

MINUTES OF THE PLANNING COMMISSION MEETING

November 23, 2020

Virtual Through Zoom

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The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, November 23, 2020. Members also present: Charlie Troppito, Frank Bruce, Jordon McGee, Robin Dukelow, Pete Christiansen, Stuart Braden and Burton Taylor. Brad Davidson was absent. Also in attendance: Brian Scott, Assistant City Administrator, Kaitlyn Service, Community Development Planner, and Audrey McClanahan, Secretary to the Planning Commission.

Chairman Lee: I'll call the meeting to order. Because of the COVID-19 social distancing recommendations our meeting tonight is being held virtually, via Zoom. Commissioners, staff and the applicant are all joining remotely. The meeting is being recorded. The public is invited to participate by using the instructions include in the Planning Commission calendar item listed on the front page of missionks.org. Public participants will be allowed to make public comments through the comments feature. Please note that comments are visible by all participants. If you wish to make a public comment, please state your name and the city 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. With that, we will start the meeting.

Approval of Minutes from the October 26, 2020 Meeting

Comm. Dukelow moved and Comm. Braden seconded a motion to approve the minutes of the October 26, 2020, Planning Commission meeting.

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

New Business

Case #20-07 Final Plat of Mission Mart Second Plat

Consideration of a replat of lots 2, 3, and 4 of The Final Plat of Mission Mart

Chair Lee: Kaitlyn, if you want to provide us with an update on that.

Ms. Service: The subject property is at 5399 Martway, located near the southeast corner of Nall and Martway Street. We all know it as the site of the former Mission Bowl bowling alley and mini golf course, which was damaged by the fire in 2015. Ridgeview North, which is the owner of the Mission Mart Shopping Center across the street, owns this property as well. They have a contract pending to sell what is proposed to be Lot 6 of this plat. They have it under contract to sell to Mission Bowl, LLC. Earlier this year, Mission Bowl, LLC, presented a Preliminary Development Plan application to the City for construction of an apartment building on what is proposed as Lot 6, shown here. The Planning Commission and the City Council approved that Preliminary Development Plan, with conditions, at the Planning Commission meeting on August 24th and the City Council meeting on September 16th. At this time, the owner of this property is requesting approval

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of this replat to allow the legal transfer of ownership of Lot 6 of the proposed plat, because they would like to close on the property by the end of the year.

What's shown here has no easements or changes from what's in place currently. They are just requesting, with this application, to consolidate two of the lots. You might recall, when the Mission Bowl Apartment project was in front of this Planning Commission that the conditions of approval required new or adjusted easements for Johnson County Wastewater, moving of sanitary sewer lines. It also required satisfaction of all comments from Johnson County Wastewater, which owns this parcel down here. When the applicant submits their final development plan application, that's the time that they will be required to satisfy these conditions of approval, and this will ensure that when the site is redeveloped and has formal final approval for the apartment building to be built, that when the site is redeveloped it will be functional for Johnson County Wastewater and the sanitary easements you're seeing running through the property.

The applicant is aware of these requirements, but before moving forward to put these elements permanently within the plat, they are waiting on the City's determination of the project's TIF application. They also indicated that further project development engineering would be required before they knew what the ideal location is for moving these easements and adjusting the easements within the site, so they wanted to see how their current conversations around TIF and other things end up before they put more investment into the project development and engineering to tweak these site elements. So, for now, we're just considering the application that was submitted to us, the one that we have before us tonight, wanting to adjust the lot lines within the Mission Mart plat. However, if the apartment project progresses to the final development plan application, that's when we're going to start to see the conditions come into effect on the property, before anything is approved for the final development plan application.

Looking at the plat, I'll show you, this is the plat that was approved for the property in 2015. You can see there are three lots here in this section that we're working with tonight – Lot 2, Lot 3 and Lot 4 – with the same easements shown with the application, they are proposing to consolidate two of the lots and adjust that western-most lot line here. The site is zoned MS2, Main Street 2, which does not require front, side or rear setbacks, except when it's adjacent to residentially zoned property. The current buildings meet the required setback. The proposed building also meets the required setback to the residential properties to the south of the property. Under the conventional MS2 zoning, the minimum lot area per multi-family dwelling is 1,245 square feet per unit, or 35 units per acre. We talked about, in our August 24th Planning Commission meeting, this would permit 111 units on what's shown as Lot 6, which is 3.17 acres. However, in the approval of the Preliminary Development Plan, the Planning Commission and the City Council approved the density deviation in accordance with the standards for planned zoning districts to allow up to 168 units on the 3.17-acre property that's shown here. Considering this, the proposed plat, what we're seeing before us today, is in conformance with the City Code. Both the current and the possible future uses of the site would be in conformance with the City Code if the lot lines were adjusted to how we're seeing them in the proposed

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plat. With that, staff does recommend approval of this plat, which is Case No. 20-07. The final plat of Mission Mart Second Plat, Replat of Lots 2, 3 and 4.

