

EDGERTON BOARD OF ZONING APPEALS
Edgerton City Hall
April 9, 2019
6:30 PM

1. Call Meeting to Order
2. Roll Call
3. New Business

MINUTES

- A. Consideration of the meeting minutes of December 11th, 2018.

Action requested: Consider motion to approve minutes.

PUBLIC HEARINGS

**PUBLIC HEARING – VARIANCE REQUEST FOR 31600 West 207st STREET,
BZA2019-01**

- B. Consideration of opening a public hearing in regards to an application requesting consideration and approval of a variance from the signage requirements in L-P District districts required under the Unified Development Code Article 5, Section 5.2.P (17.d.3.a) Applicant/Agent: Mark Bright, Kubota North American Distribution

Action requested: Open the public hearing, receive comments, and consider motion to close or continue.

Consider motion to recommend approval or denial.

4. Adjournment

EDGERTON COMMUNITY BUILDING
EDGERTON BOARD OF ZONING APPEALS
December 11, 2018
6:45 PM
Minutes

The Edgerton Board of Zoning Appeals convened with Vice Chair Tim Berger calling the meeting to order at 6:45 p.m.

The Roll Call was answered, indicating those present were: Commissioners Tim Berger, Charlie Crooks, Jeremy Little. Absent were Commissioners Andrew Merriman and John Daley. Also present were: Mayor Donald Roberts, City Administrator Beth Linn, Assistant City Administrator Scott Peterson, Development Services Director Katy Crow, and City Clerk Rachel James.

The City Clerk indicated a quorum was present.

MINUTES

The meeting minutes of May 8, 2018 were considered.

Motion by Crooks, Second by Little, to approve the minutes. Motion was approved, 3-0.

PUBLIC HEARINGS

PUBLIC HEARING – VARIANCE REQUEST FOR 32180 W. 191ST STREET, BZA2018-01

The opening of a public hearing in regards to an application requesting consideration and approval of a variance from the signage requirements in L-P District districts required under the Unified Development Code Article 5, Section 5.2.P(17.e) Applicant/Agent: Bucky Brooks, Midwest Gateway Ventures, LLC

Commissioner Berger opened the public hearing.

Katy Crow, Development Services Director, introduced the variance request from Midwest Gateway, who requested signage in order to lease the building. There are two (2) specific parts of the UDC they requested to be a variance. First, the applicant requested to hang the banner directly on the building. Second, the applicant requested a larger size than 500 square feet. The variance request is a banner that is 10 feet by 500 feet. Midwest Gateway requested this variance for the period of one (1) year.

Ms. Crow outlined the five (5) factors that must be true for a variance to be granted. First, the variance arises from a condition unique to the property in question and is not a general condition found in the neighborhood. The applicant stated in the variance application that the request is due to the large building face at the Midwest Gateway site and the signage being requested will only be 1.5% of the south facing elevation. Second, that granting the variance will not adversely affect the rights of adjacent property owners or residents. The applicant stated in the variance application that granting the variance will not adversely affect the rights of adjacent property owners or residents as it will not contain any wording or imagery that refers to any other property. Third, strict adherence to the regulations in the specific case will constitute unnecessary hardship upon the property owner requesting the variance. The applicant stated in the variance application that leasing the property is dependent on marketing,

and signage plays a significant role in leasing the property which in turn attracts tenants and jobs to Edgerton. Fourth, the variance desired will not adversely affect the public health, safety, morals or welfare, convenience, prosperity or general order. The applicant stated in the variance application that the variance, if granted, would only describe their building and would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare of surrounding parcels. Fifth, the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions that are in question. The applicant stated in the variance application the proposed variance is only requested while a lessor is being sought for the property. Once fully leased, the signage would be removed. Ms. Crow outlined the possible finding of fact for approval or denial of the requested variance, including staff's recommendation that the sign be allowed for a period of 180 days.

Bucky Brooks, Midwest Gateway Representative, addressed the Commission and stated the need for the banner and his appreciation working with Edgerton Staff. Mr. Brooks introduced Edna Martinson, Marketing Director for Midwest Gateway. Ms. Martinson spoke on the mock-up of the banner. Mr. Brooks stated their marketing efforts have increased and the intention is to fill the warehouse and bring jobs to Edgerton. Mr. Brooks emphasized that similar warehouses in the county are advertising with large banners.

