

MINUTES OF THE PLANNING COMMISSION

May 23, 2022

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 P.M., Monday, May 23, 2022. Members also present: Brian Schmid, Cynthia Smith, Megan Cullinane, Robin Dukelow, Amy Richards, and Charlie Troppito were all present. Stuart Braden and Wayne Snyder were absent. Also in attendance: Brian Scott, Deputy City Administrator; Karie Kneller, City Planner; and Kimberly Steffens, Recording Secretary.

Chairman Lee provided the following statement: "It is 7:00 P.M. and I would like to call this meeting to order. The public is invited to participate. If you would like to make a comment, then please raise your hand but stay seated. We will call on you to go to the lectern. Begin by first stating your full name and place of residence for the record. Please be conscientious of others trying to speak and speak slowly and clearly. If I need to confirm something that may have been difficult to hear, I will ask for clarification."

Approval of the Minutes from the April 25, 2022 Meeting

Chairman Lee asked if there were any changes that need to be made to the April 25th [minutes](#). Seeing no comments from the Commissioners present, he then asked for a motion to accept the minutes of the April 25, 2022 meeting.

Commissioner Richards moved to approve the April 25th Planning Commission minutes. Commissioner Troppito seconded the motion. The motion passed 7-0.

New Business

Chairman Lee opened the public hearing for Case 22-12, Approval of a Rezoning for 58th and Nall Avenue Properties.

Brian Scott, Deputy City Administrator, explained that this is a rezoning from "MS-2" and "PBP" to "DND" for four parcels of property located at the southwest corner of 58th Street and Nall Avenue. The proposed rezoning is in conjunction with a preliminary development plan for a three-story, 77-unit apartment building that is proposed to be built on this location. The Preliminary Development Plan is also scheduled to be considered this evening as well. Mr. Scott explained that before we hear the staff report, it may be good for the applicant to introduce himself and his project. This will provide some general context for the discussion. Mr. Scott then introduced John Moffitt of MoJoBuilt.

Mr. Moffitt stated a Preliminary Development Plan for a 77-unit multi-family development for properties generally located at 58th and Nall was submitted to the City. The Applicant found that there are not enough affordable apartments in Mission and proposed a three-story, 77-unit, 2-building complex. Mr. Moffitt explained how he believes this project will benefit Mission in terms of providing another housing type, bringing residents to shop and dine in the downtown area, and providing a buffer between the downtown businesses along Johnson Drive and the residents to the north (see attached presentation).

Mr. Moffitt introduced Mr. Patrick Reuter with Klover Architects. Mr. Reuter presented an image of the proposed development and site plan. Mr. Reuter stated that the proposed apartment building will be three-stories with a total of 77-units. The development will actually be two buildings – one building will be at the corner of 58th and Maple and then the other will be at the corner of 58th and Nall. The two separate buildings are necessary because of a utility easement that runs down the middle of the block. The building will have a “Modern Farmhouse” style that fronts 58th street to the north and Nall Avenue to east, and there would be walk-out units at the ground level. The building will have ten (10) studio, fifty (50) one-bedroom, three (3) one-bedroom with a den, and fourteen (14) two-bedroom apartments for a total of 77 units. There will be 91 parking spots total. 25 spaces will be garages tucked under the back of the building, 58 will be surface parking spaces located internally, and 8 will be on-street parking, providing an average of 1.18 parking spots per unit. There will be 2 ADA spots in the visitor parking lot and some of the garage units will be ADA accessible as well. The building will also offer a fitness area for residents and trash will be contained in an area inside the smaller building at the corner of 58th and Maple. Mr. Reuter concluded by adding that the applicant has completed the sustainability scorecard and looks forward to meeting with the Sustainability Commission in the near future to review. The applicant believes that the project meets a number of the criteria outlined in the scorecard.

Mr. Moffitt stated they did a rental rate comparison study, comparing their proposed rental rates with the Locale. Their studio units would rent for \$1,050, and 1-bedroom units would rent for \$1,400. The Locale 1-bedroom rent for \$1,895. He summed-up his presentation by again pointing how he believes that his project fills a specific niche in the housing market for Mission.

Ms. Karie Kneller, City Planner, gave the Staff Report detailing the 14 points of The Golden Rule, criteria by which to consider a rezoning case, provided by the Kansas Supreme Court in the case of Golden v. City of Overland Park (1978).

1. The character of the neighborhood.

Analysis: 58th Street is a divider between residentially zoned properties to the north and commercial/retail zoned properties to the south. The properties to the north are zoned “R-1” Single-Family with the exception of a few properties along Outlook Street that are zoned “R-4” Garden Apartments. Properties south of 58th Street are a mix of “PBP” Planned Business Park District and “MS2” Main Street District 2. The properties zoned PBP are owned by ScriptPro and reflect zoning intended for their campus environment. The properties zoned MS2 are intended for retail and commercial activity. MS2 parcels are one block north of MS1-zoned parcels that are adjacent to Johnson Drive on the north.

2. The zoning and uses of nearby properties and the extent to which the proposed use would be in harmony with such zoning and uses.

Analysis: “DND” Downtown Neighborhood District at Section 410.270 of the Mission Municipal Code intends to encourage private and public investment in neighborhoods surrounding Mission’s downtown commercial core. The intent is to offer a unique living environment that offers a variety of housing styles, that supports downtown businesses, and acts to stabilize the surrounding single-family neighborhoods. Johnson Drive is a half-block south of the properties proposed to be rezoned. Properties along Johnson Drive are zoned MS1, which is intended to support retail and commercial activity. The properties to the north of proposed rezoning, both in Mission and Roeland Park, are zoned R-1, which is intended to support

single-family homes. The DND zone is an ideally suited transition between these two land uses. The residential context of this zoning supports the residential areas to the north by providing less activity, traffic, and noise that may normally be associated with commercially zoned properties. The residential context of this zoning will also support the commercial activity to the south by providing additional residents within the downtown corridor who will frequent and support shops and businesses. The DND zoning regulations permit the “missing middle” housing typology that is needed to support other surrounding zoning and land uses and is entirely appropriate for the surrounding zoning districts and land uses.

3. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

Analysis: The parcel zoned MS2 was a former medical clinic and has been vacant for approximately a year and a half. The parcel is $\frac{3}{4}$ of an acre with a one-story building that is just under 9,000 square feet. A clinic is a specialized use with a limited market of buyers. Other uses permitted under the MS2 zone would be commercial or retail with some component of permitted residential. This type of use would require extensive renovation to be financially viable, and adaptive reuse of the building is unlikely due to its square footage.

The other three parcels are zoned PBP which limits uses to office or light industrial. Residential uses would also be permitted in PBP. All three parcels are owned by ScriptPro and have been converted from residential to office uses. The properties have been vacant for the past two years as a result of the COVID-19 pandemic. ScriptPro now allows employees to work from home or other remote locations. As with the medical clinic, the re-use of these properties is limited given the type of structure, limitations on zoning, and parcel size.

Of the three existing structures, the newest is nearly 60 years old. Due to their age, design, limited use under current zoning, and relatively high appraisal value, potential re-use is unlikely.

4. The extent to which approval of the application would detrimentally affect nearby properties.

Analysis: The current zoning for the subject properties could have a detrimental effect on the surrounding area. Because of the points stated in Item 3 concerning the limited use of the buildings, age and value, the chance that these properties will remain vacant is high. The result is further decay of the buildings, neighborhood blight, and potential for vandalism. The proposed DND zoning will allow the properties to be utilized in a manner that is supportive of the surrounding neighborhoods and businesses.

5. The length of time the property has remained vacant as zoned.

Analysis: All the existing properties have been vacant for one to two years.