Charlie emailed an hour ago, or pretty recently – if you haven't checked your email within the past couple hours – that this site plan digital version doesn't have a registered surveyor's stamp on it. We do have a paper copy that was submitted that has a surveyor's stamp on it. When I uploaded everything to the Planning Commission I added a digital that doesn't have it, but Charlie suggested to the group in the email today to require that as a condition of approval, to make sure that the survey is stamped. Charlie, please feel free to jump in and clarify your statements as well. With that, I'm open to any questions or discussion.

Comm. Troppito: I'll jump in real quick. It was the stamp and the signature, and showing the expiration date of the license. If you scroll down to the previous plat that you showed that was approved in 2015, it'll be more clear what I was talking about. Can you do that, Kaitlyn?

Ms. Service: Yes.

Comm. Troppito: That's all I have to say.

Ms. Service: Yeah, before we get any of the City signatures from Planning Commission or anyone else, we would make sure that we would have that stamp on the version that is signed by the City.

Mr. Scott: The County won't accept its recording without that stamp, too.

Comm. Troppito: The point of the question to begin with was, is Mr. Pruitt still a Kansas licensed surveyor? Because it changed, on what you're looking at here, then it expired in 2016, I believe. That's what really prompted the question.

Ms. Service: My understanding is that he has renewed his certification and is a currently-licensed surveyor.

Comm. Troppito: Okay, thank you.

Chair Lee: Other comments?

Comm. Troppito: If there's no other comments, I'll propose a motion if it's acceptable to the Chair.

Chair Lee: Yes.

Comm. Troppito: Mr. Chair, I move that the Planning Commission approve the final plat for Case No. 20-07, which is a plat of land known as the Final Plat of Mission Mart Second Plat, a Replat of Lots 2, 3 and 4, subject to and conditioned on submission of a Kansas licensed surveyor stamp and signature on the final plat drawing as submitted for approval at tonight's meeting.

Comm. Dukelow: Second.

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

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Old Business

Chair Lee: Do we have any old business this evening?

Mr. Scott: I don't believe we do, Mr. Chair.

Staff Updates

Mr. Scott: We were approached a couple months ago by the owner of the Headless Hands Tattoo Shop, here in the city of Mission. The shop is located at the corner of Broadmoor and Johnson Drive. I believe it's actually the old historic courthouse from way back in the day. That building was owned by Johnson County and used as kind of an annex back in the 1930s and 40s. Anyway, he was interested in painting this mastodon skull on the side of his building here. He had hired an artist to do the work. Due to the pandemic, that got pushed off until the fall, and he wanted to get the work done before the weather set in, so he was in a bit of a timeline to get this done. Kind of last minute, he called us and asked me, for forgiveness more than permission.

We kind of struggled a little bit with this. There are some guidelines in the Sign Ordinance. We have a definition that speaks to wall murals. I had reached out to Pete Heaven, our land use attorney. He was working with Danielle Sitzman. She was updating the sign ordinance several years ago. I asked him what the thought was behind a definition of a mural, and he said there was some thought to allowing murals in the city. It was more scenes from Mission in days gone by, with something kind of artistic reflective of the City of Mission itself. Not necessarily a mastodon skull.

We did some further research on this, and this is a growing trend in cities around the country. Here are some examples of wall murals from around the Kansas City area. This one up here in the upper left corner is 39th Street, near KU Medical Center. This one in the lower center, I believe, is downtown Overland Park. Here are some other examples. This one on top is, I think, the Crossroads District. Obviously, this one is Shawnee, the one here in the middle. These are, finally, two examples that Kaitlyn found back in the fall when we were working on putting together a Comp website. That is actually one of the survey questions that we have on the website – "Is there an interest in seeing things like this around our community?" It's kind of an effort to create some place-making, if you will, to brighten up some corridors and create some focal points of interest for the community. The survey results so far have shown a very high interest in having wall murals.