Commissioner Berger asked Mr. Brooks what percent of the leasing is generated through drive-by marketing. Mr. Brooks stated that figure is not large, but all the bases need to be covered. Commissioner Crooks asked how fast maintenance would be conducted on the signs if there was the need. Ms. Martinson stated that Midwest Gateway works closely with their signage company and they are responsible and would have it repaired as soon as possible.

Mayor Roberts commented that long the building sits vacant, the harder it is on the market. Mayor Roberts state that tours are happening all the time of the warehouses, so potential interested parties driving by could generate interest in leasing the warehouse. Mr. Brooks stated that Midwest Gateway has a personal stake in making sure the signage and business looks good.

Motion to Crooks, second by Little, to close the public hearing. Motion was approved, 3-0.

Motion by Crooks, second by Little, to adopt the possible findings of fact for approval of the requested variance. Motion was approved, 3-0.

ADJOURNMENT

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

The meeting adjourned at 6:58 p.m.

Submitted by:

Rachel A. James
City Clerk

STAFF REPORT

April 9, 2019

To: Edgerton Board of Zoning Appeals
 Fr: Chris Clinton, Planning and Zoning Coordinator
 Re: **Application BZA2019-01** - Variance Request for Deviation from L-P District Signage Requirements.

APPLICATION INFORMATION

Applicant/Property Owner: Mark Bright, Kubota North American Corporation

Requested Action: Variance – Deviation from signage requirements provided in Article 5, Section 5.2P (17d.3a) of the Unified Development Code of the City of Edgerton.

Legal Description: Logistics Park Kansas City South First Plat, Lot 1

Site Address/Location: 31600 W. 207st Street

Site Size: Approximately 191.05 acres

Existing Improvements: Warehouses – 2,019,346 SF

Zoning and Land Uses:

	ZONING	LAND USE	USER/OWNER
<i>SITE</i>	L-P, Logistics Park District	Warehouse/Logistics Park	Kubota North American Corporation
<i>NORTH</i>	NA, RUR	Interstate Frontage, Agricultural	Kansas Department of Transportation; Harvey Wise
<i>SOUTH</i>	RUR, Agricultural	Agricultural/Residential	Johnson County Land Company, LLC; Wellsville Land Company, LLC; Moonlight Farms, LLC; Karen Breeding Trust; Stephen and Carol Welsh; Lyle and Marie Highfill; David Highfill
<i>EAST</i>	L-P	Vacant parcels	Wellsville Farms, LLC
<i>WEST</i>	Not zoned/AG	Interstate Frontage and Agricultural	Kansas Department of Transportation, City of Edgerton

Background:

The Kubota North American Distribution Center project located at 31600 W. 207th Street is comprised of two buildings. The north building (Building 2) contains 1,008,484 SF and the south building (Building 1) contains 1,010,862 SF. Building 1 abuts 207st Street and Building 2

abuts the frontage parcel along Interstate 35. On November 13, 2018, the City of Edgerton Planning Commission approved several updates to the Final Site Plan (Application FS2018-08) pursuant to various staff recommendations. One of those updates was to cut the northwest corner of Building 2 at an angle due to existing flood plain on the parcel. The angled wall cut parallels I-35.



On March 8, 2019, City Staff received Board of Zoning Appeals Application BZA2019-01 for a variance related to the size of signage the applicant wishes to add to Building 2. Signage regulations related to L-P (Logistics Park) Zoning, are governed in the Unified Development Code under Article 5, Section 5.2.P.

Article 5, Section 5.2P (17d.3a) - *Wall Signs and Maximum area along a Frontage*, specifically states, "Total square footage is equal to one (1) times the length of the building frontage or lease space frontage." The length of the building frontage where the applicant wishes to place a sign is 121 feet, thus the maximum square footage of the sign that could be located on this wall face would be 121 square feet.

To evaluate an appropriate size for the wall sign letters, Kubota performed a field test by having a 12 (twelve) foot letter K installed at the location for the proposed signage. The sign contractor provided additional exhibits showing 8 (eight), 9 (nine), 10 (ten), and 12 (twelve) foot letters including renderings of their readability from the southbound Homestead exit lanes. The applicant evaluated all four sample sizes and it was determined that 10 (ten) feet

was the most appropriate size for the space while still allowing for readability from the Homestead interchange. The mock-up 12-foot letter will be removed before the proposed sign is placed.

