

City of Mission

City Hall - 6090 Woodson Street - Mission, Kansas 66202
Community Development Department
(913) 676-8360 - Fax (913) 722-1415

PLANNING COMMISSION

AGENDA

July 30, 2018

7:00 PM

Mission City Hall - 6090 Woodson

Council Chambers

1. Call to Order
2. Approval of Minutes from the June 25, 2018 Meeting
3. New Business
 - A. **Public Hearing** - Case # 18-06 Special Use Permit for a Drinking Establishment for 5612 Johnson Drive

An application for consideration of a special use permit for a drinking establishment in association with a microbrewery located at 5612 Johnson Drive in the City of Mission.

 - a. Staff Report
 - b. Application
 - c. Notice of Public Hearing
 - B. **Public Hearing** - Case # 18-07 Special Use Permit for a Drinking Establishment for 5880 Beverly Avenue

An application for consideration of a special use permit for a drinking establishment in association with a microbrewery located at 5880 Beverly Avenue in the City of Mission.

 - a. Staff Report
 - b. Application
 - c. Notice of Public Hearing

Mike Lee, Chairperson
Stuart Braden, Vice-Chairperson

City of Mission

City Hall - 6090 Woodson Street - Mission, Kansas 66202
Community Development Department
(913) 676-8360 - Fax (913) 722-1415

- C. Case # 18-08 Designation of a Sign of Historic Significance at 5710 Johnson Drive
An application for consideration a of the historical significance of an existing sign located at 5710 Johnson Drive in the City of Mission.
 - a. Staff Report
 - b. Application

- 4. Old Business

- 5. PC Comments/CIP Committee Update

- 6. Staff Updates
 - A. Update on Designation of Historical Markers Within In the City of Mission
 - B. Tentative Agenda for August 27th Planning Commission Meeting

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

Mike Lee, Chairperson
Stuart Braden, Vice-Chairperson

MINUTES OF THE PLANNING COMMISSION MEETING-DRAFT

June 25, 2018

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, June 25, 2018. Members also present: Stuart Braden, Brad Davidson, Robin Dukelow, Burton Taylor, Charlie Troppito, Pete Christiansen and Frank Bruce (arrived after roll call). Also in attendance: Brian Scott, Assistant City Administrator, and Ashley Elmore, Secretary to the Planning Commission.

Approval of Minutes from the May 29, 2018 Meeting

Ms. Dukelow moved and Mr. Braden seconded a motion to approve the minutes of the May 29, 2018, Planning Commission meeting, with correction on page 16 per Ms. Dukelow.

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

Frank Bruce joined the meeting.

Case # 18-04 Preliminary and Final Plat for 5655 Broadmoor

Chair Lee: We will open the public hearing at this time. Staff?

Mr. Scott: Mr. Chair, item #1 on the agenda tonight is Case #18-04, a preliminary and final first plat for 5655 Broadmoor. This has been a parking lot for a long time, located on Broadmoor, north of Broadmoor Park and east of Mission Tower office building and adjacent to the former JC Penney call center. The current owner is CAPROCQ. They are also the owners of Mission Tower office building at 5700 Broadmoor. The applicant tonight is Michael Osborn with Kaw Valley Engineering. He has been working on this plat. As I stated, this is a parking lot and has been since the early 1990s. Looking at aerial photographs on AIMS prior to that time, it was undeveloped property with office buildings around it. This property was acquired when Mission Tower office buildings acquired it a few years ago. At that time, the owners came to the City to inquire about making improvements to that parking lot. That's when we noted that it needed a special use permit for overflow parking since it's not adjacent to Mission Towers.

Staff worked with the owners to obtain a special use permit, which was considered by the Planning Commission in February 2018. It was subsequently approved by the City Council and the special use permit is in place now. The next step before they start on drawings and making improvements is to actually plat the property itself. I will note that this plat does have a public dedication of four feet along the western boundary, which will be right-of-way to the City for a sidewalk. You'll remember from the special use permit that improvements will include restriping the parking lot, or more defined parking, if you will, as well as lighting, bollard lighting fairly low to the ground so as to not emit into the properties behind it. Obviously, it will continue to be used as a parking lot, which is the purpose of the special use permit. This is in compliance with the Comprehensive Plan, as well as the form-based code plan for that particular block. The plat does support good land planning and allows for future development and redevelopment to comply with adopted standards. The plat does not propose any changes to curb cuts or intersections. The plat will dedicate four feet along the western boundary for public use.

MINUTES OF THE PLANNING COMMISSION MEETING-DRAFT

June 25, 2018

Finally, it does meet all requirements of Section 440.220-Submission of Preliminary Plats.

That's all of my remarks. Mr. Osborn is here tonight, so I'm sure he can add to what I had to say. We're both available for questions.

Chair Lee: Thank you. Would the applicant like to step forward and identify yourself?

Michael Osbourn, Kaw Valley Engineering, 14700 West 114th Terrace, Lenexa, appeared before the Planning Commission and made the following comments:

Mr. Osbourn: I'm representing the owner. Thank to staff for all their help as we've gone forward. This is to improve a parking lot that has been there for a long time. It has a special use permit. We're following the guidelines outlined in the stipulations. We have construction drawings completed. If we get approval tonight, we will submit the construction drawings and start moving forward. I believe one stipulation is that construction be completed by the end of November of this year. We are on track for that. We're going out for bid in the next week. Hoping for construction to start in August once we get City Council approval of the plat. With that, I'm here to answer questions.

Chair Lee: Questions?

Mr. Davidson: On the lighting detail, Brian talked about lighted bollards. Are there any higher --?

Mr. Osbourn: No. Everything is pedestrian-style lighting. We felt that going into the project, from the start, that the proximity of the residences to the east, that was probably the best approach to getting the lighting. The whole purpose of the improvements was the few people who do work dark hours, in the three of four months in the winter when it does become darker at 4:30-5:00, it provides some lighting in that parking lot. Currently, there is one large light in the northeast corner that shines about one-third of the way across the parking lot, but you don't get any lighting towards the street, or things like that. So, of course, with the addition of that, we're upgrading the parking lot to be in compliance with the standards, including significant landscaping along the street.

Chair Lee: Any questions? [*None.*] Thank you. Is there anyone who would like to speak for or against this project? [*None.*] Not seeing anyone, we will close the public hearing.

Ms. Dukelow: Mr. Chairman, if there is no discussion, I will make a motion to recommend approval of Case No. 18-04, Preliminary and Final Plat for 5655 Broadmoor.

Mr. Troppito: Second.

The vote on the motion was taken (8-0). **The motion to approve this application passed unanimously.**

Case #18-05 Preliminary and Final Plat for 4801 Johnson Drive

Mr. Lee: This is a public hearing.

MINUTES OF THE PLANNING COMMISSION MEETING-DRAFT

June 25, 2018

Mr. Christiansen: Mr. Chairman, I'd like to recuse myself for this project.

Chair Lee: Thank you.

Mr. Scott: This is the site of the proposed Gateway Development at the corner of Johnson Drive and Roe and Roeland Drive and Shawnee Mission Parkway. A long history on this property. I won't go into a lot of detail; all that is covered in your packet. To the west is a Single Family Residential District in the City of Fairway. To the north are OB Business Offices, located in the city of Roeland Park. To the east is not zoned, it's KDOT property for Shawnee Mission Parkway. To the south is RP-5 High-rise Apartment District, C-1. Property owners within 200 feet were notified of the public hearing. This property was platted in 2013. We have gone through some iterations with the project since then. There was a revised preliminary site development plan that was submitted in 2015. That was approved by you all and City Council. A revised preliminary site plan was submitted in 2016. This included a proposed residential top of the Walmart store. That was approved by you all, but then denied by City Council. So, we're back to the original site plan. That became a final plan that was submitted to you in 2017 without the Walmart project because they had withdrawn from the project. That was approved.

The plans that exist now are the three apartment buildings, four stories, retail on the ground floor, hotel, office building, and the proposed food hall. That will probably become a final plan that has to be presented to you once we have detailed drawings of that food hall and what it would look like.

In the meantime, they are moving forward with construction. They have submitted construction drawings for the three apartment buildings. We are pretty well through our review process on those and they are ready to pull building permits in the near future. As part of that process, they would like to carve out a lot on the side specifically for the apartment buildings. Right now, the entire site is just one platted lot. They will subsequently carve out five lots, one for the apartment buildings, one for the hotel, one for the office building, the food hall/entertainment venue, and the parking structure itself. This will allow them to finalize construction drawings for the apartments, identify the appropriate right-of-way to be dedicated to the City. Once they finalize construction drawings, they can proceed with pulling building permits.

This does conform with all requirements outlined in in Section 440.220 for preliminary plats, as well as consideration of final plats in Section 440.260.

The one lot for the apartment buildings is proposed to be 170,000 square feet, or approximately 3.9 acres. Lot 3, the remaining lot, will be 530,000 square feet and approximately 12.23 acres. They are proposing to dedicate 3,523 square feet of right-of-way along Johnson Drive for parking. There are no additional public easements that have been identified in this plat because most of those were removed in the first plat. That is my report. I believe the applicant is here. Are you the applicant?

Mr. Wiswell: I'm here in place of the applicant. He had a family emergency. I'm the surveyor of record, Tim Wiswell. I know the plat has been going on for quite some time.

MINUTES OF THE PLANNING COMMISSION MEETING-DRAFT

June 25, 2018

We tried to clean it up and take unnecessary easements out. We're also adding additional street right-of-way, and I was thinking that there was a sidewalk easement on the west side. It's been a while since I've looked at this particular plat. Again, I wasn't planning to be here. Our engineer, David Eickman, I spoke with him today. He wanted to know if I'd fill in for him. He said that something about parking had been brought to his attention. The way I did it, it's going to be in phases. The first phase, there will be parking on the back side of the development. When the next phase goes and they do the parking structure, they would be able to park in that structure and the businesses would be able to utilize parking on the back side of the building. I'm more attuned to the plat itself and not the planning. We did that additional right-of-way on the northerly side. And then, on the far left, you can see there was an easement where it comes around the corner there, on that trail, for pedestrians. If there are questions, I'll answer what I can. Like I said, I'm on the survey side, not the design sign.

Mr. Braden: I have a question, just a point of interest to me. Since there is now Plat 2 and 3, is Plat 1 completely dissolved and there's no longer a Plat 1?

Mr. Wiswell: The second plat, yeah. The first plat will dissolve. The second plat, once they get the restaurant row, there will a replat to where it will have its own lots for different hotels. It's also going to be five plats. To try to keep it clean, and not having the exact locations or sizes of what's actually going in there yet, we're just going with the two lots now. Then it will be replatted as it fits.

Mr. Braden: When you do replat Lot 3, does that dissolve and become 4, 5 and 6? How does that work?

Mr. Wiswell: It's whatever way they divide it up. They can replat all of our three, or they can replat... Lot 3 of this plat would remain except for the part that was replatted. Say the north 300 feet of that. If you keep those in a chain, you can look and see what has happened to the lot as it goes on. But if you get in there, and let's say they came up with their best ideas, and next thing you know, your replats start looking at five feet, or six feet. It really gets hard to track. So, if you do bigger areas and all of a sudden there's a big chunk gone out of the corner, it's not near as likely for someone to make a mistake or get confused.

Mr. Taylor: I had similar confusion. And it's a clerical thing, I think. Because it seems Lot 1, Plat 1 doesn't go away. Now, we have 2 and 3, and 3 will go away, so we'll have lots 2, 4 and 5 when we're done.

Mr. Wiswell: If they replat Lot 3, and let's say they had 4 lots in there, yeah, you could have four or five.

Mr. Scott: To show the change. Track 1 becomes Lot 2 and 3, Lot 3 becomes 4 and 5.

Mr. Wiswell: It really gets confusing, and they try to keep from doing, like if they do a Lot 3 of the third plat, which is a different configuration than Lot 3 of the second plat. That's why you go ahead and go up with the numbers because it gets to be a nightmare. We had three replats and they were all Lot 3.

MINUTES OF THE PLANNING COMMISSION MEETING-DRAFT

June 25, 2018

Mr. Taylor: As I was reading through it, obviously the parking section stands out. I just wanted to make sure that that was part of the original plans, that it's not catching anyone off guard there.

Mr. Braden: I had the same question.

Mr. Scott: About parking for the apartment residence?

Mr. Braden: Right.

Mr. Taylor: Is that what it's dedicated, that little L, the little leg that shoots out?

Mr. Scott: That's actually the building. The parking for the residence will be in the garage, which will be behind the L. Whatever lot that eventually becomes when it's platted. So, I think the plan right now, the architects and developers are proposing that this will be a surface parking lot until such time as that garage is built. And then, they'll come in and plat it once they identify the exact boundaries of that garage and the position in which it will be.

Mr. Braden: I was concerned they might be putting parking where the plaza was, but they're putting surface parking where the future parking garage...

Mr. Scott: If you'll remember from the details of the plan, there will be some parking along Roeland Drive. That's for the retail. And there will be parking identified in this plat along Johnson Drive. Again, it's public parking. The residents will be parking in a surface lot behind it.

Mr. Davidson: I have a question, thinking about the logic behind all that. When the parking garage does go in, hopefully the environment is full of residents that park on that surface parking lot, and then, in comes construction for the garage. Where will those residents go to park?

Mr. Scott: The developer is going to have to work with the residents to find a suitable parking area on site. And then, if the garage is built here, that might be moving parking over more towards Roe and Johnson County, that corner where the food hall is going to be in the future. They plan to build this in phases. That was the original plan, at least. Phase 1 is going to be the apartments. Phase 2 is going to be the hotel and the garage. Phase 3 will be the food hall and entertainment venue. The way they're talking right now, Phase 1 and 2 will be almost be built simultaneously. So, it may be a case where by the time they're done with the apartments, which will be about a two-year process, they may be done with the garage by then, as well. They're talking with the hotel right now - Marriott - about final design of the hotel. They plan to break ground on the hotel probably next spring or really summer, and the garage at the same time.

Mr. Davidson: Is there a leasing contract in place with the Marriott?

Mr. Scott: I believe so, yeah.

MINUTES OF THE PLANNING COMMISSION MEETING-DRAFT

June 25, 2018

Mr. Troppito: Have you confirmed that, at least for our action tonight in approving the plat, that there's nothing here that the variance would be in conflict with the plans that were already approved. Correct?

Mr. Scott: That's correct.

Mr. Troppito: Secondly, no adverse revenue impact to the City by approving this layout, right?

Mr. Scott: Correct.

Mr. Bruce: Mr. Chairman, also a question for staff. The 902 square foot reduction in right-of-way, what kind of impact will that have on the final plan?

Mr. Scott: I don't believe it's going to have much of an impact on the final plan. It does reduce some of the on-street parking along Johnson Drive. Probably in hindsight, that's the safest move because the on-street parking is pretty close to Roeland Drive. So, we're moving it a little further east to provide for better movement, people going around the corner on Johnson Drive, Roeland Drive and Johnson Drive, or going through that intersection. They're not pulling right up on somebody that is wanting to back out of a parking space.

Mr. Bruce: And those lanes actually back into traffic, correct?

Mr. Scott: Right.

Chair Lee: Any other additional questions? [*None.*] Okay, thank you.

[*The Chairman opened the public hearing at 7:21 p.m.*]

Barbara Porro, 4982 West 60th Terrace, appeared before the Planning Commission and made the following comments:

Ms. Porro: I've said this many times before, but my concern - I'm Barbara Porro. I live in the townhomes to the west of the property. My main concern is the traffic along Roeland Drive. Currently, without any structure at the Gateway, there are two exits and entrances going from Shawnee Mission Parkway and one from Johnson Drive onto Roeland Drive. There are four coming from the west to the east. So, with the building of the apartments, the Gateway, they add three more. Roeland Drive is a two-lane street and there's not much traffic now. But with the new concept, there's going to be a lot more traffic coming on and off. One of your former members thought it was a wonderful idea to have the semi-trucks that serve the property to the east exit also onto Roeland Drive, as opposed to going out on Roe. He thought it was too residential over there, which boggled my mind because we're more residential on our side than it is on that side. Trucks could easily go down Roe and exit south and east. So, that is my concern, Roeland Drive. I know that the plans are already made, but I think other plans need to be made. And now, just listening here, you're talking about if there's not enough parking structure for the residents, what's going to stop them from trying to park down our

MINUTES OF THE PLANNING COMMISSION MEETING-DRAFT

June 25, 2018

residential streets? Or Wendy's? Or just some of the homes along the street? That's my concern. Thank you.