So with that, we created a set of guidelines to follow, along with an application. To quickly go through these guidelines, we have a definition of wall mural pulled from our Sign Code. We set forth some standards:

- The mural shall be an original work of art.
- Murals will be two-dimensional and three-dimensional.
- Murals shall be designed and constructed under the supervision of qualified artist, muralist or individual who has sufficient knowledge and experience in the design and execution of such projects, as well as the application of the selected medium.

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- The murals must exhibit the highest quality and design content, materials and application.
- The mural materials shall be durable and weather resistant to prevent premature deterioration or other unintended change in appearance.
- Mural materials must be appropriate for outdoor application with consideration to location, climate, weather conditions, longevity, and resistance to vandalism (including graffiti).
- Murals shall not contain a logo or trademark symbol, nor shall any mural include commercial text or products displaying, mimicking or construed as symbolizing a specific brand.
- Murals shall not incorporate recognized symbols of hatred or discrimination of discrimination against any race, color, sex, age, religion, national origin, ancestry, disability, marital status, familial status, gender identity or expression, or sexual orientation.
- Murals shall not incorporate anything obscene in nature or objectionable to the senses of a reasonable person.

Location of mural:

- Murals shall not be permitted in residentially zoned areas of the City or on the wall of a building that faces a residentially zoned parcel of property.
- Murals shall be located on either side of the building or the rear of the building. Consideration may be given to locating a mural on the front of the building so long as it complements the overall front facade of the building and does not completely overwhelm architectural details.
- Murals should avoid creating harsh edges where no architectural features are present to create a natural break in the facade. Mural designs that do not contain harsh edges may be proposed in place of architectural features.
- Murals may be placed on walls that serve to define the edge of a property or provide screening.
- Murals shall be limited in the amount of wall area utilized in proportion to the size of the building.
- Murals that are on buildings that are one-story in height may utilize the entire wall.
- Murals that are on buildings that are two-stories in height may utilize 50% of the wall.
- Murals that are on buildings that are three stories or taller may utilize 25% of the wall.
- Murals should be located and sized to engage and encourage pedestrian interaction.

Requirements for Mural Application:

- A completed Mural Application Form including written description of the proposed design, the location of the building, the location of the mural on the building, wall preparation, materials and processes to be used (including anti-graffiti treatment), individual/groups involved in the mural design, and/or preparation, and parties responsible for subsequent maintenance. A separate maintenance plan should be included as well.

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- If the mural is three-dimensional in nature, then information should be provided as to how the mural will be mounted to the wall including brackets, hardware, and other structural components.
- Lead artist's qualifications and examples of previous work.
- Written permission from the property owner (if different than the applicant) to proceed with the project, including any requirements that may be imposed by the property owner.
- One color scale rendering (no larger than 11" X 17") as well as a digital file of the proposed mural.
- Photographs of the proposed location and surrounding area.
- Timeline for completing the project.

Mr. Scott: We pulled that together, we did some research from other cities, kind of looking for those requirements. Overland Park has a Public Arts Commission, and they have a Public Arts Master Plan, but their plan speaks more to pieces of public art in the public settings, public property, right-of-way, etc. It doesn't really speak too much to murals on buildings and downtown. They took a slightly different approach with that, and they required a non-conforming situation permit, which sounds familiar, for those types of murals, and they required approval from the Planning Commission for that. We didn't quite take that direction, but we did pick up a lot of the thoughts about type of material that's used and how it's applied and how it's preserved and maintained, again, on things like anti-graffiti coating that would go over the mural once completed, so that any graffiti that does appear on the mural could be relatively easily cleaned up without damaging the mural itself. Again, for mounting for a three-dimensional type of artwork, if they're mounting it on the side of a building.

We shared this preliminarily with the City Council. There was no formal adoption of it. We did share this with the applicant, and he did submit the application in accordance with all the provisions of the guidelines, and we did approve it administratively. But, we kind of wanted to come back and revisit this, and we thought we'd start with the Planning Commission tonight. I have gotten a little bit of feedback on these guidelines. One comment was on, "Mural shall not incorporate anything obscene in nature or objectionable to the senses of a reasonable person." That can be up for debate, so is that something that we should include, or maybe leave out? There was another comment about the sizing of the mural on the side of the building. We put some provisions in here about reducing the size of the mural as the building gets bigger, so we don't have a three-story or four-story mural dominating an entire side of a building. Somebody said that they've seen examples of that in cities where there is a three- or four-story or taller building that has a mural on the entire wall, all stories. I have subsequently seen some examples as well, and it does look pretty neat. So, that may be something you want to visit a little further.