6. The relative benefit to the public health, safety, and welfare by retaining applicable restrictions on the property as compared to the destruction of the value of the property or hardship to the owner associated with denying its request.

Analysis: As referenced in Item 3, the existing properties are under-utilized. The age of the structures, the value, and the limited uses permitted under the current zoning do not permit the highest and best potential use. These properties are a detriment to the current owner and surrounding property owners. This situation is likely to persist if the request to rezone to DND is not approved.

7. The Master Plan or Comprehensive Plan.

Analysis: The Comprehensive Plan, adopted in 2007, identified this area as mixed-use, medium density. The updated Comprehensive Plan (currently in final draft form) identifies this area as “office” and “mixed-use downtown.” Mixed-use downtown would include multi-family housing as proposed with this development. The office designation reflects the current use of 5555 W. 58th Street as a medical clinic. Because the Plan update is in draft form, these designations are not finalized.

8. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use or present parking problems in the vicinity of the property.

Analysis: The existing properties were previously offices with associated traffic patterns during business hours (generally 8 a.m. to 6 p.m.), with limited parking issues. Since the properties have been vacant for at least a year or more, there has been no recent traffic associated with the office uses. If the properties remain as they are currently zoned, and the office spaces are filled, the traffic and parking could have a greater impact on surrounding neighborhoods and street infrastructure.

The proposed rezoning to “DND” will limit land use to residential. This type of land use has traffic patterns that often peak on evenings and weekends and is typically limited to residents. The vehicular traffic would be similar to the existing residential uses north of 58th Street (see also, *Transportation and Circulation* analysis).

9. The recommendation of the professional staff.

Analysis: The City of Mission Planning Staff believes that the requested rezoning to DND is appropriate for the proposed use and will be in harmony with the surrounding zoning and land uses.

10. The extent to which utilities and services, including, but not limited to, sewers, water service, police and fire protection, and parks and recreation facilities, are available and adequate to serve the proposed use.

Analysis: The proposed rezoning to DND will not have an adverse impact on existing utilities or city services according to studies conducted by engineering professionals.

11. The extent to which the proposed use would create excessive stormwater runoff, air pollution, water pollution, noise pollution or other environmental harm.

Analysis: The properties that are being considered for rezoning are currently designed and intended to be used as office buildings with surface parking. While there is currently pervious grass surface area, most of the surface area is impervious. The proposed use will have slightly more impervious surface, but not enough to have a significant impact on stormwater run-off. The proposed development will have storm

water infrastructure to capture runoff and direct it to the storm sewers or an underground detention facility that will retain additional runoff during storm events. Noise or air pollution is not expected to increase with DND zoning.

12. *The extent to which there is a need for the use in the community.*

Analysis: There is a high demand for multi-family housing in the Kansas City area. This demand is driven by several factors including a growing number of single or two-person households without children, a growing number of individuals who are choosing to relocate to the mid-west due to lower cost of living and employment opportunities, and a growing number of individuals that prefer to rent than own a home. A recent housing study indicated that occupancy rates for multi-family housing in Mission is near 95 percent. This near-capacity scenario suggests a high demand for quality housing such as that which would be provided by the proposed development.

13. *The economic impact of the proposed use on the community.*

Analysis: The proposed rezoning to DND will result in a higher and better use for the properties than present zoning would allow. The appraised value of the proposed multi-family development will be higher than the appraised value of the current properties. Furthermore, the additional population density will be an economic catalyst for the community through additional sales tax dollars from businesses in the community that they frequent.

14. *The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to the zoning district regulations.*

Analysis: The applicant is a realtor and developer with over 40 years of experience in the Kansas City area. The company has completed other residential development projects and has demonstrated the capacity to successfully complete the proposed development project. The project as proposed meets the requirements set forth in DND zoning regulations.

Ms. Kneller showed a zoning map with the current zoning of the subject property, “MS2” Main Street District 2 and “PBP” Planned Business Park District, and surrounding properties. To the west, properties are zoned MS2 and PBP, to the east properties are zoned MS2 and PBP, to the south properties are zoned MS2, PBP, and “MS1” Main Street District 1, and to the north properties are zoned “R-1” Single-family Residential.

Ms. Kneller presented a Future Land Use map for the City of Mission in proximity to the subject property, with the subject and properties to the west designated as Mixed-use Medium-Density. Properties to the east, north of 58th Terrace are designated as Office use, and properties south of 58th street and along Johnson Drive to the south are designated Downtown District. Properties to the north in Mission and Roeland Park are designated as Residential, Low Density. Ms. Kneller stated that the properties in the rezoning proposal are part of the Downtown Commercial District.

Ms. Kneller stated that The City of Mission adopted the Climate Action KC Plan in 2021. This regional plan identifies recommendations that government agencies can implement to achieve net zero carbon emissions by 2050. Land use goals encourage mixed-use communities that are walkable and vibrant. The

goals promote infill development, recommend updated zoning codes to promote walkability, and suggest reducing on-site parking requirements. The Climate Action KC Plan also encourages transit-oriented development, increased mass transit ridership, and bike-ability.

Ms. Kneller stated that Staff's General Assessment and Analysis was that changing demographics, an increase in remote work opportunity, reduced retail land use due to increased online shopping, and an evolving residential market associated with demographic changes have driven development toward multi-family housing in recent years. This is a regional, as well as national, trend. The squeeze on affordable housing in Mission can be alleviated by providing more housing units with a diversity of options will help provide supply for the high demand, thus driving down costs for renters over time. Housing equity has long been a priority in the City of Mission and the desire residents have voiced for more diverse housing choices is documented in our Comprehensive Plan.

The Comprehensive Plan also documents residents' desire for multi-modal transportation options. This proposal is within a quarter mile of the transit station on the City's east side and serves infill redevelopment needs to encourage transit-oriented developments now and in the future. The location of the development also promotes multi-modal transit to support climate change mitigation strategies in Mission, while also promoting healthy living, and encouraging economic development in the downtown area. Multi-modal transportation is a goal in both the Comprehensive Plan and the Climate Action KC Plan.

Increased population in the downtown area can act as a catalyst for increased commercial activity and prosperity for businesses and residents alike. Developments like those permitted in the DND zone around the downtown area near single-family residential homes can help support the investments of nearby homeowners and business owners while acting as a buffer between the commercial corridor and single-family neighborhoods. The existing zoning allows a more intense use of land under the PBP and MS2 designations, and rezoning to DND provides a more reasonable south-to-north transition between commercial activity and neighborhoods. Multi-family development would also provide population on the site at ground-level 24-hours a day providing a greater sense of security than from an office building that is vacant in the evenings and on weekends.

Ms. Kneller provided an example of massing in a neighborhood context at a location three blocks to the west on 58th street with a similar typology of uses with DND zoning on the south side of 58th Street and R-1 zoning on the north side of the street. The apartments at 58th Street between Woodson Street and Dearborn Street, Mission Gardens, is generally two-and-a-half stories with the structure on the west side at a height of three stories.

Ms. Kneller stated that a traffic study was conducted by George Butler Associates (GBA). GBA conducted a trip generation comparison traffic analysis for the subject property. GBA compared the traffic generation of existing office use conditions in the MS2 and PBP zones with the traffic generation of the proposed multifamily development that could occur under DND zoning regulations. The study shows there will be only minor increases in the overall trip generation for the proposed development; an additional seven total vehicle trips in the morning, and an additional six vehicle trips in the evening at peak times. The office uses generally attracted inbound morning trips and outbound evening trips, and the proposed residential development use would attract morning outbound trips and evening inbound trips. The anticipated traffic

pattern associated with the proposal would closely match that of the adjacent residential neighborhoods to the north and east.

