CITY OF MISSION PLANNING COMMISSION

AGENDA

December 17, 2018

7:00 PM

Mission City Hall - 6090 Woodson

Council Chambers

- 1. Call to Order
- 2. Approval of Minutes from the October 22, 2018 Meeting
- 3. New Business
 - A. <u>Public Hearing</u> Case # 18-12 Lot Split 5529 Maple Street

 An application for a Lot Split Lot 58 of MissionHills Acres, located at 5529 Maple Street
 - a. Staff Report
 - b. Legal Description and Site Survey of Proposed Lot Split
 - B. Case # 18-13 Permit of Non-Conforming Improvements 6767 Johnson Drive.
 - a. Staff Report
 - b. Letter from Applicant Stantec Architecture
 - c. Elevation Renderings
 - d. Construction Drawings
- 4. Old Business
- 5. PC Comments/CIP Committee Update
- 6. Staff Updates

Questions concerning this meeting may be addressed to staff contact, Brian Scott, Assistant City Administrator at (913) 676-8353 or bscott@missionks.org.

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, October 22, 2018. Members also present: Stuart Braden, Brad Davidson, Jami Casper, Robin Dukelow, Burton Taylor, Charlie Troppito, Pete Christiansen and Frank Bruce. Also in attendance: Brian Scott, Assistant City Administrator, and Martha Sumrall, City Clerk.

Approval of Minutes from the August 27, 2018 Meeting

Mr. Scott: You should all have the corrected version of the minutes. Attached to the corrected version is a complete motion that was adopted by the City Council the other night. So, we had a snafu when we were preparing the packet that went to City Council. In preparing the recommendation to the City Council to read at their meeting, I picked up the wrong motion. It was brought to my attention after the fact. So, we went back to the Planning Commission this past Wednesday evening and asked them to reconsider and to adopt the correct motion, which is the single page you see in your packet, stipulation 6, which is the correct motion that you all adopted. I apologize for that. Working too fast.

<u>Comm. Troppito</u>: I'd like to thank staff and all who were involved in getting that corrected, and the due diligence it took.

Mr. Scott: A couple of things that we're going to do a little differently in the future. One, I'm going to actually type of the motion so we can all read it, make sure that's what we are adopting. Secondly, if you look through the minutes, you'll see a lot of "inaudible" or "crosstalk." So, I would ask all of us to be more diligent about speaking into the mic so we can be sure the recording picks up on it. If you're not sure if your microphone is on, there's actually a green light. Push the button, and that green light should come on. So, if there could be a more concerted effort to speak into the microphone, it will pick up the conversation a little better. Thank you.

<u>Comm. Troppito moved and Comm. Dukelow seconded</u> a motion to approve the minutes of the August 27, 2018, Planning Commission meeting.

The vote was taken (9-0). The motion carried.

Case # 18-10 SkillPath Executive Park Private Sign Criteria

<u>Chair Lee</u>: At this time, I'm going to recuse myself and turn it over to Stuart.

Mr. Braden: We'll hear from staff.

Mr. Scott: Okay. This item is concerning an application for private sign criteria for 6900 Squibb Road, which is the SkillPath Executive Office Park. That property consists of two offices buildings. Both of them are three stories, I believe, both are about 50,000 square feet in size. Both identical in appearance. They have signs right now on the building, but they're wanting to make some changes to one sign that would not meet our current zoning regulations. So, the private sign criteria is a more appropriate path for them to take. I'm not going to steal too much of their thunder because they have a presentation they want

to make. Provide a little more background of why they want to make the changes they do. So, I'm going to hand it over to the folks at SkillPath to make a presentation.

Dan Bishop, CEO, SkillPath, appeared before the Planning Commission and made the following comments:

Mr. Bishop: Good evening. I'm the CEO for SkillPath. SkillPath has been a longstanding member of the Mission business committee. We're one of the best-kept secrets in the area, and actually, in the city. So, I'd like to share with you a little bit of context of why we're asking for this special permit on the sign.

A little bit of history. We were founded here in Mission. We're actually 30 years old and we bought our two buildings at 6900 Squibb Road, which is just up the street here at the intersection of Metcalf and Shawnee Mission Parkway, right next to the Target store. Actually, one of the buildings is a three-story building and the other is a five-story building. And we have about 180 employees at this location. We also have a customer care center based in Chillicothe, MO.

Just a little bit about our business. Again, as I mentioned, we're a well-kept secret. Nobody knows some of these things about us, but we actually service pretty much every one of the Fortune 1000 companies. We provide management development and leadership development training programs for these organizations. We do work for all 15 branches of the federal government. We do a tremendous amount of work for FBI, CIA, NSA, Department of Homeland Security, Federal Reserve Bank, Center for Disease Control. We are also working for all five branches of the military. We do on-site training on at least 226 military bases around the world. And our real claim to fame, what we like to brag about, is that we actually do training work for the NFL, NBA, MLB and NHL, in their back office with their management team. We do quite a bit of work for these organizations, and we also do about 16,000 training events each year around the country, and some outside the United States, as well.

We like to be a good citizen in our local community. We do a number of civic events. We do our first responders 9/11 pancake breakfast every year. We have very good participation from both our local police, fire and first responder operations with the money we raise through that. Through gains that our employees pay, we donate back to both fire and police organizations for their personal needs. We support a number of local charities. In fact, we have several non-profits as tenants in our building. We actually occupy all of our three-story building and about 4 1/2 of our five-story building and sublease out the rest of that space.

A little bit on the future and our vision for the future, and what we're looking at. This is an architectural rendering of the space that we're actually building out on the first floor right now,that is under construction. It should be completed by the end of December, with a grand opening scheduled for early January. This would be the Center for Professional Development. It will be a professional learning facility. It will be a state-of-the-art meeting facility inside, with full audio-video capabilities, live television screen capabilities. And we're doing this because, as I mentioned, we're one of the best-kept secrets in the Kansas

City area for the size and breadth of our organization. So, our core function and purpose for this is to bring the Kansas City business community into our organization. This is not a profit center. This is a community center. For example, our local rotary club will be able to house meetings in that location because we will not charge for utilization of the space. This is a branding function for our business, to bring business people in the community into the organization. We will also hold training functions for Kansas City business professionals. We do about 50 events around the Kansas City area right now, all in hotel meeting rooms around the city, and we'll bring those in and have those done here at our Mission location.

So, as I said, this will be a modern, totally state-of-the-art facility, and we'll train our own employees and employees of other companies in the area. And, as I mentioned, make it available to non-profits and other businesses and organizations.

This is an example of groups we're already in discussions with, who have expressed a specific interest. For example, Children's Mercy Hospital, we are in negotiations with them to execute a major training program for their back office administrative staff, and they don't want to do that within their own facility, so they'll go off-site and we will do the training for them at our location. We have a partnership with Kansas City Chamber of Commerce. We provide training for all the Kansas City chambers. Chamber members will hold some functions there. Central Exchange is a very prominent women's business organization in the city. We also have a learning and training partnership with them and we will do part of the training for that organization, as well. Total Rewards, in association for talent development, are human resource-related organizations that have most of the manager/HR professionals in the Kansas City area as members. Again, we will provide our space to them to do training and other programs in this facility.

A bit about the future. One of the things we think is an advantage to this is this will drive business professionals into the city of Mission and put us further on the map. We want to be good citizens of the community, and if any of you have ever gone down Squibb Road by our buildings, we're right next to Entercom. It's really difficult to find. And if you use Uber or Google, oftentimes it sends you off track because you have to drive through the neighborhoods. If you miss the turn, you have to go all the way around Metcalf and come back up by Target, and then, drive all the way back around. So, we're trying to create more prominence to identify and brand this, and make it easier for folks to find when they come to visit us. And we will be doing, for example, what we a call a chief learning officer's forum in January. We will be bringing in major executives of companies from all over the country. The companies are all current customers of ours - FedEx, Johns Hopkins University, who we are an official strategic partner for; Lockheed Martin, Mercedes, Walgreens, Notre Dame - these are all current, active clients that we provide training services for. And we'll have their chief learning officers in attendance at the event that we run early in the year.

This is a rendition of our request for signage. We already have the SkillPath logo up here, it's been up there for many years. The street address, we're asking for special approval to have this prominence in the Center for Professional Development signage placed on

the building. That is our ask in this particular case, relative to zoning approval. That's it. Any questions I can answer for anybody?

<u>Comm. Dukelow</u>: I've got some questions regarding monument signs. Do you have any additional information that you can provide us on those? The proposed new signs would go in the same location as the existing signs, one at each drive?

Mr. Bishop: That is correct. We want to update the two existing signs, which are quite dated, and add one additional SkillPath branded sign right at our main entrance to help direct traffic into the parking area, where they will park when they come.

Comm. Dukelow: What is the size of the existing monument signs?

<u>Unidentified</u>: Ten feet by five feet tall, so 50 square feet.

Comm. Dukelow: Is that the size of the existing sign or the proposed maximum area?

Mr. Bishop: We don't anticipate changing the size of the signs. We just want to update the look and feel. They are pretty dated.

<u>Unidentified</u>: The existing signs are 50 square feet. What is proposed is 50 square feet. Same size.

<u>Comm. Dukelow</u>: Thank you. I have one more questions, just a clarification. When we look at the previous image from the applicant's presentation, we saw the building, the three-story building, and it has the SkillPath, and then there is the added verbiage. Is the building number currently on the building?

Mr. Bishop: Yes, it is.
Comm. Dukelow: Okay.

<u>Unidentified</u>: No, it's not on the building currently.

Comm. Dukelow: It's not currently on the building? It might just be on the other side.

<u>Unidentified</u>: Clover, I believe is right here, but it is not right there. Should be part of the proposed criteria.

<u>Comm. Dukelow</u>: So, to get to my real question. With the addition of the Center for Professional Development language, we would be, I understand, about 6.5 percent?

Mr. Bishop: Correct.

Comm. Dukelow: On the building?

Mr. Bishop: Right.

<u>Comm. Dukelow</u>: Okay. And then, the other building, which would be the five-story building, is, of course, because it's a larger building, a larger face, we could put the same signage on that building and be well under the amount. So, I guess what I'm trying to verify is that, if we were to do an office park -- this is what I'm thinking -- if it were a planned office district and we were to say yes, we're doing private sign criteria, 10 percent on this

building, the three-story building, would be quite a different impact than 10 percent on the five-story building. Because the buildings are not the same.

Mr. Bishop: Right.

<u>Comm. Dukelow</u>: Is the point that I'm trying to make. Are there other tenants in the building? I believe you said there were additional tenants.

Mr. Bishop: In the three-story 6900 building, our employees occupy that building, and that's the building that will have the new Center for Professional Development in it. In the five-story building, we occupy the full first floor and about one-third of the fourth floor. The rest is subleased space. In fact, where you see the Bovard sign there, when that tenant finishes their current lease, we will be removing that signage.

<u>Comm. Braden</u>: Do you foresee...? So, you're taking the Bovard sign down because the tenant's lease will not be renewed. Are you planning on taking up the remainder of the building? Or, if you have another tenant, will you put another sign up?

Mr. Bishop: No, we will not put any other signage beyond SkillPath on that building. We find it to be misleading and confusing. I've been the CEO there for about 18 months, so this is something that predates me. Frankly, I'm not happy about it, so we're going to fix it. We will not negotiate any contracts for that building that include signage.