Application BZA2019-01 proposes one 10' x 45'2" (451.67 square feet) illuminated wall sign to be attached to the northwest facing wall of Building 2 (facing I-35th Street). The proposed sign square footage exceeds what is allowed per the Edgerton UDC and a variance from the Board of Zoning Appeals is required.

Variance:

Per the Organization and Bylaws of the Board of Zoning Appeals, there are five factors the Board of Zoning Appeals must consider when approving a variance. **All five** factors must be found to be true for a variance to be granted. The factors for consideration are as follows:

1. **The variance arises from a condition unique to the property in question and is not a general condition found in the neighborhood.** In the attached application, the applicant states that the request is due to the unique configuration of the building. All of the other buildings in Logistics Park Kansas City are typical 4 façade buildings. Building 2 on the Kubota development has a fifth angled wall that is not found on any other building in LPKC, either north or south of I-35. This angled wall was used in the building configuration due to flood plain present on the parcel. If the flood plain were not present and did not necessitate the addition of a fifth wall, the original north wall where the sign would have been placed would have allowed for a sign 1,664 square feet in size. The proposed size of 451.67 square feet is 27% of the size which would be allowed should the sign be a full-length wall. The applicant indicates that the fifth wall is unique relative to a viewing area from I-35 and the Homestead Lane Interchange. The sign contractor provided samples of different sized letters to show distance readability from the Homestead Lane interchange. From that distance, the comparison between letter sizes indicated that the proposed size is the best fit for the proposed wall face while providing appropriate readability. The Kubota sign designed at 451.67 SF, would be 10' high at the tallest letter which proportionally makes the Kubota letters layout 45.166 feet wide.
2. **That granting the variance will not adversely affect the rights of adjacent property owners or residents.** The applicant states that granting the variance will not adversely affect the rights of adjacent property owners as the only lots that will be adjacent to and facing the sign are owned by the Kansas Department of Transportation. There is currently no development on these parcels and no other adjacent properties will be able to see the sign.
3. **That strict adherence to the regulations in the specific case will constitute unnecessary hardship upon the property owner requesting the variance. The board must determine that the hardship is greater than an economic disadvantage, and in fact extends to a means of livelihood, a matter of protecting title to property, or if left uncorrected, would result in a severe and irrevocable change in the applicant's ability to transfer property. A hardship may also be construed to be "honest error" imposed upon a property owner by a ministerial official, or licensed professional, or through eminent domain or zoning resulting in a substantial (a near taking) loss of property rights.** The applicant states that the north face of the northwest corner of

the building being discussed has the highest visibility from the I-35 corridor and the Homestead interchange. As with many business's, brand notoriety and visibility is key to the success of Kubota's business. Proximity and visibility from highly traveled I-35 were key decision points in Kubota bringing their business to Edgerton. Due to the presence of a flood plain area on the parcel, the corner was adjusted to accommodate grading. This wall adjustment decreased the size of the wall and therefore the maximum allowable size of the building sign. If the strict application of the sign size provision were to apply, Kubota would either have to put up a sign of an unreadable size or relocate the sign to less visible part of the building. Both are undesirable and would create an unnecessary hardship by limiting their ability to market their business to both potential customer and potential employees.

4. **The variance desired will not adversely affect the public health, safety, morals or welfare, convenience, prosperity or general order.** The applicant states the variance, if granted, would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare of surrounding parcels.
5. **That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions that are in question.** The applicant states that the fifth (northwest face) wall is really just an extension of the north wall and that the sign size and location fits the spirit and intent of the ordinance.

Possible Findings of Fact:

After considering the above factors, the Board will need to decide if the variance request should be:

- Approved,
- Approved with conditions, or
- Denied.

The following are two sets of POSSIBLE findings of fact based upon the information submitted as part of the application, which is contained in this staff report. The set of possible findings of fact provided in the middle column support the approval of the variance requested while the second set of possible findings provided in the column on the right side of the table below provide facts supporting denial of the variance request. The Board should accept a set of findings of fact they deem most appropriate for either approval or denial based upon the information provided in this staff report and at the public hearing.