[There being no further public comments, the Chairman closed the public hearing at 7:24 p.m.]

Mr. Davidson: I have a question for Brian. Are the developer and the owner of the property, at this point in time, are they up to date on all the stormwater fees? Are they up to date on payments back to the City, for that reimbursement?

Mr. Scott: As I stand before you tonight, no. We did meet with the developer last week when they were in town. The City Council approved the sale of industrial revenue bonds to help with financing the project. They did indicate in the meeting with us that they planned to make payment of those in mid-July. As part of the development agreement, they will have to be up to date on all taxes before we issue a building permit.

Mr. Davidson: That's what I wanted to hear. Okay.

Chair Lee: Additional questions? *[None.]*

Mr. Troppito: I would make a motion that the Planning Commission approve the Preliminary and Final Plat for Case #18-05, plat to be known as The Gateway Second Plat.

Ms. Dukelow: Second.

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

Old Business *[None.]*

PC Comments/CIP Committee Update

Mr. Scott: Did you want to give a CIP update, Commissioner Braden?

Mr. Braden: We meet with the City Council two weeks ago... City Council went over the different items in the proposed budget for 2019. That goes to vote-

Mr. Scott: We will have a committee meeting, Finance and Administration, and the Community Development committee, both next Wednesday evening. On the Finance and Administration agenda will be the budget, answer any questions, and further discussion with them. There will be a public hearing the first Wednesday in August. The update will be adopted shortly thereafter.

Mr. Braden: The only thing I came out of that with was that it seemed like most of the City Council wanted to accelerate repair of some of the street conditions.

Mr. Davidson: I have something for discussion. The last meeting, we had a discussion about pole signs and things like that, as far as the integrity and the looks of that. Nothing to do with that, but something that bothers me as well in the city of Mission and in Roeland Park is these residential homes that have been turned into commercial businesses. You can tell they are beautiful 1930-1940 homes, built in their day. Their whole front and side yards are asphalted in. And I'm mainly talking about the houses to

MINUTES OF THE PLANNING COMMISSION MEETING-DRAFT

June 25, 2018

the north of the Gateway. And there are homes in the downtown area that are... Are there any ordinances or things of that nature towards those types of properties? I see those as, you know, sometimes a pole sign is not very attractive, and you see residential homes and stuff in their day, and they're changing hands all the time. So, for discussion, did anybody else notice that, and if there's any types of plans that the City has for those types of properties.

Mr. Braden: There are those kinds of properties right along the street on Woodson.

Mr. Davidson: Yeah. I'm just throwing that out as a discussion. I know a lot of people who drive down Johnson Drive and they see those 10 homes there, or whatever, are Roeland Park, and it's just asphalt, and they're all different owners. All different. It's not very attractive to me. Again, we have no control with Roeland Park. I'm just throwing that out and would like to discuss.

Chair Lee: I don't think we even had new ones 10 years or so. What's there has been there for some time.

[crosstalk]

Mr. Braden: ..one over here by the Verizon store. But that was already there.

Mr. Scott: A lot of properties here and there on Johnson Drive that are like that. They say they've been like that for a long time.

Ms. Dukelow:but we've seen some go away. Where ScriptPro parking garage is, for example.

Mr. Davidson: Brian used the term "death row..." Did he use the term "death row?" Did I hear I thought that's what you said. I said I just learned a new term.

Ms. Dukelow: At some point they would have had to be rezoned. It would have gone through a rezoning process.

[crosstalk]

Mr. Davidson: I'm just saying, like, the old pole signs that we're talking about that aren't so attractive, and here's all these old houses that....

Mr. Christiansen: Do we have something in place that we can use as a precedent for those? Other than those properties from over 10 years ago? If there's any existing properties that are neighboring ones that they kind of have used to try and shape that into the right way to fit into the community. I know street parking would probably be the only way to get around that unless they rezoned it, but you're always limited on street parking.

Mr. Davidson: Again, I was just bringing up the discussion with the group, just to see if anyone had concerns or ideas. The aesthetics. That's what we're looking for, you know, the aesthetics and beauty the city. The houses on the other side on Roeland Park, it's like, wow. Most people think that's Mission. It's just not a pretty picture, in my opinion.

MINUTES OF THE PLANNING COMMISSION MEETING-DRAFT

June 25, 2018

Ms. Dukelow: It's going to take time, I guess. And when they change, that's our opportunity.

Mr. Davidson: That's all.

Mr. Taylor: It's interesting. I think about the UMKC campus, and they have acquired a lot of the homes around the campus, and they've managed to keep those homes in line with the neighborhoods. They have not paved the front yards of those homes.

Mr. Davidson: There are big, big mansions, like the one next to the Kansas City museum is a beautiful residence in its day.

Mr. Scott: It does bring up a good point. I probably should mention to you all, as we put together the budget, we are planning to fund an update to our Comprehensive Plan. That's one of the items City Council requested, is to actually hire a consultant to help us update our Comprehensive Plan. I think at this point, they're probably going to approve that, so that will be in our budget for 2019. So, discussions like this are things we want to start thinking about as we start working towards updating our Comprehensive Plan.

Mr. Bruce: What do they have in the works for tear-down and rebuild? I know it's not a big issue here, but I think it's on the horizon. We know it's going on in Prairie Village.

Mr. Scott: It's starting to go on here, too. I've approved a couple plans for new construction of homes. One was a tear-down down on Countryside. They bought the property about a year ago, tore it down, had the plans approved by the HOA. And then, I got the plans on my desk and I approved them.

Mr. Bruce: What about 5600 Walmer?

Mr. Scott: I've had a discussion with them. What they want to do is subdivide that property and build two homes on that property. I told them that subdividing would not be in conformance with our zoning ordinance. I told him that they could apply for a variance, but I don't think it's going to be approved. It's not wide enough. So, they came back with a single house on that property, which does conform with the existing zoning. But, I have not seen construction drawings on that. I talked to them about a month ago now. That's where they're at with that property.

Mr. Braden: I think Frank's right. I think we should get ahead of the game . It's probably gonna happen more and more.

Mr. Scott: A couple of council members have mentioned it as well, so we need to start looking into design standards and what's acceptable/not acceptable. So far, the plans we've seen have met current zoning. They haven't been objectionable. It's not like the McMansions that we're seeing in Prairie Village, but buying a small house, tearing it down, and filling the entire lot. I haven't seen anything like that yet.

Mr. Bruce: One of the recommendations I had when I was on the sustainability is we required cisterns to be fit in with all teardowns and rebuilds. The cistern adds cost to the house and helps capture run-off, and it also provides water for the residence.

MINUTES OF THE PLANNING COMMISSION MEETING-DRAFT

June 25, 2018

Mr. Davidson: Yeah, the City of Leawood requires those on structures that can create more watershed than the original home on the property. Basically, the gutters are all taken to the cistern, and basically it drains out into a little gravel area. Sometimes you don't even know it's there. That is in place right now in Leawood. Maybe Prairie Village, as well.

Ms. Dukelow: So, if you're taking the contaminants off the roof straight to the cistern, and...?

Mr. Davidson: What it does, it has an overflow. It's kind of like a septic tank. It comes up to a six-inch drain, you know, escape from that tank, and then, there is a gravel pit that is 6 x 10 x 14 deep, or whatever, two feet under the surface, or whatever. Basically, it's like one big square type of a lateral.

Mr. Christiansen: It's just a buffer, right?

Mr. Davidson: Yeah, just a buffer...

[crosstalk]

Mr. Bruce: There are a lot of commercial cisterns available for roughly \$1,500 to \$2,000, which captures rainwater, and you can have pumps running off of it.

Ms. Dukelow: Yeah, well, the whole pump composition is counter to the environmental approach. And the pump is going to be expensive.

Mr. Davidson: I'm just saying, I was involved with a project in old Leawood and that was required. Never heard of it before. I said, you've got to be kidding me. This is the reason why, why, why and why. It has to be inspected and approved by the City, just like inspections on homes. I don't know if Prairie Village has it or not, but I do know Leawood has it.

Ms. Dukelow: Well, for as many parking lots as we see, I mean, surface parking and commercial buildings, there's a whole lot more water coming off those than there is a single-family residence. There's a lot better ways to design parking lots than dumping it all right into the channel, the storm sewer.

Mr. Davidson: You're seeing landscapers - case in point, over by Commerce over there, they had... Roeland Park, I'm sorry. Where they had their overflow going into a wet basin, so to speak. A swale kind of thing. It's got the drain at the bottom or at the side, it fills up, and then it will eventually.... And they have that type of plan.

Ms. Dukelow: Well, Johnson County has offices over here with a pretty nice landscape. They've got some nice swales over there. And the Shawnee Mission School District, the admin building, where the Antioch middle school used to be, their parking lot is worth a drive through. You're going down 71st Street, go through their front lots. It's really nice. The swales. They're managing the water on the site.

Mr. Davidson: And I've seen a lot of that. So, for you, Brian, do we have design stipulations on incorporating some of this?

MINUTES OF THE PLANNING COMMISSION MEETING-DRAFT

June 25, 2018

Mr. Scott: Yeah.

Mr. Braden: I think commercially they're kind of covered, aren't they? The impervious surface is so much more...I had one question. I know it looks like Mission Trails is getting ready to start any minute. Has there been any talk about the properties?

Mr. Scott: Martway?

Mr. Braden: Yeah.

Mr. Scott: No. I've talked with the architect once or twice. They're working their final site development plan. I don't know what they're going to submit.

Staff Update

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

ADJOURNMENT

With no other agenda items, **Ms. Dukelow moved and Mr. Braden seconded a motion to adjourn.** (Vote was unanimous). The **motion carried.** The meeting adjourned at 7:43 P.M.

Mike Lee, Chair

ATTEST:

Ashley Elmore, Secretary

STAFF REPORT
Planning Commission Meeting July 30, 2018

AGENDA ITEM NO.: 3A

PROJECT NUMBER / TITLE: Application # 18-06

REQUEST: Special Use Permit (SUP) for Operation of a Drinking Establishment

LOCATION: 5612 Johnson Drive
Parcel KP27500000-0081
Vacant retail space on the north side of Johnson Drive between Reeds Road and Maple Street.

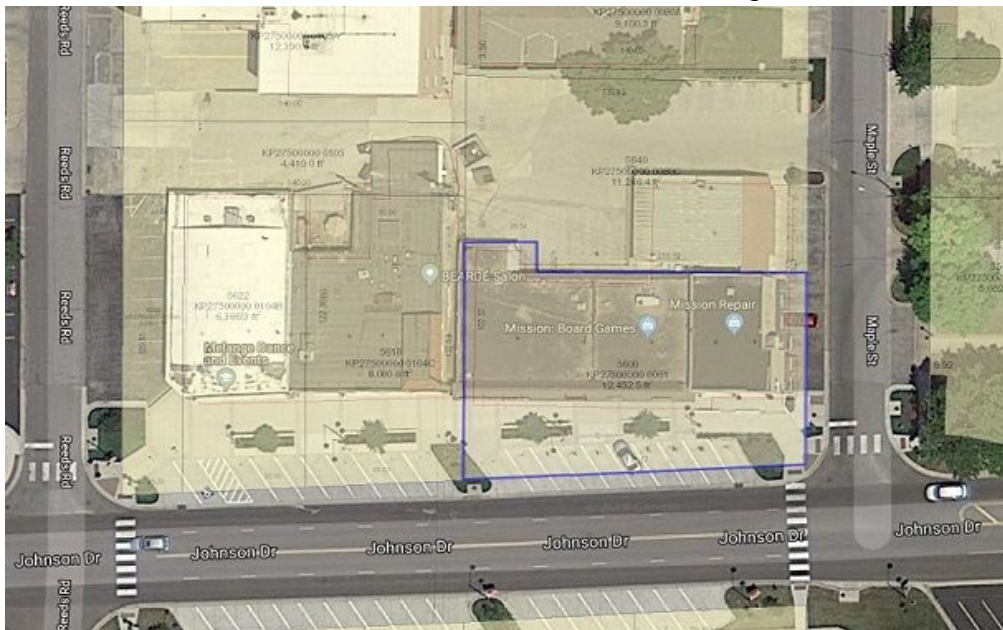
APPLICANT: Jonathan Williamson
Sandhills Brewing Company
13723 W. 81st Terrace
Lenexa, KS 66215

PROPERTY OWNER: Betty Benson
Benson Living Trust
6511 Dearborn
Mission, KS 66202

STAFF CONTACT: Brian Scott, Assistant City Administrator

ADVERTISEMENT: 7/10/2018 - The Legal Record Newspaper

PUBLIC HEARING: 7/30/2018 - Planning Commission



Property Information:

The subject address is 5612 Johnson Drive, a 1,750 square foot tenant space within a larger building that is located on the north side of Johnson Drive, mid-block between Reeds Road and Maple Street. The property is zoned as “MS-1” Main Street District 1.

Surrounding properties are zoned and developed as follows:

North: “PBP” Planned Business Park - ScriptPro Corporate Campus

East: “MS-1” Main Street District 1- Salon Bearde, Brian’s Bakery, and Melange Studio

West: “MS-1” Main Street District 1 - Mission Board Games and former Twisted Sisters

South: “MS-1” Main Street District 1 - City Park Land, site of Mission Market

Background:

The applicant is seeking a special use permit (SUP) to operate a drinking establishment at the subject address. In particular, the drinking establishment will be associated with a “nano-brewery” where the applicant will produce a variety of craft beer for sale and consumption on site.

A microbrewery is generally defined as a brewery operation that produces less than 15,000 barrels of beer a year. A nano-brewery is considered to be a scaled-down version of a microbrewery, often operated by a sole entrepreneur. The generally accepted industry definition of a nano-brewery is an operation that produces beer in small batches of three barrels or less, one barrel being 31 gallons.

Section 41-102 of the Kansas state statutes defines microbreweries as a brewery licensed by the Director of Alcoholic Beverage Control to manufacture, store and sell domestic beer and hard cider. A microbrewery is not considered to be a retailer [Subsection (y)(2) of K.S.A. 41-102]. And, a microbrewery is not considered to be a manufacturer [Subsection (p)(2) of K.S.A. 41-102]. The state statutes do not provide a distinct definition for nano-breweries, thus the legal notice for this application references “microbrewery.”

The applicant is associated with Sandhills Brewing Company, which currently operates a nano-brewery in Hutchinson, Kansas. The applicant intends to reproduce this concept under the same name at the subject address in Mission. The applicant will produce approximately 150 barrels of beer a year on premises for consumption in the tap room that will also be on premises. There may be limited retail sales of the product over the counter in the form of growlers and packaged beer.

Hours of production will be during normal business days. The applicant intends to receive deliveries of products one or twice a week through a backdoor behind the subject address. There will be no distribution of the product from this location.

Waste byproducts will be primarily spent grains, which the applicant will keep in a sealed container inside the premises until time of disposal. Disposal will be through donations to local farmers as animal feed or compost. Other waste products (general trash) will be disposed of in dumpsters provided by the landlord behind the building. Rinse water will be deposited in floor drains that connect to the sanitary sewer. Any

odors that may emanate from the brewing process will be limited and, in the words of the applicant, “create aromas similar to that of baking bread.”

The taproom is intended to accommodate approximately 50 patrons and will be open to the public in the afternoon and early evening hours on Thursdays, Fridays, and Saturdays.