<u>Comm. Troppito</u>: A question about the lighting. I didn't see anything in this report about the lighting. Will illumination of the sign change, and by how much?

Mr. Bishop: No, sir, it will not. We have LED up lighting on the outside of our building. That will be plenty to illuminate the signage.

<u>Comm. Davidson</u>: The 6900 building that we're talking about, that building is the one on the south, correct?

Mr. Bishop: Yes.

Comm. Davidson: And we're talking about...

Mr. Bishop: It faces out on Shawnee Mission Parkway.

Comm. Davidson: ...the south-facing façade for this purpose.

Mr. Bishop: Correct.

Comm. Braden: Any other questions? Thank you. Any questions of staff?

<u>Comm. Dukelow</u>: I have a question for staff. Based on your experience, do you have a sense of how many, how many private sign criteria increase the percentage of the signage allowed on a building? Is it a typical request?

Mr. Scott: Yes and no. The example that comes to mind is Hy-Vee. If you look at the building plus the convenience store/gas station, there's more signage overall privately committed on that building, that area. So, that fell within the private sign criteria. I'm trying to think of other examples around town. Definitely the best example of more than what we approve otherwise.

Comm. Braden: Are there questions? Do we have a motion?

<u>Comm. Troppito</u>: I move that the Planning Commission approve the staff recommendation for the SkillPath Executive Park private sign criteria, as listed in the staff report.

Comm. Bruce: Second.

Comm. Dukelow: Mr. Chairman, I'd like to make an amendment to the motion.

<u>Comm. Braden</u>: We've had a motion and a second. Now we're entertaining an amendment to the motion.

<u>Comm. Dukelow</u>: So, my proposed amendment would be to simply clarify and correct the private sign criteria as written, to indicate that one building is five stories and one building is three stories, and they couldn't have the same number of square feet. So, I'd like to see that section corrected.

<u>Comm. Bruce</u>: Would you like me to withdraw my second?

Comm. Braden: We need a second on the amendment.

Comm. Troppito: I'll second the amendment.

Comm. Braden: So, we will be voting on the amendment itself right now. Call roll.

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

<u>Comm. Braden</u>: The amendment passed, and now we'll now vote on the original motion with the amendment attached. Call the roll, please.

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

Comm. Braden: I'll turn it back over.

[Chairman Mike Lee returned to the meeting.]

<u>Discussion Regarding Proposed Amendment to the City of Mission's</u> <u>Sign Code to all for Electronic Message Boards</u>

Mr. Scott: Thank you, Mr. Chair. This item is a request from Trinity Lutheran Church, located at 5601 West 62nd Street, here in the city of Mission. The church has had an electronic message board on their property for many, many years, I think as long as pretty much anybody can remember. The message board is actually two boards put together to form a long single board, each one approximately three feet tall by 10 feet long, so a total of three feet tall by 20 feet long. The message board is mounted on a landscaped wall located at the southeast corner of their property, generally facing the intersection of Shawnee Mission Parkway and Nall Avenue.

The message board has not been functional for several months now. The church inquired about getting the message board fixed, and they were told by the sign company that it's essentially an obsolete sign, and that the technology to make it work is beyond its time. So, the best answer would be to replace it. Electronic message boards are not allowed

under our zoning ordinance, and to replace it would go beyond their means. So, they are at a crossroads now. They can't just replace the sign.

So, we talked about it, we talked about what they would like to have. There was a rendering done by Luminous, a sign company, that is in your packet. That shows samples of the type of electronic board they would like to have. I did some research on other cities in Johnson County, which I have included in your packet, as well as a survey. It's sort of a mix. Most don't allow electronic message centers, but there are a few. We looked at exceptions. The City of Lawrence actually has a pretty sophisticated ordinance and criteria that provides for electronic message boards, with limitations of how big, the brightness of the boards, etc. I've included that in your packet, as well.

We have all seen these types of boards. They are very sophisticated in design and animation - fireworks, dancing angels across the sign. The message can materialize and dissipate, or flash up, flash down, and scroll across, back and forth. Those are the kinds of things we need to think about if this is something we want to entertain, and what kind of stipulations we want put on that. If it is something that the Planning Commission is interested in moving forward with, we would have to do an amendment to our zoning ordinance, which requires a public hearing, and legal notice of that. We could probably do that at our meeting in November. I did not draft any proposed language. I'll let you all discuss it, and then, we'll have our attorney, Pete Heaven, draft some language for us to consider in an amendment.

There are some folks here from the church tonight. I don't know if they want to say anything? Larry?

Larry Conrad, Administrator, Trinity Lutheran Church, appeared before the Planning Commission and made the following comments:

Mr. Conrad: First, I want to thank you for considering this. I realize that technology changes, and we want to be very good partners with the City. We have for some time. We just found ourselves in a position that says to do what we'd like to do, what we've been doing forever, it seems, apparently just doesn't fit the rules. So, we're trying to figure out how we can work with you guys.

One thing I would like to leave with you is, a comment was made that these boards can do many different things. Yes, they can, but we as the church would like to abide by what you as the City want to see. If you don't want to see flashing lights - trust me, we wouldn't put dancing angels out there anyway. We would certainly like to conform with what you guys want. It seems like the world today is going to color, and if we could use color as a color background, it simply shows, I think, a cleaner message, something that is a little easier to read.

Lastly, if this is approved, I would like to be sure that we extend to the City the option that, if the City has public service announcements, we would be more than happy to run public service announcements on that screen. It would certainly catch a lot of passersby on Shawnee Mission Parkway. So, unless you have questions, I thank you very much for considering this.

<u>Comm. Braden</u>: I have a question. On the new sign, do you have to do anything with the existing infrastructure, other than the sign itself?

Mr. Conrad: No.

Comm. Braden: So, the sign would be no bigger, it would essentially look the same...

Mr. Conrad: Correct. The physical electronics would fit into the very same casing. There would be no change whatsoever to the hard structure that exists.

<u>Comm. Dukelow</u>: It doesn't seem like very long when we said no electronic signs. What's the date on that?

Mr. Scott: In 2017, the City Council adopted the new sign ordinance recommended by you all.

Comm. Dukelow: And was there one prior to that where you eliminated electronic signs?

Mr. Scott: Yes. It's been prohibited for a long time.

<u>Chair Lee</u>: I remember a conversation with Reverend Lee Hovel prior to that. He was arguing the same argument 26 years ago. At the time when it needed to be replaced at that time. I think the decision was made that it was not (inaudible) changed out, but they did allow maintenance on it, so they were able to work it through. That's not really the right terminology, but it's gotten by for 20-some years. It just went out this last year. I mean, this is not the first time this has come up.

Mr. Scott: The church is actually located in Countryside.

Chair Lee: Well, it wasn't...Yeah, in that area. It was part of Countryside at the time.

Mr. Scott: I don't know if Countryside had any regulations on that or not.

<u>Chair Lee</u>: Yes, but that was done prior to (inaudible). Countryside also adopted (inaudible) but they weren't allowed. It grandfathered in at the time.

<u>Comm. Bruce</u>: Staff, in essence, the sign is not going to change, the overall appearance that's there now, or...It may not be functioning at the moment, but it has been functioning for a long period of time. And cosmetically, you won't see any change to the sign. Is that my understanding?

Mr. Scott: That's what they are proposing, yes.

<u>Chair Lee</u>: I would argue that because you're going to see a dramatic change when the sign is on. The sign is off now. When it's on, it will look night and day different. Lots of color, etc.

Mr. Scott: Yeah. Right now, it was black, brown, kind of amber color, a kind of pixelated look, old-school pixilated look. If they erect a new sign, it will be much brighter, the letters will be much crisper. We've talked about background. I would prefer not to see a white background because that can be very bright, even when you dial it down. They gave some examples of more subtle colors -- blue, green, maroon. It's really up to you. I mean, if you want to make it very strict, to just wording, numbers, letters, unobtrusive

backgrounds, no scrolling, no animation, controlling the illumination, the hours. All things to consider.

<u>Comm. Troppito</u>: You know, this new technology -- and I don't know the answer, which is why I'm asking -- what would prohibit it from being displayed the way it always has been?

<u>Chair Lee</u>: Well, I think what they said is really true. I mean, the existing technology that's there, no one makes anymore.

Comm. Troppito: I mean visually.

<u>Chair Lee</u>: Well, visually, that's what the difference is. When you turn that new sign on, it will look nothing like the old sign did.

Comm. Troppito: It can't be dimmed down?

<u>Chair Lee</u>: Yeah, it can be dimmed down, but it's still the intensity of the colors, the brightness will be substantially greater than it is today, or was, even at its prime. These signs over a period of time will get dimmer.

<u>Unidentified</u>: The old technology.

Chair Lee: Well, even the new. Eventually, it will go down. But that will be years.

<u>Comm. Braden</u>: Mr. Chairman, a question for the applicant. If the old technology was available and you could replace it in kind, would you do that? In other words, we're not upgrading the sign because we have no function, we're just upgrading the sign because that technology, or that manufacturer, is no longer in business.

Mr. Conrad: That's correct.

<u>Comm. Casper</u>: I have a question. On the new sign, how is the brightness measured? Foot candles?

[No audible response.]

<u>Comm. Braden</u>: And wasn't there some regulations in other cities about what the levels would be?

Mr. Scott: Correct.

<u>Chair Lee</u>: And you brought up several cities within the general Johnson County area, although there are others. And they mostly are not, although Roeland Park does. Prairie Village does not. Leawood does not. Overland Park does not. A vast majority. Olathe does within certain extremes.

Mr. Scott: Correct.

<u>Comm. Bruce</u>: I agree with Comm. Troppito. In today's environment, I cannot believe technology is not available to recreate a new product that would be within the light rating - or whatever - of the existing sign. We as a City have our own omnipotent little flashing sign that we put on Johnson Drive in the middle of traffic that flashes at drivers. Surely that is more pronounced and distracting than what we have up here on the corner.

<u>Chair Lee</u>: In my opinion would be, no, it's only because of size, and again, colors and intensity of the light. I don't believe, unless I'm misunderstanding what you're discussing and wanting, you're not wanting something similar to what you have now. Again, given the option the you are able to do exactly what you have now, same type of colors, same functions, same capabilities, versus the new with all the colors, all the bells and whistles, which will be built into it, even though you sit here tonight and say that that's not something you're interested in, there is nothing that prevents you from flipping the switch and having that happen. In six months, if you have a promotion, or a certain holiday that you want to do something different, you want to create that different image, there is nothing that prevents you from sitting at your computer and making those changes.

Mr. Conrad: While there would be nothing to prevent me from being able to turn that switch on, I would hope that we, if the City has a limit as to what I can and cannot do, I would like to believe that we would have the integrity to follow those rules.

Chair Lee: Well, I'm sure it would be done with intent of trying to...

Mr. Conrad: I would not simply because I can flip a switch and cause dancing angels to be on screen, or the flashing lights, and such. I will be clear and say, yes, the new technology that is available will make the sign display look cleaner and crisper. Can we dummy down to what the old technology is? We can. I believe that technology, just as with our smart phones, has progressed, and people are more used to having crisp, clear communications, whether that is on your phone, or on a sign. We're just thinking that if that technology is available, we'd like that option. It certainly is within your right to say, you know, that you would approve something with these restrictions. And then, of course, we would have to go back to the drawing board with our sign manufacturer and say, "Okay, how do we do that." So, it truly is up to the desires, I think, of what the city Planning Commission here needs, or wants to show on the corner.