Staff initially suggested that the applicant could reduce the number of parking spots on site that are required by the DND zoning designation, as the reduction of parking area would promote walkability and multi-modal transportation priorities. However, the applicant was reluctant to diminish the amount of allocated parking since many residents in the region are still dependent upon vehicular transportation and a comprehensive multi-modal system is not yet available. Until more connected multi-modal transportation options are readily available to residents of Mission, reducing the number of parking spaces for residential developments is not a feasible option for most projects. The applicant provided the amount of parking required by municipal code for one- and two-bedroom units.

The proposed development helps fill a demand for additional housing in Mission by providing unique options. The location of the development in the downtown neighborhood context fits the Comprehensive Plan's future land use goals and meets a precedent already set within Mission and surrounding jurisdictions. Traffic and circulation would not be significantly impacted by development patterns associated with the DND zoning regulations. Rezoning the property will be a better fit for the commercial businesses along Johnson Drive, as well as for the adjacent residential neighborhoods.

Ms. Kneller stated that Staff recommends that the Planning Commission recommend approval to the City Council of Case #22-12 for rezoning the property at 58th and Nall to "DND" Downtown Neighborhood District.

Chairman Lee thanked the applicant and Ms. Kneller for their presentations and then asked if there was anyone from the public who would like to speak. He reminded those wanting to speak to please provide their name and city of residence for the record and that they limit their comments to three minutes. He would like to allow everyone at least one opportunity to speak, then if there are follow-up comments or questions, people can be acknowledged again for those.

Nate Esposito (5527 Maple Street), stated "I am not against the apartments. I am offended that this seems like a done deal." Esposito stated that the traffic study doesn't account for more traffic than existing conditions and wants the City to do something about the parking. Esposito claimed there is speeding on the street and parking on the north and south side of 58th Street. This is going to be not only a hassle but also a nightmare.

Shelby Esposito (5527 Maple Street), stated that Moffit's anecdote about residents being excited does not reflect the attitude of most of the neighbors. She expressed concern that the project does not appear to have enough parking, and inquired whether the City or the developer was going to add sidewalks. Ms. Esposito further stated that adding sidewalks should not be the responsibility of the taxpayers. Ms. Esposito suggested that speed bumps could be added to slow traffic, but that she was concerned about residents' taxes being used to pay for them rather than the developer paying for the traffic calming measure. Ms. Esposito asked if police presence was going to be increased in the area, and would the developer pay for the resources needed. Ms. Esposito asked about the traffic study and trips generated on weekends. Ms. Esposito claimed the study did not account for all additional traffic. Ms. Esposito stated that there are 19 children and 9 dogs in the first eight houses north of 58th Street on Maple, and residents are concerned for their safety.

Brad Proctor (5629 Nall Avenue), asked if there are tax benefits to the rezoning. Mr. Proctor asked if the Johnson County Wastewater system could handle the additional capacity. Mr. Proctor voiced concern about the increased density and stated that the size of the apartments seems to be greater than the property can accommodate.

Chairman Lee asked if there were any other comments from the audience regarding the matter of the rezoning. Seeing none, he closed the public hearing and then opened the discussion for the members of the Planning Commission.

Commissioner Cullinane stated no concern about the rezoning case.

Commissioner Smith voiced concern about the traffic study. She did not believe that the traffic study was accurately accounting for what presently existed – that the properties in question were currently vacant – and thus, the additional traffic counts were too low. Commissioner Smith also expressed concern about the impact that increased traffic would have on Johnson Drive. Smith stated that it was difficult to cross Johnson Drive as a pedestrian now, and that she didn't feel it was safe to encourage more pedestrians along this corridor.

Mr. Scott stated that it may be more appropriate to discuss the traffic study as it relates to the preliminary development plan for this project, which was the next item on tonight's meeting agenda.

Commissioner Smith then asked if there was a density cap on the DND zone and whether 77 units was too many. Smith asked if there was another zoning designation that was a better fit.

Ms. Kneller stated that Staff worked with the applicant to evaluate the best zoning designation for the subject area, and Staff determined that DND was the most appropriate zone between commercial and single-family residential uses.

Mr. Scott stated that the proposed "DND" zoning allows for a maximum of 50 units per acre, so a total of 72 units would be allowed. The developer is proposing 77 units. They have 1.45 acres of property therefore they are just a little over the number of units per acre. (It was determined later in the meeting that the property is 1.54 acres, and the 77 units conforms with the density requirements set out in the code.)

Commissioner Schmid stated that the rezoning encouraged a desirable outcome for the City and that rezoning to DND and having a residential use for the area, as opposed to commercial, is better for the City. He acknowledged the concerns of the residents who came forward to speak but stated that the rezoning would be beneficial compared to what the (office) use had been.

Commissioner Richards moved that the Planning Commission recommend to the City Council approval of Case # 22-12, Rezoning for the 58th and Nall Properties. Commissioner Troppito seconded the motion. The motion passed 7-0.

Chairman Lee then opened the Public Hearing for Case # 22-13, Approval of Preliminary Development Plan for a proposed 77-unit multi-family project at 58th and Nall. He again reminded those that were wanting to speak to please provide their name and City of residence for the record and that they limit their comments to three minutes.

Ms. Kneller gave the Staff Report for the project proposal. The applicant, MoJoBuilt, submitted a Preliminary Development Plan for a 77-unit multi-family development for the property located generally at 58th and Nall.

The applicant identified the following criteria for choosing the location and housing type:

1. Accommodate “missing middle” housing – a typology identified as pre-WWII duplexes, row homes, courtyard apartments that provide a transition from commercial uses to single-family homes
2. Support the downtown commercial corridor in Mission and promote economic development
3. Provide a solution to the demand for walkable neighborhoods that Mission residents have listed as a priority during public input meetings and surveys
4. Respond to the regional demand for quality, multi-family rental housing in proximity to regional downtown areas and job opportunities
5. Diversify choices of housing types in the downtown Mission area
6. Prevent crime associated with vacancy and blight due to long-term vacancy

Ms. Kneller stated that the properties to the west of the subject property were zoned MS2 and PBP. Properties to the East were zoned MS2 and PBP, and properties to the east were zoned MS2, PBP, and MS1. The properties to the north were zoned R-1.

Ms. Kneller presented the surrounding area site conditions from Google street view. The properties to the north were single-family single-story homes and the property on the northeast corner of 58th and Nall in Roeland Park was a two-story single-family structure. The property where the proposed development would be located at the southwest corner of 58th and Nall was currently a parking lot. The property on the southeast corner of 58th and Nall was a single-family single-story home rental, and just south of that property was a single-family type of structure that was converted to office use. The next three properties south on Nall were also single-story office structures. The view west on 58th street at about mid-block showed a single-story vacant office building with a 2.5-story multifamily building in the distance. On the northwest corner of 58th and Maple is a 2.5-story multifamily building, and behind the existing single-story office structure on the northeast corner of 58th and Maple, behind the proposed development, is a 2.5-story multifamily structure.

The site is served by a water main that runs north and south on the property, bisecting the block. A water main that runs east and west also exists on the site in the right-of-way behind the curb. Stormwater generally drains northwest to southeast and there are no existing stormwater systems on site. Stormwater inlets on Nall Avenue capture runoff. Existing impervious area is approximately 46,200 square feet (1.06 acres), and existing pervious area is approximately 30,000 square feet (.5 acre). The property is also served by underground electrical and gas utilities.