Please note, however, that in order to **approve** a variance, **ALL** of the factors described in the middle column must be met. Each factor listed below should be evaluated individually and approved/denied, one at a time. If one or more of the findings in the middle column are not found to be true, then the application cannot legally be approved.

It should be noted, that the following possible findings of fact are solely based upon the information contained in this staff report and the application submitted. Additional information could be presented at the public hearing, which may alter the findings of fact. If additional information is presented at the public hearing, which alters the findings contained below, modification to the applicable finding of fact would be necessary so that the Board may use it as a basis in making a decision on the variance application.

FACTORS	POSSIBLE FINDINGS OF FACT FOR APPROVAL OF THE REQUESTED VARIANCE	POSSIBLE FINDINGS OF FACT FOR DENIAL OF THE REQUESTED VARIANCE
<p><u>Uniqueness</u></p> <p><i>(The variance arises from a condition unique to the property in question, and is not a general condition found in the neighborhood.)</i></p>	<p>The application is unique in that Building 2 is the only building in LPKC to have 5 walls. That fifth wall was built due to the flood plain on the lot and it is significantly smaller than other warehouse walls because it is a corner cut wall. Orientation towards the I-35 corridor provides the most interstate visibility for the applicant.</p>	<p>Other warehouses adjacent to I-35 with wall signage were able to orientate buildings to accommodate floodplain.</p>
<p><u>Effect on Adjacent Properties</u></p> <p><i>(That granting the variance will not adversely affect the rights of adjacent property owners or residents)</i></p>	<p>The two lots which are adjacent to the northwest corner frontage façade are both owned by KDOT and contain no development. No other abutting property can view the sign from their vantage point. Other warehouses in LPKC have illuminated signage facing I-35.</p>	<p>The sign will be illuminated and visible from I-35. It could be considered a distraction to motorists on the interstate.</p>
<p><u>Hardship</u></p> <p><i>(That strict adherence to the regulations in the specific case will constitute unnecessary hardship upon the property owner requesting the variance. The board must determine that the hardship is greater than an economic disadvantage, and in fact extends to a means of livelihood, a matter of protecting title to property, or if left uncorrected, would result in a severe and irrevocable change in the applicant's ability to transfer property. A</i></p>	<p>A hardship is being placed upon the applicant by the existing flood plain. Naturally occurring site conditions have required the applicant to provide a creative solution in the form of a fifth wall. The unique building footprint allows the applicant to still utilize as much of the parcel as possible. Without the presence of a flood plain, the original wall could have been built to a normal warehouse length and the sign would not need a variance.</p>	<p>The applicant could move the sign to a different wall that would not require Board of Zoning Appeals approval.</p>

<i>hardship may also be construed to be "honest error" imposed upon a property owner by a ministerial official, or licensed professional, or through eminent domain or zoning resulting in a substantial {a near taking} loss of property rights)"</i>		
<u>Spirit and Intent of the Zoning Ordinance</u> <i>(The variance desired will not adversely affect the public health, safety, morals or welfare, convenience, prosperity or general order.)</i>	The proposed variance meets the spirit and intent of the zoning ordinance because the code does allow for large wall signs on warehouse properties. The sign being proposed (451.67 SF) is smaller than what would be allowed as a wall sign if the wall were the full length of 1,664 linear feet.	The proposed variance violates the intent of the ordinance by having a sign that is 451 SF vs. the 121 SF which is allowed for wall signs in the L-P District.
<u>Minimum Amount / Size of Variance Necessary</u> <i>(That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions that are in question)</i>	At 451.67 SF the proposed variance is the absolute minimum necessary according to the applicant's readability study of the visibility of the sign from I-35.	The proposed signage is significantly larger than the square footage which would be allowed for a wall sign on the proposed northwest wall, so granting the variance would not be an incremental step above the maximum allowed size.

ATTACHMENTS

- Application BZA 2019-01
- Article 5, Section 5.2 P - Unified Development Code, L-P Zoning Signage
- Notice of Public Hearing
- List of Neighboring Properties Notified of Public Hearing

CITY OF EDGERTON, KANSAS
APPLICATION FOR BOARD OF ZONING APPEALS

Please print or type

APPLICATION IS MADE FOR:

☐ **APPEAL** FROM A DECISION OF THE CODE ENFORCEMENT OFFICER, ZONING ADMINISTRATOR, OR OTHER CITY STAFF, IN THE ENFORCEMENT OF THE UNIFIED DEVELOPMENT CODE.

