Ms. Smith: Okay. Let's look at the redlined - Section 430.130, Signs of Historic Significance. It goes through details of purpose, again, preserving that sense of place, but also protecting against the inappropriate re-use of non-conforming signs, while also ensuring that the signs are safe and well maintained. Again, allowing the owners flexibility. This classification would not preclude an owner from removing a sign if it were to be designated a sign of historic significance.

So, in the criteria, we laid out seven criteria and suggested that in order to be considered or designated as a sign of historic significance, the sign should comply with at least three of the following:

1. The sign shall have been installed at least 40 years prior to the date of application;
2. The sign is an example of technology, craftsmanship or design of the period when constructed;
3. The sign may include, but is not limited to, a detached sign, pole sign, a roof sign, a painted building sign, or a sign integral to the building's design (fascia sign) or any other type of sign that was permitted on the property at the time the sign was installed;
4. The sign is structurally safe or can be made safe without substantially altering its historical appearance; and
5. The sign retains the majority of its character-defining features (materials, technologies, structure, colors, shapes, symbols, text and/or art) that have historical significance, are integral to the overall sign design, or convey historical or regional context.
6. The sign exemplifies the cultural, economic, and historic heritage of the City;
7. The sign is unique, was originally associated with a local business or local or regional chain, or it is a surviving example of a once common sign type that is no longer common.

The process would be an application to the Planning Commission, and if approved, that sign would be exempt from the remaining portions of the sign code.

In addition to the new section and the new code, we also took the opportunity to clean up some language in Section 420.220 relating to non-conforming signs. We really just reordered a lot of that language. Sometimes the sign code can give me a headache when trying to read and interpret that, so we took the opportunity to go back and clean that up. But, nothing major or substantial in terms of the application that the sign code provisions is proposed for. I'd be happy to answer any questions the Commission might have.

Mr. Troppito: I have a question. There is a picture of the sign, or maybe not a sign, at 5501 Walmer. Had a discussion today with Mr. Scott, and I think we're of the opinion, by

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interpretation, that this is really not a historical sign within the context of the definition in this proposed redraft of the ordinance. However, that's just an interpretation. And I don't want to delay this. I'm fine with the ordinance revisions as they are. But I wonder if we need to look at things like this a little more, maybe address it in a separate section of the ordinance. I think we could maybe call this a monument, how many monuments there are in the city.

Ms. Smith: An historical marker. And I don't think we have a specific definition there.

Mr. Troppito: Maybe it would be good to take a look at that and come back later with a specific recommendation from the state historical society, or something. I'm just leery about this just being only a matter of interpretation. So, I would like it in the record tonight, at least tonight, to reflect that it's staff's opinion, that you concur that this historical monuments or markers of this type are not what's intended to be regulated under these ordinances changes.

Mr. Scott: Mr. Troppito and I exchanged emails about this at the end of the day. We both felt this was more a historical marker than it is a sign, and that the proposed ordinance changes that are before you tonight are really more for regulation of commercial signs, and those that that may feel a commercial sign is of historical value, or value to the community. Application to you all for approval along those lines. This is something separate than what's before you tonight. And we should probably do that. There is nothing currently in our code about historical markers, so that's a good point. Draft something for a future provision.

Chair Lee: Questions? At this point, we will open the public hearing. Anyone who would like to speak?

[no response]

Chair Lee: I'm not seeing anyone. We will close the public hearing. Comments or questions?

Mr. Braden: Just to clarify: we are considering this on a case-by-case basis, but who initiates the case to begin with? And second of all, whether it's historical nature, or how does that process work?

Ms. Smith: The application, according to the code revisions, an application could be made by the property owner or the City, as part of that process.

Mr. Braden: Okay. But what would lead the property owner to do that? Only because the sign currently would be non-conforming?

Ms. Smith: Correct. I'm sorry, there was a second question in there -?

Mr. Braden: I think I just said - I kind of answered it myself, that the Commission would determine --

Ms. Smith: Yes. Based on the criteria that were laid out in the ordinance.

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Mr. Braden: So, if the applicant, a non-conforming pole sign, or whatever, is, the applicant or the owner does not apply, then the City would tell them that they need to remove their sign?

Ms. Smith: Yes. Existing code provisions would prevail. So, the time period which would make a sign abandoned or obsolete would still apply. It would require that specific action on the part of a property owner to initiate that process.