Ms. Kneller stated that the Mission Municipal Code that specifies the regulations for DND zones has the intent to encourage private and public investment, a unique living environment, and a variety of housing styles that support downtown businesses and stabilize single-family neighborhoods. Multi-family structures are permitted with a maximum height of three stories or 45 feet. Front setback shall be a minimum of 10 feet, and side setback shall be a minimum of six feet if adjacent to a residential zone. Rear setback is 25 feet, and there is no requirement regarding lot width, depth, or area for townhome

construction. The proposal specifies 91 total parking spaces for a ratio of 1.18 spaces per unit. Of the 77 units, 10 are studio units, 50 are one-bedroom units, 3 are one-bedroom with a den, and 14 are two-bedroom units. Two parking stalls are ADA compliant per municipal code at §425.100. Parking regulations per the municipal code at Section 410.300 for DND zoning designation are as follows:

For studio units and two-bedroom units, one parking space per unit is required. For two- and three-bedroom units, two spaces are required.

Ms. Kneller stated, landscaping is regulated in the municipal code at §415.060, §415.090, and §415.110. These sections of the code require designation on the site plan of large trees that will be removed prior to construction, required trees on street frontage every 50 feet, one tree for every 20 cars in parking areas, and six percent of the parking lots to be landscaped.

The existing buildings and parking areas on the subject property would be removed and two new three-story buildings separated by a green space on 58th Street would be erected in an L-shape fronting 58th Street and Nall Avenue. Parking within the lot's interior would consist of "tuck under" garages on the back side of the buildings, and surface parking along the property's interior lot area along the property line, for a total 91 parking stalls, with entry points on Maple Street and Nall Avenue. The site design also includes eight on-street parking stalls on Nall Avenue for visitors. Two ADA stalls are provided at the Nall Avenue parking lot near the entrance to the leasing office.

The site currently does not have sidewalk connections on 58th Street or Maple Street. The applicant proposes a five-foot sidewalk on the perimeter of the entire site with ADA ramps at corners for universal access. The Landscape Plan also proposes native, non-invasive species of shade trees, ornamental trees and grasses, deciduous and evergreen shrubs, green space for a small dog park between the buildings, and rock hardscaping as a comprehensive landscape improvement to soften the edges of the property. The parking area will be nine percent landscaped, with approximately seven trees in landscaped islands within surface parking. Trees are spaced about every 35-40 feet along 58th Street and an average of 50 feet along Nall Avenue. The proposal exceeds the required parking area landscaping in the municipal code.

Ms. Kneller cited The [Comprehensive Plan](#), stating that it classifies the future land use for the property and adjacent area to the west as "mixed-use, medium density." Mixed-use may be defined as individual structures that perform multiple functions on one parcel (vertical mixed-use), or it may be defined as a land area that includes multiple single-use structures with varying functions (horizontal mixed-use). The goal is to promote a mixture of office, retail, and residential uses along the Johnson Drive commercial corridor.

Section 4-13 of the Comprehensive Plan promotes revitalization and redevelopment in the Downtown District. The goal is to ensure an adequate supply of affordable housing for the community. Section 4-14 of the Plan recommends identifying areas that may support redevelopment of "life-cycle housing" in the Downtown District. This housing promotes healthy and safe communities for low-moderate income seniors, persons with disabilities, families, and singles that is affordable and accessible. Likewise, the Plan recognizes the need for alternatives to the traditional suburban housing style in proximity to existing commercial areas that soften the transition between single-family residential areas and commercial areas.

The Comprehensive Plan update is in its final draft and is slated for adoption in 2022. Elements of the update include the following:

To promote development of multi-family housing options; to encourage residential revitalization as housing stock in Mission ages and market demands change; to reduce the negative impact on residential property values through transitional land use policies and development standards; to add “missing middle” zones to address infill development and as a method to transition between commercial land uses and single-family neighborhoods; to develop a strategy to protect and expand affordable housing in Mission; and to encourage residential multi-family uses which have a density ratio of 50+ dwelling units per acre.

This horizontal mixed-use scenario in the Downtown and East Gateway districts is consistent with an effort to create increased density in the area to support economic development and downtown businesses.

The intent of the [Johnson Drive Design Guidelines](#) is to promote architecture compatible in form and proportion with neighboring buildings that incorporate a variety of forms, materials, and colors in design, and create a unified appearance. The buildings that adhere to the principals set forth in the guidelines provide visual interest and create an enjoyable human-scaled space with pedestrian connections. The guidelines address aspects like site design, facades, and material choices, along with the ways in which a site is part of the larger context. Developments facilitate recruitment of retail businesses to the Johnson Drive commercial corridor.

Other elements of the Johnson Drive Design Guidelines dictate building orientation and site design, and building facades, including the materials and colors consistent with other development along and adjacent to the Johnson Drive corridor. This project proposal meets these criteria.

In 2019, the First Suburbs Coalition Regional Housing Summit Report, which was a result of a study conducted by the National League of Cities, concluded that “rental housing is a critical part of a community’s housing ecosystem, offering an alternative to homeownership costs, serving as a transition to home ownership, and providing a way for residents to downsize from a single-family home.” The median monthly rent in Mission at the time was \$899 (adjusted to 2017 dollars), which was just slightly above the Kansas City Metropolitan Statistical Area median rent of \$894. During the same time, 95% of available rental housing was occupied in Mission which indicated that Mission might be experiencing a shortage of available housing. This scenario would increase rental rates due to lack of supply. A lack of supply subsequently pushes the affordability of rental housing out of the range of most area residents. The Report recommends that Mission increase its housing stock of rental dwellings at a variety of price points to reduce the pressure on renters in the region.

The Report also indicates that the area population is projected to increase, which would further strain the viability of accessible housing in Mission. The Mid-America Regional Council (MARC), through its research, stated that 27 percent of population growth from 2010 to 2016 was in suburbs like Mission. To provide some relief, Mission’s neighbor, Shawnee has loosened its zoning ordinance to allow for a greater mix of housing types such as townhomes, duplexes, triplexes, fourplexes, and small-scale apartment buildings known as the “missing middle.”

On behalf of the developer, GBA performed a trip generation analyses for the existing development compared with the proposed development. The existing land use is estimated to generate about 40 total trips during the morning peak hour and approximately 48 total trips during the evening peak hour. The proposed development is estimated to generate approximately 47 total trips in the morning peak hour and 54 total trips during the evening peak hour. Based on this analysis, the net trip generation increase is 179 daily vehicle trips, with 7 in the morning peak hour and 6 in the evening peak hour.

GBA anticipates that the adjacent roadways, such as Johnson Dr. and Nall Ave., can serve this additional traffic volume and adequately disperse it so that adverse traffic impacts at any specific location are minimized. The local street network adjacent to the development (Nall Ave., 58th St., and Maple St., etc.) is also anticipated to have available reserve capacity to serve this anticipated small daily traffic increase.

GBA performed a stormwater study for the subject property and concluded that the existing drainage patterns would remain largely consistent with the proposed development. Stormwater runoff will generally drain from the northeast to the southeast via a combination of overland flow and enclosed system to an existing storm sewer inlet. The proposed retention basin meets or exceeds the stormwater management requirements, and the stormwater management plan will reduce the risk of flooding for properties downstream. The stormwater management system will also provide water quality benefits for the proposed development.

The applicant submitted a Sustainability Scorecard that outlines criteria intended to align with the Mission Sustainability Commission's recommendations for energy, environment, and equity. While the development will not be seeking sustainability certifications, the location within walking distance to the nearby transit station, construction of connecting sidewalks to promote walkability, bicycle storage facilities, and recycling areas for residents addresses some of the criteria recommended by the Sustainability Commission. Other criteria that meet recommendations are Energy Star appliances, native landscaping to increase water conservation and metering to reduce waste for irrigation and overspray, and exterior lighting specifications designed to limit light pollution. The applicant has scheduled a meeting with the Sustainability Commission on June 6th to discuss the development's impact and ways to strengthen the sustainability efforts for this project.

