

EDGERTON CITY HALL  
PLANNING COMMISSION MEETING  
REGULAR SESSION  
July 9, 2019

The Edgerton Planning Commission met in regular session with Chair John Daley calling the meeting to order at 7:00 p.m.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were Chair John Daley, Commissioner Jeremy Little, and Commissioner Charlie Crooks. Commissioners Tim Berger and Josh Beem were absent from the meeting. Also present were Mayor Donald Roberts, City Administrator Beth Linn, Development Services Director Katy Crow, and Planning and Zoning Coordinator Chris Clinton.

The Planning and Zoning Coordinator announced a quorum was present.

**CONSENT AGENDA**

**MINUTES**

The approval of the minutes from the Regular Session held on June 11, 2019 were considered.

Mr. Little motioned to approve the item as presented in the Consent Agenda, Mr. Crooks seconded. The consent agenda was approved, 3-0.

**NEW BUSINESS**

**PUBLIC HEARING – PRELIMINARY PLAT – APPLICATION PP2019-03**

Chairman Daley opened the public hearing. Chairman Daley stated that the applicant has requested to continue this public hearing, the Final Plat application, Preliminary Site Plan application and public hearing, and the Final Site Plan application to the August 13, 2019 Planning Commission meeting. There were no public comments at this time. Mr. Little motioned to continue the public hearing to the August 13, 2019 Planning Commission meeting. Mr. Crooks seconded. The public hearing for Application PP2019-03 was continued to the August 13, 2019 Planning Commission meeting, 3-0.

**FINAL PLAT – APPLICATION FP2019-03**

Mr. Little motioned to continue the application to the August 13, 2019 Planning Commission meeting, Mr. Crooks seconded. Application FP2019-03 was continued to the August 13, 2019 Planning Commission meeting, 3-0.

**PUBLIC HEARING – PRELIMINARY SITE PLAN – APPLICATION PS2019-01**

Chairman Daley opened the public hearing. The question of what kind of travel plaza is proposed was raised. Ms. Linn stated this project includes a truck stop with a truck wash and some maintenance facilities, diesel and gasoline pumps, and a quick service eatery inside. Mr. Little motioned to continue the public hearing to the August 13, 2019 Planning Commission meeting, Mr. Crooks seconded. The

public hearing for Application PS2019-01 was continued to the August 13, 2019 Planning Commission meeting, 3-0.

#### **FINAL SITE PLAN – APPLICATION FS2019-04**

Mr. Little motioned to continue the application to the August 13, 2019 Planning Commission meeting, Mr. Crooks seconded. Application FS2019-04 was continued to the August 13, 2019 Planning Commission meeting, 3-0.

#### **UDCA2018-01 – AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE (UDC)**

Chairman Daley introduced Application UDCA2018-01 by stating City Staff has updates to Article 12 of the UDC. Ms. Crow expanded and told the Planning Commission Article 12 outlines the requirements for signage in Edgerton. These updates were made after a public hearing and work sessions were held with feedback received taken into consideration.

Ms. Crow explained after the updates to Article 4, Commercial Districts, were approved, the signage for the commercial districts needed to be updated drastically. She explained the UDC dictates what kind of signs are allowed in each zoning district and how the size and construction requirements of each kind of sign. The UDC cannot regulate the content of signs. The UDC will inform applicants permits are required for sign except for official signs erected by a city, county, State of Kansas, or the federal government and signs erected for public information, safety or direction by any utility, governmental authority, or public service district.

Ms. Crow reviewed the general sign designs prohibited in the sign article -- a sign cannot be erected in any location where it interferes with pedestrian or vehicular traffic; signs that are designed to gain the attention of any passersby that have moving components are not allowed; a sign which could be confused with a traffic control sign or devised is also prohibited; roof or rooftop signs are prohibited, exposed neon tube signs are only allowed inside a window; flashing signs or signs that convey movement are also not allowed.

She also outlined the provisions of an abandoned sign by stating it will have to be removed within 30 days of notification.

Ms. Crow explained to the Planning Commission that certain sign types are restricted to certain zoning districts. For example, pole signs are only allowed in C-2 and C-3 zoning designations. In addition, they require a Conditional Use Permit.

Ms. Crow stated that while flashing signs or signs that convey movement are not allowed, electronically changeable copy signs (like digital gas station signs that show the prices of gasoline) are not included in that category. Those images must be displayed for a minimum of 8 seconds and a new image must reappear in 2 seconds or less. Ms. Crow stated the only place the electronic changeable copy signs are allowed are on Pole Signs. Ms. Crow continued with the specific prohibited signs by stating Off-Premises signs are not allowed unless the type of sign is allowed in a certain Zoning District. Billboards, signs with glaring illumination, and signs mounted or displayed on a trailer or motor vehicle are prohibited. Ms. Crow explained obscene material is prohibited as defined by Kansas Statute 21-6401.