Chair Lee: Don't we have a set that we're really kind of arbitrary, though? As far as these guidelines? I have to tell you, I drove Saturday up and down Johnson Drive, and all through the city, and I really don't see much in Mission that has any historical significance from a sign standpoint. There are a few; very few. The building just to the west of the theater, those are unique, those are back in that timeframe. That makes sense. If the bowling alley was still in place, that sign would make sense. The marquee on the theater, but that's already addressed in the marquee ordinance, so that makes sense. After that, it's pretty slim. There's not much out there. When you say the Sinclair sign... I would say no. And the reason I would say it, one, it doesn't say "Sinclair." It never said "Casey's" on it. It said "Sinclair." It's not unique to the type of sign it is. That type of sign is still made every day. The shape is somewhat unique, and that was Sinclair's shape, but without the word "Sinclair," it doesn't mean anything to anybody. I just don't see anything to be of historical significance for that particular sign. The sign I think is a horrible sign but would have more significance historically would be the Fast Eddy's Car Wash. That has more historical significance than the old Sinclair sign. But, hopefully they're not going to be here, asking for that. I mean, we really have done a good job of getting rid of those signs that would have fallen into that category. There just isn't much out there.

Ms. Smith: I will tell you, I have had some feedback that perhaps narrowing the criteria, rather than leaving this list of seven open, might make sense. Potentially some narrowing of that, particularly with having to have been installed at least 40 years prior to the date of the application being a prerequisite. So, you might establish some as the base criteria, and then, some of the others provide an applicant flexibility.

Mr. Troppito: The criteria, the seven criteria in terms of compliance criteria. One of them is a life safety issue. It's number 4, that the sign is structurally safe or made safe, etc. Who makes that determination?

Mr. Scott: The building inspector or the building official for the city.

Mr. Troppito: Not a structural engineer?

Mr. Scott: If we feel that it's necessary, we can have a structural engineer look at it. It depends on the situation.

Mr. Troppito: It seems like this could be tied down with more to me.

Mr. Scott: Something maybe that, if it was damaged in a storm, the building inspector went out and looked at it, and they'd like to have the determination of a structural engineer, then we'd hire a structural engineer to look at it.

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Mr. Troppito: How can you see metal fatigue? You can't.

Mr. Scott: Not always visible to the eye, no.

Chair Lee: But you don't have that anyway. It could still be legally non-conforming and you wouldn't have that.

Mr. Troppito: What I'm concerned with is having a structural assessment process - it could be tied to having someone licensed, at least in some capacity, to make the final determination.

Ms. Smith: I would guess that the current sign codes leave us open to that because you're making a permit to make repairs or changes to existing signs, whether they are of historical significance or not. You have the potential to have someone in a position to make a call on the structural soundness of a sign. I understand what you're saying. I think it would be a broader application than just to this particular sign type.

Mr. Troppito: Two concerns here. One is liability in the sense of public safety to the citizens. The other is possibly legal liability for not following through with due diligence to call in a structural engineer to make a determination at the appropriate time. Or somebody in some licensed capacity, who has an actual license or permitted credentials to make that determination of structural soundness. Take it for what that's worth.

Mr. Davidson: We have these criteria, as we all do with planning, codes and restrictions that we go by. It's very unique because - we're talking about the Sinclair sign, obviously. It's a very unique sign in itself because it's part of the structure, part of the canopy of that structure, back, you know, of that historical ...

Chair Lee: The canopy is not part of the sign.

Mr. Davidson: I thought it was still part of the pole sign.

Mr. Casey (from the audience): The canopy is built around it.

Mr. Davidson: Then, I'm corrected. I thought the - I know it's part of something that's just, that's part of - case in point, you know, The Bar went in there, refurbishing an old gas station. That gives, you know, kind of a unique feel to Mission. Although, I said in the very beginning, as far as historical significance to some of these structures that we have downtown, and like Mike said, most of them are already gone. They've already done their time and been razed. For whatever that's worth.

Ms. Dukelow: A couple of comments. Based on the conversation, I understand that if one were to want to, if we were to pass this and the applicant were to bring a proposal, I mean, then we have this, this sign would be awarded this, or classified appropriately. And then, I understand the applicant would apply under the sign code for whatever they want to do for it. Are they going to paint it? Add new lighting, new whatever? Put their name on it, whatever they're going to do with it. That could also go through a similar approval process? I'm just trying to figure out where we would go with the sign once it were categorized as historically significant. In the event that this was approved.