☐ **VARIANCE** FROM SPECIFIC SECTION(S) OF THE UNIFIED DEVELOPMENT CODE.

LEGAL DESCRIPTION: _____

LOCATION OR ADDRESS OF SUBJECT PROPERTY: _____

ZONING ON SUBJECT PROPERTY: _____ CURRENT LAND USE: _____

REQUEST: (CITE SPECIFIC SECTION, BY SECTION AND SUBSECTION, OF THE UNIFIED DEVELOPMENT CODE FROM WHICH APPEAL OR VARIANCE IS BEING REQUESTED.)

PROPERTY OWNER'S NAME(S): _____ PHONE: _____

COMPANY: _____ FAX: _____

MAILING ADDRESS: _____

STREET

CITY

STATE

ZIP

APPLICANT/AGENT'S NAME(S): _____ PHONE: _____

COMPANY: _____ FAX: _____

MAILING ADDRESS: _____

STREET

CITY

STATE

ZIP

SIGNATURE OF OWNER OR AGENT: _____

If not signed by owner, authorization of agent must accompany this application.

FOR OFFICE USE ONLY

Case No.: BZA- _____ Amount of Fee Paid: \$ _____ Date Fee Paid: _____

Received By: _____ Date of Hearing: _____

CITY OF EDGERTON, KANSAS

BOARD OF ZONING APPEALS INSTRUCTIONS

CERTIFIED LETTERS: The applicant will be responsible for mailing notices (see attached form letter) of the public hearing for the requested appeal or variance by certified mail, return receipt requested to all owners of land within the notification area: two hundred (200) feet within the city limits; one thousand (1,000) feet in the unincorporated area of the subject property. These notices must be sent a minimum of ten (10) days prior to the public hearing. Information regarding ownership of the land within the notification area can be obtained from the Johnson County Department of Records and Tax Administration, or through a title insurance company (preferred method). A list of property owners within the notification area must be submitted with the application.

AFFIDAVIT OF COMPLIANCE: An affidavit (see attached form) concerning the mailing of property owner notification letters must be returned to the office of the City Clerk by no later than the Monday preceding the Board of Zoning Appeals hearing.

BOARD OF ZONING APPEALS REVIEW AND DECISION: The Edgerton Board of Zoning Appeals meets in the City Hall. The agenda and staff reports will be available the Thursday preceding the Board of Zoning Appeals hearing. The chairperson will open the public hearing for each case to hear presentations by the city staff, the owner or authorized agent, and the audience, respectively. After everyone has had the opportunity to speak, the Board of Zoning Appeals will close or continue the public hearing to a later date.

In hearing an appeal, the Board of Zoning Appeals is asked to make a judgment regarding a city official's interpretation of the Unified Development Code. The Board of Zoning Appeals may reverse or affirm the official's decision in whole or in part.

In hearing a variance, the Board of Zoning Appeals must decide whether the request meets **all** five of the following criteria:

1. That the variance requested arises from a condition which is unique to the property in question, is not ordinarily found in the same zone or district, and is not created by the action(s) of the property owner(s) or the applicant(s); and
2. That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents; and
3. That the strict application of the provisions of the ordinance of which variance is requested will constitute unnecessary hardship upon the property owner(s) represented in the application; and
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of this ordinance.

NOTE: Decisions of the Board of Zoning Appeals may be appealed to the district court within thirty (30) days of the action.

CITY OF EDGERTON, KANSAS

SUBMISSION REQUIREMENTS FOR A VARIANCE

(Attach additional sheets if necessary.)

Please print or type

1. Does the request arise from a condition, which is unique to the property in question, is not ordinarily found in the same zone or district, and is not created by an action(s) of the property owner(s) or applicant(s)?

Explain: _____

2. Will granting a variance adversely affect the rights of adjacent property owners or residents?

Explain: _____

3. Will strict application of the provisions of this ordinance constitute unnecessary hardship upon the property owner(s) represented in the application?