While some of these prohibited signs already existed in the existing UDC and others have been added after the discussions of the Planning Commission.

She implored the Planning Commission to consider if electronic changeable copy should be allowed on Monument Signs as well. She explained if the Planning Commission does want to allow electronic changeable copy on Monument Signs, it can be a stipulation of the Planning Commission recommendation for approval for City Council. Chairman Daley asked if changeable copy would be required on Monument Signs. Ms. Crow stated that it would not be required but staff was looking to the Planning Commission for direction on whether it should be allowed.

Ms. Crow stated the UDC does have provisions for Nonconforming Signs which would include signs that were erected or established before this version of the UDC. She explained the UDC will allow for the sign to remain in its current location as long as it is not altered. The sign may be repaired or maintained, but not altered. If the sign has been abandoned for 60 days, then it will have to be removed. If the sign becomes damaged and requires repairs to 50% or more of the sign, then it must be replaced. The Nonconforming Sign can stay erected as long as there are no violations of any state or federal law or regulation. Ms. Crow stated if a sign was installed without a permit and not in compliance with prior versions of the code, then the sign must be brought into compliance or removed.

Chairman Daley asked if this would include older signs. Ms. Crow replied the sign would have to be removed only if it was not in compliance with the UDC at the time it was erected. Chairman Daley and Mr. Crooks asked what would happen if the sign is rotted and in disrepair. Ms. Crow answered that it is a stipulation in the UDC for the signs to be maintained and if it is not, a notice will be sent to the owner and the sign will have to be brought up to standards in 10 days. Chairman Daley asked about the signs that are being removed by the State of Kansas along 56 Highway. Ms. Linn replied since the Kansas Department of Transportation is replacing them, the signs will have to be reinstalled in accordance with the UDC at time of installation.

Ms. Crow informed the Planning Commission that the definitions in the Article have been updated to include every sign that is mentioned in the UDC. She explained the sign type tables are now orientated horizontally so more information can be included. There were no updates made to Residential or Industrial zoning districts at this time. Those tables will be updated when staff updates the applicable zoning district regulations articles. Ms. Crow illustrated the charts currently in the UDC and explained each zoning district will have its own chart, essentially giving each district its own sign code. The sign code will gradually increase in density to match the intensity of the zoning of the parcel.

Ms. Crow started with the Downtown Commercial District, C-D. She informed the Planning Commission about the different signs that are allowed in the C-D District. Awning Signs, Banner Signs, Blade/Projection Sign, Monument Sign, Portable Signs or Devices, Post Signs, Wall Sign for the main building and accessory buildings, Window Signs, and Yard Signs are all allowed in the C-D District. Ms. Crow explained while the sign may be allowed in many districts, each district might differ in size or the number of signs. She used the example of the Monument Sign. A Monument Sign cannot have a sign face larger than 36 square feet in the C-D zoning district, but in a C-1 zoning district the sign face can be expanded to a maximum of 120 square feet. Ms. Crow explained the sign code has been updated to allow sign size to be building based rather than a set size.

A major change within commercial districts with a more intensive use is the allowance of larger Interstate Pole Signs. Interstate Pole Signs would be allowed only in C-2, Heavy Service Commercial

District and C-3, Highway Service Commercial District and would require a Conditional Use Permit. Ms. Crow explained the previous version of the UDC stated a Pole Sign's maximum height was 8 feet taller than the building. City Staff looked at neighboring cities, other cities in the metro area along interstate highways and cities in other states also located along interstate highways, to determine what the best option would be for Edgerton development.

It was determined that interstate pole sign height should be based on the finished grade of adjacent city roadway. The updated UDC allows for a pole sign to be 25 feet above the finished grade of the adjacent city roadway to a maximum height of 100 feet. This would allow a building that is below grade of the adjacent roadway to still have a Pole Sign that extends 25 feet above the roadway height, allowing visibility to those passing on the interstate. City Staff felt it would be appropriate to match the State of Kansas maximum sign face square footage which is 900 square feet. All of the signage located on the pole will count towards the maximum allowed sign face area. If an applicant wishes to have a changeable copy and a logo, both signs will be counted towards the total square footage of sign facing.