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Ms. Smith: It would have to meet the criteria to be assigned historic significance. And then, any changes would be handled through whatever our normal sign permitting process would be. But staff, in handling that permitting process, is going to have to pay attention to what those changes are, so that you aren't approving changes in the permitting process that take it outside compliance with the criteria that that designated in the first place. But I don't think we envision it being an application that would require the Planning Commission to consider the sign permit. You designate it, and then, staff works through that sign permit process.

Ms. Dukelow: Right. Another question. We talk about the signs being gone or other potentially historically-significant signs being gone, but I'm not really sure what's under some of those buildings downtown. Maybe there are some signs that we aren't aware of, that either have been covered up, or maybe somebody has one in their basement. I'm just trying to think of an old building and a business that's been on Johnson Drive for a long time. Take something like Hartman. I mean, I'm pretty sure the sign that they have up now is not historically significant, but I do wonder what they had years ago. I guess I'm just saying that maybe even though we don't see a sign today that we consider to be historically significant, there may be signs still out there.

Ms. Smith: Or, there may be signs that we're installing today that 40 years from now will have historic significance, based on the type of architecture or the construction or materials. So, rather than capture a century or, you know, some specific period of time, creating more of a rolling look to say, as we look back and architecture changes and design changes, there may be an opportunity to capture something like that in the future.

Chair Lee: A question I have is about the Sinclair sign. What is the position of that sign from the City's perspective? Is that an abandoned sign because it's just there? I know they went to the BZA, and were turned down. One, I think we talked about it at the time. There was one thing where you could change faces and stay within the confines of what was there. The understanding we got from that was that's not what they want to do. They want to put a completely different cabinet on that post. So, all we're really saving is the post itself. If that's the case, once you take that down, it's no longer - it has no significance at that point, other than the fact it's, you know, it's not even grandfathered in at that point. So, you take it down, it's gone. Since that's the kind of driving force, at least tonight, what's the City's position?

Ms. Smith: Well, the current sign is no longer a legal non-conforming use under the current sign code.

Chair Lee: But, if we were to approve this this evening, would that sign need to be looked at again?

Ms. Smith: Yes, it could be reconsidered under the revised sign code.

Mr. Braden: Well, I've got a follow-up to that. Let's take pole signs, for example. Somebody needs to have historic significance to their pole sign so they don't have to tear it down, but they want to make changes to it. How far can we go? Because like

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Mike said, if you completely change the sign, then it's no longer historically significant. I mean, I'm thinking of the Western Auto sign downtown. In my mind, that's a very historic place. But, someone changes the design and it's something else, to me, it's no longer historically significant. So, I don't know how far the changes can go.

Ms. Smith: If you look at number 5 under the criteria, under B, it talks about the sign has to retain the majority of its character-defining features.

Mr. Braden: Okay.

Ms. Smith: So, materials, technology, structure - You change the structure, you change the shape, you're going to have to have a majority of those other criteria or you're not going to get the historic designation.

Mr. Braden: That's what I was looking for.

Chair Lee: So, going back to that sign, is that sign abandoned today? And so, then if this would be approved, they can come back and ask to change the faces, and make those faces say, "Sinclair?" Or say "Casey's"?

Ms. Smith: They could ask to make the faces say "Casey's."

Chair Lee: Although it never said "Casey's." It currently has no faces in it whatsoever and The City looks at it as currently abandoned. So they would be recreating a sign.

Mr. Taylor: I had the same question. I was going to ask if you could somehow get around it. With the sign that we're talking about as an example. Basically, we would take it through this same process, and as long as it hits three of these, the City - And the City would determine whether or not it hits three? Or we would?

Ms. Smith: You would. And that's why, you know, based on some of this discussion, you may want to look at making some of these criteria required. Making an applicant meet a minimum threshold, and then, you have some flexibility. So, five, for example, may be one of those. One and five may be items that brings that, the number of considerations down.

Mr. Taylor: Because right now, it could make its way through. That's what you said. Just with nothing but the pole?