Explain: _____

4. Will the variance adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare?

Explain: _____

5. Will the variance be opposed to the general spirit and intent of this ordinance?

Explain: _____

Prepared by: _____ Date: _____

Attach a list of names and addresses of all owners of land within the notification area (two hundred (200) feet within the city limits; one thousand (1,000) feet in the unincorporated area) of the subject property.

It is the applicant's responsibility to demonstrate that **all** of these conditions have been met at the time of application. Applicants are encouraged to submit any materials that will support their case, including sketch plans, photographs, studies, letters of support, etc.

CITY OF EDGERTON, KANSAS
PROPERTY OWNER NOTIFICATION AFFIDAVIT

Case No.: BZA-_____

I, _____ of lawful age being first duly sworn upon oath, state:

That I am the _____ (agent, owner, attorney) for the property for which the application was filed and did, not later than ten (10) days prior to the date of the public hearing scheduled before the Board of Zoning Appeals, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

These notices were mailed on the _____ day of _____, 20_____.

Signature of Agent, Owner, or Attorney

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires:

(SEAL)

CITY OF EDGERTON, KANSAS

Submission Requirements For A Variance

1. Does the request arise from a condition, which is unique to the property in question, is not ordinarily found in the same zone or district, and is not created by an action(s) of the property owner(s) or applicant(s)?

Answer: The Kubota building on which the sign is to be located includes a distinct fifth wall at the “cut-off” northwest corner in lieu of the typical four walls consistent with the warehouses in the balance of the LPKC (I-P district). This modified corner is necessary, primarily to pull the toe of the added slope out of the Big Bull Creek flood plain and was previously reviewed and approved by the Edgerton Planning Commission. The signage code limits the size wall signs can be to a proportion of the wall length. The fifth wall is 34’h x 121’w. If the flood plain was not there and did not necessitate the adding of the fifth wall, the original north wall is where the sign would have been placed and would be 1,664 feet long(wide). Under the LP District Sign Code, for a four sided building, then the sign size allowed would be 1,664 square feet. This variance request is for a sign that is designed to be 451.67 square feet which is 27% the size that would be allowed in a four wall scenario. The fifth wall is uniquely relative to a viewing area from I-35 and the Homestead interchange. Readability studies from that distance indicates the “Kubota” sign designed at 451.67 square feet to be 10’ high as the tallest letter, which proportionally makes the “Kubota” letters layout to 45.166 feet wide, therefore, the 451.67 sq. ft. total size. This size is accurately portrayed on the fifth wall on the rendering page in the presentation. Also, the fifth wall facing the interchange has only two lots in front of that wall and both are owned by KDoT.

2. Will granting a variance adversely affect the rights of adjacent property owners or residents?

Answer: Other than the two lots owned by KDoT, the other adjacent property owners will not be able to see the sign from their properties. This should not adversely affect the rights of adjacent property owners.

3. Will strict application of the provisions of this ordinance constitute unnecessary hardship upon the property owner(s) represented in the application?

Answer: The north face of the northwest corner of the building being discussed has the highest visibility from the I-35 corridor and the Homestead interchange. As with many business’s, brand notoriety and visibility is key to the success of Kubota’s business. Proximity and visibility from highly traveled I-35 were key decision points in Kubota bringing their business to Edgerton. When the corner was adjusted to accommodate the grading and flood plain it decreased the size of the wall and therefore the maximum allowable size of the building sign. If the strict application of the sign size provision were to apply, Kubota would either have to put up a sign of an unreadable size or relocate the sign to less visible part of the building. Both are undesirable and would create an unnecessary hardship by limiting their ability to market their business to both potential customer and potential employees.

4. Will the variance adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare?

Answer: No.