<u>Comm. Bruce</u>: I cannot speak for Comm. Troppito, but my thinking was more of the illumination, and basically the taste of the sign in way of colors, flashing, or whatever, has been the motif.

Mr. Conrad: Well, the actual technology side of the sign, I believe that Clinton would be able to speak to more specifically. He's with Luminous. I believe, if I'm correct in saying, the sign intensity can certainly be managed to whatever level is chosen, be that daytime intensity or nighttime intensity. And it can be automatically changed as a result of dusk, and dawn.

<u>Comm. Braden</u>: The bottom sign looks somewhat similar to what you had. A little clearer, obviously, but it's still kind of a black/amber (inaudible).

Mr. Conrad: I would agree with you.

Chair Lee: What you are proposing is full color, correct?

Mr. Conrad: We're asking, since the technology allows us to be able to do color...

<u>Chair Lee</u>: It will not look anything like that when you put it in color.

Mr. Conrad: Well, if you put color into it, no, it would not look exactly like the bottom. However, if that is the restriction that policies would allow, we can make it look like the bottom one. But, I assure you it will probably look a little better than what the old technology is, but again, at the same time, we as the church are going to go back to say, well, I'm not going to spend money on technology that I can't use. And if I don't spend money on technology I don't use, then the sign is not going to be as crisp and clean and clear as these samples that we're providing. I don't know exactly what that would look like, but we certainly wouldn't pay for the technology if we're unable to use it. I would hope, though, that description is put in place, that then we wouldn't have other exceptions or variances out there that allow someone else to go out and do something that would also include colored backgrounds, and then, we're sitting here without the ability to do a colored background. That's kind of where we're at. Other questions?

<u>Comm. Taylor</u>: For me, that's actually the concern, is that if we allow this sign, we'll have other businesses.... Like, SkillPath might come back and say they want a digital sign on top of the building. And they'll be able to point back to our decision and say that we set a precedent with that.

Mr. Conrad: I certainly understand that. As I said, we certainly will abide buy the choices and decisions you all make.

Comm. Taylor: I appreciate you underscoring that, as well.

<u>Comm. Davidson</u>: Mr. Chair, I have a question for Brian. Brian, are there any electronic signs in the city of Mission that are under the grandfathered stipulation, right now?

Mr. Scott: Just time and temperature signs. Security Bank has a couple time and temperature signs, one at their location on Martway, one on the east way of Martway and one in the center of Martway.

<u>Chair Lee</u>: Even most cities that don't allow electronic message signs allow time and temperature.

Mr. Scott: They do have an exception, correct.

<u>Comm. Christiansen</u>: Just so I'm clear, we adopted a code last year that said no more electronic signs, but there had been something previous, in the last 20 years before that, as well?

Mr. Scott: Yes.

<u>Comm. Christiansen</u>: And I understand that Roeland Park allows for them, but a lot of our other neighboring cities do not allow them. And my concern is that we do have a couple major corridors that are very close to residential areas, and if we hadn't allowed them in the last 20 years and even re-adopted that - or if I'm saying this correctly, last year, which I'm sure had public opinion in it...I find it hard to have a reason to have an exception, to just allow more when we've already set that precedent.

<u>Comm. Taylor</u>: Just to go further on that point. I wasn't on the Planning Commission at the time, but a year ago when we set this in place, we knew the sign existed. And we accepted that there was one out there, and everyone was comfortable with that.

Chair Lee: That was grandfathered in.

Comm. Taylor: Right.

Chair Lee: And when Mission merged and took over Countryside, that took (inaudible).

Mr. Scott: That sign was grandfathered in. If they want to maintain it, they can do that, being grandfathered in, but this is beyond maintenance. It doesn't meet the definition of maintenance.

Comm. Braden: I just have a comment. I never liked the sign, and I'm not a big fan of the sign, and I don't want to continue it if...If they were doing something totally different with he infrastructure itself, I guess I would, in this case, call it something similar to a grandfathering of existing pole signs. And if the sign was lit with incandescent lighting, eventually incandescent lighting, you can't get it anymore. So, they can't buy incandescent lighting. So, at that point, that sign has to come down because that technology is no longer available. As much as I don't like the sign, to me, if they can produce something that we can regulate and say how bright it is during the day, how bright during the night, they only do font, they don't do flashing; maybe we regulate that. I don't see that as much different than having to go from incandescent to LED at that point.

<u>Chair Lee</u>: Under our maintenance (inaudible), is there a percentage?

Mr. Scott: That's a good point. Maintenance cannot be any greater than 40 percent of the value of the overall sign.

<u>Chair Lee</u>: So, if they were to come into your office and say, "Okay, we want to rehab 37 percent of our sign." And they do that, and six months later, rehab another 37 percent, can they do that?

<u>Unidentified</u>: Or they got a really sweet deal on their sign?

Mr. Scott: To do one side, and then the other...

<u>Chair Lee</u>: If you're going to end up with the same look you have today, and you can limit it to certain percentages, it really would be maintenance and not something new. If you come in with something totally different-looking, bright colors, etc., that's a different thing.

<u>Comm. Troppito</u>: That was the essence of my question to begin with. In effect, dumbing down the technology to replicate what is there now.

Mr. Scott: We could probably call it "maintenance" if they stuck with what they have now. It's a little squishy, but we could probably do that.

<u>Comm. Braden</u>: Just one more comment. I think the last thing we should do, if we would happen to allow something to be changed, is put City signs up there. When we're already trying to not have that, to eliminate having those types of signs in the city anyway.

<u>Comm. Christiansen</u>: If we make a decision on this, it still has to go before the City, and City Council, as well.

<u>Mr. Scott</u>: If you all move forward with something, we would actually have to amend the zoning ordinance. So, I would have to post a public hearing, and there would be a public hearing at a future Planning Commission meeting, where you would consider that official amendment.

Comm. Christiansen: And if we shoot this down, it's done.

<u>Comm. Taylor</u>: But if they were to decide that this is maintenance, they could just operate on their own?

Mr. Scott: If they agree to stick with what is the bottom square there, which is probably the closest to the original sign, I can kind of squish around and say that's maintenance. But that's it. There's no changing of colors, no...You bring up a good point. They may agree to that, but what happens when someone retires in the future, a new person comes on, "Oh, I got this sign, we can do all this." Next thing you know, you've got dancing angels.

[crosstalk]

Mr. Scott: We have to regulate it, yeah.

<u>Chair Lee</u>: Well, as it is under maintenance, they could come in -- correct? -- and just actually fill out an application to do a face change, or whatever the terminology is. And that could be when you put your comments on that?

Mr. Scott: Yes.

Chair Lee: It wouldn't have to be done by the Planning Commission.

Mr. Scott: It would have a list of stipulations that I would...yeah. A document to sign off on. That would go with the permit.

<u>Chair Lee</u>: We, in essence, wouldn't be taking action on it.

Mr. Scott: Right.

<u>Comm. Troppito</u>: Let me try this. I make a motion to table this discussion to allow the applicant to reapply to the City, and report back to us after they apply as to the decision, as to whether the maintenance criteria is met, or not.

Mr. Scott: The maintenance criteria would be essentially replacing the sign so it's as-is, of what was there before.

Comm. Troppito: Yes.

<u>Comm. Christiansen</u>: Can I make a comment? So, they could withdraw this right now, correct? I mean, we wouldn't have to vote on it, and it would come back later? Or we're going to table it? So, if the owner chooses to, you could withdraw it, correct? And they could come back. Or, do their maintenance, and we (inaudible) before us. Or, we could

table it to another session where you'd have to come back in front of us. And we would take a vote on it then.

Chair Lee: Or it would just die for lack of a motion.

Mr. Scott: Dies tonight for lack of a second, yeah. I don't want to put words in your mouth, Comm. Troppito, but I think what you're saying is, let's table it, let me discuss it with the applicant. If they are accepting of calling this maintenance and presenting that sign at the bottom with the black background and amber color like it was before, we can just call it maintenance. They can replace the sign with that stipulation, and I would report back to you at a future meeting those results.

<u>Comm. Troppito</u>: That was the intent, yes. I'll agree with that interpretation.

<u>Comm. Davidson:</u> One quick comment. Basically, this sign is grandfathered in, so, to the average person who would pass the property, they wouldn't know if the sign has changed that they've seen for 20-some-odd years, or not. And the dancing angels and starbursts, that would draw attention, which could be negative attention. The end result, if the applicant agrees to dumbing down the technology, is to keep it so that no one knows that it is brand new LED technology, but it's just the electronic sign that's been there all these years. I think that's what we're looking at as the end result.

Comm. Dukelow: I'll second Comm. Troppito's motion to table the discussion.

The vote was taken (9-0). The motion carried.

Old Business

Mr. Scott: I have something that kind of ties in with tonight's topic. We did talk this summer about historical markers and signs. I thought if we were going to make an amendment to our zoning ordinance, this would be a good time to do that. Would you still like to proceed with that? Or table it?

<u>Chair Lee</u>: I think Charlie's the one driving this, so I will leave it up to him.

<u>Comm. Troppito</u>: Well, did you see the email I sent you about...? I'd like to see us move forward, but the dispatch with which we move forward really isn't that much of a concern. Whether or not it's part of the sign ordinance, or whether or not it's a separate ordinance, I don't really care. One of the things I mentioned was that first staff would need to look at what other cities have done, how they define markers. Make distinctions between markers that are Mission-historic versus, say, state or federal markers, so if there (inaudible) whether the city could get an effective (inaudible)...Mission theater, for example, comes to mind. Maybe other things.

The other one was to, while going through the sign inventory database, I noticed there are no markers in there, and I believe when we discussed this in May - I may be wrong, but some other commissioners said they knew of other markers around the city. So, I thought one of the first things we ought to do is try to make an inventory of these markers and how many there are. Try to come up with a definition of what a marker is. Once that is done, go from there and see what needs to be done. So, it's a multi-step process.

Again, whether it's approached on a basis of being part of the, to re-do the whole sign ordinance or not, doesn't really matter to me.

<u>Chair Lee</u>: Maybe we should do a subcommittee that would look at the inventory and definition. If Charlie would step forward and...

<u>Comm. Troppito</u>: Well, it would need some staff support, too. And maybe code enforcement. To try and locate some of these. Also, planning commissioners, if you know of any, send me an email and copy Brian on it. I'd appreciate it.

<u>Comm. Dukelow</u>: So, the first step would be an inventory?

<u>Comm. Troppito</u>: Yes. Because I think we need to do that first, take a look at what people think are historical markers, and then, come up with a definition that actually fits them all.

Comm. Dukelow: Okay. Mr. Scott: Thank you.

Planning Commission Comments/ CIP Committee Update - None

Staff Updates - None

ADJOURNMENT

With no other agenda items, <u>Comm. Dukelow moved and Comm. Troppito seconded</u> <u>a motion to adjourn.</u> (Vote was unanimous). The <u>motion carried</u>. The meeting adjourned at 8:00 P.M.

	Mike Lee, Chair	
ATTEST:		
Martha Sumrall, City Clerk		

STAFF REPORT Planning Commission Meeting December 17, 2018

AGENDA ITEM NO.: 1.