Mr. Scott: And the shape of the cabinet, too. Essentially, take an application for historical value, you would all consider the criteria, and if you approve it, they can put a new face on it, saying "Casey's." In the same shape. That's how I would interpret it.

Mr. Troppito: I wonder if we could just kind of agree that what's proposed appears reasonable for now, but let's revisit this in 12 months. See if any changes to be made in the sub-criteria. Give us a staff report in a year.

Chair Lee: It's pretty clear that there will be no sign when it comes before us, where they want to keep it, and they have to take it down, and they're not going to say "historical." We only have a very small margin of two or three items out of seven to approve it, and about 90 if not 100 percent would be approved. So, it's not really a case of taking the sign on its merit. It's a case of taking that sign, which by our code today- which would



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change of course, is no longer allowed, particularly in the case of this sign that's already been denied and already considered abandoned, and it's still standing up. I mean, what we're basically saying is that we're not following our code as they are today.

Another example I would like to ask you is, totally unrelated, but it does lend itself the same way - the tattoo shop, or parlor, whatever it's called, at Johnson Drive and Broadmoor. How many signs to they have?

Mr. Scott: Quite a few. I noticed that the other day.

Chair Lee: They have seven. And those didn't just happen. That's been several months. It keeps growing. We're not enforcing our own ordinances, so I guess the the decision needs to be made first, why have ordinances, if we're not going to enforce them?

Mr. Scott: And there may be a case on that, I don't know, with the enforcement officer.

Chair Lee: I just happened to notice they added additional ones from the last month. Other comments?

Ms. Dukelow: I have a couple comments: I guess three out of seven doesn't seem like a lot to me. I mean, it would seem that maybe some more of those should be required. I mean, because if it's only three out of seven, then four could be omitted. I think they could be a little more restrictive with it. Of course, we still have the opportunity to deny, but on a case-by-case basis, we want to understand. Just a thought.

Mr. Braden: None of those are prerequisites. They're either, just pick through on the seven?

Ms. Smith: Yes, and that's what I was saying. The only feedback that I had at all since we published this was the consideration that some of the criteria would be prerequisites, and then others could be layered on top of them.

Mr. Braden: Five would have to be, just looking quickly, would have to be the number one prerequisite.

Ms. Smith: And I've heard one and five in those conversations as being that base.

Mr. Christiansen: I have a quick question. Is there any reason for a business that's on Johnson Drive, they could fit their name on something, would it make sense for them to conform with this? I mean, I understand because of its significance, but if it's just a sign, and they can't advertise themselves on it, or advertise some other business that was previously there? Would it even make sense for them to conform with this?

Chair Lee: Well, I think you answered that, that they would have to be allowed to the original...

Mr. Christiansen: But be stuck with number five as the text part of it?

Ms. Smith: You would have to retain a majority. By count, if you consider text and art as one, you would have seven. So, you would need to meet four of those. Right? Materials, technologies, structure, colors, shapes, symbols, text and/or art.

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Ms. Dukelow: I think about, you know, sometimes you'll see a, like, there's a really old gas station that's been converted into an ice cream shop, or something like that, and they've got a clever little sign out there, I mean, that was probably a part of the original structure. Well, like you say, of course, it's not going to say "Shell" on it, or "Texaco" on it. "Texaco" is the one that we think of. Of course it's not going to say "Texaco" on it. It's going to say "ice cream."

Ms. Smith: And I don't think we have any of these conditions that oftentimes, this would be, as I researched, you had buildings that signs had been painted on the side. More mural-type signage that is no longer reflective of that particular business. And I think, you know, Chairman, you referenced the Mission Bowl sign, which was, a legal, non-conforming use, but it's certainly iconic. And the Mission Mart sign probably could be considered to have some historical significance...

[crosstalk]

Ms. Smith: ... right on the edge of that. The Sinclair sign is 48 years old.

Mr. Taylor: Just kind of using that as an example again. So, one and five are musts, that that sign still could make it through?

Mr. Braden: Has anyone seen examples? I'm trying... the historic signage that has the base changed, but it's still very similar to what's there already.