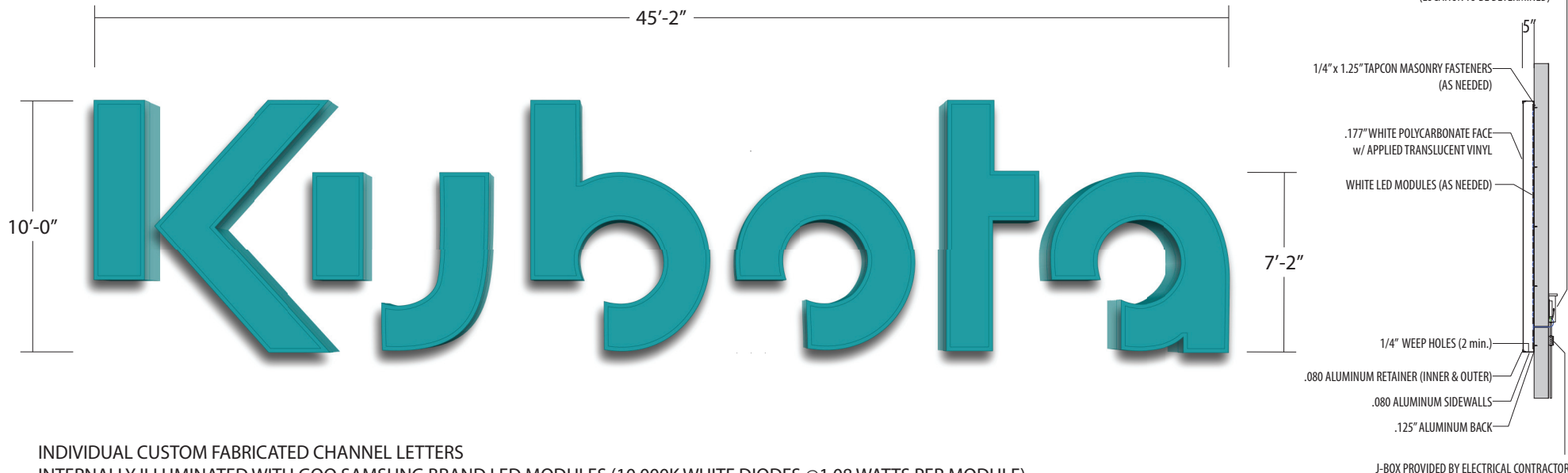
5. Will the variance be opposed to the general spirit and intent of this ordinance?

Answer: As explained in #1, the fifth wall(northwest face) is just an extension of the north wall and fits into the spirit and intent of the ordinance.

ILLUMINATED CHANNEL LETTERS

SCALE: 3/4" = 1'-0"

451.67 SQFT OF SIGNAGE
10.98% OF BUILDING FACADE



INDIVIDUAL CUSTOM FABRICATED CHANNEL LETTERS
INTERNALLY ILLUMINATED WITH GOQ SAMSUNG BRAND LED MODULES (10,000K WHITE DIODES @ 1.08 WATTS PER MODULE)
5" DEEP 090 ALUMINUM RETURNS WELDED TO .125" ALUMINUM BACK PANELS, WITH CUSTOM FABRICATED ALUMINUM RETAINERS
SIGN WILL BE PAINTED WITH MATTHEWS BRAND PAINTS, ULTRA LOW VOC, SATIN URETHANE FINISH TO MATCH "KUBOTA" TURQUOISE BLUE (PMS 320C)
INSIDE OF THE LETTERS WILL BE PAINTED WITH A WHITE FINISH TO HELP IN REFLECT LIGHTING
.177" WHITE POLYCARBONATE FACES TO HAVE TRANSLUCENT FILM OVERLAY APPLIED
AVERY BRAND, ULTIMATE CAST UC900 TRANSLUCENT VINYL, PANTONE 321C TURQUOISE BLUE FILM
SIGN TO BE FLUSH MOUNTED TO BUILDING FACADE WITH POWER SUPPLIES TO BE LOCATED INSIDE OF BUILDING, BEHIND EXTERIOR WALL

* ELECTRICAL TO BE PROVIDED TO SIGN LOCATION BY CUSTOMER'S ELECTRICIAN. ALL BREAKERS, JUNCTIONS AND TIMER/PHOTO CELL CONTROLLERS TO BE CLEARLY LABELED AND ACCESSIBLE TO INSTALLERS AT TIME OF INSTALLATION. HIGHTECH SIGNS WILL WORK WITH ELECTRICIAN TO COORDINATE ELECTRICAL REQUIREMENTS AND TIME FRAMES FOR INSTALL OF SIGNAGE.