It is anticipated that there will be as many as three (3) employees on site at peak times of operations. There are no parking requirements in the MS-1 zoning district. There are 38 on-street parking spaces in this block of Johnson Drive.

Section 41-308b of the Kansas state statutes provides that a microbrewery may sell domestic beer and other alcoholic liquor for consumption on the licensed premises as authorized by the Club and Drinking Establishment Act. Subsection (a)(6) of K.S.A. 41-308b states that such sales to consumers shall only take place during times when clubs and drinking establishments are authorized to serve and sell alcoholic liquor (9 a.m. to 2 a.m. the following day). The applicant will be required to obtain a license from both the State of Kansas and the City of Mission to operate a drinking establishment in order to comply with the SUP.

The state statute further stipulates that in certain counties, Johnson County being one of them, food must be offered in addition to domestic beer and alcoholic liquor, and that the food sales must be at least 30% of the total gross sales for the drinking establishment. This will also be a requirement of the SUP. The applicant intends to meet this requirement by collaborating with local restaurants to offer a menu to patrons that is facilitated through the tap room. In addition, food trucks may be utilized on occasion to meet this requirement.

Code review:

Municipal Code Section 410, Article V stipulates zoning regulations for properties located in the MS-1 zoning district. In particular, Municipal Code Section 410.170 - Permitted Uses - Subsection (F) states, “*clubs and drinking establishments shall be allowed after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq* (emphasis added).” Section 410.200 - Development Standards - Subsection (H)(2) further states, “*Food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed where the sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment, provided that the exterior walls of clubs and drinking establishments are at least two hundred (200) feet from the nearest residentially zoned property line. A special use permit shall be required for clubs and drinking establishments within two hundred (200) feet of residentially zoned property* (emphasis added).”

While the subject address of this application is not within 200 feet of a residentially zoned area, staff believes that the requirement of a SUP as stipulated in Subsection (F) is still applicable.

Municipal Code Section 445.180(C) provides that the Planning Commission and City Council may designate such other uses as appropriate for a SUP upon a finding that the use is appropriate in a certain location, but is not listed as allowed in any district or is only allowed in a district which contains other uses inappropriate in this subject location.

According to Section 445.190 special uses may be approved by action of the City Council after recommendation from the Planning Commission. Special uses may be approved with conditions including, but not limited to, the following:

1. Requirements for special yards, open spaces, density, buffers, fences, walls and screening.
2. The installation of landscaping and maintenance.
3. Provisions for erosion control.
4. Limitations on ingress and egress movements into and out of the site and traffic circulation.
5. Limitation on signage.
6. Limitation on hours of operation and other characteristics of operation.
7. Conditions specifically listed under the individual special use.
8. Other conditions deemed necessary to ensure compatibility with surrounding land uses.

In addition, Section 445.220 of the Municipal Code states that special use permits generally run with the use of the property. Conditions placed must be clearly spelled out in the motion for approval. Section 445.230 of the City Code allows for the termination of a SUP at any time for several reasons. This includes non-compliance with any special conditions placed or if conditions in the neighborhood have changed to the extent that approval of the permit would be clearly unwarranted if being applied for at the time of revocation.

Special Use Permit:

Section 440.140.E, Criteria for Considering (SUP) applications, lists the criteria to be used by the Planning Commission and City Council in the consideration of this application. An evaluation of these criteria is as follows:

1. The character of the neighborhood.

The subject address for this proposed SUP is located along the Johnson Drive retail corridor. There is dance studio and hair salon to the east of the subject address and a retail game shop and former coffee shop to the west. Across the street to the south is a public park, and the site of the City's market. To the north is the corporate campus of ScriptPro.

The proposed special use permit for a drinking establishment would be within keeping of the retail nature of Johnson Drive and would not have an adverse impact on the character of the existing neighborhood.

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

Properties that surround the subject address are all either “MS-1” Main Street District 1 or “PBP” Planned Business Park District. There is no residential zoned area nearby nor any schools or churches. The proposed special use permit for a drinking establishment would be in harmony with the existing zoning districts and permitted uses.

Furthermore, the proposed special use permit is in keeping with the vision for the Johnson Drive corridor as envisioned by the City of Mission’s Comprehensive Plan, the Johnson Drive Guidelines and other master plans for this district. The proposed use associated with the SUP will add to the retail and economic viability of the corridor by attracting visitors to the area. The applicant has described the proposed use as “family friendly environment...not a late-night or party establishment.” The hours that the tap room will be open are limited to the afternoon and early evening hours.

The zoning and uses of nearby properties are in harmony with the proposed special use permit and will not be adversely impacted by the proposed special use permit.

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

The property that this proposed SUP will be tied to is suitable for the proposed use as a drinking establishment. The entire building has three retail spaces, one of which had been a coffee shop, until recently.. There is currently a bakery in the building to the west. So, there has been, or is, other eating establishments

The existing property that is the subject of the proposed special use permit is suitable for the restricted use under the applicable MS-1 zoning district that would require a special use permit.

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

As stated above, the proposed use for the special use permit will be a “family friendly environment,” and will be open to the public for only limited hours.

There proposed special use permit will have no detrimental effects on nearby property.

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

The subject property was a retail clothing accessory shop until this past winter when it was closed. The property has been vacant for approximately six months. There have been several retailers that have closed along Johnson Drive in the past year.

The property has been vacant for approximately six months.

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

The proposed SUP for a drinking establishment will have no detrimental impact on the surrounding properties. The hours of operation will be limited to the afternoon and early evening hours for a few days out of the week. In addition, the production of beer would not be any more detrimental than the production of other food products in a restaurant or bakery type setting, which is a permitted use in this zoning district. Consequently, the benefit to public health, safety and welfare by retaining the applicable restrictions is limited. The applicant, however, has undertaken a significant investment in time and financial resources to make this property useable as a nano-brewery and drinking establishment. This investment would be lost if the application for a SUP is not granted. In addition, the landlord of the subject property would be without a tenant and the space not readily usable for another retail tenant without considerable investment.

The relative benefit to the public health, safety and welfare by retaining the applicable restriction would be minimal as compared to the loss of economic value if the restrictions were to remain.

7. The master plan or comprehensive plan.

Section 410.160 Statement of Intent for the "MS-1" Main Street District 1 states, "The zoning of property as "MS1" Main Street District 1 is intended to provide development opportunities consistent with the existing character within the core of Downtown Mission. Downtown Mission is the original commercial district within the City. The majority of buildings in the core of downtown have been constructed to the public right-of-way. Public parking lots are available and on-street parking is present to serve the downtown businesses. The result is a character unique to downtown that is not found elsewhere in the City. The "MS1" District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. This district restricts automobile oriented uses and does not allow offices on the ground floor level. The district is also intended to allow multi-story buildings with office and residential uses above the ground floor level. Multi-story buildings with top-floor setbacks are encouraged within this district as described in the Mission/Rock Creek Redevelopment Masterplan. In addition, the district is intended to allow flexibility from the normal development standards found elsewhere in the City." There are variety of permitted uses within this zoning including retail and speciality retail, prepared food, food for home, and entertainment.

The Comprehensive Plan, and subsequent master plans and guiding documents speak to a pedestrian oriented environment along Johnson Drive with a mix of uses and activities that provides for a lively downtown environment. This application for a SUP to operate a drinking establishment would be in keeping with that vision.

This will be a unique retail experience in that patrons will be partaking in speciality craft beers not normally found in bars or restaurants in the area. The proposed use created a "destination" in that those that are interested in craft beer will come from

throughout the region. Patrons will most likely take advantage of their time in Mission and frequent other shops and restaurants while here.

The proposed special use permit for a drinking establishment associated with a nano-brewery is compatible with the vision of the City of Mission's Comprehensive Plan and various master plans for the Johnson Drive corridor.

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

The proposed SUP will not have any adverse impact on the capacity or safety of the surrounding road network. The applicant is anticipating creating a tap room space that will accommodate upwards of 50 patrons. This number of potential patrons is not unusual and will not create an adverse impact on traffic patterns in the area. There are 38 on-street parking spaces along Johnson Drive in the block of the subject address of the proposed special use permit. There are more in the adjoining blocks. The proposed use will be open primarily in the early evening hours, when other uses along Johnson Drive may be closed. Thus, there should not be a high demand for on street parking during the hours that this proposed use would be open.

The proposed special use permit will not have any adverse impact on the capacity or safety of the surrounding network or present parking problems in the vicinity.

9. The recommendation of the professional staff.

The City' professional staff believes that the proposed application for a special use permit to operate a drinking establishment conforms with the intent of the "MS-1" zoning district, the City of Mission's Comprehensive Plan, and master plans guidelines for this area.

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

The applicant is seeking a SUP to operate a drinking establishment that will be associated with a nano-brewery. The nano-brewery will produce a total of 150 or less barrels of beer a year in small batches. This production will have no negative impacts on existing utility services including electric, water and sanitary sewer. In addition, there will be no impact on existing public services including public safety services.

The proposed special use permit will not have any impact on utility services or public safety services of the City.

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

The proposed special use permit is associated with an existing building. There will be no additional stormwater runoff associated with this use. The brewing process

will be during normal business hours and will have no negative environmental impact in terms of water pollution or noise pollution. The applicant has indicated that any odors from the brewing process will be minimal and similar to baking bread.

The proposed special use permit will not create any excessive stormwater runoff, air pollution, water pollution, noise pollution, or other environmental harm.

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

There is no defined “need” for the proposed special use in the community. However, the proposed special use will have a positive economic impact on the community. Please see below.

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

As previously stated, the subject address is currently a vacant retail space along the Johnson Drive corridor. The proposed SUP for a drinking establishment will be associated with the operation of a nano-brewery. This is a unique use that plays into the “makers” movement, which has become a strong component of the post recession economy. The makers movement emphasizes individual entrepreneurs utilizing their creativity and skills to produce products on a small scale for sale and consumption to the general public in the area. These types of entrepreneurs seek out inexpensive locations to establish their businesses and often become the fabric of a unique economic renaissance for the area.

There is an application for a SUP currently in the process of consideration that supports another business very similar in concept to this application. If approved, both concepts can work in tandem to create an economic synergy of sorts for those who enjoy specialty craft beer. This could be an opportunity to attract visitors from areas beyond Mission to spend time and financial resources in the Mission community. In addition, there may be other opportunities that result from this “synergy” including dining and unique retailing.

The completion of the Mission Trails apartment building at 6201 Johnson Drive and the Gateway apartment building at 4801 Johnson Drive will result in as many as 500 additional residents living in this corridor. These residents will mostly likely prefer to walk or bicycle to nearby shops and restaurants in the area. This will support the economic vibrancy that the City has been actively seeking for this corridor. And, this application for a proposed SUP for a drinking establishment associated with a nano-brewery will complement this environment.

The proposed application for a special use permit for a drinking establishment to be associated with a nano-brewery will support and enhance the economic environment of the Johnson Drive corridor and the Mission community.

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

The applicant will be able to satisfy the requirements that are applicable to the specific use imposed pursuant to the zoning district regulations.

Staff Recommendation

Staff recommends the Planning Commission recommend approval of Case #18-06 to the City Council for a special use permit for the use of 5612 Johnson Drive as a drinking establishment. The special use permit would run with the use of the property with the following conditions:

1. The holder(s) of this special use permit for a drinking establishment, and any future assignees, will maintain in good standing all licensures for a drinking establishment as required by the State of Kansas and the City of Mission.
2. The holder(s) of this special use permit will be required to meet the stipulation of a drinking establishment in that sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment.
3. The subject address of the special use permit will be kept in a clean and orderly manner and not present or cause to be presented any nuisances and/or violations of the Municipal codes of the City of Mission.
4. Hours of operation for the drinking establishment will be limited to 40 hours or less a week.

Planning Commission Action

To be determined at the time of consideration.

City Council Action

To be determined at the time of consideration.



Community Development Department
 6090 Woodson Street
 Mission, KS 66202
 Phone: (913) 676-8360
 Fax: (913) 722-1415

Permit # ____ - ____

Development Application

Applicant Name:	Jonathan Williamson	Company:	Sandhills Brewing KC, LLC
Address:	13723 W 81st Terrace		
City/State/Zip:	Lenexa KS, 66215		
Telephone:	785-424-4663		
Email:	jonathan@sandhillsbrewing.com		
Property Owner Name:	Betty Benson	Company:	Benson Living Trust
Address:	6511 Dearborn		
City/State/Zip:	Mission, KS, 66202		
Telephone:			
Email:			
Firm Preparing Application:	Company:		
Address:			
City/State/Zip:			
Telephone:			
Email:			
*All correspondence on this application should be sent to (check one) <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> Firm			
Application Type			
Rezoning <input type="checkbox"/>	Plat <input type="checkbox"/>	Site Plan <input type="checkbox"/>	SUP <input checked="" type="checkbox"/> Lot Split <input type="checkbox"/> Other (Specify): _____
Description of Request			
Please provide a brief description of the request:			
Sandhills Brewing is aiming to put in a small nano-brewery and community taproom, focused on locally produced products and a family-friendly environment. A Drinking Establishment license will be required. See full details on attached letter.			

Sandhills Brewing

(785) 424-4663 <https://sandhillsbrewing.com> jonathan@sandhillsbrewing.com 5612 Johnson Drive,

June 11, 2018

Community Development Department
6020 Woodson Street
Mission, KS 66202
(913) 676-8360

To whom it concerns,

Sandhills Brewing is aiming to open a small, community and neighborhood-focused nano-brewery and taproom at 5612 Johnson Drive.

We intend to create a locally-driven product that brings people together, right in the heart of downtown Mission with a family-friendly environment. This is not a late-night or party establishment; our expected hours will be 12pm-8pm, Thursday-Saturday.

The building is 1,750 square feet with parking on Johnson Drive, which provides three spaces immediately in front of the building and another two dozen spaces across the street and adjacent units. Our hours will not overlap much with adjacent businesses, making street parking straight forward.

Routine deliveries will be made once or twice a week at most, with deliveries being made through the back alley/easement.

The building has a back storage room and then will be sectioned off into a small production space and then public taproom. Our expected occupancy is 45-60 people.

During production hours the vast majority of waste will be comprised of rinse water and brewers grains. The brewers grains will be donated to area farmers and gardeners for animal feed and compost. Very little other waste will be generated; the owner-provided dumpster will be more than sufficient.

The brewing process, which will be conducted during the day, will create aromas similar to that of baking bread. It's a quiet process.

In order to satisfy the Kansas 30% food requirement, we will be collaborating with area restaurants to offer a Community Menu, which we will facilitate on behalf of the customer. Food trucks will also be available if needed.

We will be applying for a Drinking Establishment license, after completing the necessary Federal and State production licensing.

Between now and opening day we will be updating the interior aesthetic of the building, upgrading the electrical service, increasing the HVAC capacity and efficiency, constructing a second ADA-compliant bathroom, and improving the signage to bring it up to par with the Johnson Drive Guidelines. Our intention is to apply for the Business Improvement Grant to help with a couple of these projects.

Drawings and architectural renders of these projects are being worked on now.

We hope to open by the end of 2018.

Sincerely,

Jonathan Williamson
Sandhills Brewing

NOTICE OF HEARING
BEFORE THE CITY OF MISSION
PLANNING COMMISSION

YOU ARE HEREBY NOTIFIED THAT an application for a Special Use Permit (Case #18-06) has been filed in the Office of the Community Development Department by Jonathan Williamson representing Sandhills Brewing KC, LLC for the property located at 5612 Johnson Drive in Mission, Kansas. The applicant is seeking a Special Use Permit to operate a microbrewery and taproom (drinking establishment) at this location.