Chair Lee: Yes, but if you're going to - I guess it depends on what you're going to define as historically significant, whether it's the shape, the name, or they're Sinclair, or they're Casey's that were there. You have to define that in order to take the next step because, you know, you don't know. Just putting the name in there doesn't really mean anything at all. Now it's got the shape. It means nothing to anybody who didn't see this as a Sinclair sign. And even those people, probably 50 percent of them won't realize that's the same trapezoid shape. So, is the sign itself, does it have historical significance? I don't think so. If it were porcelain, if it were neon, if they were things that are no longer available, or it's not the norm. That sign is the standard norm. It's got plastic form faces that go in it. That's what 80 to 90 percent of wall signs has. It has HL lighting, standard lighting. It's got ballasts. Nothing has changed in the industry to take away from it.

Now, yes, people are trying to do LED's, things like that, and that's becoming very common, but those other items are still there. And they're actually cheaper to manufacture, those items. It's more expensive to maintain. I mean, there are thousands of signs that go up every day in the metropolitan area that have the same items. I just don't see the historical significance. I guess, you know, I'm just waiting for someone say, "This is what makes them historical." Other than the fact it was there. And again, there's certainly no argument over that.

Mr. Scott: That's the case they'd have to make if they decided to make the application.

Chair Lee: You know, again, there aren't many signs out there in Mission...

Mrs. Casey: May I say something?

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Chair Lee: That's why we have the public hearing. I'm open. Go ahead.

Mrs. Casey: I strongly disagree with you. A lot of people know that is the Sinclair station. It has been there for over 56 years, and it is a part of Mission, and always has been. Just the same as Village Inn. Everyone knows that sign. They've been here forever. Just like the Centennial Bank that went to Mission Bank, and now is Security Bank. That is a historical sign. It's been there forever. It's been the same shape, but it's a different name. Which is exactly what we are asking for - same shape, different name. And yes, we were turned down by the BZA, but we were never supposed to go in front of the BZA to begin with. It was a mistake. During the BZA meeting, we asked if we could table it to find out some information. We were told no, you cannot table it. That was another mistake, so much so that the City refunded us our money and sent us a letter stating that it was incorrect. And we still were not given the chance to go in front of the correct committee and have it done correctly. This has just been one big mistake after another, and we are the ones who are paying for it. And, Chair Lee, I have no idea why you are so against us, but there's definitely a conflict there, and you know it. And why you are just standing so firm against - this has been there forever.

Chair Lee: Mrs. Casey --

Mrs. Casey: Everyone knows it.

Chair Lee: -- I agree with you. It has been there for a long time. I have nothing whatsoever against you. If someone were to ask me away from this room what my thoughts were of you, I would have told them I think both you and your husband Carl are fine, upstanding people. Fantastic people to the community. Great business people in the city of Mission. That's not what we're here to discuss. What we're here to discuss is a sign that, by code, should not be there anymore. The code says it's abandoned. Now, the BZA meeting - which I was at, if you'll recall - I tried repeatedly to get you to think about changing the faces at that time. I don't think it would have been approved, that we were going to have some issues with that, but you weren't even interested in entertaining that.

Mrs. Casey: No, that is not true. We said we would like to make sure Sinclair didn't have a problem, let's table it. Danielle said you can't table it. You have to vote. That was a mistake.

[crosstalk]

Ms. Smith: We did make mistakes in the process, and Mrs. Casey is absolutely right. It should never have gone to the BZA. The problem is the BZA shouldn't have heard the case, but there but there was no appropriate body. And that, I think, is maybe the crux of what these revisions are. Should there be a mechanism for signs that don't fall anyplace else within the existing sign code, for you to consider? So, this process really takes over where, I think, the process broke down and created some confusion in the past.

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Chair Lee: I'd like to clarify one point again, that I do not have anything against you. If you'll recall after that meeting, I was more than happy to come down, talk to you about it, did what I could to help assist you, working with some other ideas and so forth.

Mrs. Casey: All we're asking to do is replace the sign. That's it.

Mr. Casey: We tried to have another meeting and they said you only get one bite of the apple. That's what we were told.

[crosstalk]

Mrs. Casey: And we were fine, you know, if we had been told - I know you guys don't like pole signs. I get it. And nobody wants them.

Chair Lee: That's not true.