Then, we had somebody inquire about a mural on their garage door in a residential area, interested in maybe painting a mural on their garage door to reduce the blankness of that area. We specified no murals in residential areas or commercial property that abuts a

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residential area, just because a property owner could find that somewhat offensive and maybe even feel that it could reduce their property values, if you will. But that may be something you want to consider, too. I thought I'd bring it all to you tonight, just to open up for discussion and thought. We'll do likewise with City Council probably after the holidays, some time in January or February, one of those meetings.

Chair Lee: Brian, who do you think within staff is going to be responsible for this?

Mr. Scott: That would be probably Kaitlyn.

Chair Lee: So, she'll have to police it, and know how to do all of this stuff?

Mr. Scott: Yeah.

Comm. Troppito: I wonder if in your review of the cities, did you run across any environmental issues, or environmental-related issue? Why I'm bring that up – I'm looking at some of the murals that you just showed us, or Kaitlyn just showed us. It looks like there was a great deal of pigment used in some of the more vibrant colors. It just popped in my mind, I wonder about what's in those pigments. Any heavy metals? What about run-off? I don't know if that's even a concern with these types of paints that are used. I don't know that it's not a concern. I'm just posing the question of whether or not you've run across anything related to that, Brian.

Mr. Scott: The answer is no. I don't recall seeing any of that in the material we looked at from other cities, but I can definitely go back and review my notes again. If you have suggestions for maybe a particular type of paint that we should stay away from or something that should be encouraged, that would be helpful.

Comm. Troppito: Well, I really don't. I don't know what kind of paints they're even using or how paints for murals would differ from any other type of paint. But, like I said, the vibrancy of the colors made me wonder what was the composition of the pigments in that paint. That's something I've never looked into.

Comm. Dukelow: Most paints now do not contain any metals or leads, even your exterior paints, but there certainly are...And most of them are water-based anymore. I'm talking about from a building and construction perspective. For a mural specifically, I am not aware of what kind of paints they use, either.

Mr. Scott: Yeah, I'm just looking through my notes here again, and I don't see anything referencing paints. We can give that some thought.

Comm. Dukelow: Google it. I do have a question or a concern, which I know I raised the last time as well, with regards to maintenance. I don't know how exactly it should be addressed, but it seems to me that there should be a threshold at which the mural either needs to be replaced or removed in its entirety. We have one in the city now that is probably close to or at that critical point, which is why it's so ever-present in my mind.

Mr. Scott: That's a good point. We can give some thought to creating some language that speaks to ongoing maintenance and care.

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Comm. Dukelow: Maybe it has to do with the contrast. There's a fading. Of course, you'd have to have a hundred percent image to compare with the lesser, the faded, the flecked, the image that's not looking great anymore. It would be a judgment call, and I don't know what that threshold is, but certainly by the time half of it is gone or faded, it seems like there should be some kind of way to compare that and tell them. Because, I think that they might not all last the same length of time, depending upon the sealers and things that are applied, the protective coatings, so I don't think that a time limit, like every five years, might not be sufficient, but perhaps it's a percentage of the contrast.

Mr. Scott: Yeah, we have a section here. I didn't read it, but we do have a section, "Ongoing maintenance of mural. The applicant will be responsible for ensuring that a mural is maintained in good condition, repaired if there's vandalism or accidental destruction." It goes on to talk about repair. There probably should be a section. We should kind of beef it up a little bit to speak more to refreshing it as the sun fades or deterioration from the weather.

Comm. Christiansen: I think putting a time limit on it, at least for putting it up to review again, would be a good start, making them bring it to at least the Planning Commission or the City staff at a minimum, to have it up for approval every five years, ten years, whatever the time is, just so that there's some accountability on the owner to bring up that mural if it is deteriorating.

Chair Lee: You're going to have issues with what elevation it's on as much as you are with what kind of paint is used. Certain elevations are going to fade much, much quicker than others, depending on the sun exposure and so forth. The time frame is a good way to go, but I don't know if it should be a five-year timeframe. More like a two-and-a-half to three years.

Comm. Christiansen: Yeah, there is a difference between a north facing wall and a south facing wall, but just to hold them accountable to something, rather than having these lofty standards that seem to be maneuvered no matter what direction you want to go with it.

Comm. Dukelow: How long has the Mission Mart mural been in place? That's been at least ten years, if I remember correctly. Probably closer to 15, because they moved off of Johnson Drive with the reconstruction of the canal.

Mr. Scott: The Mission Pet Mart, yeah.