LEGAL DESCRIPTION (Abbreviated)

MISSIONHILL ACRES LT 81 EX PT LTS 80 & 81 DESC AS: BG 102.32' N SW CR LT 81 E 29.54'S 12.92'
E 110.39' TO E/L LT 81 N 82.32' W 139.95' TO W/L LT 80 S 71.81' TO POB MIC 233
More specifically identified as Johnson County parcel
ID# KP27500000 0081

A public hearing will be held before the Planning Commission at their meeting on **Monday, July 30, 2018 at 7:00 p.m.** at Mission City Hall, 6090 Woodson St., Mission, Kansas, at which time all interested persons in this application will be heard.

The City of Mission Municipal Code requires that property owners within 200 feet of the subject property be notified of the application for a Special Use Permit. The application and complete legal description are on file and available for public inspection in the Community Development office at 6090 Woodson St, Mission, Kansas.

In addition, property owners within 200 feet of the subject property shall have the opportunity to submit a protest petition within fourteen (14) business days after the conclusion of the public hearing. A protest petition application shall be filed in the office of the City Clerk not later than 5:00 PM of the fourteenth business day. Where a valid protest petition has been filed, an ordinance approving the special use permit may only be passed by an affirmative vote of three-fourths ($\frac{3}{4}$) of the membership of the City Council.



Ashley Elmore
Planning Commission Secretary

STAFF REPORT
Planning Commission Meeting July 30, 2018

AGENDA ITEM NO.: 3B

PROJECT NUMBER / TITLE: Application # 18-07

REQUEST: Special Use Permit (SUP) for Operation of a Drinking Establishment

LOCATION: 5880 Beverly Avenue
Parcel KF251208-3015
Currently Run-Rite Automotive

APPLICANT: Sara Charlson
Rockcreek Brewing Company
411 W. 46th Terrace, Suite 304
Kansas City, MO 64112

PROPERTY OWNER: Greg & Kelli Pesch
5880 Beverly Avenue
Mission, KS 66202

STAFF CONTACT: Brian Scott, Assistant City Administrator

ADVERTISEMENT: 7/10/2018 - The Legal Record Newspaper

PUBLIC HEARING: 7/30/2018 - Planning Commission



Property Information:

The subject property is 5880 Beverly Avenue, a 5,706 square foot building located one half block north of Johnson Drive. The building is currently being utilized as an automotive repair shop doing business as Run-Rite Automotive. The property is zoned “MS-2” Main Street District 2.

Surrounding properties are zoned and developed as follows:

North: “MS-2” Main Street District 2 -Brazilian Jiu Jitsu

“DND” Downtown Neighborhood District - residential properties

East: “MS-2” Main Street District 2- Mission Kitchen and Bath

West: “MS-2” Main Street District 2 - Signature Logo Embroidery

South: “MS-1” Main Street District 1 - Dearborn Animal Clinic, Mission Fresh Fashion, and Flatlanders Ski Shop

Background:

The applicant is seeking a special use permit (SUP) to operate a drinking establishment at the subject property. In particular, the drinking establishment will be associated with a “nano-brewery” where the applicant will produce a variety of craft beers for sale and consumption on site.

A microbrewery is generally defined as a brewery operation that produces less than 15,000 barrels of beer a year. A nano-brewery is considered to be a scaled-down version of a microbrewery, often operated by a sole entrepreneur. The generally accepted industry definition of a nano-brewery is an operation that produces beer in small batches of three barrels or less, one barrel being 31 gallons.

Section 41-102 of the Kansas state statutes defines microbreweries as a brewery licensed by the Director of Alcoholic Beverage Control to manufacture, store and sell domestic beer and hard cider. A microbrewery is not considered to be a retailer [Subsection (y)(2) of K.S.A. 41-102]. And, a microbrewery is not considered to be a manufacturer [Subsection (p)(2) of K.S.A. 41-102]. The state statutes do not provide a distinct definition for nano-breweries, thus the legal notice for this application references “microbrewery.”

The applicant is associated with Rockcreek Brewing Company, which intends to purchase the subject property for the purpose of developing a nano-brewery and associated tap room. The applicant will produce approximately 300 barrels of beer a year on premises for consumption in the tap room that will also be on premises. There may be limited retail sales of the product over the counter in the form of growlers and packaged beer.

Hours of production will be during normal business days. The applicant intends to receive deliveries of products once or twice a week. There will be no distribution of the product from this location.

Waste byproducts will be primarily spent grains, which the applicant will keep in a sealed container inside the premises until time of disposal. Other waste products

(general trash) will be disposed of in dumpsters located on the property. Rinse water will be deposited in floor drains that connect to the sanitary sewer.

The taproom is intended to accommodate approximately 50 patrons and will be open to the public Wednesday, 4 p.m. to 9 p.m.; Thursday 4 p.m. to 9 p.m.; Friday 11 a.m. to 10 p.m.; Saturday 11 a.m. to 10 p.m.; and Sunday 12 a.m. to 7 p.m.

It is anticipated that there will be as many as five (5) employees on site at peak times of operations.

Section 41-308b of the Kansas state statutes provides that a microbrewery may sell domestic beer and other alcoholic liquor for consumption on the licensed premises as authorized by the Club and Drinking Establishment Act. Subsection (a)(6) of K.S.A. 41-308b states that such sales to consumers shall only take place during times when clubs and drinking establishments are authorized to serve and sell alcoholic liquor (9 a.m. to 2 a.m. the following day). The applicant will be required to obtain a license from both the State of Kansas and the City of Mission to operate a drinking establishment in order to comply with the special use permit.

The state statute further stipulates that in certain counties, Johnson County being one of them, food must be offered in addition to domestic beer and alcoholic liquor, and that the food sales must be at least 30% of the total gross sales for the drinking establishment. This will also be a condition of the SUP. The applicant intends to meet this requirement by offering limited menu items from a small kitchen on the premises. In addition, food trucks may be utilized on occasion to meet this requirement. The trucks would be parked on the property on the south side of the building, away from the residential area to the north.

Code review:

As previously identified, the property is located in the MS-2 zoning district. Section 410.220 of the City of Mission Municipal Code provides the following statement of intent for the MS-2 zoning district.

“The zoning of property as "MS2" Main Street District 2 is intended to provide development opportunities consistent with the existing character surrounding the core of downtown Mission (emphasis added). The objectives for this district are similar to "MS1", except residential and office uses are permitted on the ground floor level of mixed-use buildings or complexes in order to support the businesses in the downtown area. This district promotes multi-story structures with top-floor setbacks as described by the Mission/Rock Creek Redevelopment Masterplan.”

Section 410.220 (A) states, “No building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses, subject to the development and performance standards set forth in Section 410.260: 1) Any use permitted in District "MS-1", subject to the applicable development and performance standards.”

Thus, those uses that are permitted in the MS-1 zoning district are also permitted in the MS-2 zoning district with the same performance standards.

Municipal Code Section 410, Article V stipulates zoning regulations for properties located in the MS-1 zoning district. In particular, Municipal Code Section 410.170 - Permitted Uses - Subsection (F) states, "*clubs and drinking establishments shall be allowed after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq* (emphasis added)." Section 410.200 - Development Standards - Subsection (H)(2) further states, "*Food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed where the sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment, provided that the exterior walls of clubs and drinking establishments are at least two hundred (200) feet from the nearest residentially zoned property line. A special use permit shall be required for clubs and drinking establishments within two hundred (200) feet of residentially zoned property* (emphasis added)."

The subject property of this application is within 200 feet of the "DND" Downtown Neighborhood District. This is a zoning district that is intended to "offer a unique living environment that offers a variety of housing styles that supports the downtown businesses and stabilize the surrounding single-family neighborhoods." Staff believes that the requirement of a special use permit as stipulated in Subsection (H)(2) of Section 410.200 is applicable.

Municipal Code Section 445.180(C) provides that the Planning Commission and City Council may designate such other uses as appropriate for a SUP upon a finding that the use is appropriate in a certain location, but is not listed as allowed in any district or is only allowed in a district which contains other uses inappropriate in this subject location.

According to Section 445.190 special uses may be approved by action of the City Council after recommendation from the Planning Commission. Special uses may be approved with conditions including, but not limited to, the following:

1. Requirements for special yards, open spaces, density, buffers, fences, walls and screening.
2. The installation of landscaping and maintenance.
3. Provisions for erosion control.
4. Limitations on ingress and egress movements into and out of the site and traffic circulation.
5. Limitation on signage.
6. Limitation on hours of operation and other characteristics of operation.
7. Conditions specifically listed under the individual special use.
8. Other conditions deemed necessary to ensure compatibility with surrounding land uses.

In addition, Section 445.220 of the Municipal Code states that special use permits generally runs with the use of the property. Conditions placed must be clearly spelled out in the motion for approval. Section 445.230 of the City Code allows for the termination of a SUP at any time for several reasons. This includes non-compliance with any special conditions placed or if conditions in the neighborhood have changed to the extent that approval of the permit would be clearly unwarranted if being applied for at the time of revocation.

Special Use Permit:

Section 440.140.E, Criteria for Considering (SUP) applications, lists the criteria to be used by the Planning Commission and City Council in the consideration of this application. An evaluation of these criteria is as follows:

1. The character of the neighborhood.

The subject property for this proposed SUP is located just off the Johnson Drive retail corridor and within the area designated as the downtown core. There is a kitchen and bath business to the east of the subject property and a embroidery shop to the west. To the south are various retail and services oriented businesses along Johnson Drive. To the immediate north is a jiu jitsu studio. Further north are single-family homes within a DND zoned district.

The proposed special use permit for a drinking establishment would be within keeping of the retail nature of this are and would not have an adverse impact on the character of the existing neighborhood.

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

Properties that surround the subject address are all either “MS-1” Main Street District 1 or “MS-2” Main Street District 2. There is a residential zoned area further north that is zoned “DND” Downtown Neighborhood District and is intended to serve as a transition area between the downtown core and more traditional, single-family residentially zoned areas. There are no schools or churches in the area. The proposed special use permit for a drinking establishment would be in harmony with the existing zoning districts and permitted uses.

Furthermore, the proposed SUP is in keeping with the vision for the Johnson Drive corridor and downtown core as envisioned by the City of Mission’s Comprehensive Plan, the Johnson Drive Guidelines and other master plans for this district. The proposed use associated with the SUP will add to the retail and economic viability of the corridor by attracting visitors to the area. The applicant has described the proposed use as a “family/neighborhood friendly environment with limited hours, not open past 10 p.m.”

The zoning and uses of nearby properties are in harmony with the proposed special use permit and will not be adversely impacted by the proposed special use permit.

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

The subject property of this special use permit is suitable for the proposed use as a drinking establishment. It is currently an automotive repair shop, and has been for several years. With a moderate conversion, it will offer the space needed to operate a nano-brewery producing 300 barrels a year and associated tap room.

The existing property that is the subject of the proposed special use permit is suitable for the restricted use under the MS-2 zoning district that would require a special use permit.

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

As stated above, the proposed use for the special use permit will be a “family friendly environment,” and will be open to the public for only limited hours. It should not have any negative impact on nearby property. The proposed use of the property will not be any more intensive than the existing use. There may be an occasional food truck parked on the property, but this will be on the south side of the building.

There proposed special use permit will have no detrimental effects on nearby property.

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

The subject property is not currently vacant. The property is an automotive repair shop and has been for many years. The owner is interested in selling.

The property is not nor has been vacant.

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

The proposed SUP for a drinking establishment will have minimal impact on the surrounding properties. The hours of operation will be limited to the afternoon and evening hours for a few days out of the week. In addition, the production of beer would not be any more detrimental than the production of other food products in a restaurant or bakery type setting, which is a permitted use in this zoning district, nor the existing automotive repair shop. Consequently, the benefit to public health, safety and welfare by retaining the applicable restrictions is limited.

The owner of the property is interested in selling the property, and it has been on the market for several months. If the proposed application for a special use permit is denied, the property could remain on the market for several more months. As an automotive repair shop, it is a unique property to sell and one that will require considerable investment to be made ready for another type of use.

In addition, Section 410.340 of the Municipal Codes speaks to Development standards and prohibited uses within the Downtown Overlay District. Body shops, auto glass installation shops, tire shops, and similar auto service establishments are prohibited uses when located within 100 feet of a residentially zoned district. This would be the case with the current business, which has been grandfathered under this provision as legal non-conforming use. This stipulation offers another layer of complexity with respect to owner's ability to sell his building to another individual for a similar use.

The relative benefit to the public health, safety and welfare by retaining the applicable restriction would be minimal as compared to the loss of economic value if the subject property is not sold.

7. The master plan or comprehensive plan.

Municipal Code Section 410.220, Statement of Intent for the "MS-2" Main Street District 1 states, "The zoning of property as "MS2" Main Street District 2 is *intended to provide development opportunities consistent with the existing character surrounding the core of downtown Mission* (emphasis added). The objectives for this district are similar to "MS1", except residential and office uses are permitted on the ground floor level of mixed-use buildings or complexes in order to support the businesses in the downtown area."

The statement of intent for the "MS-1" zoning district states "The zoning of property as "MS1" Main Street District 1 is intended to provide development opportunities consistent with the existing character within the core of Downtown Mission. Downtown Mission is the original commercial district within the City. The majority of buildings in the core of downtown have been constructed to the public right-of-way. Public parking lots are available and on-street parking is present to serve the downtown businesses. The result is a character unique to downtown that is not found elsewhere in the City. The "MS1" District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. In addition, the district is intended to allow flexibility from the normal development standards found elsewhere in the City." There are variety of permitted uses within this zoning including retail and speciality retail, prepared food, food for home, and entertainment.

The Comprehensive Plan, and subsequent master plans and guiding documents speak to a pedestrian oriented environment along Johnson Drive with a mix of uses and activities that provides for a lively downtown environment.

This application for a SUP to operate a drinking establishment would be in keeping with that vision. This will be a unique retail experience in that patrons will be partaking in speciality craft beers not normally found in bars or restaurants in the area. This will be something of a destination use in that those that are interested in craft beer will come from throughout the region. Patrons will most likely take advantage of their time in Mission and frequent other shops and restaurants while here.

The proposed special use permit for a drinking establishment associated with a nano-brewery is compatible with the vision of the City of Mission's Comprehensive Plan and various master plans for the Johnson Drive corridor and downtown core.

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

The proposed special use permit will not have any adverse impact on the capacity or safety of the surrounding road network. The applicant is anticipating creating a tap room space that will accommodate upwards of 50 patrons. This number of potential patrons is not unusual and will not create an adverse impact on traffic patterns in the area. There are approximately 30 on-street parking spaces along Johnson Drive within 150 feet of the subject property of the proposed special use permit. Fifty spaces of public parking will be available in the parking structure one block south of this property once the Mission Trails project is complete. The proposed use will be open primarily in the early evening hours, when other surrounding uses may be closed. Thus, there should not be a high demand for on street parking.

The proposed special use permit will not have any adverse impact on the capacity or safety of the surrounding network or present parking problems in the vicinity.

9. The recommendation of the professional staff.

The City' professional staff believes that the proposed application for a special use permit to operate a drinking establishment conforms with the intent of the "MS-2" zoning district, the City of Mission's Comprehensive Plan, and master plans guidelines for this area.

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

The applicant is seeking a SUP to operate a drinking establishment that will be associated with a nano-brewery. The nano-brewery will produce a total of 300 or less barrels of beer a year in small batches. This production will have no negative impacts on existing utility services including electric, water and sanitary sewer. In addition, there will be no impact on existing public services including public safety services.

The proposed special use permit will not have any impact on utility services or public safety services of the City.

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

The proposed SUP is associated with an existing building. There will be no additional stormwater runoff associated with this use. The brewing process will be

during normal business hours and will have no negative environmental impact in terms of water pollution or noise pollution.

The proposed special use permit will not create any excessive stormwater runoff, air pollution, water pollution, noise pollution, or other environmental harm.

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

There is no defined “need” for the proposed special use in the community. However, the proposed special use will have a positive economic impact on the community. Please see below.