Ms. Kneller stated that Staff's analysis concluded that housing affordability in Mission has been increasingly out of reach for many area residents, which edges out the average resident making the area median income salary. Increasing the number of available rental units in Mission will increase the likelihood that with the additional supply, area residents will see lower housing costs over time. "Missing Middle" housing availability offers area residents options beyond high-end resort-style apartments or outdated lower-end options. As some of Mission's existing housing stock ages, newer, high-quality medium-density development can offer residents more diversity and housing choices. As office space becomes increasingly vacant adjacent to and in the downtown area, this type of infill development can mitigate potential blight in Mission's most vital economic area while preserving the integrity of surrounding neighborhoods.

The proposal also supports the Comprehensive Plan by creating a multi-family development as part of a mixed-use area in the Downtown District. The additional residential population supports local businesses, and the development would buffer the residential neighborhoods to the north from higher intensity

commercial activity. The proposed development fits the neighborhood character by its material selection and color combinations identified by the Johnson Drive Design Guidelines, and the City's regulatory code supports the three-story development with allotted parking as proposed.

Mission's goals, as identified in the Comprehensive Plan, Johnson Drive Design Guidelines, and the Municipal Code, are to encourage unique and dynamic neighborhoods that support a vibrant and viable commercial corridor in the Downtown District. These goals, and the guidelines and recommendations that support them, have been identified by residents through years of public engagement and by various City officials and Staff. With the consideration of local and regional plans, traffic, stormwater, and housing studies, as well as good planning practice, the proposed development at 58th and Nall has Staff's support.

Staff recommends that the Planning Commission vote to recommend approval of the proposed multifamily development at 58th Street and Nall Avenue to the City Council with the following conditions:

1. The owner or owner's agent maintains, in perpetuity, all aspects of the building structures, surrounding landscaping on the subject property, and parking thereon.
2. The applicant will work with the Sustainability Commission to identify additional sustainability criteria that meet the expectation of new developments in the City of Mission.

Chairman Lee asked if there was anyone from the public that would like to speak to the proposed preliminary development plan for a multi-family development project at the southwest corner of 58 and Nall.

Andy Hyland (5513 Russell Street), and member of the Sustainability Commission, voiced support for the development. Currently a resident of Ward III, Mr. Hyland stated that he previously lived at 5638 Woodson and was very familiar with the neighborhood. He appreciates the concerns voiced by residents, but is supportive of the project because he believes it promotes walkability and affordability and aligns with the goals of the Sustainability Commission.

Adam Wolfe (5529 Maple Street), stated concerns about children playing and riding bikes in the street. Wolfe's family moved from an Overland Park apartment (Avenue80) to a single-family home in Mission and expressed his belief that this project would not be attractive to families with children. Wolfe asked about the Gateway development project timeline and requested that the City slow down its process to consider the "new normal" following the pandemic in order to make the best decisions for the long run.

Caroline Brown (5733 Nall), stated that if the code would only support 72 units is it possible to hold the developer accountable to what the code would allow? With the apartments proposed at the Gateway and Mission Bowl there would seem to be over 500 units within a one-half mile of this proposed development and Ms. Brown questioned the need for more apartments. She stated that she sees "For Rent" signs in front of other apartments and wonders how there is a need. Brown stated rent for the studios will be "\$1,000ish" and the 1-bedroom units will be \$1,400, which is not affordable for teachers and stated the need to hold the developer accountable to maintaining units as affordable.

Cindy (last name inaudible) (5825 Nall), asked for clarification as to what drives down costs in the long run and how the project accomplishes this. The speaker also inquired about the total number of

apartments in Mission and how many are necessary. Additionally, she asked why the developer would build apartments on these parcels and not single-family houses.

Kneller stated that by increasing supply, demand would decrease, and rents would decrease accordingly in the long run. By adding more housing stock and a variety of options, having more choices could also impact rent prices by driving them down. Ms. Kneller stated that she did not have the exact number of apartments available at this meeting, but would be happy to follow-up to provide that information.

Brian Scott stated that there are approximately 20 apartment complexes in Mission. These range in size from larger complexes with several hundred units mostly on the north end of the city around Foxridge to smaller apartment buildings with 8 to 12 units located more in the central part of the city. Prior to construction of The Locale (2020) the last apartment project was built in 1986, or more than 30 years ago. Mr. Scott stated that changing markets and demographics are resulting in a higher demand for multi-family housing. There is a growing segment of the housing market that is made-up of individuals that choose to rent as opposed to buying a home.

The resident at 5825 Nall asked if the developer had requested any incentives for the project.

Mr. Scott replied that the developer has inquired about the use of IRBs (Industrial Revenue Bonds) which would be used to provide a sales tax exemption materials and labor to help to offset some of the rising costs that everyone is experiencing right now with construction. Mr. Scott advised that the conversations were preliminary, and no formal request had been made.

Julie Keen (5536 Maple Street), identified herself as a 36-year resident of Mission. Keen's concerns relate to the traffic impacts to the neighborhood, and she wants to be on record as opposing this project.

Chairman Lee asked if there were any other comments from the public. Seeing none, the public hearing was closed. Chairman Lee then opened the floor for discussion by the Planning Commissioners.

Commissioner Cullinane asked Mr. Moffit if there were other multi-family developments he had completed in the Kansas City Metro area and whether they had been sold.

Mr. Moffit replied that other properties had been sold, and that he had not done a project similar to what is being proposed in this case. Moffit stated that his intent was to maintain ownership of the 58Nall project for "a long time."

Commissioner Troppito asked whether the City Attorney had reviewed the rezoning proposal and recalled that on other projects he believed the Land Use Attorney had offered an opinion as to the Planning Commission's requirement to approve a rezoning request.

Mr. Brian Scott stated that the City Attorney had not reviewed the proposals, and that he was not familiar with that being a consistent practice on past projects. Staff's analysis of the Golden Criteria were previously detailed in Ms. Kneller's staff report.

Commissioner Troppito stated that there has been an increase in area storms which produced significant stormwater runoff and asked if the existing stormwater infrastructure could handle the runoff from the project. Commissioner Troppito asked specifically about how the quality of the stormwater was being improved as stated in the stormwater study.

Ms. Kneller stated that GBA conducted the stormwater analysis and that City's Public Works Director, also an engineer, reviewed GBA's analysis and concurred with GBA's assessment.

Commissioner Troppito expressed his desire to see a specific statement from the stormwater engineer on future projects definitively stating there was no negative impact.

Mr. Scott affirmed Ms. Kneller's statement that City staff had reviewed the storm water study and had no concerns. Mr. Scott further stated that while there are some pervious areas existing currently, the site is mostly impervious. As a result, the study reflects a modest increase in storm water runoff. Furthermore, the study generally shows the water runoff to be from the northeast corner of the property to southwest. The applicant proposes to install inlets in the parking lot that will collect the stormwater runoff and be directed by pipes to an inground detention cell at the south end of the property. Once the storm event has passed, the water detained will be slowly released into the City's existing storm sewers. Mr. Scott stated that the detention cell has sand within it that allows the water to percolate, and filter to a certain degree, but it will not capture every hazardous material and would likely need to be cleaned out periodically.