PROJECT # / TITLE: Case # 18-12

REQUEST: Lot Split-Lot 58 Missionhill Acres

LOCATION: 5529 Maple St.

Mission, Kansas 66202

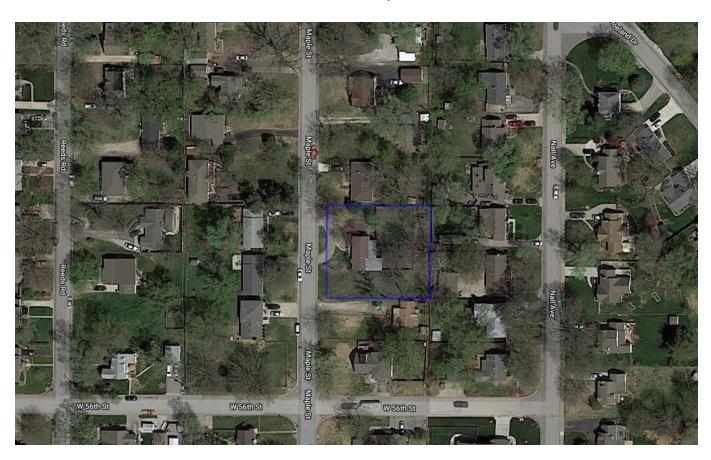
PROPERTY OWNER/APPLICANT: Clayton House, LLC

5529 Maple St Mission, KS 66202

PUBLIC HEARING: December 17, 2018 (Published November 27, 2018 The

Legal Record)

STAFF CONTACT: Brian Scott, Assistant City Administrator



Property Information:

Zoning of the Subject Property

The subject property is currently zoned "R-1" Single-family residential.

Surrounding properties are zoned and developed as follows:

North/East/South/West-"R-1" Single-family residential, detached dwellings.

<u>Comprehensive Plan Future Land Use Recommendation for this area:</u>

The Comprehensive Plan indicates this area is appropriate for low-density residential neighborhoods with a variety of housing types and schools, religious institutions, parks, and other civic uses.

Background:

The structure on this property is a one-story single-family home built in 1920. This house has been vacant for some time. The applicant is the current owner. If the lot split is approved, the applicant intends to demolish the existing home and build a new home on each lot to be sold.

Analysis:

Lots

In the presented survey the applicant proposes to split the subject property, Lot 58 of Missionhill Acres, into 2 lots. The dimensions of both of the proposed lots are 62.5 feet wide by 140 feet deep.

City Code Section 410.010 (I) states any single-family dwelling constructed, reconstructed or altered shall require a lot having a width of not less than seventy (70) feet and an average depth of one hundred ten (110) feet, with the following exception:

Any lot may be split to a minimum width of sixty (60) feet and depth of one hundred ten (110) feet if it complements the overall character of the adjacent neighborhood. In considering applications for a lot split to a width of less than seventy (70) feet, the lot width of any newly created lot may not be less than seventy-five percent (75%) of the average front lot width of lots within the subject property's block.

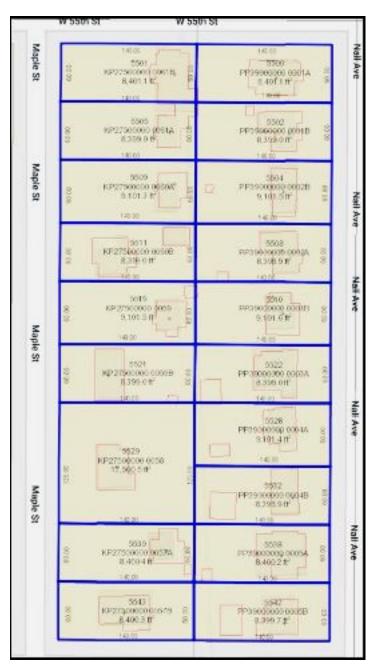
Section 405.020 defines a block as a, "piece or parcel of land entirely surrounded by public highways or streets other than alleys."

The subject block is bounded by Maple Street, 56th Street, Nall Avenue and 55th Street.

The dimensions of the surrounding lots on the subject block are as follows:

Address	Front Lot Width (Ft)	Address	Front Lot Width (Ft)
5501 Maple St	60.0	5500 Nall Ave.	60.0
5505 Maple St	60.0	5502 Nall Ave.	60.0
5509 Maple St.	60.0	5504 Nall Ave.	60.0

5519 Maple St	60.0	5510 Nall Ave.	60.0
5521 Maple St	60.0	5522 Nall Ave.	60.0
5529 Maple St	125.0	5528 Nall Ave.	60.0
		5532 Nall Ave.	60.0
5539 Maple St	60.0	5538 Nall Ave.	60.0
5543 Maple St	60.0	5542 Nall Ave.	60.0



The average lot width (mean) on the subject block is 63.25'.

Seventy-five percent (75%) of average lot width would be 47.44'.

The proposed lot width is 62.5' and the depth is 140'.

All lots in this block are 140' deep.

In addition, a similar lot split at 5538 Maple St. (across the street) was approved this spring by the Planning Commission and the City Council.

Lots are defined as, "parcel of land occupied or to be occupied by one (1) main building or unit group of buildings and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under these regulations." A "lot", as used in this Title, may consist of one (1) or more platted lots or tract or tracts as conveyed or parts thereof.

Lots on the subject block are highlighted in blue.

<u>Section 445.360 - Floor area</u> All new single-family dwellings must have a minimum ground floor area of

864 square feet. A building permit is required prior to construction. This standard and all other zoning requirements will be reviewed at that time.

Suggested Findings of Fact - 455.090 Regulation Governing Lot Splits.

All lot splits must have Planning Commission and City Council approval. New lots so created must conform to current zoning width and depth requirements. Applications for lot splits must be accompanied by a survey showing the new lots to be created along with a legal description of each new lot.

The proposed lot split is greater than 75% of the average lot width of the surround block as required by the current zoning standards. A survey and legal descriptions have been provided. No non-conformities are created by the lot split.

Staff Recommendation

Staff recommends the Planning Commission adopt the findings of fact contained in this staff report and recommend approval of the proposed lot split, Case # 18-12 to the City Council.

<u>Planning Commission Recommendation</u>

Planning Commission will meet on Monday, December 17, 2018 to consider this application.

City Council Action

Clty Council will meet on Wednesday, January 16, 2019 to consider the recommendation of the Planning Commission regarding this application.

CERTIFICATE OF SURVEY

Page 2 of 2

DATE: 7/30/18

ORDERED BY:

Client

FOR:

Brian Reed

5529 Maple

Mission, Kansas

RESIDENTIAL URVEYS

7133 West 80th Street, Suite 210 Overland Park, KS 66204 Phone: (913) 381-4488 FAX: (913) 381-3048

JOB NO. 2937.13

RECOMMENDED
DESCRIPTION:

TRACT I

All that part of Lot 58, MISSION HILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas.

Beginning at the Northwest corner of said Lot 58: thence North 89°34'10" East 140 feet (plat) 140.13 measured along the North line of said Lot 58 to the Northeast corner of said Lot 58: Thence South along the East line of said Lot 58, 62.5 feet to a point: thence South 89°34'10" West 140 feet (plat) 140.13 measured to a point in the West line of said Lot 58: Thence North (assumed) 62.5 feet to the point of beginning.

TRACT II

All that part of Lot 58, MISSION HILL ACRES, a subdivision in the City of Mission, Johnson County, Kansas, except that part described as follows:

Beginning at the Northwest corner of said Lot 58: thence North 89°34'10" East 140 feet (plat) 140.13 measured along the North line of said Lot 58 to the Northeast corner of said Lot 58: Thence South along the East line of said Lot 58, 62.5 feet to a point: thence South 89°34'10" West 140 feet (plat) 140.13 measured to a point in the West line of said Lot 58: Thence North (assumed) 62.5 feet to the point of beginning.



CERTIFICATE OF SURVEY

Page 1 of 2

DATE: 7/18/18

ORDERED BY: Client

FOR: Brian Reed

5529 Maple

Mission, Kansas

RESIDENTIAL

7133 West 80th Street, Suite 210 Overland Park, KS 66204 Phone: (913) 381-4488

FAX: (913) 381-3048

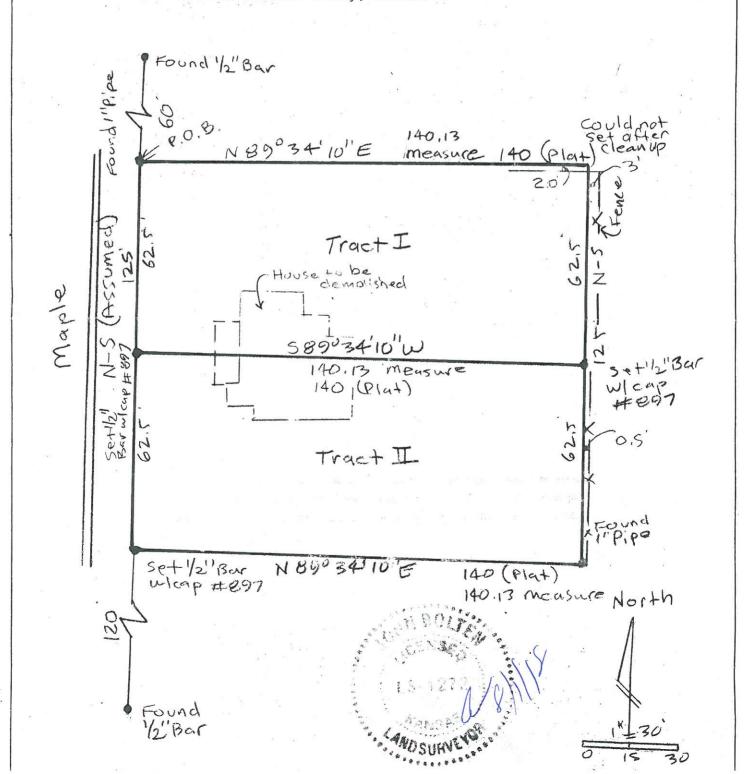
RECORD

JOB NO. 2937.13

DESCRIPTION:

Lot 58, MISSION HILL ACRES, a subdivision in the City of

Mission, Johnson County, Kansas.



NOTICE OF HEARING

First Published in The Legal Record, Tuesday, November 20, 2018.

City of Mission, Kansas

NOTICE OF HEARING

The Planning Commission of the City of Mission, Kansas will hold a Public Hearing at its regular meeting on December 17, 2018, at 7:00 p.m. in the Council Chambers of Mission City Hall, 6090 Woodson, Mission, Kansas. The subject of the Public Hearing is:

Application PC 12-18: Request for Lot Spit:

5529 Maple Street

Zoning: R-1

Applicant: Steve Clayton, Clayton House, LLC

The property legally described as follows: MISSIONHILL ACRES LT 58 MIC-0196; Property ID: KP27500000 0058.

The applicant is requesting a lot of split of subject property for the purpose of constructing a new home on each lot for sale.

At the time of the scheduled public hearing, all interested parties may present their comments on the above application. Prior to the date of the scheduled hearing, additional information regarding the application may be viewed at the office of the Community Development Department at the Mission City Hall. Comments may be submitted in writing to the Planning Commission addressed to the City of Mission, 6090 Woodson, Mission, Kansas 66202.