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

The proposed SUP for a drinking establishment will be associated with the operation of a nano-brewery. This is a unique use that plays into the “makers” movement, which has become a strong component of the post recession economy. The makers movement emphasizes individual entrepreneurs utilizing their creativity and skills to produce products on a small scale for sale and consumption to the general public in the immediate area. These types of entrepreneurs seek out inexpensive locations to establish their businesses and often become the fabric of a unique economic renaissance for the area.

There is an application for a SUP currently in the process of consideration, that is very similar in concept to this application. If approved both concepts can work in tandem to create an economic synergy of sorts for those that like to partake in specialty craft beer. This could be an opportunity to attract visitors from areas beyond Mission to spend time and financial resources in the Mission community. In addition, there may be other opportunities that result from this “synergy” including dining and unique retailing.

The completion of the Mission Trails apartment building at 6201 Johnson Drive and the Gateway apartment building at 4801 Johnson Drive will result in as many as 500 additional residents living in this corridor. These residents will mostly likely prefer to walk or bicycle to nearby shops and restaurants in the area. This will support the economic vibrancy that the City has been actively seeking for this corridor. And, this application for a proposed SUP for a drinking establishment associated with a nano-brewery will complement this environment.

The proposed application for a special use permit for a drinking establishment to be associated with a nano-brewery will support and enhance the economic environment of the Johnson Drive corridor and the Mission community.

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

The applicant will be able to satisfy the requirements that are applicable to the specific use imposed pursuant to the zoning district regulations.

Parking

The MS-2 zoning district stipulates that four (4) off-street parking spaces shall be provided on the premises for each one thousand (1,000) square feet of gross floor area; provided however, that properties whose nearest property line is within two hundred (200) feet of the nearest public off-street parking lot, two and one-half (2½) off-street parking spaces shall be provided on the premises for each one thousand (1,000) square feet of gross floor area. This would equate to 23 parking spaces required on site.

There is no proposed change to the existing property other than the use. The property is not currently striped for parking. In looking at an aerial photo of the property, it would appear that there would be enough space available for 15-18 vehicles to be parked on the property. In addition, the applicant has indicated that the current owner of the property, who will continue to own the commercial property to the immediate north, is willing to allow the applicant to utilize parking on his property.

There are also approximately 30 on-street parking spaces along Johnson Drive within 150 feet of the subject property. If the applicant is able to utilize the on-street parking along Johnson Drive, they will then be able to accommodate 14 parking space on site given the stipulation of two and one-half parking spaces on the premises for each 1,000 square feet of gross floor area.

There will also be a public parking lot available one block south in the parking structure to be built with the Mission Trails apartment complex. This structure is to provide up to 50 parking spaces for general public parking.

Staff would recommend that the stipulation that an off-street public parking lot be waived in lieu of public on-street parking.

Staff Recommendation

Staff recommends the Planning Commission recommend approval of Case #18-07 to the City Council for a special use permit for the use of 5880 Beverly Avenue as a drinking establishment. The special use permit would run with the use of the property with the following conditions:

1. The holder(s) of this special use permit for a drinking establishment, and any future assignees, will maintain in good standing all licensures for a drinking establishment as required by the State of Kansas and the City of Mission.
2. The holder(s) of this special use permit will be required to meet the stipulation of a drinking establishment in that sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment.
3. Hours of operation for the drinking establishment will be limited to 40 hours or less a week.
4. The subject property of the special use permit will be kept in a clean and orderly

manner and not present or cause to be presented any nuisances and/or violations of the Municipal codes of the City of Mission.

Staff also recommends that a waiver be granted to the stipulation that properties whose nearest property line is within two hundred (200) feet of the nearest **public off-street parking lot**, be allowed to reduce their required parking to two and one-half (2½) off-street parking spaces for each one thousand (1,000) square feet of gross floor area. Specifically, such waiver would allow the applicant to count **public on-street parking** within 200 feet of the property in order to meet this provision.

Planning Commission Action

To be determined at the time of consideration.

City Council Action

To be determined at the time of consideration.



Community Development Department
6090 Woodson Street
Mission, KS 66202
Phone: (913) 676-8360
Fax: (913) 722-1415

Permit # ___ - ___

Development Application

Applicant Name: SARA CHARLSON Company: Rockcreek Brewing Company
Address: 411 W. 46TH TERRACE # 304
City/State/Zip: KANSAS CITY, MO. 64112
Telephone: 816.550.1714
Email: Sara.j.charlson@gmail.com
Property Owner Name: GREG PESCH Company: RUN RITE AUTOMOTIVE
Address: 5880 BEVERLY
City/State/Zip: MISSION, KS. 66202
Telephone: 913.432.2800
Email:
Firm Preparing Application: N/A Company: N/A
Address:
City/State/Zip:
Telephone:
Email:
*All correspondence on this application should be sent to (check one) [X] Applicant ___ Owner ___ Firm

Application Type
Rezoning [] Plat [] Site Plan [] SUP [X] Lot Split [] Other (Specify):

Description of Request
Please provide a brief description of the request: Conversion of the automotive space for use as a craft brewing facility. Portions of the remaining space would be designed as a tap room for patrons. Our intention is this would be a small scale brewery (family/neighborhood friendly) with limited hours - not open past 10 PM.

NOTICE OF HEARING
BEFORE THE CITY OF MISSION
PLANNING COMMISSION

YOU ARE HEREBY NOTIFIED THAT an application for a Special Use Permit (Case #18-07) has been filed in the Office of the Community Development Department by Sara Charlson representing Rockcreek Brewing Company for the property located at 5880 Beverly Ave. in Mission, Kansas. The applicant is seeking a Special Use Permit to operate a microbrewery and taproom (drinking establishment) at this location.

LEGAL DESCRIPTION (Abbreviated)

8-12-25 S 70' OF TR BEG 685' W & 140' N SE COR
SW 1/4 NE 1/4 N 140' X W 174.15' .2803 ACRE M/L MIC-0079 0003 0010 0001
More specifically identified as Johnson County parcel
ID# KF251208-3015

A public hearing will be held before the Planning Commission at their meeting on **Monday, July 30, 2018 at 7:00 p.m.** at Mission City Hall, 6090 Woodson Road, Mission, Kansas, at which time all interested persons in this application will be heard.

The City of Mission Municipal Code requires that property owners within 200 feet of the subject property be notified of the application for a Special Use Permit. The application and complete legal description are on file and available for public inspection in the Community Development office at 6090 Woodson St, Mission, Kansas.

In addition, property owners within 200 feet of the subject property shall have the opportunity to submit a protest petition within fourteen (14) business days after the conclusion of the public hearing. A protest petition application shall be filed in the office of the City Clerk not later than 5:00 PM of the fourteenth business day. Where a valid protest petition has been filed, an ordinance approving the special use permit may only be passed by an affirmative vote of three-fourths ($\frac{3}{4}$) of the membership of the City Council.



Ashley Elmore
Planning Commission Secretary

STAFF REPORT
Planning Commission Meeting July 30, 2018

AGENDA ITEM NO.: 3C

PROJECT NUMBER / TITLE: Case #18-08

REQUEST: Application designating sign of Historic Significance at 5710 Johnson Drive

LOCATION: 5710 Johnson Drive
Parcel KPF27500000 0143
Casey's Auto Repair On the Drive

APPLICANT: Carl and Cathy Casey
5710 Johnson Drive
Mission, KS 66202

PROPERTY OWNER: RAYNLEE LLC
5917 Beverly
Mission, KS 66202

STAFF CONTACT: Laura Smith, City Administrator

ADVERTISEMENT: NA

PUBLIC HEARING: NA

Background:

The applicant has submitted an application for designation of the existing pole sign structure 5710 Johnson Drive, Casey's Auto Repair on the Drive, as a sign of historic significance.

The building was built in 1953, and an automobile oriented use has occupied the building since its original construction. In 2014 - 2015, Sinclair, who owned the property, faced mandatory replacement of the gas tanks, and decided to stop selling gas at that location. The tanks were removed and, at that time, the panels bearing the Sinclair logo were removed from the existing pole sign cabinet. Casey Bros. Sinclair continued to operate an auto repair business until the summer of 2015 after being in business for 56 years.

Subsequently, Carl and Cathy Casey entered into negotiations to purchase the property with plans to open a second location (currently operating Casey's Auto Repair at 5917 Beverly). During the acquisition process, the Caseys inquired about the possibility of

reusing the existing pole sign. At that time, pole signs were not allowed per Mission's Code, and therefore, the existing pole sign that had been associated with the Sinclair station was considered a "non-conforming sign" subject to the provisions of Section 420.220 (C) of the Mission Code, and the changes the Caseys were requesting were not allowed.

At about the same time, the City undertook a lengthy inventory and evaluation process to address potential changes to the sign code. Based on the pending request by the Casey's to reuse the sign, no specific enforcement to remove the existing pole sign cabinet/structure was initiated. The Council ultimately adopted revisions to Mission's sign code in April 2017.

Following adoption of the new code in 2017, education and enforcement efforts were initiated throughout the City. In the course of this work, both Council and staff continued to hear feedback regarding various prohibited sign types, primarily pole signs. The Council discussed the issue at several committee meetings in both 2017 and 2018, and ultimately asked staff to draft proposed revisions which might allow for the reuse of currently prohibited sign types on a limited, case by case, basis.

The revisions presented to the Planning Commission in May 2018, and approved by the City Council in June 2018, included the addition of Section 430.130 creating a new sign category - Signs of Historic Significance. The intent of the new code language was to provide a mechanism which allows for the preservation, maintenance or reuse of signage that contributes to Mission's unique character, history or identity, but would otherwise be prohibited.

The application process and requirements are detailed in the code, and the application before the Planning Commission has been submitted in accordance with those requirements.

Code review: In June 2018, the City Council adopted Ordinance 1480 revising the sign code of the City of Mission to include Section 430.130, creating a new sign category - Signs of Historic Significance. In order to be considered for designation as a sign of Historic Significance, the municipal code outlines that the following minimum criteria must be satisfied:

1. The sign shall have been installed at least forty years prior to the date of the application.
2. The sign is structurally safe or can be made safe without substantially altering its historical appearance.
3. The sign retains the majority of its character defining features, (materials, technologies, structure, colors, shapes, symbols, text and/or art that have historical significance, are integral to the overall sign design, or convey historical or regional context.

4. The sign exemplifies the cultural, economic and historic heritage of the City.

Based on Staff review of the application, it appears to demonstrate compliance with the minimum standards as follows (staff notes appear in *italics*):

1. The sign shall have been installed at least forty years prior to the date of the application.

According to minutes of the Mission City Council, the sign was originally approved in June 1970, making it approximately 48 years old and satisfying age requirement included in the ordinance.

2. The sign is structurally safe or can be made safe without substantially altering its historical appearance.

The application included a report from Norton & Schmidt assessing the structural safety of the existing sign base, pole and cabinet and finding no defects which would require substantial alteration to the historical appearance.

3. The sign retains the majority of its character defining features, (materials, technologies, structure, colors, shapes, symbols, text and/or art that have historical significance, are integral to the overall sign design, or convey historical or regional context.

Based on the information provided in the application, the sign will retain or maintain, at a minimum, materials, technologies, structure, and shape. This results in achieving four of the seven criteria outlined in the ordinance.

4. The sign exemplifies the cultural, economic and historic heritage of the City.

The most subjective of the criteria outlined in the ordinance, the applicant has provided information which is intended to frame the historical context of the building, the sign and its relationship to the Johnson Drive corridor.

The application packet would, therefore, demonstrate compliance with items 1, 2, 3 and 4 and is proceeding for consideration by the Planning Commission in accordance with the City of Mission's sign code.

Staff Recommendation

Staff recommends the Planning Commission approve Case #18-08 and designate the existing pole sign located at 5710 Johnson Drive as a Sign of Historic Significance thereby making all future modifications subject to the requirements outlined in Section 430.130 of the City of Mission Municipal Code.

Planning Commission Action

To be determined at the time of consideration. If approved, no further Planning Commission approval is required.

City Council Action

To be determined at the time of consideration. If the application is denied by the Planning Commission, the applicant may appeal the decision to the City Council within thirty (30) days of the Planning Commission's decision.

Casey's Auto Repair
Sign of Historic Designation
Application

Checklist for Sign of Historic Designation Application

- Provide a completed application, including all requested information. A separate application is required for each sign.
- Provide a detailed drawing of each sign and any supporting structures, including dimensions, colors, materials, and methods of illumination. Include photograph(s) of the current sign.
- Submit completed application to: Community Development Department, 6090 Woodson, Mission, KS 66202, or via e-mail to: bscott@missionks.org
- If the application is approved, the applicant will be required to complete and secure a sign permit from the City of Mission in accordance with existing requirements, including any applicable fees.

Application for Designation of Sign of Historic Significance

Business Name Casey's Auto Repair
Address for Sign 5710 Johnson Dr Business Phone (913) 403-9500
Primary Contact Carl or Cathy Email Caseysautorepair@sbcglobal.net

The purpose of the regulations related to signs of historic significance are intended to provide for the preservation of the City of Mission's unique character, history, and identity, as reflected in its historic and iconic signs. It provides a way to preserve the sense of place that existed within the central business district and other commercial areas of the city, while also protecting the community from the reuse of inappropriate nonconforming signs. More information on signs of historic significance may be found in Section 430.130 of the Mission Municipal Code.

Minimum Criteria: In order for a sign to be considered for a historic significance designation, the following minimum criteria **must** be met (documented) by the applicant:

- The sign shall have been installed at least forty (40) years prior to the date of the application. Applicant should provide any/all documentation regarding date sign was installed. Date installed: June 1970 is the only permit on record to put sign through a new canopy. Pictures from the City's book on mission through the years show the sign in the 50's
- The sign is structurally safe or can be made safe without substantially altering its historical appearance.
- The sign retains the majority of its character defining features (materials, technologies, structure, colors, shapes, symbols, text and/or art) that have historical significance, are integral to the overall sign design, or convey historical or regional context. (Please provide a detailed narrative summary of how the proposed changes meet these criteria. Attach a separate sheet if necessary.)

See Attached - #3

- The sign exemplifies the cultural, economic, and historic heritage of the city. (Please provide a detailed narrative summary of how the proposed changes meet this criteria. Attach a separate sheet if necessary.)

See Attached # 4

Additional Considerations: In addition to the minimum criteria outlined above, the following may also be considered as a part of the application process. All sections must be completed. If the criteria does not apply, please make as N/A.

The sign is an example of technology, craftsmanship or design of the period when it was constructed. (Please describe.) _____

See Attached #5

The sign may include, but is not limited to, a detached sign, pole sign, a roof sign, a painted building sign, or a sign integral to the building's design (fascia sign) or any other type of sign that was permitted on the property at the time the sign was installed. Please provide information on the sign type below:

Type of Sign

Wall Monument Projecting Other (Describe) Pole

Single Faced Double Faced Elevation/Location _____

Non-Illuminated Illuminated Type of Illumination Internal Indirect

Sign Dimensions: Length: 7 ft. 1 in. Height: 5 ft. 1 in. Area: _____ Sq Ft.

Wall Dimensions: Length: _____ ft. _____ in. Height: _____ ft. _____ in. Area: _____ Sq Ft.

Setback from Property Lines: Front: _____ Side: _____ Rear: _____

The sign is unique, was originally associated with a local business or local or regional chain, or it is a surviving example of a once common sign type that is no longer common. (Please describe.)

1916 Sinclair Oil Co 102 years

Casey Bros. Sinclair 57 years

* All of the information provided above is true and correct to the best of my knowledge. I have read and understand the provisions of the City of Mission Sign Ordinance. I understand that if at any time it is found that criteria to maintain status as a sign of historic significance are no longer applicable, the designation may be revoked and the sign will be subject to current sign code regulations.