Commissioner Smith stated that the narrative repeatedly talks about "missing middle housing" but she doesn't believe that the definition provided through the link in the staff report fits this project; she believes it has too many units. Smith stated that she also doesn't feel the project fits the criteria of the Johnson Drive guidelines because the scale is not compatible with the single-family homes. Smith stated that she feels the elevations are monolithic and the roof looks to be 54 feet tall; the DND zone allows a 45-foot roof.

Mr. Reuter then approached the lectern to provide additional follow-up to the questions being asked. He stated Mr. Scott was correct about the detention cell and that it was not going to entirely filter out all of the oils and salt that might be collected from a parking lot during a storm event. Mr. Reuter indicated the cell would to be periodically cleaned out.

Mr. Reuter stated that it appears there was a typo on the site plan citing total acreage of the site to be 1.45 acres, when in fact it is actually 1.54 acres according to the plat. With this clarification on total site acreage, 77 units would be permitted under the provisions of the code. Mr. Scott responded that he would confirm on the plat, but if the property is 1.54 acres in size, then Mr. Reuter is correct, 77 units would be permissible under the code for "DND" and no deviations would be required for density.

Commissioner Smith asked to confirm as to how to measure the roof height, stating she believed it did not fall within the height requirements allowed by code.

Mr. Scott stated that the measurement should be taken, according to Municipal Code, from the ground to the highest point of the roof; if the roof height is above 45 feet, the applicant would need to request a deviation.

Mr. Reuter stated that several jurisdictions in Johnson County measure the height of the building to the mid-point of the height of the roof itself. He thought this would be the case in Mission as well.

Mr. Scott responded, that was not the case with Mission. The code specifically states the height of the building is measured from the ground to the highest point. In this case, the code specifies three stories

or 45 feet. The plans indicate the top of the roof line to be about 53 feet, so an eight (8) foot deviation would be needed.

Mr. Reuter stated they would look again at the roof height.

Commissioner Smith again reiterated her concerns with the building's massing could be addressed by "stepping back" upper levels of the building. Additionally, she presented her view that balconies on building facades does not keep the building from feeling monolithic.

Commissioner Cullinane asked that if there will be 77 units, where the visitors would park. She further stated a concern with parking and the busy streets, particularly on Nall. Commissioner Cullinane asked if there was an opportunity for a four-way stop at the 58th and Nall intersection or speed bumps.

Commissioner Smith asked if the City was just going to let the older apartments "go to seed," and abandon them.

Mr. Scott stated, "no," and that he felt this was not a fair characterization of the City's investment in multi-family property. In fact, the City has a rental license program which requires owners of rental property within the city to get an annual license. The program further requires that 5% of the units within an apartment complex be inspected on an annual basis. These inspections are completed by City staff and address life safety codes (i.e GFI circuits, hot water heaters are in safe working condition, there is no evidence of mold or any kind of infestation, etc.)

Commissioner Schmid suggested the plan add more on-street parking. Schmid stated that widening the streets won't help and research shows that widening actually creates more traffic. Schmid asked if more street parking could be added to encourage walkability and pedestrian safety. In addition, he expressed his desire to see the sidewalk moved away from the street to increase a buffer that supported or increased pedestrian safety along the sidewalks. Schmid stated that the trees as proposed were too far away from the sidewalk to provide shade.

Commissioner Cullinane stated her concerns with having adequate green space and that while the southeast portion of the project had some, she didn't feel it was adequate. Commissioner Cullinane stated it will be interesting to see what the Sustainability Commission says.

Vice Chair Dukelow asked if the Planning Commission will have the opportunity to see the plan again?

Mr. Scott advised that tonight the Planning Commission was considering the preliminary development plan (PDP). If approved, the PDP will then be considered by the City Council at their June 15 legislative meeting. At a later date, the applicant will submit a final development plan that will be considered again by the Planning Commission. The final development plan will be where the details of the project are further flushed out.

Vice-Chair Dukelow stated that the height seems too tall and the setback from the street did not seem sufficient for pedestrian comfort. Vice-Chair Dukelow expressed her opinion that the 10-foot setback as proposed is not enough and she would like the architect to re-work the edge. Vice-Chair Dukelow stated that the Johnson Drive Design Guidelines recommend a 360-degree design and that the proposal did not include those details on the back of the buildings. Vice-Chair Dukelow stated that she felt the roof is too dark and a lighter color would reduce the heat island effect. Vice-Chair Dukelow further expressed her opinion that the bike facilities were nice to have for the facility, but additional bike racks – at least one –

would be good to have for visitors. Vice-Chair Dukelow asked if the energy for the property would be electric and if any of the appliances would be gas

Mr. Reuter stated that the appliances would be electric and Energy Star Rated. Mr. Reuter stated that gas might be available for barbeque but not for appliances.

Vice-Chair Dukelow asked what the material for fencing would be.

Mr. Reuter stated that the fence would be an aluminum type, but they had not gotten that far into the details. The fence material would be provided with the Final Development Plan.

Vice-Chair Dukelow asked if the irrigation system would be on a timer or smart system for water conservation.

Mr. Reuter stated that a smart system for irrigation was standard protocol.

Vice-Chair Dukelow asked what the trash enclosure would look like and expressed that the Planning Commission would want to see elevations and a perspective with the final development plan.

Mr. Reuter stated that the trash enclosure would be within a garage and completely screened from view.

Commissioner Troppito asked where internet routers would be located.

Mr. Reuter stated that routers would typically be within closets for each unit.

Commissioner Troppito stated that if the routers were in closets that the residents would need to purchase boosters at their own expense. Commissioner Troppito asked that the router locations would be addressed in the Final Development Plan.

Mr. Reuter stated that they would consider moving the routers to another location for the Final Development Plan.

Seeing no further questions or discussion, Chairman Lee asked if the Commission was ready to vote. Vice-Chair Dukelow moved to approve the Preliminary Development Plan for the proposed multifamily development at 58th Street and Nall Avenue to the City Council with the following conditions:

1. The owner or owner's agent maintains, in perpetuity, all aspects of the building structures, surrounding landscaping on the subject property, and parking thereon.
2. The applicant will work with the Sustainability Commission to identify additional sustainability criteria that meet the expectation of new developments in the City of Mission.

Commissioner Schmid seconded the motion.

Commissioner Cullinane moved to amend the motion to have a more in-depth study and review of traffic at 58th and Nall. Vice-Chair Dukelow seconded. The amendment passed with a vote of 6-1.

The motion to approve Case # 22-13, Approval of Preliminary Development Plan for a proposed 77-unit multi-family project at 58th and Nall as amended passed 6-1.

Chairman Lee then moved to the next item on the agenda introducing Case # 22-14, Historically Significant Pole Sign for Snack Shack.

Ms. Kneller presented the Staff Report for the Sign of Historical Significance Application for Snack Shack.

Snack Shack applied for a Historic Sign designation for the pole sign on its property at 6018 Johnson Drive. The applicant states that the sign has remained unaltered since before Town Topic, Inc. (dba Town Topic) bought the property in 1985 and operated a hamburger restaurant at the same location. Before Town Topic, Whopper Burger operated a hamburger stand on the same property. Because of the sign's consistent use for the same type of restaurant and 1950s-style diners, the applicant wishes to continue to use the sign at its current location and designate it as an historically significant sign.

The subject property, located at the northeast corner of Johnson Drive and Beverly Avenue, is currently in operation as The Snack Shack on Johnson Drive. The current owners purchased the former Town Topic restaurant after it closed in early 2020 at the onset of the COVID-19 pandemic. The Snack Shack was slated to open in late 2021, but experienced multiple delays due to equipment supply issues brought on by the pandemic. The Snack Shack officially opened in April 2022.