Mrs. Casey: But the ordinance was changed and Security Bank got their sign. So, we're just asking the ordinance to be changed again to help us out. It's not like you have a bunch of businesses coming to you, asking for pole signs, because you've already said there will be no new pole signs. We're just talking about the ones that are here now. Are you going to tell Village Inn, if they change owners, they can't have their sign? I mean, I don't understand what the big problem is here. It's not an eyesore. It's been existing forever. You're not getting new pole signs anywhere. You're just maintain the ones you have now. You're trying to help the businesses who have something now. And you're right. They haven't been monitored because there were several pole signs that have changed totally, completely new businesses. They didn't come to the City, and they stood for years, and nothing was done about it. I've been told so many times we should have just put the darn sign up, nothing ever would have been done about it. We chose to do the right thing and ask for a permit, and we have been dealing with it for two and a half years.

All we're asking for is to reface our sign. That's it. Nothing more. We're just asking to be treated like the big companies in this city have been treated. I was told they got a lawyer, that's how they got their pole sign. And I refused to get a lawyer. But, we finally were told we're not going to get it unless we got a lawyer. So, we got a lawyer. But still, we're fighting. I put my lawyer on hold. I don't want to deal with lawyers. I don't think that's the right thing to do. I think businesses should be able to come to their city and work things out. We shouldn't have to involve lawyers. I'm just looking for my city to support us and help us out. And all the other businesses in this city. That's all we're asking for. Be a more friendly city.

Chair Lee: Comments? Questions? Well, we're at the point if someone wants to make a motion -?

Ms. Dukelow: Mr. Chairman, I'll make a motion. I would like to recommend approval of Case No. 18-02, Proposed Changes to the City of Mission Zoning Code, as it pertains to the regulation of signs, with the following recommended revisions: To Section 430.130, Section B, Criteria for Identification of a Sign with Historical Significance. As suggested, I would like to recommend that numbers one, four, five and six be

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considered prerequisites for the sign to be recognized as historically significant. Would it be valuable for me to read those four prerequisites at this time?

Mr. Troppito: I think we all have of them.

Ms. Smith: One, four, five and six.

Ms. Dukelow: Yes.

Mr. Troppito: You mean of the red-lined copy specifically, right?

Ms. Dukelow: Yes, thank you, Mr. Troppito. So:

1. The sign shall have been installed at least 40 years prior to the date of application;
4. The sign is structurally safe or can be made safe without substantially altering its historical appearance; and
5. The sign retains the majority of its character-defining features (materials, technologies, structure, colors, shapes, symbols, text and/or art) that have historical significance, are integral to the overall sign design, or convey historical or regional context.
6. The sign exemplifies the cultural, economic, and historic heritage of the City.

Mr. Braden: I'll second that.

The vote on the motion was taken (6-1). Chairman Lee voted in opposition to the motion. **The motion to approve this application carried.**

### **Case #17-11 Tidal Wave Auto Wash Final Site Development Plan Review - 6501 Johnson Drive**

Mr. Scott: The item before you tonight is a final site development plan review for the proposed Tidal Wave, to be located at 6501 Johnson Drive. The Planning Commission heard this item at their March 26, 2018, meeting. At that time, it was presented as an application for the form-based code because 6501 Johnson Drive does fall within the form-based code overlay district, which was approved by you all and subsequently approved by City Council. However, the City Council did ask for a stipulation, that this go through a final site development review process. So, essentially, we're treating it like we do any other development. We have a preliminary and a final, and we're trying to apply as much of the form-based code concept as we can to this project. Those are highlighted in your staff report.

They did submit quite a bit of material to us, outlining the perspective of the building with the proposed sign on it, which does meet our sign regulation. They also provided details on the materials that would be used. We have a material board, as well as information about the perspectives, information about the canopy and the drive-through, etc.

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I don't want to say too much because I don't want to steal their thunder. Mr. Schepers is the representative for Tidal Wave, as well as Mr. Welles, are here tonight to speak. I'll let them go through the final review and answer any questions you have.

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

Mr. Welles: Good evening. [Makes introductions.] As Brian mentioned, we are here before you tonight for the final development plan approval for the property at 6501 Johnson Drive. As Brian noted in the staff report, the 12 stipulations for approval that you placed on the project at the March 26th public hearing have been addressed and the materials submitted for the final development plan request for approval, subsequent to formal approval of the detailed construction documents.