Signature: Cathy Casey

I am the (circle one): Owner Owner's Agent

***** OFFICE USE ONLY *****

Date Received: _____ Planning Commission Meeting: _____

Business Occupational License # _____ Planning Commission Action: _____

(

MINUTES OF THE MISSION CITY COUNCIL

June 10, 1970

The Mission City Council met in regular session on Wednesday, June 10, 1970 at 8:00 p.m. with Mayor George D. Anderson presiding and the following Councilmen present: Rolan Warman, Jr., George Lauber, Robert Mellott, George Calvert, Jr., William King, Ralph Weber, Lloyd Thomas and Robert Raupp.

Mayor Anderson called the meeting to order and the first item on the Agenda was the opening of bids on the Martway Improvement and the Broadmoor Improvement as follows:

Project No. 54 - Broadmoor Improvement:

<u>Company</u>	<u>Bid Check</u>	<u>Total Cost</u>	<u>Working Days</u>	<u>Eng. Est.</u>
Holland Construction Co.	\$2,300.00	\$42,464.90	140	\$51,958.00
McAnany Construction Co.	2,500.00	44,718.00	120	
Reno Construction Co.	Bid Bond	42,806.76	100	
Union Construction Co.	2,500.00	44,521.20	45	

Project No. 39 - Martway Improvement:

Holland Construction Co.	\$5,300.00	\$104,348.13	140	\$121,568.00
McAnany Construction Co.	5,750.00	108,328.95	120	
Reno Construction Co.	Bid Bond	106,688.30	100	
Union Construction Co.	6,000.00	112,108.60	95	

Mayor Anderson asked Mr. John Warren and Mr. Phil Kline of Shafer, Kline & Warren to check the bids and report back as soon as possible.

On a motion made by Councilman Calvert and seconded by Councilman Raupp, the minutes of May 27, 1970 were approved by unanimous vote with the following corrections:

Start of the minutes: Mrs. Brull was appointed acting City Clerk for this meeting.

Page 1, Paragraph 7 (corrections of minutes of May 13th): delete Paragraph 6.

Page 3, Paragraph 8: Councilman Warman also recommended Mr. Selders.

Page 6, Paragraph 8: Councilman Warman referred to the list of pool employees.

Page 8, Paragraph 2: Further study to be made in regard to the truck parked on the Northeast corner of 57th & Lamar.

Thereupon, Mayor Anderson presented a letter from Frank Hursh, City Attorney, to Mr. Ed Long in regard to the property located at 5521 & 5525 Johnson Drive. Dolores Macke, attorney for Mr. Long, stated that Mr. Long concurs with the letter and recommendations. Mrs. Macke stated that the developer of the property will go along with all the recommendations as set out in the letter of June 4th.

After discussion, a motion was made by Councilman Calvert and seconded by Councilman King to approve the building permit subject to the recommendations numbered 1, 2, 3, & 4 on page 1 and numbers 1, 2 & 3 on page 2 in the letter from Frank Hursh to Dolores Macke dated June 4, 1970. (See letter attached.) This agreement is in lieu of the 10' easement previously stipulated. The motion was approved by

unanimous vote. This is on one piece of ground but there will be two separate building permits.

Thereupon, Mayor Anderson read the Planning Commission's recommendation of approval, with restrictions, on the application for rezoning filed by Dr. Lee Patrick for a Retirement Village on the Northwest corner of 60th & Roe. Dr. Patrick made his presentation and stated that it would be built under the rules and regulations of the State of Kansas. He stated that he would put in 80 parking spaces but felt that he would not need this many with this type of operation. Discussion was also held concerning the waivers needed - parking, unit size and area size.

After further discussion, a motion was made by Councilman King and seconded by Councilman Mellott to confirm the Planning Commission's recommendation with restrictions and the following waivers on R-5: waiver of parking requirements to 80 parking spaces, waive unit size requirements as specified in plan, waive area size requirement - three acres not required, sidewalk requirements on Roe and 60th Streets. Councilman King stated that he would suggest that the exit onto Roe have no left-turn from 4 to 6 p.m. Dr. Patrick stated that this should also be done at 59th Terrace. After discussion it was decided that this would be brought up at the time the building permit is issued. Also, discussion was held concerning donating space for an ambulance service. This will also be discussed at the time of the building permit. The vote was taken on the motion as follows: Aye: Councilmen Warman, Lauber, Mellott, King, Weber, Thomas and Raupp. Nay: Councilman Calvert.

Thereupon, Keith Hubbard presented an application for a building permit for Atlantis Club Apartments (BMA) at 51st & Foxridge Drive. Mr. Hubbard presented a verbal summary from Mr. Elswood who reviewed the set of plans. He stated that Mr. Elswood did not have a copy of the ordinance where the city rezoned it so he could not make a complete check of the plans. Mr. Hubbard stated that they want to get their complete set of plans approved and then come in for individual building permits on the 17 buildings. Councilman Warman asked if they have sidewalks around the property. Mr. Hubbard stated that the plans do not show sidewalks. He stated that the sanitary and storm sewer drainage complies with the Master Drainage Plan and that there is some drainage easements to the city.

After discussion, a motion was made by Councilman King and seconded by Councilman Weber to approve the building permit contingent on Mr. Elswood's final report, sidewalks around the perimeter and meeting all codes. The vote was taken as follows: Aye: Councilmen Lauber, Mellott, King, Weber, Thomas and Raupp. Councilmen Warman and Calvert abstained.

An application for a Special Use Permit, 5826 Russell, for a magazine billing service was presented. Mr. Paul Foreman was present to answer questions. He stated that this would be a subscription sales office with no magazine pick-up. Two or three salesmen coming and going with a maximum of six cars. Mr. Foreman requested a two year permit or until the property is zoned.

After discussion, a motion was made by Councilman Lauber and seconded by Councilman Mellott to deny the Special Use Permit. The motion was approved by unanimous vote.

Mr. Foreman then inquired as to how he could get the property rezoned. Councilman

Calvert informed him that he would have to go before the Planning Commission.

Thereupon, Mr. John Warren and Phil Kline came back with a recommendation on the bids of the Martway and Broadmoor Improvement Projects. Mr. Warren stated that they extended the bids on both projects and found no errors. He stated that Holland Construction Co. is the apparent low bidder on both projects. Mr. Warren then stated that he would recommend that the Mayor be given authority to return all checks except Holland's. Mr. Warren then stated that he would like to recommend that the Council give the Mayor authority to enter into a contract with Holland Construction Co. after Holland has filed the necessary bonds and insurance forms.

Thereupon, a motion was made by Councilman King and seconded by Councilman Warman to authorize Mayor Anderson to enter into a contract with Holland Construction Co. after Holland has filed the necessary bonds and insurance forms. The motion was approved by unanimous vote.

Mr. Ernie Carson, Trail Blazers Drum and Bugle Corps, was present with an application for a fireworks stand on the Dickinson property on the Northwest corner of Martway and Woodson.

After discussion, a motion was made by Councilman King and seconded by Councilman Calvert to approve the application for a fireworks stand at Martway and Woodson and that the occupation fee be waived. The motion was approved by unanimous vote.

Thereupon, Mr. Hubbard presented an application for a building permit for Sinclair Oil Company, 5710 Johnson Drive. He stated that they are going to put in an addition and remodel the outside of the building with brick veneer. He stated that they want to add one pump island and that they will then extend the canopy out over this second pump island.

A motion was made by Councilman Raupp and seconded by Councilman Thomas to approve the building permit for Sinclair Oil Company at 5710 Johnson Drive.

Thereupon, Mr. Hubbard stated that they propose a sign to come up through the middle of the canopy of the first pump island. He presented a plan showing the size and location of the sign. Thereupon, the vote was taken on the motion and approved unanimously.

On a motion made by Councilman King and seconded by Councilman Weber, the Appropriation Ordinance was approved by unanimous vote.

Councilman King, Chairman of the Street Committee, reported that they had met on Wednesday, June 3rd and went over the carpet coating, street repair, curb repair and over-lay program for this summer. Mr. Hubbard requested \$15,000.00 for carpet coating, \$9,000.00 for sealing and \$9,000.00 for curb repair - for a start. A motion was made by Councilman King and seconded by Councilman Lauber to authorize the expenditure of \$15,000.00 for carpet coating, \$9,000.00 for sealing and \$9,000.00 for curb repair. Discussion was held concerning the amount to be paid per ton for asphalt. It was decided that the City would set a maximum of \$12.95 per ton. The vote was taken and approved unanimously.

Councilman King then stated that we have a study from Shafer, Kline & Warren on Lamar and 67th Street. He stated that they will hold this in abeyance until after

June 10, 1970

the next Council meeting. Mr. Hubbard stated that this is the study the Council authorized Shafer, Kline & Warren to up-date Lamar and 67th Street.

Councilman Lauber, Chairman of the Finance Committee, stated that there are meetings scheduled for June 17th and June 23rd.

Councilman Lauber stated that Loren Brock has submitted expenses for telephone calls and three trips to Topeka totaling \$13.20. A motion was made by Councilman Lauber and seconded by Councilman King to reimburse Mr. Brock \$13.20 and that this would be added to the Appropriation Ordinance. The motion was approved by unanimous vote.

Councilman Calvert, Chairman of the Drainage Committee, stated that they have had a meeting but that he has no report.

Councilman Weber, Chairman of the Ordinance Committee, stated that he will set a meeting later to go over the Minimum Street Standards.

Councilman Warman, Chairman of the Park & Recreation Commission, stated that the next meeting will be June 16th at 8:00 p.m.

Councilman Warman stated that the City of Merriam wanted someone to meet with their Park & Recreation Commission this evening so Irv. Clevenger went over to meet with them.

Councilman Warman stated that a new popcorn machine was purchased and the amount exceeded the amount approved. Mr. Hubbard stated that \$350.00 was approved and the popcorn machine cost \$359.50. A motion was made by Councilman Warman and seconded by Councilman King to approve the additional amount of \$9.50 on the purchase of the popcorn machine. The motion was approved by unanimous vote.

Councilman Warman stated that Pepsi Cola equipment has been installed in the Snack Bar. Mr. Hubbard stated that the total cost is \$295.00 installed. He stated that the equipment is worth \$795.00 and is two years old and has never been used. A motion was made by Councilman Warman and seconded by Councilman King to approve the expenditure of \$295.00 for the Pepsi Cola equipment. The motion was approved by unanimous vote.

Mayor Anderson stated that the Mayors of Johnson County have a dinner each year for the Kansas Legislators, Senators and Representatives. He stated that this dinner was held on May 26th and it is a policy that the cities share the cost. This year Missions' share is \$19.74. It was stated that this does not need approval and that it would be added to the Appropriation Ordinance.

Mayor Anderson then read a letter from Governor Robert Docking proclaiming June, 1970 as Youth Employment Month.

Mayor Anderson then stated that the Council of Mayors met last night. They have drawn up their by-laws and want to get a more open and effective organization. They are hoping to accomplish more in the county since now their meetings are open to anyone who wishes to bring something before them.

Mayor Anderson stated that at last night meeting Mrs. Tangeman of the Youth Adult Program or the Middle Earth met with them. They have set up operations in

June 10, 1970

Overland Park as a telephone service only. The new name is "Switchboard."

Councilman Warman asked that Mr. Walden be notified that he is on the agenda for the next meeting.

Councilman Warman asked Councilman King if he has any new information on the situation at 57th & Lamar. Councilman King stated that he did not.

Councilman Warman mentioned that for the past two meetings the information folders had not been delivered on the regularly scheduled day.

Councilman Lauber asked Mr. Hubbard if he has hired a boy to work part time keeping the City Hall property up. Mr. Hubbard stated that he is still looking for someone.

Councilman Lauber stated that there is a section of the street cut out at 57th & Woodson and laid on top of the sewer. Mr. Hubbard stated that possibly one of the utility companies was working there. He stated that it would be taken care of.

Mayor Anderson asked the Council if they would be in favor of another Legislative Tour. He stated that the tour of two years ago was very successful. He said that they have about \$2,500.00 left in the fund which would go towards another tour. The Council felt that this would be a good thing to do again.

Councilman King asked Mr. Hubbard if he was going to take care of that tree situation. Mr. Hubbard stated that he would.

Councilman King commented on the census of the Northeast Johnson County area in this evening's Star. He stated that Mission was not mentioned. Mrs. Beaver stated that they only listed those cities with a population of 10,000 or more.

Councilman Weber stated that a few days ago a truck turned over into the ditch at Highway 50 & Glenwood. He wanted to know if a guard rail could be put in. After discussion, the matter was referred to the Street Committee.

Councilman Raupp stated that there is a large hole at 67th & Lamar on the Overland Park side which needs immediate attention.

Thereupon, Kenith Howard presented Conflict of Interest forms which should be filed before July 1st. He stated that the elected officials would have to file with the Election Commissioner and he would check into where the appointed officers would file theirs.

Thereupon, Mr. Howard presented and read Ordinance No. 383 authorizing and providing for the issuance of \$240,000.00 temporary notes to pay the cost of street improvements within Benefit District No. 39 - Martway Improvement.

A motion was made by Councilman King and seconded by Councilman Weber to approve Ordinance No. 383 as presented and read. The motion was approved by unanimous vote.

Thereupon, Mr. Howard presented and read Ordinance No. 384 authorizing and providing for the issuance of \$85,000.00 temporary notes to pay the cost of street improvements within Benefit District No. 54 - Broadmoor Improvement.

June 10, 1970

A motion was made by Councilman King and seconded by Councilman Calvert to approve Ordinance No. 384 as presented and read. The motion was approved by unanimous vote.

Thereupon, Mr. Howard stated that in connection with the Nall Avenue money we obtained a temporary note with the idea of making payments to the County on request. He stated that we have not received any billings from the County and there is a possibility that the County is going to wait until the end of the project and split it at that time. He stated that Frank Hursh was wondering if the \$60,000.00 now in the account should be invested to draw interest instead of just sitting idle.


Thereupon, a motion was made by Councilman Lauber and seconded by Councilman King to invest \$60,000.00 in 30 day Treasury Notes. The motion was approved by unanimous vote.

Thereupon, Mr. Hubbard submitted, for the Mayor's signature, Resolution No. 6 of Kansas City Power & Light Company Ordinance No. 329 for the installation of the street light at 52nd & Lamar.

A motion was made by Councilman Warman and seconded by Councilman Lauber to authorize Mayor Anderson to sign Resolution No. 6, Ordinance No. 329 of the Kansas City Power & Light Company. The motion was approved by unanimous vote.

Thereupon, Mr. Hubbard stated that this evening the Council approved a building permit for Kentucky Fried Chicken and Fish & Chips and since the time they applied for the permit we have changed the building permit fees. He asked under which ordinance he should charge them. The Council instructed him to charge by the new ordinance.

There being no further business, the meeting was adjourned until Wednesday, June 24, 1970 at 8:00 p.m.


George D. Anderson, Mayor

Attest:


Dorothy N. Beaver, City Clerk

June 5, 2018

Mr. Carl Casey and/or
Ms. Kathy Casey
Casey's Auto Repair
5710 Johnson Drive
Mission, Kansas
e/m: caseysautorepair@sbcglobal.net

**RE: CASEY'S AUTO REPAIR
5710 JOHNSON DRIVE
MISSION, KANSAS**

JOB #2018-0989

Dear Carl and/or Kathy:

On Monday, June 4, 2018, visual observations of the old Sinclair sign located at the south side of the canopy on the above referenced property were made per your request. The purpose of the site visit was to determine the present structural integrity of the sign, to determine the present structural integrity of the foundation for the sign, and to make repair recommendations as required. I would like to reiterate my findings and these opinions for your information and records.

It should be noted that this examination did not attempt to check for possible termite damage, water damage, or for structural components that are concealed from view by finish or stored materials. Nor were the existing conditions reviewed for possible asbestos, lead paint, radon gas, or any other toxic substances or environmental risks.

When making visual observations of a building, it is required that certain assumptions be made regarding the existing conditions. Because these assumptions may not be verifiable without expending added sums of money, or destroying adequate or serviceable portions of the building, the owner of this report agrees that we will be held harmless, indemnified and defended by you from and against all claims, loss, liabilities, or expenses (including legal fees) arising out of the services provided by this report.