Martha Sumrall,		
City Clerk		

NOTICE OF HEARING

First Published in The Legal Record, Tuesday, November 20, 2018.

City of Mission, Kansas

NOTICE OF HEARING

The Planning Commission of the City of Mission, Kansas will hold a Public Hearing at its regular meeting on December 17, 2018, at 7:00 p.m. in the Council Chambers of Mission City Hall, 66202 Woodson, Mission, Kansas. The subject of the Public Hearing is:

Application PC 12-18:

Request for Lot Spit: 5529 Maple Avenue

Zoning: R-1

Applicant: Steve Clayton, Clayton House, LLC

The property legally described as follows: MISSIONHILL ACRES LT 58 MIC-0196; Property ID: KP27500000 0058.

The applicant is requesting a lot of split of subject property for the purpose of constructing a new home on each lot for sale.

At the time of the scheduled public hearing, all interested parties may present their comments on the above application. Prior to the date of the scheduled hearing, additional information regarding the application may be viewed at the office of the Community Development Department at the Mission City Hall. Comments may be submitted in writing to the Planning Commission addressed to the City of Mission, 6090 Woodson, Mission, Kansas 66202.

Martha Sumrall,

hu Suull

City Clerk

STAFF REPORT Planning Commission Meeting December 17, 2018

AGENDA ITEM NO.: 2.

PROJECT # / TITLE: Case # 18-13

REQUEST: Permit of Non-Conforming Improvements

LOCATION: 6767 Johnson Drive

Mission, Kansas 66202

PROPERTY OWNER/

APPLICANT: Ashley Hodgson

Stantec Architecture

224 South Michigan Avenue, Suite 1400

Chicago, IL 60604

PUBLIC HEARING: None

STAFF CONTACT: Brian Scott, Assistant City Administrator



Property Information:

Zoning of the Subject Property

The subject property is currently zoned "CP-2B" Retail and Service District.

<u>Surrounding properties are zoned and developed as follows:</u>

Properties to the west and south are zoned CP-2B - Cornerstone Commons, Diamond Car Wash, and a vacant lot (outdoor seasonal retail nursery). Properties to the east are zone CP-2A and CP-2B - Mission West Shopping Center. Properties to the north are zone CP-1 and CP-2 - Appleby's, Arby's, and a small strip center.

Comprehensive Plan Future Land Use Recommendation for this area: The Comprehensive Plan indicates this area as mixed-use, with medium density appropriate for residential, office, and retail uses.

Background:

The structure on this property is a single, one-story, fast-food restaurant built in the early 1990s as a McDonald's. At the time of construction, the structure had a brick facade with a mansard roof that was in keeping with the style of the company's restaurants for the period.

The structure underwent an extensive renovation in 2001 to give it an appearance similar to a dinner of the 1950's, which was an update that many McDonald's restaurants undertook at the time. The brick was replaced with an off-white EIFS synthetic stucco material and red tile, wainscoting. The front of the building was constructed with a jutting roof line anchored by a large, yellow arch on each side.

McDonald's is now wanting to do another update to the structure to give it a more "modern" look which is in keeping with the latest theme of their restaurants. The applicant, Stantec Architecture representing the McDonald's corporation, has submitted plans showing the structure as is, but with earth tone colors and modern trim elements. In particular, the existing EIFS walls will be given a "Fairview Taupe" color treatment, the red tile wainscoting will be replaced with black tile (6" X 24") going up approximately 3 feet, and a metal fascia trim will be placed along the roof line. Updates to the drive through menu boards, landscaping, and ADA access are also planned for the property, as well as extensive remodeling of the interior of the restaurant.

Zoning:

As previously stated, the property is zoned CP-2B. Section 410.100 of the Mission Municipal Code provides the purpose and intent of this zoning district as;

This business district is for the purpose of permitting, regulating and encouraging retail and service establishments which serve a broad section of the general public. Products and services offered are of the type where the consumer enters one (1) or more places of business to accomplish his/her purpose or where he/she may remain in an automobile while conducting business. Customer and employee parking is commonly on the premises. The sale and servicing of motor vehicles may be permitted including auto parts, gasoline service stations, car washes and quick-lube shops. In addition, this district is suitable for such non-pedestrian oriented businesses as plumbing and heating shops, repair shops and supermarkets.

The existing use is permitted within this zoning district, and the structure and overall property comply with the stipulations of the zoning district in terms of height, setbacks and parking.

This property is also located in the West Gateway overlay district, which stipulates the application of the Form Base Code. The subject property is located within Block T of the West Gateway overlay district plan, which stipulates mid-rise structures (two to four stories in height) with parking structures behind.

Section 410.340 (C)(1) of Mission Municipal Code provides for the following:

- C. There is hereby incorporated herein by this reference the "Form Based Code for the West Gateway Study Area" ("Form Based Code"), copies of which are on file in the City offices. The Form Based Code shall be applicable to the West Gateway District.
 - Designs and uses set forth in the Form Based Code shall govern all facets of the development or redevelopment in the West Gateway Study Area, except as indicated in Sections 420.130 through 420.230 (emphasis added).

Section 420.190 - Non-Conforming Site Improvements states:

- A. On lots with non-conforming site improvements, no additions to or repairs or renovations of any structure or site improvement may be made without first either bringing the non-conforming site improvements into complete conformity with the regulations applicable to the zoning district in which the lot is located or obtaining a non-conforming situation permit pursuant to this Section. Provided however, that this Section shall not apply to the following circumstances:
 - 1. Repairs or restoration of a structure pursuant to Subsection (B) of Section 420.170; or
 - 2. Minor repairs or renovation of a structure or site improvement.
- B. For purposes of this Section, "minor repairs or renovation" shall mean repairs or renovation costs which do not exceed ten percent (10%) of the structural value of a structure or site improvement.
- C. When an addition to or repairs or renovation of any structure or site improvement is proposed on a lot with a non-conforming site improvement(s), the Board of Zoning Appeals (in the case of a conventional zoning district) or the Planning Commission (in the case of a planned zoning district) may approve a non-conforming situation permit allowing such addition or repairs or renovation if it finds that:
 - 1. The non-conforming site improvement(s) is the only non-conforming situation pertaining to the property.
 - 2. Compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible.
 - 3. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.

D. For purposes of Subsection (C), mere financial hardship does not constitute grounds for finding that compliance with the site improvement requirements is not reasonably possible.

Analysis:

While the existing structure conforms to the CP-2B base zoning, it does not conform to the Form Based Code in terms of height and setbacks. Any improvements to the structure would need to comply with the Form Based Code except for those improvements that fall within Section 420.130 through Section 420.230 of the Code pertaining to non-comformanity. Section 420.190, in particular, pertains to non conforming site improvements, which would be the case with the subject property.

Section 420.190 states;

(N)o additions to or repairs or renovations of any structure or site improvement may be made without first either bringing the non-conforming site improvements into complete conformity with the regulations applicable to the zoning district in which the lot is located <u>or obtaining a non-conforming situation permit</u> (emphasis added) pursuant to this Section. Provided however, that this Section shall not apply to the following circumstances:

- 1. Repairs or restoration of a structure pursuant to Subsection (B) of Section 420.170; or
- 2. Minor repairs or renovation of a structure or site improvement.

Section 420.170 - Repair, Maintenance and Restoration - pertains to the routine repair and restoration of non-conforming structures, or repair and restoration resulting from a fire or some other type of damage to a structure. This would not be applicable to the situation at hand with the subject property.

Minor repairs or renovation of a structure is defined as anything less than 10% of the value of the structure. The Johnson County Appraiser indicates the value of the structure to be \$418,160. Ten percent of this amount would be \$41,816. The applicant has indicated that the exterior improvements will be valued at \$70,459. All of the improvements combined will equal \$338,516.

Thus, subsection "C" of Section 420.190 becomes applicable.

When an addition to or repairs or renovation of any structure or site improvement is proposed on a lot with a non-conforming site improvement(s), the Board of Zoning Appeals (in the case of a conventional zoning district) or the *Planning Commission* (in the case of a planned zoning district) may approve a non-conforming situation permit (emphasis added) allowing such addition or repairs or renovation if it finds that:

- 1. The non-conforming site improvement(s) is the only non-conforming situation pertaining to the property.
- 2. Compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible.

3. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.

<u>Suggested Findings of Fact - Section 420.190 Non-conforming Site Improvements.</u>

The Planning Commission makes the following findings of fact in granting a non conforming situation permit to McDonald's Corporation for the property located at 6767 Johnson Drive:

1. The non-conforming site improvement(s) is the only non-conforming situation pertaining to the property.

The structure itself is the primary non-conforming situation on the property. The Form Based Code stipulates a mid-rise structure with a minimum height of two stories and a setback of no more than ten feet. The current structure is only one story and sits further back from the property. The proposed improvements to the structure are cosmetic in nature and will not add to or increase the non-conformity of the structure.

2. Compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible.

The Form Based Code stipulates a mid-rise structure with a minimum height of two stories and a setback of no more than ten feet. The current structure is only one story and sits further back from the property than 10 feet. To comply with the Form Based Code would mean that the structure needs to be substantially renovated, or demolished and rebuilt altogether, which is not reasonable possible.

3. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.

The property has existed as is for over 25 years without an adverse impact to surrounding properties. The proposed improvements are cosmetic in nature and will not substantially change the structure, and thus will not have any impact on the surrounding properties. In fact, as presented, the improvements will provide a fresh look to the structure that is more in keeping with other recent developments and facade improvements along the Johnson Drive corridor. Elements of the proposed design including landscaping do comply with the Form Based Code where feasible.

Staff Recommendation

Staff recommends the Planning Commission adopt the findings of fact contained in this staff report and grant a non-conforming situation permit for Case # 18-13 - 6767 Johnson Drive.

<u>Planning Commission Recommendation</u>

Planning Commission will meet on Monday, December 17, 2018 to consider this application.

<u>City Council Action</u> - No City Council action is needed.



Stantec Architecture Inc.

224 South Michigan Avenue Suite 1400, Chicago IL 60604-2590

November 9, 2018 File: 2014048051

Attention: Brian Scott, Assistant City Administrator/Finance Director

City of Mission 6090 Woodson, Mission, KS 66202

Reference: McDonald's - 6767 Johnson Drive, Mission KS 66202

The proposed project is to reimage and remodel an existing commercial structure located at 6767 Johnson Drive. The renovation will include both exterior and interior work as well as a new signage program.

The McDonalds Corporation is in the process of re-imaging stores in North America. The proposed redesign incorporates contemporary finishes into the unique 50's style design as shown on the image below. The existing angled projections and arches will remain and the transition to the main body of the building will be highlighted by red alpolic paneling. The roofline will be accented with corrugated metal paneling and fascia. The tile wainscot will be replaced and the existing EIFS walls will be refinished to a warm tone. The building profile will be accented by the addition of a silver trellis band system with the canopies over the drive-thru windows refinished to match. At the side entry, we will introduce a 'brand wall' with a dark tile finish and the signature McDonald's arch logo. All building signs will be replaced with McDonald's "Next Gen" signage.



The design team has performed an accessibility survey to confirm existing barriers to be addressed as part of this remodel. Project revisions will address ADA compliance for site access, parking, directional signage, accessible entries, service counters, seating and restrooms. The existing side by side drive-thru will remain with work limited to replacing the existing equipment and installing a digital menu board system. The asphalt parking lot will be sealed and restriped, and directional pavement markings repainted.