One note in the additional staff comments, request for evidence in writing of an agreement between Tidal Wave Auto Spa at 6501 Johnson Drive and Mr. Bill Bennett of Exact Performance next door, an agreement for shared access. That was really of record, and discovered a title policy 12-plus months ago. There's an existing 30-foot easement at the common property line of these two parcels. So, that's already in place, and we have had significant conversations and dialog with Mr. Bennett about our proposed project, and he is in agreement that it would actually better serve him with the modifications that are planned by consolidating those two curb cuts into one common curb cut, and the additional modification of the nose of that median for westbound traffic turning left, making a safer situation for his customers, as well.

So, we have a PowerPoint package, but we can't load it up on that machine tonight. Thank you for your time, and we respectfully request your favorable approval. We'd be glad to answer any questions that you may have.

Mr. Christiansen: I do have some questions about the queuing of cars. I read the BHA report and saw their numbers, where it said as long as it's under 50 an hour, you'll be able to push it through and won't have an issue of it backing up onto Johnson Drive. Personally, I've had a monthly car wash pass since 2009 in two different states, two different companies, and I can name two occasions last week where at Belfonte's on Shawnee Mission Parkway, just down the road, there was a queue of over 25 cars in line. And I understand that the report said it wouldn't be an issue, that you guys have the ability to speed up and slow down, but I'm concerned about traffic backing up onto Johnson Drive, both east and westbound. Do you have any plans to mitigate that if that becomes an issue? If someone is stuck at the kiosk, how do you plan to address that? I will wait in line for a car wash, and I'm not in the car wash business; I'm on the consumer side. So, I think it would be advantageous for a business to know, if that happens, what do you do to address that?

Mr. Welles: I think one of the modifications that was made has part of the preliminary development plan approval was removing the island and median in between the entrance to the pay station kiosk and the entrance of the tunnel, and a majority of the apportioned site adds another escape route. So, if there is an issue, we have places to pull cars into, to get them out of the street. If you go back to the BHC road study, you

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know, it's an engineering study. It can't say, you know, this won't ever happen, just like a 100-year flood won't happen but once every 100 years. So, they're basically saying that 95 percent of the time, this should not be an issue. To say that it won't happen, I mean, I can't stand here in front of you tonight and say, you know, a perfect storm, it snowed for a week, now it's sunny and 50 degrees everyone wants to get their car washed - I don't know. But, I know that the capacity of this facility and the way it is staffed, and in conjunction with the second escape lane before you get to the pay station, I think gives us a great opportunity to mitigate that if/when it ever occurs.

Mr. Christiansen: How does this compare to your other properties?

Mr. Welles: This is the first one that's two stories.

Mr. Christiansen: I'm talking about the actual car wash itself. I'm not worried about the two stories, necessarily. I'm more worried about cars backing up on Johnson Drive and people waiting on Johnson Drive to turn into your facilities.

Mr. Welles: Obviously, if we combine two acres and have room to stack 50 cars, you know, that would be a more optimal situation. This particular site layout compared to the other 26 that we have in the development pipeline now, you know, it's probably somewhere in the middle of the pack. Maybe at least in the top 40 percentile of what we're working with now. So, again, the capability of this facility when we do have one of those bluebird days after it snowed for two or three weeks, we have the ability to increase the chain speed on that in order to increase productivity.

In staffing the operation of Tidal Wave, when I first got involved with them, the founder of the company said they were trying to emulate the operational characteristics of a Chick-fil-A and a QuikTrip. So, same thing with a QuikTrip. If they have big rushes or they know they're going to have big rushes, they have peak times when they have people stacked at the check stand. So, I think Tidal Wave is operating on that same premise. But, again, I can't say that that won't ever be a problem, but I think between the operational program of Tidal Wave and the capacity that they have with this equipment, to still provide a quality wash in an expeditious manner, and the additional incorporation of that exit out of the pay station queue line back into the lot, should all help mitigate that as an issue.

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

Mr. Schepers: And if I could add one other thought. If, instead of the layout of the site that we had in our preliminary and final development plan, that car wash tunnel was close to Johnson Drive, and the lead-in driveway was one-third or half the size of what's on our site plan, I would agree that that would be a significant problem because there wouldn't be much room for cars to be stacked. That might cause backup on Johnson Drive. But, the driveway that leads from Johnson Drive to the entrance to the tunnel is fairly lengthy, and as Tom said, probably within, at least within the middle of the pack of similar situations and layouts that we've got across the country, and which we've dealt with without any significant problems. I think at this point, you have to rely on the

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experts and the folks who have done traffic studies like this before. I have to rely on their conclusions.