OBSERVATIONS

An examination of the sign in question revealed it to be a relatively short sign with the sign covers removed and the interior electronic components exposed. Surface rust was noted on the main structural steel at the top, along with surface rust occurring at the base of the sign. Overall, the rust appears to be minor and does not appear to represent a major structural concern, and the structure still appears to be structurally sound and capable of resisting the anticipated Code required loads. The surface rust can be removed with traditional rust removal practices and rust inhibitive paint can be applied to help slow the deterioration process. No additional structural repairs are needed for the steel sign to be considered structurally sound.

2018-0989_report.docx

In addition to the surface rusting of the sign, a check of the anchor bolts for the sign revealed minor rust to be occurring at the base of the sign and at the anchor bolts. This minor rust does not appear to represent a major structural concern and has not caused any structural issues to date. The surface rust can be corrected by removing the loose rust material and applying a rust prohibitive paint to help slow the deterioration process.

An examination of the concrete foundation/base for the sign revealed it to be the original concrete when the sign was installed. The top of the concrete foundation is cracked on all four (4) sides and appears to be due to the rusting and corrosion of the steel enclosed in the concrete. The concrete inside the steel cage appears to be adequate and structurally sound, but the rusting of the steel caused the steel to expand and the concrete to crack and spall off. This does not appear to have created a major structural concern and can be repaired by removing the significantly cracked or loose concrete to expose the steel below. Once the steel is exposed, the surface and scaling rust should be removed as much as possible and a rust inhibitive paint applied to any of the exposed steel surfaces. Once this has been completed and paint is dry, the concrete can be patched with a conpressive patch for this intended purpose. Again, this appears to be a cosmetic repair and to help slow the deterioration process and is a part of normal building maintenance.

CONCLUSIONS

Overall, no indications of major structural defects, damage or structural concerns with the condition of the sign were noted. Therefore, it is my opinion that the sign in question can be considered structurally sound and refurbished as desired. If I may be of further service to you in this matter, please feel free to call.

Sincerely,



Warren D. Schwabauer, Jr., P.E., CBIE
Principal
Charter Member of NABIE
Kansas P.E. #10709; Missouri P.E. #E-22664
Norton & Schmidt Consulting Engineers
311 East 11th Avenue
North Kansas City, Missouri 64116
direct line: (816) 701-7329
e-mail: wds@nortonschmidt.com



ENCLOSURE: photo sheets, billing invoice
(©Norton & Schmidt Consulting Engineers, LLC 2018)
lw





June 5, 2018

BILLING INVOICE

Mr. Carl Casey and/or
Ms. Kathy Casey
Casey's Auto Repair
5710 Johnson Drive
Mission, Kansas
e/m: caseysautorepair@sbcglobal.net

**RE: CASEY'S AUTO REPAIR
5710 JOHNSON DRIVE
MISSION, KANSAS**

JOB #2018-0989

Fee for structural inspection/assessment/report: \$500.00

ACCOUNT BALANCE: \$500.00

Please remit on or before July 5, 2018, and refer to the above referenced job number. Statements are due in full 30 days from the date of the original billing. Unpaid balances are subject to a 1.5 percent per month interest charge.

Norton & Schmidt now accepts MasterCard, Visa or Discover. A convenience fee of 5% will be added to the invoice total. Please call our office if you would like to pay the balance of your account by credit card.

Thank you,



Warren D. Schwabauer, Jr., P.E., CBIE
Principal
Charter Member of NABIE
Kansas P.E. #10709; Missouri P.E. #E-22664
direct line: (816) 701-7329
e-mail: wds@nortonschmidt.com

Norton & Schmidt Tax Identification Number: 01-0552618

lw

CRITERIA #3

1. The original sign materials will remain the same.
2. The sign will utilize the exact same technology for lighting. (Fluorescent tubes & ballast)
3. The sign structure will be the same. (Base, Pole & Frame)
4. The color of the pole will remain white & the color of the frame will remain aluminum.
5. The shape of the sign will be the exact same.

CRITERIA #4

The iconic sign has been a landmark along the Johnson Drive corridor for almost 50 years. The shape of the sign frame as well as its integration into the architecture is more significant as the words or logo on the panel.

The sign is a familiar sight for residents young and old and visitors as well, given that the iconically shaped sign has been here for so many years.

To demolish such a landmark would be a disservice to the city and its residents.

The iconic shape and integration of the sign represents a location where auto repair & maintenance has been conducted for decades. The Casey family has operated an auto repair business on this corner for 55+ years.

By allowing the iconically shaped sign to remain shows that the city of Mission is staying true to its roots – by keeping the charm and warm hometown feel of the downtown business district.

Commercialization of fluorescent lamps

All the major features of fluorescent lighting were in place at the end of the 1920s. Decades of invention and development had provided the key components of fluorescent lamps: economically manufactured glass tubing, inert gases for filling the tubes, electrical ballasts, long-lasting electrodes, mercury vapor as a source of luminescence, effective means of producing a reliable electrical discharge, and fluorescent coatings that could be energized by ultraviolet light. At this point, intensive development was more important than basic research.

In 1934, Arthur Compton, a renowned physicist and GE consultant, reported to the GE lamp department on successful experiments with fluorescent lighting at General Electric Co., Ltd. in Great Britain (unrelated to General Electric in the United States). Stimulated by this report, and with all of the key elements available, a team led by George E. Inman built a prototype fluorescent lamp in 1934 at General Electric's Nela Park (Ohio) engineering laboratory. This was not a trivial exercise; as noted by Arthur A. Bright, "A great deal of experimentation had to be done on lamp sizes and shapes, cathode construction, gas pressures of both argon and mercury vapor, colors of fluorescent powders, methods of attaching them to the inside of the tube, and other details of the lamp and its auxiliaries before the new device was ready for the public."^[9]

In addition to having engineers and technicians along with facilities for R&D work on fluorescent lamps, General Electric controlled what it regarded as the key patents covering fluorescent lighting, including the patents originally issued to Hewitt, Moore, and Küch. More important than these was a patent covering an electrode that did not disintegrate at the gas pressures that ultimately were employed in fluorescent lamps. Albert W. Hull of GE's Schenectady Research Laboratory filed for a patent on this invention in 1927, which was issued in 1931.^[6] General Electric used its control of the patents to prevent competition with its incandescent lights and probably delayed the introduction of fluorescent lighting by 20 years. Eventually, war production required 24-hour factories with economical lighting and fluorescent lights became available.

While the Hull patent gave GE a basis for claiming legal rights over the fluorescent lamp, a few months after the lamp went into production the firm learned of a U.S. patent application that had been filed in 1927 for the aforementioned "metal vapor lamp" invented in Germany by Meyer, Spanner, and Germer. The patent application indicated that the lamp had been created as a superior means of producing ultraviolet light, but the application also contained a few statements referring to fluorescent illumination. Efforts to obtain a U.S. patent had met with numerous delays, but were it to be granted, the patent might have caused serious difficulties for GE. At first, GE sought to block the issuance of a patent by claiming that priority should go to one of their employees, Leroy J. Buttolph, who according to their claim had invented a fluorescent lamp in 1919 and whose patent application was still pending. GE also had filed a patent application in 1936 in Inman's name to cover the "improvements" wrought by his group. In 1939 GE decided that the claim of Meyer, Spanner, and Germer had some merit, and that in any event a long interference procedure was not in their best interest. They therefore dropped the Buttolph claim and paid \$180,000 to acquire the Meyer, et al. application, which at that point was owned by a firm known as Electrons, Inc. The patent was duly awarded in December 1939.^[17] This patent, along with the Hull patent, put GE on what seemed to be firm legal ground, although it faced years of legal challenges from Sylvania Electric Products, Inc., which claimed infringement on patents that it held.

Even though the patent issue was not completely resolved for many years, General Electric's strength in manufacturing and marketing gave it a pre-eminent position in the emerging fluorescent light market. Sales of "fluorescent lumiline lamps" commenced in 1938 when four different sizes of tubes were put on the market. They were used in fixtures manufactured by three leading corporations, Lightolier, Arctcraft Fluorescent Lighting Corporation, and Globe Lighting. The Slimline fluorescent ballast's public introduction in 1946 was by Westinghouse and General Electric and Showcase/Display Case fixtures were introduced by Arctcraft Fluorescent Lighting Corporation in 1946.^{[18][19]} During the following year, GE and Westinghouse publicized the new lights through exhibitions at the New York World's Fair and the Golden Gate International Exposition in San Francisco. Fluorescent lighting systems spread rapidly during World War II as wartime manufacturing intensified lighting demand. By 1951 more light was produced in the United States by fluorescent lamps than by incandescent lamps.^[20]

In the first years zinc orthosilicate with varying content of beryllium was used as greenish phosphor. Small additions of magnesium tungstate improved the blue part of the spectrum yielding acceptable white. After it was discovered that beryllium was toxic, halophosphate based phosphors took over.^[21]

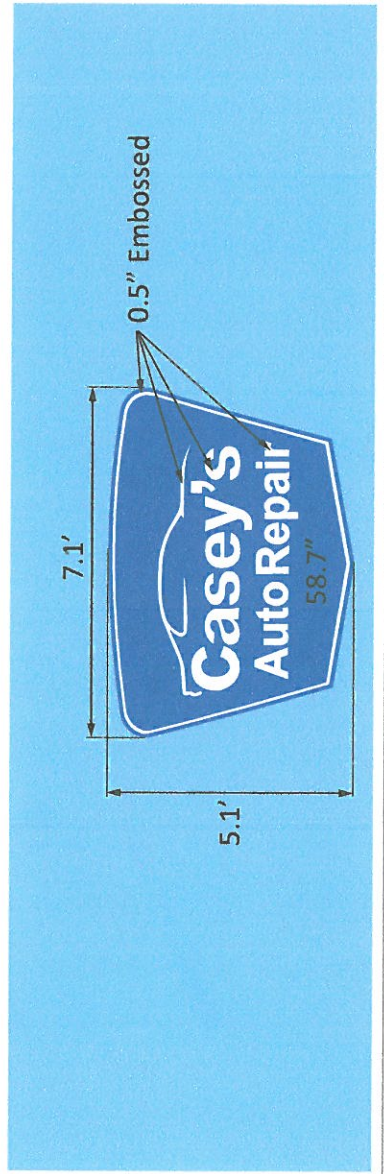
#5

Sign Design 1 - Replacement Sign Faces



Sign Dimensions and Coverage

Sign: 36 sq ft



Sign Details

Location: 5710 Johnson Drive

- * Replacement faces for double-sided pylon sign
- * Graphics to match approved artwork
- * Translucent pan formed embossed faces
- * Dimensions: 85"W x 61"H
- * Lighting: existing sign cabinet
- * Mounting: existing sign cabinet

This design and all material appearing hereon constitute the original unpublished work of Maxim Outdoor Signs and may not be duplicated, used or disclosed without written consent.

Maxim Outdoor Signs

www.maximsigns.com

Tel.: 913-894-9944

The following pictures show that throughout all the years the one thing that remained the same was the familiar badge shape which is what our sign is.















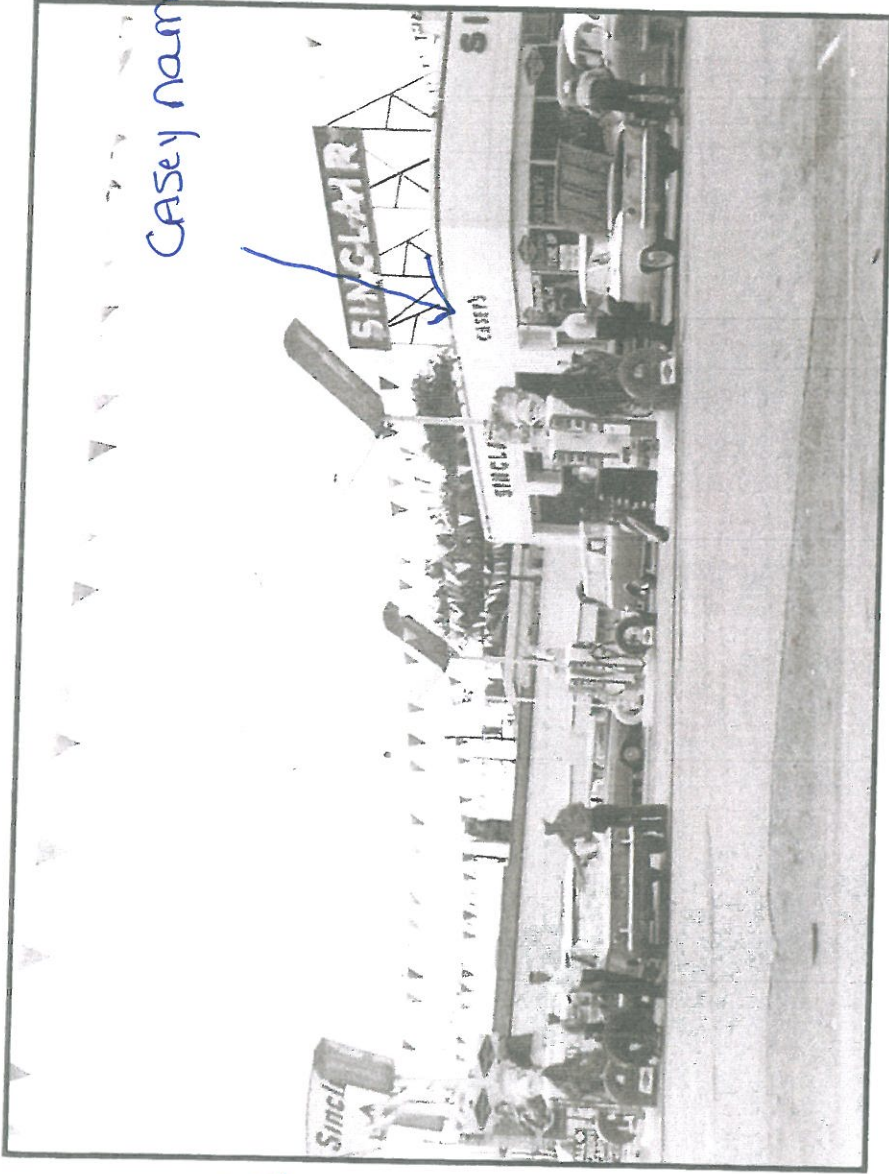
The following pictures are all pictures from the book the city published “Then and Now 50 Years Mission Kansas.”