Prior to Snack Shack, Town Topic purchased the property, a former Whopper Burger restaurant, in 1985. Whopper Burger operated its business on the site since at least 1968, according to archives of City Council minutes. Scot Sparks, the owner of Town Topic, stated in a letter to the City that the pole sign was part of the purchase at that time. Sparks also stated that the pole sign has "been associated with local burger stands/diners for its entirety." Sparks noted that the building has many features that include the Valentine Diner wall safe, diner-style counter and stools, and jukebox that are original to the building.

Valentine Diners are historic landmarks in the United States, particularly in the Midwest. According to the Kansas Historical Society, [Valentine Diners](#) were manufactured in Wichita in the late 1930s until the mid-1970s and widely distributed around the country. Arthur Valentine, the diner's namesake, came to Kansas in 1914 and opened a restaurant in the late 1920s or 1930s in Hazelton, KS. Soon after, Valentine opened restaurants in Wichita and Hutchinson. He constructed a few of the now well-known "lunchroom" pre-fabricated models before World War II. After the war, Valentine continued to construct the diners, and lauded the buildings as offering the self-employed restaurateur the ability to own their own small business. A post-war sales brochure for Valentine diners stated:

"The individual operator is assured of a permanent, self-sustaining revenue where he becomes his own boss and is not subservient to someone else. His immediate family may assist in the operation of each unit, as only two operators are required on each shift when it is running to capacity. During slow periods of business, one operator can do all the work and give good and efficient service, thereby holding the overhead to a minimum, with corresponding high profits."

In keeping with this ideal, the owners of Snack Shack, a husband, wife, and their son, have said multiple times in articles written by the Shawnee Mission Post that they are excited to carry on the traditional hamburger stand and diner business that was originally intended for the building. In one [Shawnee Mission Post article](#) in April 2021, the Snack Shack owner stated, "that location has already been, in some fashion, an American diner or burger restaurant for as long as it's been there. We are thrilled to...continue the legacy of that."

Section 430.120, Signs of Historic Significance, provides the intent and criteria for identification of a sign of historic significance.

A. Purpose. The signs of historic significance regulations are intended:

- 1.** To provide for the preservation of the City of Mission's unique character, history, and identity, as reflected in its historic and iconic signs;
- 2.** To preserve the sense of place that existed within the central business district and in areas of the City with concentrations of surviving historic signs;
- 3.** To protect the community from inappropriate reuse of non-conforming and/or illegal signs while ensuring that the signs are safe and well maintained;
- 4.** To allow the owner the flexibility to preserve historic and vintage signs. This classification does not preclude owners from removing these signs.

B. Criteria For Identification of a Sign Of Historic Significance.

1. To qualify for an application for identification as an historic sign, the sign shall comply with the following criteria:

- a.** The sign shall have been installed at least forty (40) years prior to the date of application;
- b.** The sign is structurally safe or can be made safe without substantially altering its historical appearance;
- c.** 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; and
- d.** The sign exemplifies the cultural, economic, and historic heritage of the City.

2. In addition, the following criteria may also be considered in the application process:

- a.** The sign is an example of technology, craftsmanship or design of the period when it was constructed;
- b.** 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; and
- c.** 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 property is zoned "MS1" Main Street District 1. The structure adheres to all municipal ordinances set forth in the code at Sections 410.160-210 for intent, permitted use, height and area regulations, development standards, and performance standards.

This property is located on the Johnson Drive frontage and should adhere to the design standards for the corridor. The intent of the [Johnson Drive Design Guidelines](#) is to promote architecture that is compatible in form and proportion with neighboring buildings that incorporate a variety of forms, materials, and colors in design that create a unified appearance. The buildings that adhere to the principals set forth in the guidelines provide visual interest and create an enjoyable human-scaled space with pedestrian connections and facilitate recruitment of retail businesses.

Section 4-13 of the Johnson Drive Design Guidelines provided guidelines that address the following criteria for signs: signs must be professionally crafted and they should fit the overall proportions of the building design; signs should not call attention to themselves at the expense of neighboring businesses by virtue of their color, scale, lighting, material, or other obtrusive features; pedestrian-oriented signs are encouraged; quality historical signs should be preserved; signs should be complimentary with architectural materials and made of such materials as wood, metal, or glass.

The sign serves to provide unique character, history, and identity. Many people may remember the corner of Johnson Drive and Beverly Avenue because of the character of the Valentine Diner architecture, as well as the interior illuminated sign. The sign has been an iconic wayfinder in Mission for decades. The sign adds to Mission's sense of place that exists within the central business district. The sign is also safe and well-maintained.

The sign was likely installed long before Town Topic purchased the property in 1985, which was 37 years ago. One of the criteria for an historic sign stipulates that the sign is at least 40 years old, and Staff can reasonably say that the sign is at least 40 years old due to its design details consistent with the 1970s and 1980s, and the reasonable timeline of construction and ownership of the property. The sign is an example of technology, craftsmanship or design of the period when it was constructed. It has retained the majority of its character-defining features – materials, technologies, structure, and shape – that apply to the regional context of the typical diner or hamburger stand typology of the 1970s. The building, as well as the sign, exemplify the cultural, economic, and historic heritage of the City because of the nature of the eclectic appeal for which Mission is known. The sign is also unique and originally associated with a local business or local or regional chain. The original midwestern Whopper Burger establishment, then the locally renowned Town Topic restaurant, and now the Snack Shack, are all associated in the regional context.

The culture of the diner or hamburger stand at 6018 Johnson Drive has been part of the place-making of Mission's downtown commercial corridor since the time that Whopper Burger operated its burger stand at the corner of Johnson Drive and Beverly in the 1960s. The legacy of that type of business is well-documented and a unique characteristic of eclecticism Mission is known for. The sign's structure and frame have not been altered to Staff's knowledge since the time of its original installation, and it is well-recognized locally. It is a relatively human-scaled sign at just 20 feet tall, compared with other auto-oriented pole signs that typically tower over businesses and sidewalks at upwards of 80 feet. It is placed within five feet of the building's exterior and is not obtrusive or distracting.

The nature of the sign's placement is worth noting. When the City improved the streetscape at Johnson Drive and requested right-of-way when Town Topic operated on the site, according to Scot Sparks the property line was moved back from the street to within seven feet of the building footprint. If the existing

sign is removed, there is no appropriate place on the property that is not within the right-of-way to relocate a monument sign.

The cost of removing the existing pole sign and replacing it with another type of sign would be cost prohibitive for the business owners. After the delayed business opening due to the pandemic and additional cost burden of supply chain and equipment issues as a result, the added financial burden of the cost for replacing the sign is not a viable option for the business owners. While a franchise such as Arby's or Popeye's, could likely absorb the incurred costs, a small business such as Snack Shack would be disproportionately impacted.

Staff recommends that the Planning Commission approve the application for the Sign of Historic Significance with the following condition:

1. The sign shall remain at the owner's discretion as long as the building is used as a diner or similar establishment.
2. If the business type changes, removal of the sign may be considered upon ownership change.

Chairman Lee asked if anyone from the public would like to comment. (None approached)

Ms. Kneller introduced Rayna Andrew, the applicant.

Ms. Andrew introduced herself. She stated that she and her husband owned the Snack Shack on Santa Fe in downtown Overland Park. They purchased the Town Topic building on Johnson Drive, when Town Topic closed during the pandemic. They worked on renovating the building and other necessary improvements, but with the pandemic and supply chain issues, it became a challenge to get the work done. They finally got everything in place and opened last month, but the issue of the sign was the only thing preventing them from getting their full occupancy permit.