Mr. Christiansen: I agree with that. I just have real-world experience. In the last two weeks, I've been in lines longer than 20-plus cars.

[crosstalk]

Mr. Christiansen: I'm a big car wash guy. I just wanted to bring that to the table and see what you had to say about it.

Mr. Schepers: We've got state-of-the-art technology in our tunnel, and we can move cars through at a very nice clip.

Mr. Braden: I didn't bring my prints with me, but what is the EFIS... I'm just looking at the building elevations and I was trying to remember. Is the eight-foot requirement to start EFIS above finished grade, is that just on the front, or is that for the whole property? Just the front?

Mr. Welles: That refers to the sidewalk, the Johnson Drive sidewalk, no EFIS below eight feet. Actually, we're considerably higher than that.

Mr. Braden: Right, I noticed that. I was thinking on the back side or the south side, I saw some that was clear down to the grade level.

Mr. Welles: I think everything should be above the water table, even on the mechanical room for the car wash tunnel itself.

Mr. Braden: There's like a split-faced --

Mr. Welles: Yeah, split-faced main --

[crosstalk]

Mr. Welles: -- water table, and then the EFIS or rock would be above that.

Ms. Dukelow: I have a question about why we have sun shades along the north side of the building.

Mr. Welles: More for an architectural treatment, trying to stay within the spirit of the form-based code, providing horizontal and vertical relief to the building. I think that actually came out of discussions between Tidal Wave's architect and Mr. Kline and some of the previous discussions of how to improve the aesthetics of the building. But you are correct. On the north side of the building --

Ms. Dukelow: If it was water under the bridge, I'd let it be, but there isn't going to be any sun on the north side of the building --

Mr. Welles: I understand. It's purely aesthetics. Basically like a canopy-type.

Mr. Schepers: And I'm not going to try your patience any longer than necessary. This is our third time to come back before the City. The first time was March 26th, at which time this Commission approved our preliminary plan. We were approved by City Council, and we're back here tonight, simply to get final approval, which is required under the codes,



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which you have, because of the fact that we provided additional information to Mr. Scott that was necessary to satisfy the staff, that we would be in compliance with all 12 of the conditions that this Commission attached to the approval of our preliminary plan. And with those additions - which I believe if you studied the staff report, are satisfactory with respect to all aspects of our additional information, with the proviso that there are one or two things that you need to demonstrate compliance with before our final construction plans are approved. Those are fairly technical things involving, what are these benches going to look like? We can assure you we're going to use benches that are mandated by the form-based code. Those things, we don't have any concerns about our ability to satisfy the staff with respect to. So, this is really the same plan that you approved back on March 26th, with the only exception being additional information has been provided, which I believe the staff report shows has satisfied the 12 conditions that were attached to his Commission's approval of our preliminary plan, as well as some additional bells and whistles that we have to supply in order to meet the requirements of a final development plan that's also in the code. With that, I would ask you to reiterate the approval that you gave us on March 26th with respect to this final plan.

Chair Lee: Comments?

Ms. Dukelow: I have none, Mr. Chairman.

Chair Lee: Thank you. Would anyone like to make a motion?

Ms. Dukelow: I would like to recommend approval of Case No. 17-11, Tidal Wave Auto Wash Final Site Development Plan Review for 6501 Johnson Drive.

Mr. Troppito: And I think you are including within that an additional stipulation by staff to be conformed with. Is that correct?

Ms. Dukelow: Yes, thank you clarification, Mr. Troppito.

Mr. Scott: From the staff report.

Mr. Troppito: Yes. Second.

The vote on the motion was taken (7-0). **The motion to approve carried.**

Mr. Schepers: I'd like to take this opportunity to thank the staff for the assistance and cooperation that we received over this very lengthy process. It has been challenging at times, but I think we ended up with something that the City of Mission can be proud of.

## **Staff Update**

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

## **ADJOURNMENT**

With no other agenda items, **the meeting was adjourned.** (Vote was unanimous). The **motion carried.** The meeting adjourned at 8:17 P.M.

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Mike Lee, Chair

**ATTEST:**

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Ashley Elmore, Secretary