As you can see the old iconic signs are almost all gone which is why it is important to preserve what is left.

the
and
lk to
rive
the
ened
ough
tery,
they

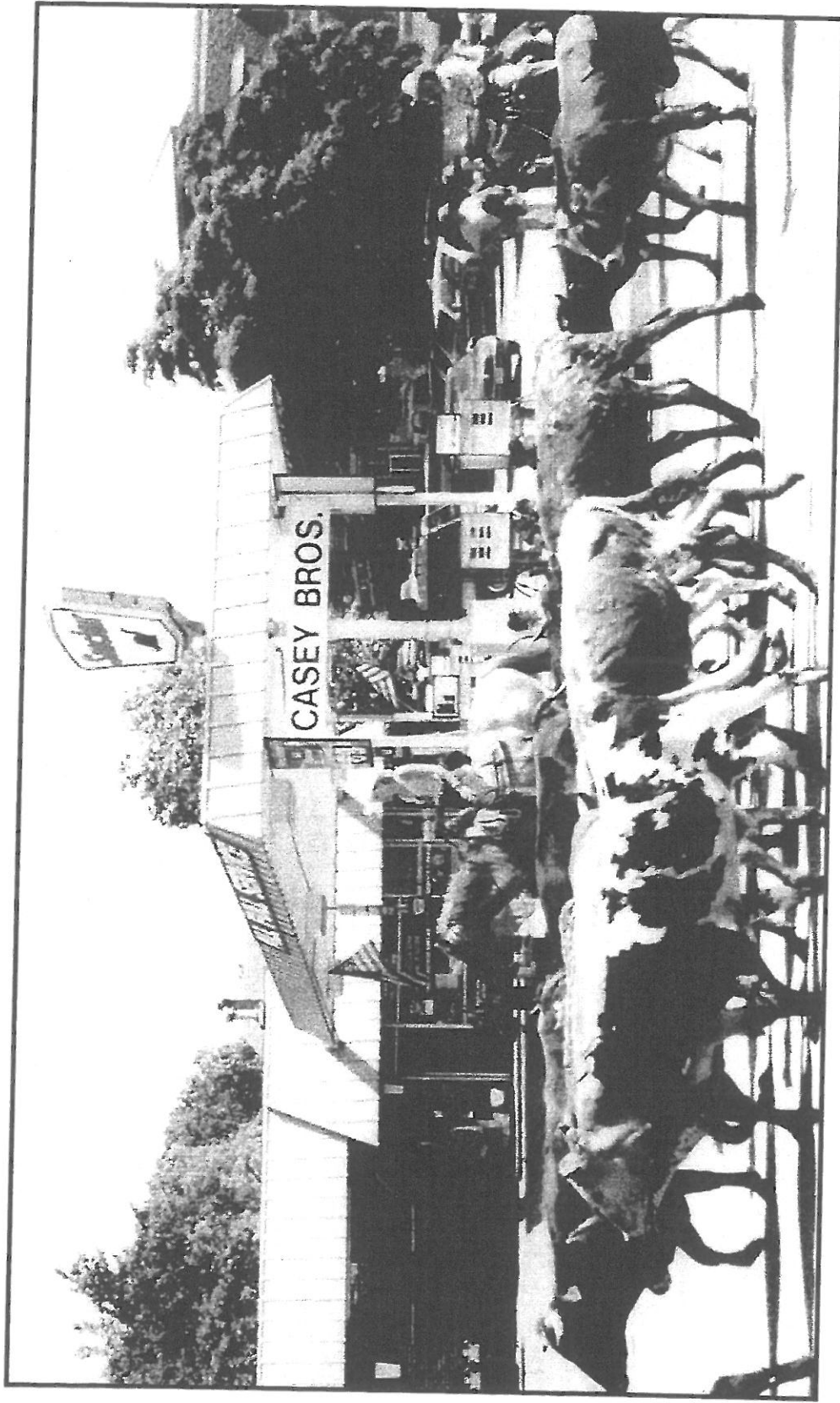
roup
an to
own
id all
ed to
ome

Pole
Sign →



CASEY name

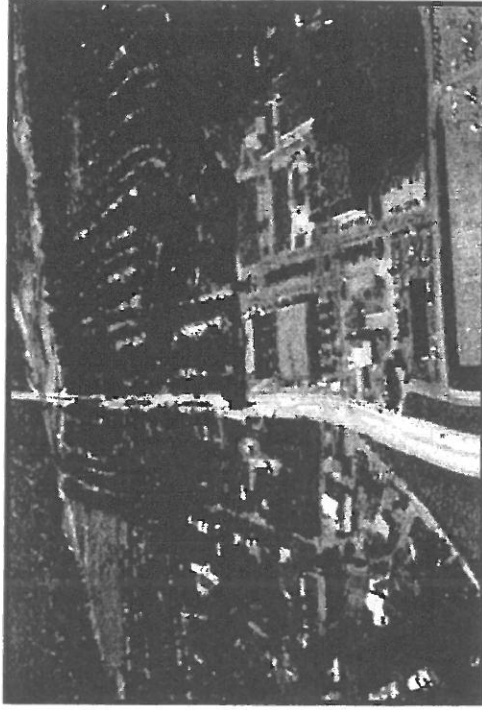
Walt Dwey operated the Sinclair Station at 5710 Johnson Drive from October 1953 to April 1959. Hersh Casey worked at the Sinclair Station from 1954 until Mr. Dwey retired in March 1959. Sinclair would not lease the station to Hersh, so he and Ray Casey opened a Texaco station and moved back to 5225 Johnson Drive until 1962. September 4, 1962 Ray and Hersh closed the Texaco station and moved back to 5710 Johnson Drive, opening what is now known as Casey Brothers Sinclair.



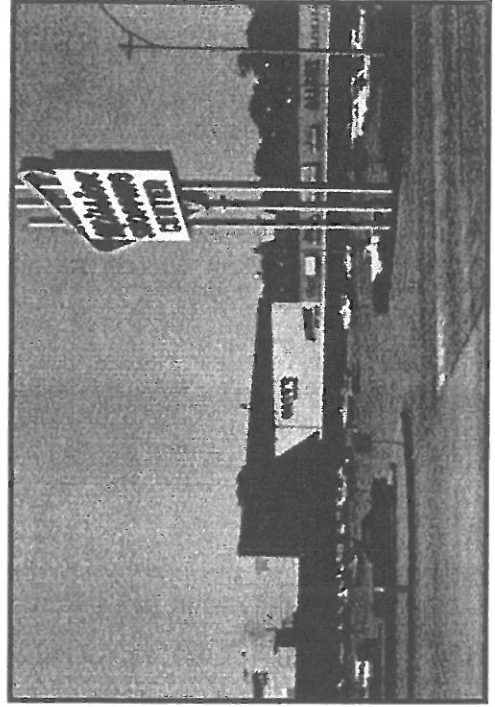
Casey Brothers Sinclair as it appeared in 2001 as a cattle drive passed by. Long-time KCMO-AM Radio talk show personality Mike Murphy moved his annual cattle drive to Downtown Mission as part of the city's 50th anniversary celebration.

RETAIL, SALES, AND SERVICES: 1973

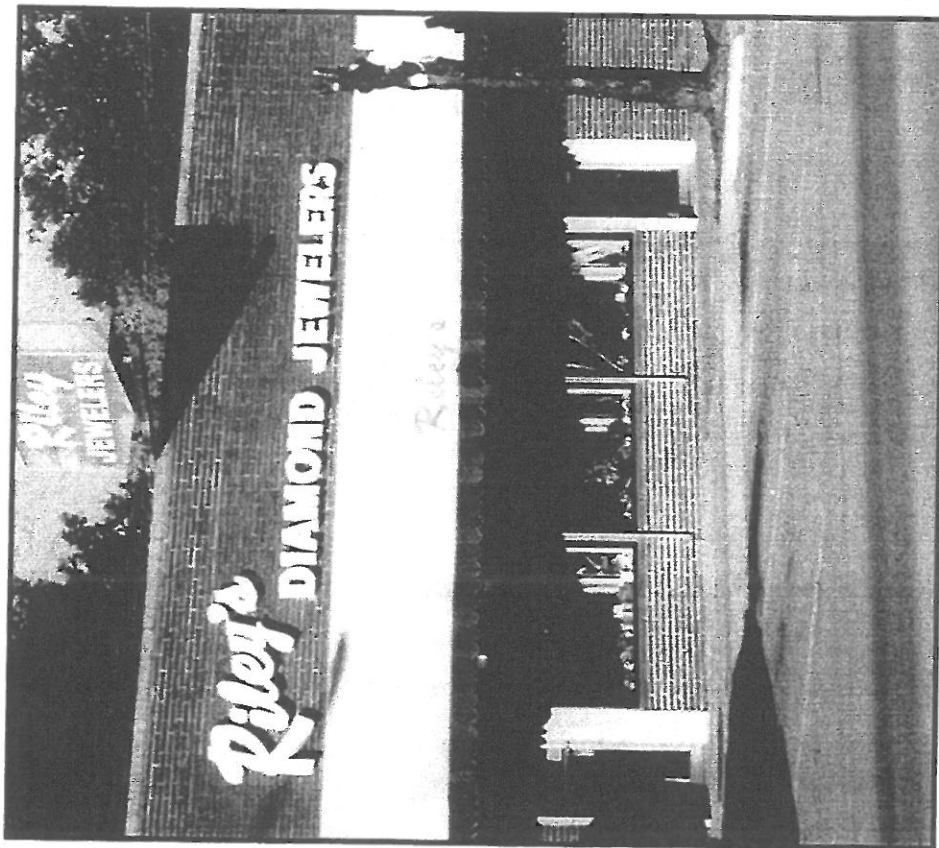
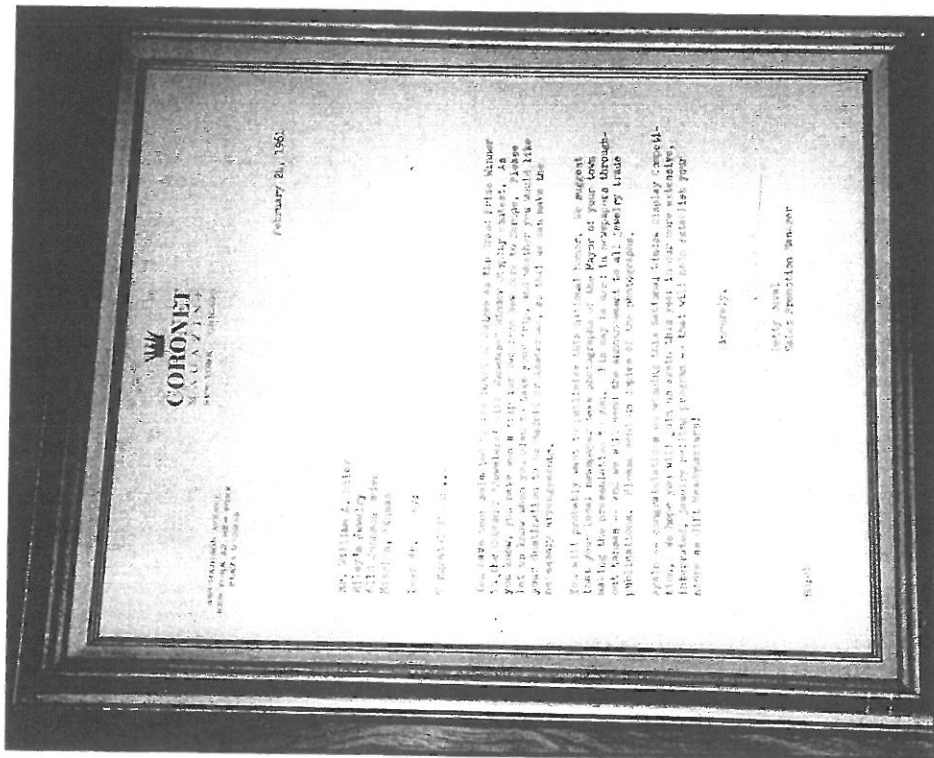
Within the city limits of Mission are shops, services and equipment to fill every need of the householder of businessman. A partial listing would include: Accountants, Appliances, Architects, Automobiles, Bakers, Banks, Beauty and Barber Shops, Builders, Carpeting, Cleaners, Coin Shops, Clothiers, Contractors, Department Stores, Electricians, Finance Companies, Florist, Good Merchants, Garden and Gift Shops, Hardware, Heating and Plumbing, Hobby Shops, Insurance, Jewelers, Motorcycles, Office Supplies, Machines and Equipment, Paint, Printers, Professionals-Attorneys, Doctors, Dentists, Druggists, (Optometrists; Real Estate, Restaurants, Savings and Loan Associations, Secretarial Services, Stations, Signs, Storage and Moving, Travel Agencies and Variety Stores, and several wholesale outlets.



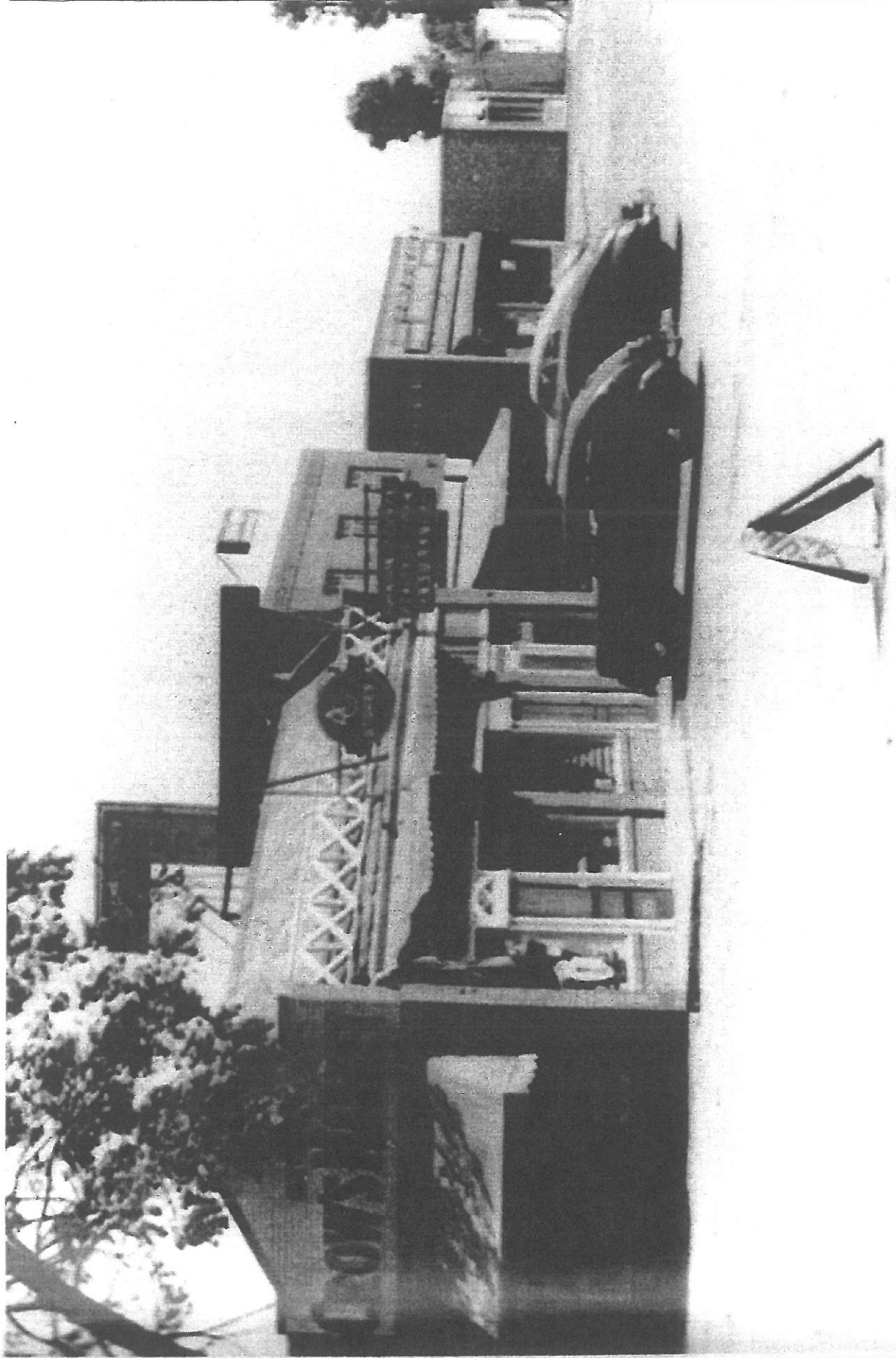
■ Aerial view of Roeland Park Shopping Center (looking south along Roe Avenue.)



■ The Mission Shopping Center.



In 1954, William A. Riley went into business for himself by charging \$100 worth of costume jewelry and repairing jewelry in a tiny, nine square foot space on Johnson Drive. He moved into the full-line watch and fine gem store at 6116 Johnson Drive in 1967. Riley Jewelry, Inc., is equipped to do appraisals and repairs in an on-site laboratory.



Northeast corner, Johnson Drive and Nall.



Viewing Johnson Drive southwest from Reeds Road in the 1940's, (left-to-right) are Marcene's, Mission Goodyear Tire Store, Mission Bakery (which operated in the same location into the 1980's), a small grocery, and an auto repair business.