In addition, interstate pole signs require a 30-foot setback from all property lines, have to be located on the premise of the advertising agent, and 50% of the parcel has to be within 800 feet of the centerline or 500 feet of the right-of-way, which ever is less, of an interstate highway. Ms. Crow stated all illumination of a Pole Sign is required to be internal. City Staff hopes to bring Article 7, Conditional Permits, before the Planning Commission at the August 13, 2019 meeting so applicants will know what information is required for an Interstate Pole Sign application.

Ms. Crow explained that another option added for parcels adjacent to the interstate are Interstate Adjacent Monument Signs. This type of monument sign is allowed to be 30 feet above natural or average grade, taller than what is allowed for monument signs on parcels not adjacent to an interstate.

Ms. Crow explained staff attempted to include all types of signs for all different kind of uses. Some of the signs are clear as to what they are like Monument Signs or Wall Signs, while others are not as quite as obvious. One of the more obscure signs included is a Parked Vehicle Service Sign, which can be found in a fast-food restaurant with parking bays that have a menu board and communication system to order at. Other signs that are new are the Vehicle Drive Lane Sign which is a fast-food menu board. Vehicle Drive Lane Accessory Signs are the directional signs to aid drivers to locate the drive through station. Ms. Crow reminded the Planning Commission there will be a chart in each district so there can't be any confusion as to what sign is allowed in each district.

Charmain Daley stated he believes changeable copy should be allowed on Monument Signs as well as Pole Signs. Ms. Linn cautioned changeable copy should be allowed in certain zoning districts and the Planning Commission should consider which districts to allow it in. Chairman Daley inquired about gas station signs. Ms. Linn replied changeable copy is allowed on Pole Signs and could be allowed on Monument Signs but asked if the Planning Commission wants to allow Monument Signs to have changeable copy in all districts close to neighborhoods like banks. Mr. Crooks raised his concern regarding the line of sight of drivers who are attempting to exit a facility. Ms. Linn answered all signs, regardless of type, have to be out of the vision triangle to allow adequate line of sight. Ms. Crow stated the landscaping is considered for each sign and permit application and the requirement to keep all landscaping trimmed is by the property owner. Ms. Crow acknowledged there are some minor changes – typos - which have to be made before this article will go before City Council.

Mayor Roberts approached the Planning Commission and staff to ask about regulations regarding Political Signs being excluded from the UDC and being in compliance with Kansas State Statutes. Ms. Crow replied only the commercial districts have been updated and the City Attorney, who was consulted before Article 12 was brought before the Planning Commission, recommended Political Signs be excluded from the UDC as sign content cannot be regulated. She ensured Mayor Roberts and the Planning Commission that all of the updates in the UDC have been reviewed by the City Attorney to verify the updates follow state, county, and federal laws.

Mayor Roberts expressed a concern regarding Real Estate Signs stating there should be limitations to how long they should be allowed at a property. He is afraid a Real Estate Sign might be placed on a lot of land and becomes neglected and is there for years. Ms. Linn replied the section of the UDC regarding Real Estate Signs has not been updated at this time.

Mayor Roberts inquired about the requirements of Temporary Banners, specifically to the length of time they can be displayed. He read in the updates to the UDC, a Banner can only be displayed for a 14-day period twice a year. He stated any retail outlet could not use any Banner that is provided to the store by a manufacturer as a promotion for a product. Ms. Crow explained Banners can be displayed as a Window Sign or elsewhere indoors but are limited to the stipulations outlined in the UDC if displayed outdoors.

Mayor Roberts explained a new practice for some institutions to have a video board with an auditory component for the patron to interact with. He invited the Planning Commission and staff to consider this type of component in a drive-through setting.

Mayor Roberts then informed the Planning Commission about the size requirements for Flags and stated a company who is known for displaying enormous Flags will have to reduce the size or apply for a variance from the Board of Zoning Appeals.

Mayor Roberts requested clarification about the rate of the changing copy. Ms. Crow replied that each image or phrase has to be displayed for a minimum of 8 seconds with the new message appearing in 2 seconds or less. Ms. Linn stressed the importance of the transition time. Ms. Crow agreed and stated if the message changes too quickly, it will seem like the sign is flashing. The transition needs to be smooth, yet quick enough to not distract drivers. Ms. Linn asked if the 2 second transition time could be removed since there is already a prohibition against flashing, therefore it can't change too quickly, and any issue will be resolved just by the 8 second display time. Mr. Crooks and Mayor Roberts replied the 8 second display time requirement will allow drivers to see one or two images before they pass the sign at highway speeds. Ms. Linn recommended the 2 second transition rule be removed because flashing signs are not allowed. Mr. Little stated he has come across signs that a driver can see for miles before they actually arrive at the sign and it can be distracting. Mayor Roberts stressed he does not want Edgerton to turn into Las Vegas with illuminated signs everywhere. Ms. Crow asked if the 8 second display time is too long. Mayor Roberts replied it will depend on the speed on travel. The Planning Commission came to the consensus that the 8 second display time is satisfactory and agreed that the 2 second transition limit should be removed.