Comm. Dukelow: That one's been up there too long.

Mr. Scott: Yeah, it's probably been ten years. I drive by that building every morning when I come in to work, so yeah, it's become painfully obvious to me over the summer how bad it is. I was kind of waiting to get these sort of refined a little bit further, even reach out to the ownership and talk to them about, "It's time to do something with that. Here's the guidelines to follow."

Comm. Christiansen: Brian, is there something that we could mirror maybe the Sign Code? Is there some language in the Sign Code that has some type of deterioration on

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when it needs to be replaced, or is there some way we can have those two corollate with each other, basically treat this as a sign, in terms of maintenance?

Mr. Scott: There's not much language, other than this has to be maintained in good condition. That's about it. It doesn't really get into a whole lot of detail.

Comm. Troppito: What about lighting? I would imagine that if somebody was really proud of their mural, they'd maybe want to light it up intensely at night. How would you regulate that?

Comm. Christiansen: There's building codes to answer to that. You can't have lighting spill onto other peoples' property, and there's minimums and maximums that you can have on the side of a building for up lighting. That's all in the building code. That's a standard code that the City has adopted.

Comm. Troppito: And that applies to murals that aren't facing the property, right?

Mr. Scott: Yeah. I think if they wanted to light it up, they'd have to bring a set of plans to us for approval. "How are you going to light it? Have a spotlight on the ground shining up on it? Are you going to have it backlit? Sort of reaching over from the top and backlighting it that way?"

Comm. Troppito: Then, if somebody applies, if they have the intent to provide lighting, you would remind them of that at the time?

Mr. Scott: Yeah.

Comm. Troppito: Okay. Thank you, both of you.

Comm. Taylor: I apologize if this was covered, but could we look at other municipalities and see how they're handling it? I just did a quick Google. San Diego, California, if you can imagine, they've got a mural or two. They have like a 20-page "Mural Toolkit" that they give to applicants, and it's kind of like a step-by-step instruction on how to move through the process. It includes things that address deterioration and maintenance. I don't know if we want to bite all that off, but –

Mr. Scott: The cities that we looked at do kind of the same thing. We did a Google search. We reached out to Overland Park and talked to them. We kind of did a national search. Oklahoma City, Boise, Idaho, City of Orlando. Those are three examples we looked at.

Comm. Taylor: Did they get to the issue of wear-and-tear that Robin - ?

Mr. Scott: Right, yes. A lot of this stuff I kind of pulled from their materials. I sort of picked and chose the best for these [distortion] from those three examples.

Comm. Taylor: Okay.

Mr. Scott: I'm not really sure we want to get...Oklahoma City had what you're kind of describing – a pretty thick packet and pretty lengthy process. You go here for the Arts Commission review. You go over there for the Planning Commission review. Certain sections of town where they're allowed or not allowed. Another city has a historical review, a board of some kind. I don't know that I want to get that in-depth with it, but there should

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be a set of standards, or a package to give to applicants. That's what led me to create this, kind of quick and dirty.

[Unidentified Speaker]: It looks like this is going to end up being an administrative nightmare.

Mr. Scott: It could be, yeah. We could have these all over town. I don't know. Any thought about the request to paint the garage door?

Comm. Christiansen: I would be highly against that.

Comm. Braden: I would also.

Comm. Dukelow: I'm not a fan of the idea.

Comm. Bruce: Nor am I.

Mr. Scott: An HOA would probably regulate that, but there's not very many HOAs in the city.

Comm. Christiansen: HOAs don't seem to have a lot of teeth in that matter, either.

Comm. Dukelow: I know that our HOA would love to regulate something like that, but they don't have any jurisdiction when it comes right down to it.

Comm. Troppito: Well, is it really more of a question of encouraging it, rather than discouraging it? Because, if there's nothing to prohibit it, what would stop anyone from going ahead and doing it now?

Mr. Scott: That's true, Charlie.

Comm. Troppito: In an unregulated way.

Mr. Scott: Yeah. You could paint your house pink tomorrow if you wanted to.

Comm. Troppito: Oh, thanks.

Mr. Scott: No City regulations on that. Feedback? [None] Thank you all.

Chair Lee: Very good. Anybody else have anything else tonight? [None]

ADJOURNMENT

With no other agenda items, **Comm. Bruce (no second) made a motion to adjourn.** (Vote was unanimous). The **motion carried.** The meeting adjourned at 7:42 P.M.

Mike Lee, Chair

ATTEST:

Audrey McClanahan, Secretary