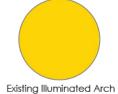




7" Metal Panel System/Fascia "CityScape"



6" x 24" Tile Eorowest Ewood "R-9 Black"





Front Elevation



Non-Drive-Thru Elevation



Color Legend:



7" Metal Panel System/Fascia "CityScape"



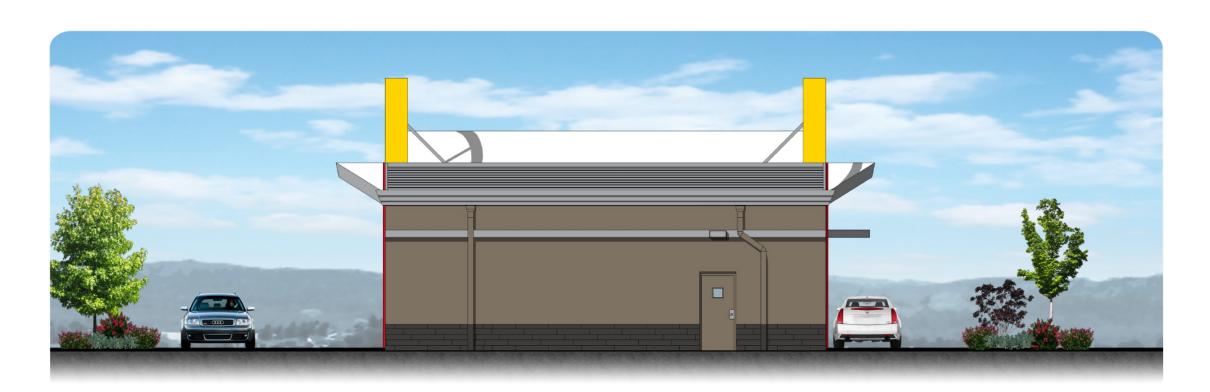
6" x 24" Tile Eorowest Ewood "R-9 Black"