Chairman Daley asked about the on-premise requirement. Ms. Linn answer a sign has to be on the same lot of land where the business that is advertised is conducted. She explained there was a Supreme Court case regarding municipalities and the ability to regulate content. The Supreme Court ruled a municipality cannot regulate content, therefore municipalities can only regulate the type and

size of a sign. City Staff has to work in the guidelines of this ruling in all zoning districts and since development is driving the need for an updated commercial sign code, it was imperative for City Staff to update this are of the sign code before the undertaking of the residential sign code. Mayor Roberts praised the Planning Commission and Staff for the large amount of work put forth on advancing the aesthetics and atmosphere of Edgerton. These are massive strides that need be done before development is brought forth and erected.

Ms. Linn wanted to touch on some of the topics Mayor Roberts mentioned. Banners and Flags in Commercial Districts are updates to the UDC so there should be discussion held regarding parameters. Mr. Crooks asked if the content or message of the Flag can be regulated. Ms. Crow stated content cannot be regulated but obscene material per the State Statute cannot be displayed as it is a State law. Mayor Roberts agreed the right to display certain content of a Flag is Constitutional and attempting to regulate it can lead to many legal issues. Ms. Linn stated some companies and corporations are known for the size of their flag. She asked the Planning Commission if there should be a size limit placed on flags. Mayor Roberts said the need for a variance on a flag larger than what is allowed per the UDC is a reasonable option for applicants. The Planning Commission agreed and wanted to leave the size limit in the UDC.

Ms. Linn stated that banners are listed as a temporary use at this time in the UDC. Chairman Daley is concerned about the affect on any small commercial service. Ms. Crow explained when staff was updating the UDC, a banner attached to a building was not considered and staff focused more a free-standing banner similar to how a church displays their upcoming Vacation Bible School. Chairman Daley stated a limit can still be placed on the amount of time a banner is displayed and how often it can be changed to a different banner. Ms. Crow asked if a permit should still be required for these temporary banners. Mr. Crooks recommended a yearly permit be required for a set number of signs to be maintained and could be changed with a timeline of when the banners are changed. Ms. Crow inquired about the Planning Commission's opinions on Grand Opening banners and other special events for businesses. She said a yard sign for small events could have a time limit based on the event but needs input on how long after the event should be advertised for and the requirements of how quickly the sign has to be removed after the event. Ms. Linn is concerned about a sign timeline based on an event could be considered as an attempted to regulate content.

Ms. Linn recommended the Planning Commission move forward the permanent sign regulations and allow staff to review the temporary sign regulations in regard to the Supreme Court case regarding content and events. Chairman Daley agreed there are still many questions regarding temporary signs. Ms. Linn said the Supreme Court case has weighed heavily on temporary signs. Mayor Roberts informed the Planning Commission could recommend approval of the whole document and allow staff to work on the temporary signs and allow City Council to review those regulations.

Chairman Daley stated Monument Signs should have changeable copy and the 2 second transition rule on the changeable copy be removed. Mayor Roberts asked about the lumen requirements of the signs. Ms. Crow stated glaring illumination, which is defined as light of such brilliance and so positioned as to blind or impair the vision or affect the aesthetic value of the area, is prohibited. Ms. Crow asked if the allowance of changeable copy on Monument Signs and removal of the transition time rule should be applied to all of the commercial districts. Chairman Daley stated that is correct. Mr. Little added the zoning districts should be separated out, so each district has its own sign code. Mr. Crooks moved to recommend approval to the City Council the permanent signage requirements and general rules with the stipulations of adding a video and audio component of drive-through stations, changeable copy

being allowed on Monument Signs, the removal of the transition rule and allow City Staff to make changes to the temporary sign regulations and general rules. Mr. Little seconded. The motion carried, 3-0.

Ms. Crow stated staff will work to have updated UDC go before the City Council on July 25, 2019.

### **FUTURE MEETING**

The next meeting is scheduled for August 13, 2019 at 7:00 p.m. Ms. Crow stated there will be some amendments to the recently approved Article 4 of the UDC. Mayor Roberts stated City Council was extremely pleased with the work of the Planning Commission and staff with the UDC updates they received.

### **ADJOURNMENT**

Motion by Mr. Crooks, seconded by Mr. Little, to adjourn. Motion was approved, 3-0.

The meeting adjourned at 8:06 p.m.

Submitted by: Chris Clinton, Planning and Zoning Coordinator