Chairman Lee stated that he had been to the establishment a few times since it opened, and said he enjoyed his hamburger, but there were a few times on a Saturday when he arrived in the early evening to find the business was closed. Ms. Andrew stated that she appreciated Chairman Lee visiting and was sorry to hear of his disappointment about the restaurant being closed. She added that it is difficult to find good staff right now that would allow them to expand their hours, so right now they are focusing primarily on weekday hours, mostly lunch and early dinner.

Chairman Lee then asked about the sign being refaced and if an application had been made for that. Ms. Andrew stated that when they knew that the lease on the building in Overland Park was not going to be renewed, they started to look around and found the Old Town Topic was vacant so they decided to purchase the building. At the time, the owners of Snack Shack had talked to the previous City Planner by phone because this is when the pandemic caused everyone to work from home. Andrew stated they had played phone tag back and forth about installing the sign. Andrew stated that the previous City Planner told them that the sign could be refaced, so Andrew hired a sign company. Andrew stated they later found out that the Sign Company had never applied to the City of Mission for a permit to reface the sign.

Ms. Andrew stated that after the sign was refaced, Jim Brown, the City Building Official, arrived to conduct an inspection and they were still waiting on equipment to arrive so they could open for business. Ms. Andrew stated that Mr. Brown told her the City had not received a sign permit application

for the sign and that they could possibly have to pay a fine, and Ms. Andrew stated they were preparing to pay the fine. Ms. Andrew stated that when they purchased the building from Town Topic, they also sold them the pole sign.

Ms. Andrew stated that after they were preparing to pay the fine for refacing the sign without a permit, the city clerk got the approval for the sign and they hadn't heard anything else until the current City Planner and Building Official met them on-site and said they could apply for a Sign of Historical Significance.

Chairman Mike Lee asked if the sign company was a licensed installer.

Ms. Kneller stated that the City did not receive a permit application, but that the City does check that sign installers are licensed before granting the permit.

Chairman Mike Lee stated he did not see anything historical about this sign.

Ms. Andrew stated that they were told that the sign and the restrooms were okay.

Commissioner Troppito asked if they had anything in writing.

Mr. Scott stated that there was some miscommunication between the owners and the previous City Planner and City Clerk.

Commissioner Troppito asked if the City Historian had been asked to comment.

Mr. Scott stated that the City had not approached the City Historian about the sign.

Chairman Lee asked if there had been any changes to the sign other than the refacing.

Ms. Andrew stated that she was not aware of any changes.

Commissioner Cullinane asked, "How did we get to this point?"

Mr. Scott stated that the City updated its sign code a few years ago. In doing so, there were several on the City Council at the time who wanted to see pole signs eliminated altogether. However, there were business owners who believed their pole signs were important for their business identification and did not want to give them up. Thus, the City did an inventory of all pole signs in the City of Mission, grandfathering them in under certain conditions. The code provides that existing pole signs are non-conforming signs which can continue to exist so long as they are associated with the same business. The code allows for maintenance of pole signs where maintenance is defined to include refacing the existing sign if the face gets old or faded, or if the brand of the existing business were to change. However, maintenance does not allow for a new business to reface the existing sign. In essence, once the business leaves, then the pole sign must be removed. Mr. Scott further explained that the code also provides that signs may be deemed "historical" by the Planning Commission if they comply with certain criteria as outlined in the code.

Commissioner Cullinane asked for clarification stating, "So we either need to make it a sign of Historical Significance Pole sign or remove it."

Mr. Scott responded that "in essence, yes."

Commissioner Cullinane stated that if they expanded the building footprint, and if they had to remove the sign to do so, the historic sign designation wouldn't mean much.

Ms. Kneller advised that the code allows owners to remove the sign at will, even after a designation as a sign of historical significance.

Mr. Scott further added that under the existing code, if the owner had to take a sign down for any reason, they would not be allowed to be put back-up.

Chairman Lee asked if he bought the building and wanted to establish a different type of business, like an auto parts store, would the sign be able to remain if it had a historical designation.

Ms. Keller stated that under the conditions recommended by Staff, if the establishment continued to be a diner or hamburger stand, the sign could remain, but that if the business type changed, the sign would have to be reconsidered. Kneller stated that when interpreting the code, all the criteria are considered in context; in this case, the sign meets all of the criteria as it provides unique character and identity, a sense of place, it is at least 40 years old, and it is associated with a local or regional chain.

Commissioner Cullinane asked if they sold the business then the new ownership can apply for a new permit for a sign of Historical Significance?

Mr. Scott stated, "possibly." He added that while he understands Ms. Kneller's interpretation of the code, he is not sure that he entirely agrees with it. Once the sign is designated as historical it could remain that way. That would have to be further evaluated.

Commissioner Troppito suggested that the policy decision should be decided by the City Council and not one of the Planning Commission.

Ms. Kneller stated that the Municipal Code requires that the Planning Commission either approve the application for the historic sign designation or deny approval. If denied, the applicant has an opportunity to appeal the case to the City Council.

Commissioner Smith stated that the sign has been here for 40 years, she thinks it would have been necessary to replace parts in order to maintain it. Commissioner Smith asked if the sign was in its original form.

Chairman Lee stated that if LED lighting has been installed, the sign has been altered and it no longer meets the criteria for a sign of historical significance.

Commissioner Troppito stated that by adding updated technology (i.e. by installing the LED lights) then in its current state the sign does not meet the criteria to be considered an historical sign.

Matt Tolle, co-owner, stated that the only thing they altered on the sign was to install LED bulbs. With everything being sustainable now, it is nearly impossible to obtain the old florescent style bulbs anymore. And the LED are more energy efficient.

Commissioner Troppito stated that there is past precedent when the Trinity Lutheran Church was trying to change their sign; technology is the central element of the sign. He expressed an opinion that the Planning Commission should remain consistent in the application of the criteria.

Vice Chair Dukelow stated that the Casey's sign was very similar. Dukelow stated that the precedent set by the approval of that sign would be the rule, not necessarily the consideration given to the Trinity Lutheran sign. Dukelow stated that, in her opinion, the human scale of the sign also aligns with the criteria set out in the code.

Commissioner Cullinane stated that she would support the sign remaining as long as the building remains a Burger joint.

Commissioner Schmid stated that the sign helped establish a sense of place and would be the primary reason for a vote to approve.

Vicechair Dukelow made a motion to recommend approval of the application designating the pole sign for Snack Shack at 6018 Johnson Drive as a sign of Historical Significance to the City Council.

Commissioner Schmid seconded the motion. The motion passed 5-2.

Upon passage, Ms. Kneller noted that the motion may have been stated incorrectly, in that if the case were approved by the Planning Commission, it would not go to the City Council.

Mr. Scott stated Ms. Kneller was correct. The Planning Commission has the final say in this matter. Mr. Scott suggested that the previous action/motion should be rescinded, and the Planning Commission should consider a revised motion.

Vice Chair Dukelow moved to rescind the previous motion. Commissioner Cullinane seconded the motion. The motion to rescind passed 7-0.

Vice Chair Dukelow moved to approve the application designating the pole sign for Snack Shack at 6018 Johnson Drive as a sign of Historical Significance be approved. Commissioner Schmid seconded the motion. The motion passed 5-2.

Commissioner Cullinane asked when the Commission would hear a report on the convention that Ms. Kneller and Vice Chair Dukelow recently attended.

Ms. Kneller stated she had not prepared anything for tonight's meeting, but if the Commission would like to stay, she could discuss it, or report at a later date.

General discussion ended in agreement to have a report at a later date.

Commissioner Troppito moved to adjourn the meeting. Commissioner Cullinane seconded the motion. The motion passed 7-0. Meeting adjourned at 10:40 PM.