Existing Illuminated Arch

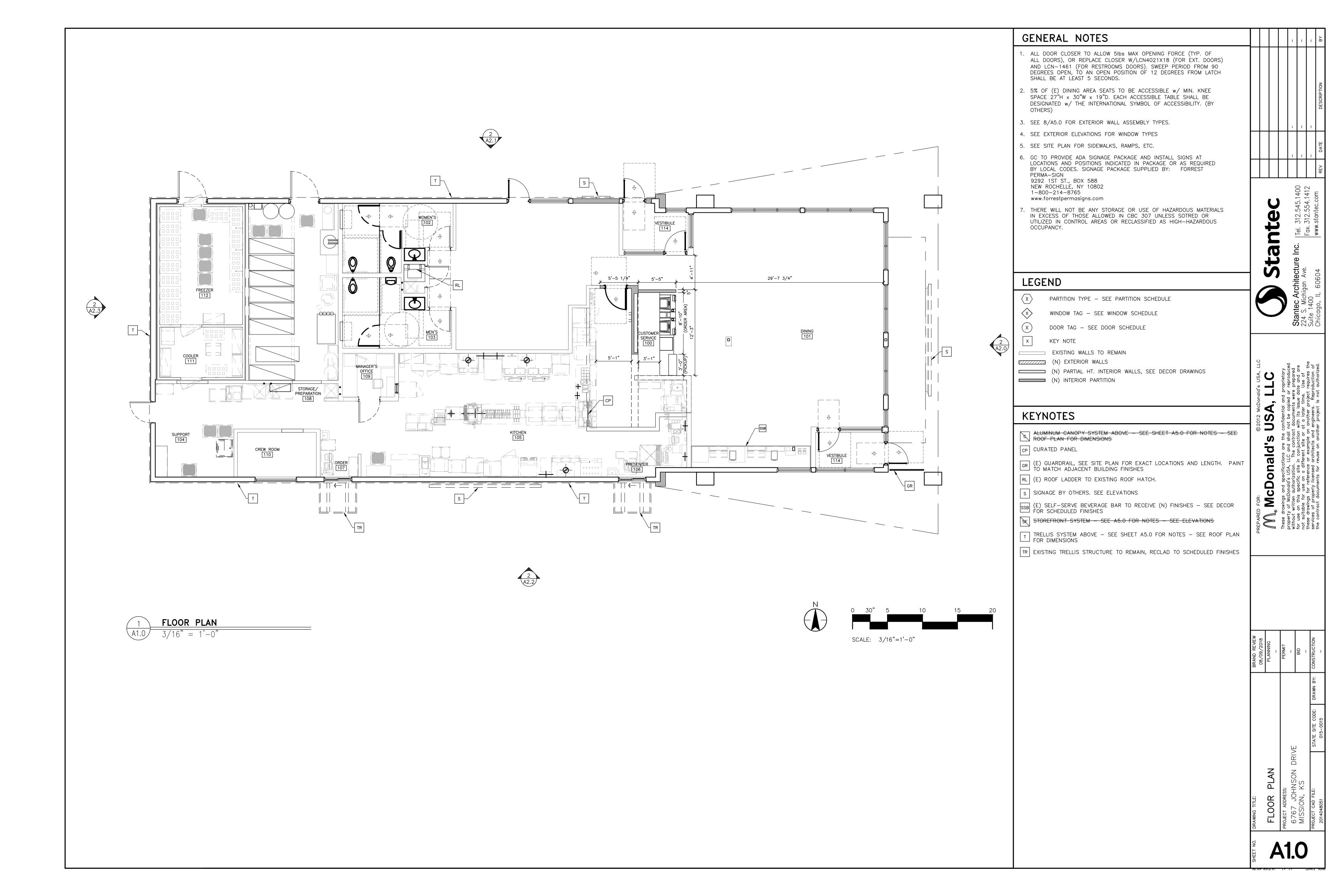


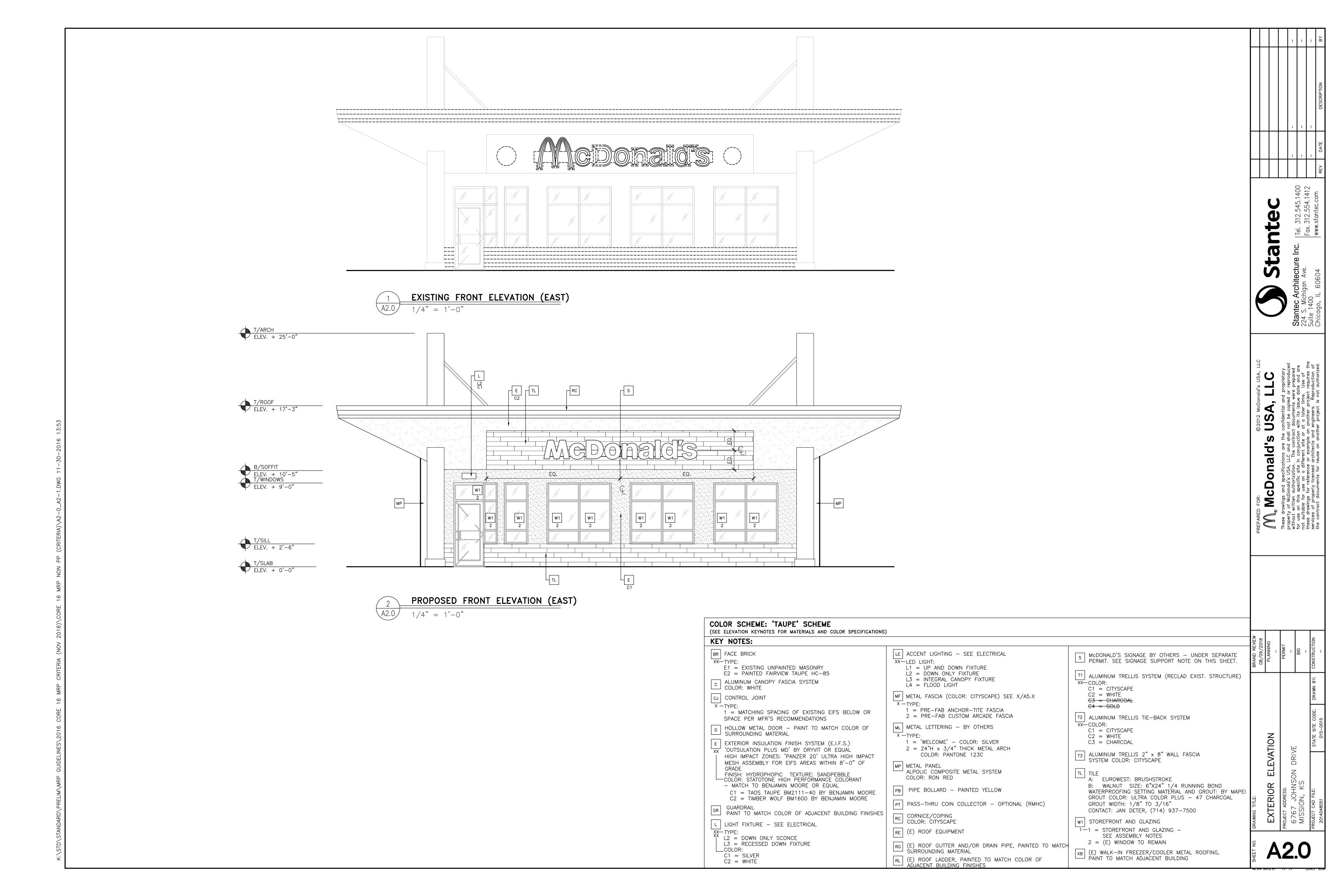
Drive Thru Elevation

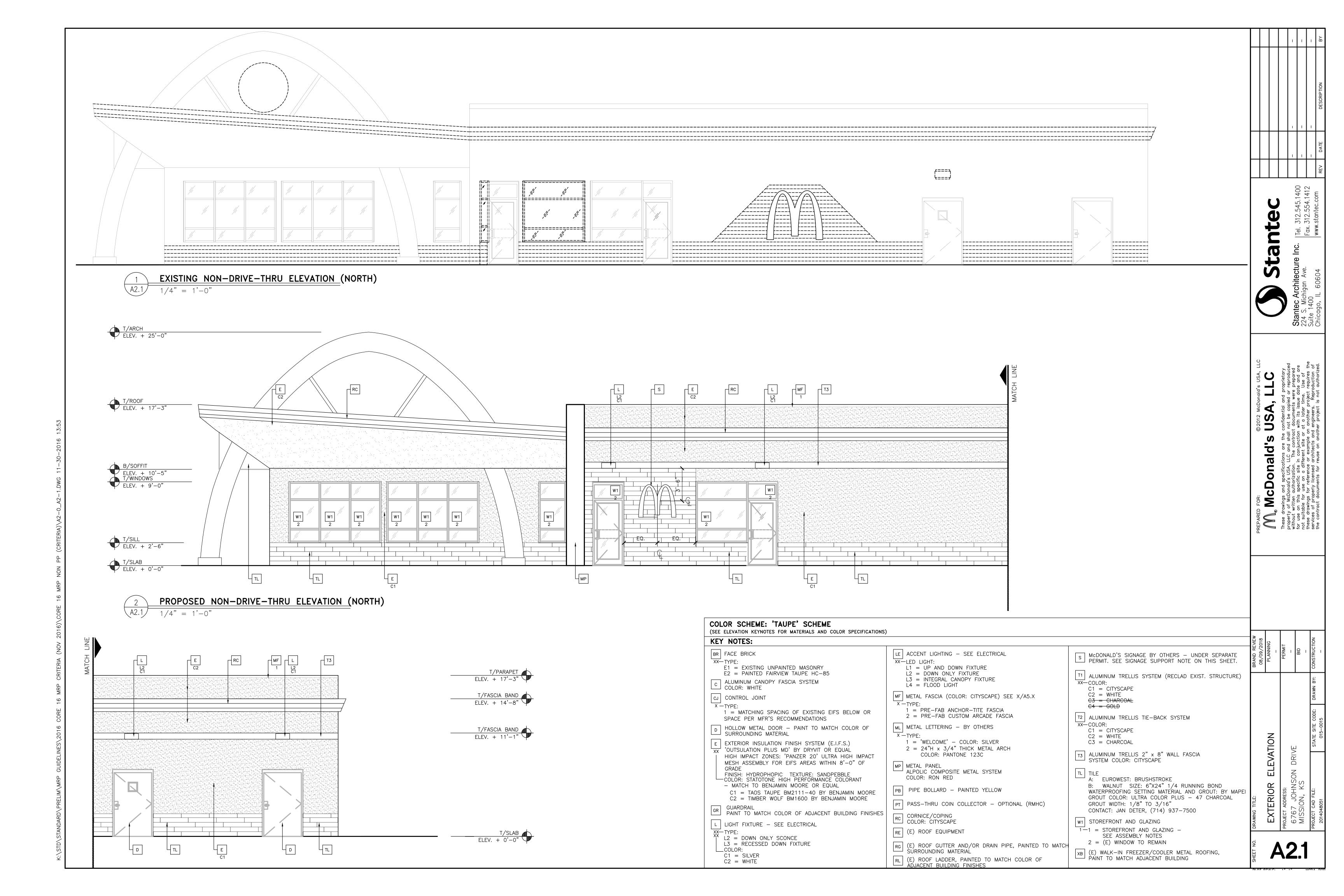


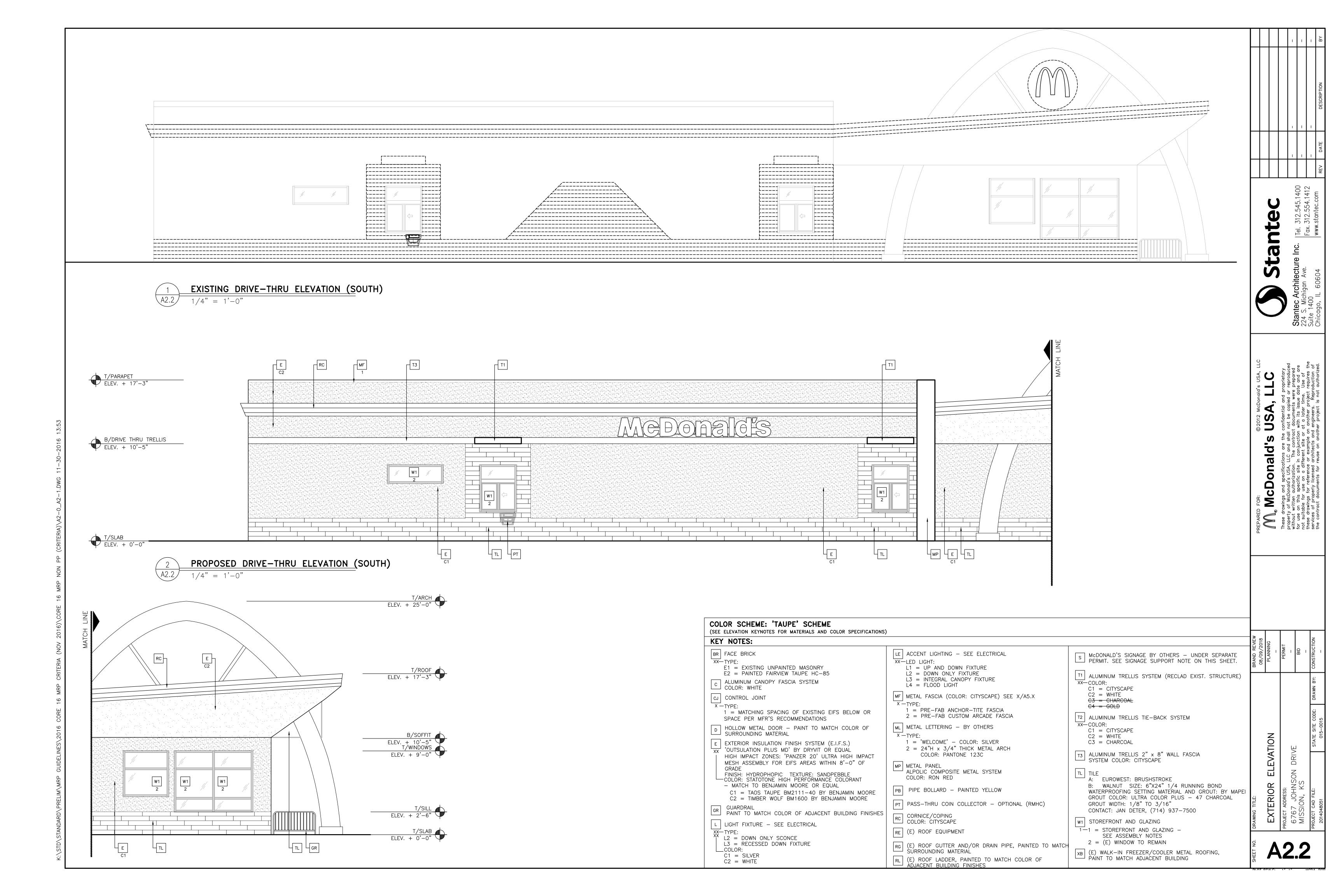
Rear Elevation

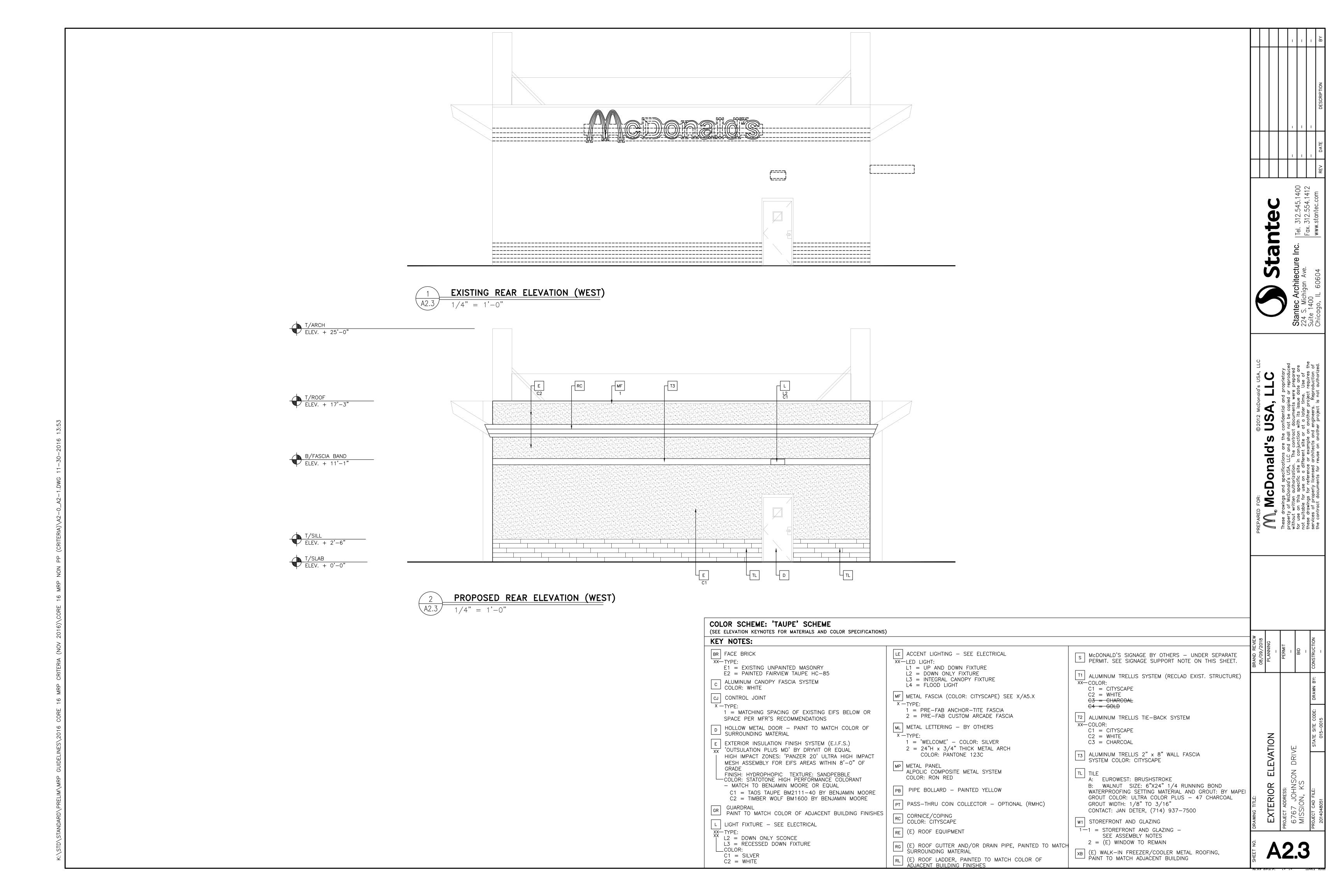


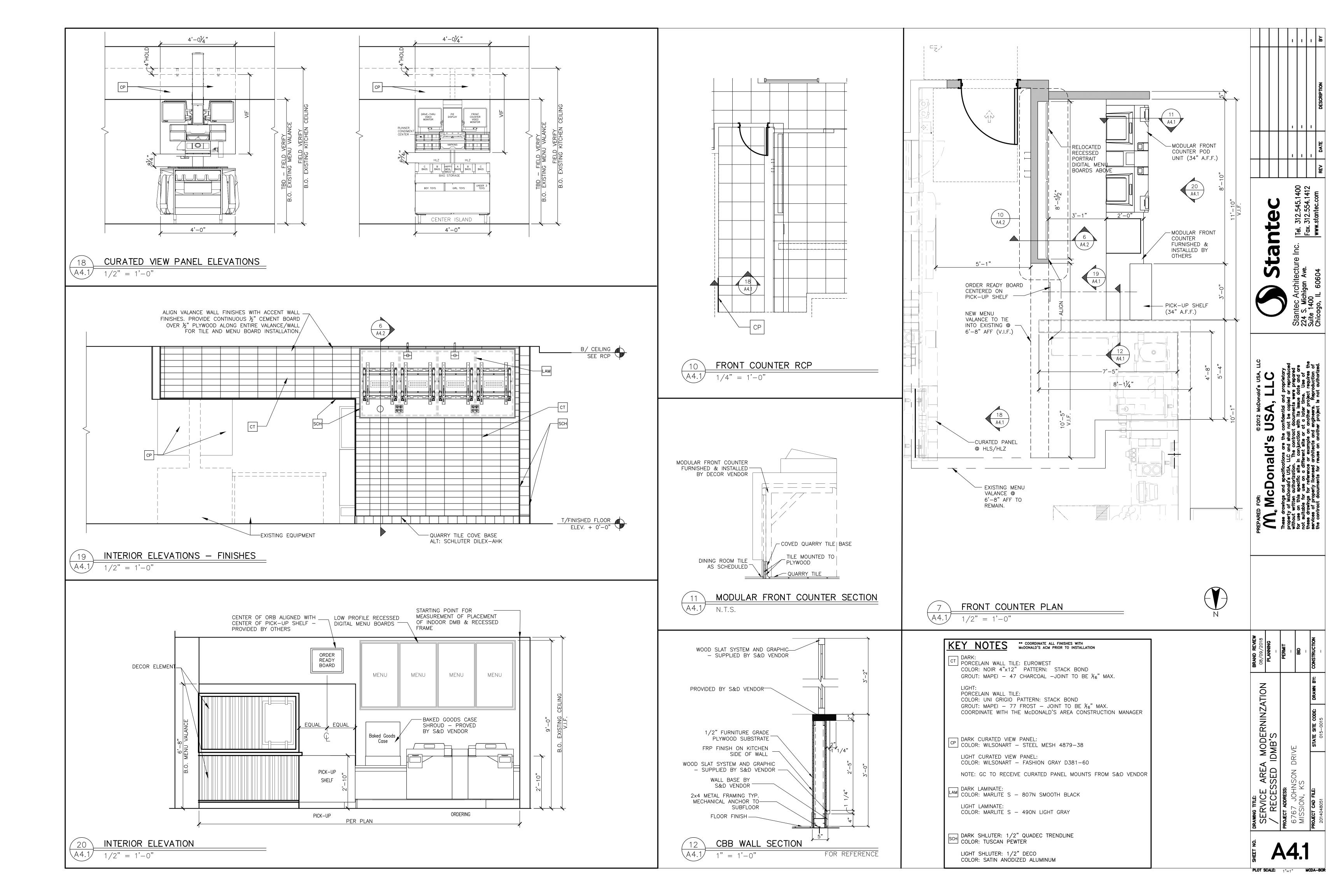












JOHNSON DRIVE Remove old fountain Remove dead out of (PUBLIC R/W) grasses. prostate Junipers. CONCRETE *ASPHALT: Make entire area between walk and parking red granite mulch rock *ASPHALT 37.7' 1 STORY STUCCO & TILE BUILDING *ASPHALT Remove 3 existing 6767 JOHNSON DR. McDONALD'S CORPORATION > between walk and parking red granite mulch rock. TRACT 1 **CONCRETE ENCLOSUR** Trim back overgrown \40.4**'**\ Trim long sprouts off shrub. leatherleaf. A 0 0 00 BARKLEY (PUBLIC **基** ejuvenate Burning Bushes. Cut back to 18" in early spring. Make entire area between walk and parking red granite mulch rock. TRACT 3 ASPHALT GATE BRICK TRAS

\$89°53'00"W...149.94' FENCE

*ASPHALT

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME / COMMON NAME	CONT	<u>CAL</u>
	4	Zelkova serrata `Village Green` / Sawleaf Zelkova	B & B	2"Cal
<u>SHRUBS</u>	QTY	BOTANICAL NAME / COMMON NAME	CONT	
	19	Euonymus alatus 'Compactus' / Compact Burning Bush 18"-24" hgt. & sp.	3 gal	
\oplus	11	Juniperus chinensis `Sea Green` / Sea Green Juniper 24"-30" hgt. & sp.	5 gal	
	4	Juniperus virginiana `Grey Owl` / Grey Owl Juniper 24" sp.	3 gal	
₩	11	Rosa x `Novarospop` / Popcorn Drift Rose 12"-15" sp.	1 gal	
⊗	6	Spiraea x bumalda `Anthony Waterer` / Anthony Waterer Spiraea 18"-24" hgt.	3 gal	
\oplus	13	Spiraea x bumalda `Gold Flame` / Gold Flame Spirea 18"-24" hgt.	3 gal	

CENTER OF BACK OF-SHRUB CURB 4' MIN. 1/2 TOPSOIL 1/2 EXISTING SOIL REMOVE BURLAP FROM BOTTOM - MULCH TO OF BALL. PLACE SHRUB IN HOLE MATCH EXISTING OVER NON WOVEN CAREFULLY REMOVE REST OF WEED BARRIER BURLAP & BACKFILL WITH CHOPPED UP NATIVE SOIL. FINISHED GRADE HEAD IN PARKING TRENCHED EDGE SCARIFY SOIL IN SHRUB BED & PARKING

SETBACK DETAIL

NO SCALE

Transplant Additives:

- 1. Apply a commercial transplant additive (approved by the Landscape Architect) to all trees, shrubs and groundcover at rates recommended by the manufacturer during the planting. This item shall be <u>subsidiary</u> to other planting items.
- 2. Transplant additive shall be Plant Health Care Inc., "Mycor Tree Saver" mycorrizal fungal transplant innoculant or equivilent equal containing the appropriate species of mycorrhizal fungi and bacteria, fungi stimulant, water retaining agents, mineral & organic nutrients and inert ingredients.
- 3. Demonstrate installation of all transplant additives for this project to the Landscape Architect. Provide actual additive product as evidence of sufficient quantity of product. (Empty product bags to be stockpiled for inspection by the Landscape Architect prior to disposal).
- 4. Number of transplant additive packets per tree, shrub or grouncover shall be applied according to the manufacturer's recommended rates and instructions. For all plants the packet mix shall be evenly distributed into the upper approximately 8" of backfill soil next to the rootball. Do not place mix in the bottom of the planting pit.
- 5. Furnishing and application of transplant additive shall be <u>subsidiary</u> to the planting operations.

Site Specific Landscape Notes:

1. Plants removed or damaged close to the bldg. during renovation shall be replaced in kind. All other existing plants shall be protected and saved.

General Landscape Notes:

- 1. Contractor shall verify the existence and location of all utilities before starting any work.
- 2. Contractor shall verify all landscape material quantities and shall report any discrepancies to the Landscape Architect prior to installation.

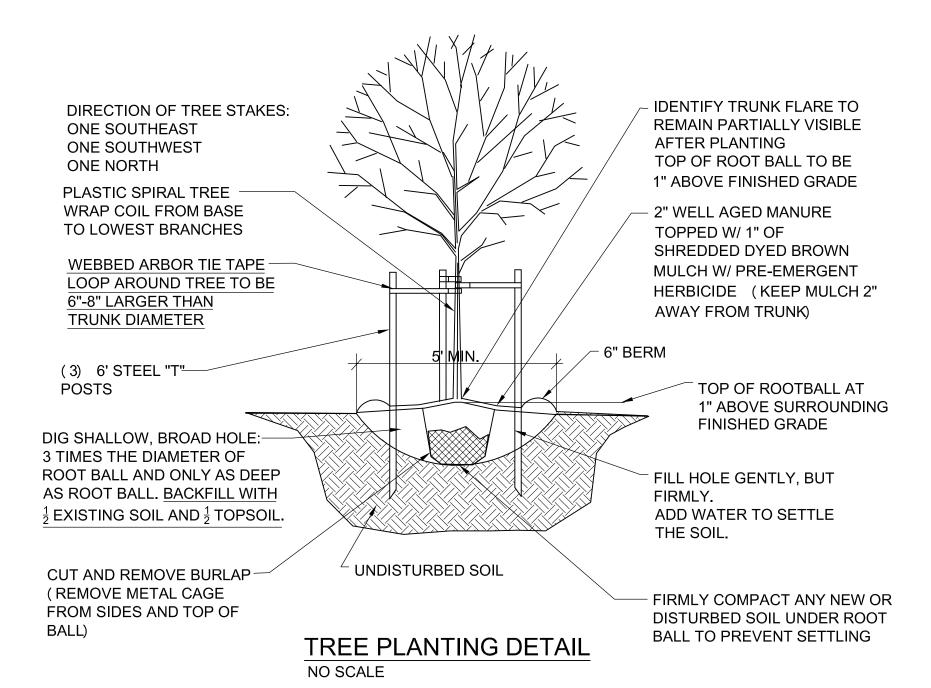
3. Contractor shall make no substitutions without the approval of the

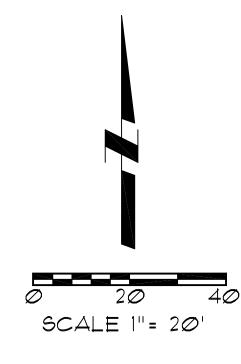
- Landscape Architect.4. Contractor shall stake layout plan in the field and shall have the layout approved by the Landscape Architect before proceeding with the installation.
- 5. All shrub beds within lawn areas shall receive a trenched edge.
- 6. New shrub beds next to building shall be mulched with 3" of gravel mulch to match existing existing over a felt type soil separator fabric. (See note 21.)
- 7. All shrub beds shall be treated with the pre-emergent herbicide Pre M 60 DG (granular) or an approved equal in accordance with the manufacturer's instructions.
- 8. Any lawn areas disturbed shall be fertilized, and sodded with a Turf-Type-Tall Fescue grass seed blend including public ROW.
- 9. Fertilizer for trees and container stock areas shall be a balanced fertilizer applied at rates per manufacturers recommendations and soil test results.
- 10. Contractor shall warranty all landscape work and plant material for a period of one year from date of acceptance of the work by the Owner.11. Any plant material which dies during the one year warranty period
- shall be replaced by the Contractor during normal planting seasons.

 12. Contractor shall be responsible for maintenance of the plants until
- completion of the job and acceptance by the Owner. After initial acceptance, maintenance shall be by the owner.
- 13. All plant names on the plant list conform to the Standardized Plant Names prepared by the American Joint Committee on Horticultural Nomenclature or to names generally accepted in the nursery trade.
- 14. All plant material shall be specimen quality stock as determined in the "American Standards For Nursery Stock" published by The American Association of Nurseryman, free of plant diseases and pest, of typical
- growth of the species and having a healthy, normal root system.

 15. Sizes indicated on the plant list are the minimum, acceptable size. In no case will sizes less than the specified sizes be accepted.
- 16. Plants shall not be pruned prior to delivery to the site or after installation except for those branches that have been damaged in some
- 17. Plants shall not have name tags removed prior to final inspection.
 18. Contractor shall be responsible for weed control on the project during and after construction until the project is turned over to the owner.
- 19. All plantings shall receive a commercial transplant additive per manufacturers recommended rates and instructions for application. 20. Successful landscape bidder shall be responsible for the modification of
- any existing irrigation system to be approved by the Owner prior to construction.

 21. Where existing gravel exists, supplement where needed to 3" deep
- when adding plants. Existing gravel around building is a red granite angular +/-1"-2" rock. Also see notes on site plan.







Landscape Plan McDonald's

Oppermann LandDesign, LLC

Land Planning Landscape Architecture

18990 West 117th Street
Olathe, Kansas 66061 oppermannlanddesign.com
pete@opperland.com
913.894.9407

Utilities shown on plan are diagramatic and some may be missing. Before starting any construction call appropriate locating service. In Kansas call 1-800-DIG-SAFE (344-7233) to have utilities located.

130'

Sight Triangle

12/13/2018