Branch Circuit:
A. All branch circuits for signs must be **totally dedicated to signs** (including **dedicated ground** and **dedicated neutral per circuit**).
B. Sign circuits **must not** be shared with other loads such as lighting, air conditioning, and other equipment.
C. Properly sized ground wire that can be traced back to the breaker panel must be provided.

CLIENT SIGNATURE & DATE

THIS DESIGN IS THE SOLE PROPERTY OF **HIGHTECH SIGNS** AND CAN NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT

HIGHTECH SIGNS

SIGNS THAT MEAN BUSINESS

2338 Merriam Dr. Kansas City, KS 66106
Phone (913) 894-4422 Fax (913) 236-7446

CLIENT:

KUBOTA
EDGERTON, KANSAS 66030

DRAWING NO.

19-013a

DATE

03.05.2019

SALESPERSON:

DICK ROBINSON

DESIGNER:

KEN ALBIN

notes:

**SIGN
DETAIL**

BUILDING ELEVATION

SCALE: 1/8" = 1'-0"

4114 SQFT OF BUILDING FACADE



CLIENT SIGNATURE & DATE

HIGHTECH SIGNS

SIGNS THAT MEAN BUSINESS

2338 Merriam Dr. Kansas City, KS 66106
Phone (913) 894-4422 Fax (913) 236-7446

THIS DESIGN IS THE SOLE PROPERTY OF **HIGHTECH SIGNS** AND CAN NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT

CLIENT:

KUBOTA
EDGERTON, KANSAS 66030

DRAWING NO.

19-013a

DATE

03.05.2019

SALESPERSON:

DICK ROBINSON

DESIGNER:

KEN ALBIN

notes:

**BUILDING
ELEVATION
from I-35**

BUILDING ELEVATION

SCALE: 1/8" = 1'-0"

NIGHT VIEW



CLIENT SIGNATURE & DATE

HIGHTECHSIGNS

SIGNS THAT MEAN BUSINESS

2338 Merriam Dr. Kansas City, KS 66106
Phone (913) 894-4422 Fax (913) 236-7446

THIS DESIGN IS THE SOLE PROPERTY OF **HIGHTECH SIGNS** AND CAN NOT BE USED IN WHOLE OR PART WITHOUT WRITTEN CONSENT

CLIENT:

KUBOTA
EDGERTON, KANSAS 66030

DRAWING NO.

19-013a

DATE

03.05.2019

SALESPERSON:

DICK ROBINSON

DESIGNER:

KEN ALBIN

notes:

**BUILDING
ELEVATION
from I-35**



right-of-way shall be located within a Parkway Buffer or a Right-of-Way Buffer as described in this Section.

10. **Alternative Landscape Plan.** In lieu of the requirements set forth in Section 1.I., Landscaping Standards, an Alternative Landscape Plan (ALP) may be submitted to the Planning Commission for approval. An ALP shall utilize an innovative use of plant materials and design techniques in response to the unique characteristics of a particular site. At a minimum, an ALP shall contain equivalent landscaping as is required by these regulations.
11. **Xeriscaping Credit.** Landscape Plans developed with sound xeriscaping principles as outlined in Kansas Smartscape® or other published materials shall be eligible for a reduction of landscaping up to 20% of the overall requirements. Applicants wishing to request credit must prepare an ALP, clearly outlining the xeriscaping principles being utilized. The final determination of credit granted shall be discretionary and based upon the final determination made by the City Administrator or designee.

P. Signage

1. **General.** The intent of this article is to promote the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:
 - a. The safety of the citizens of the City by prohibiting signs which create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or to read traffic signs.
 - b. To preserve landscape quality in the protection of the public welfare and to enhance the appearance and economic value of the landscape by providing that a sign does not create a nuisance to occupancy of adjacent and contiguous property by its brightness, height, size, or movement.
2. **Applicability and Effect.** A sign may be erected, placed, established, painted, created or maintained in the L-P District only in conformance with the standards, procedures, exemptions and other requirements of this ordinance. These regulations apply to all signs and their effect is:
 - a. To establish a permit system to allow a variety of types of signs subject to the standards and the permit procedures of the code; and
 - b. To prohibit all signs not expressly permitted by these regulations, except as approved through the appeals process established by these regulations.
3. **Exempted Signs.** The following signs shall be exempt from the requirements of this article with the exception of set back from property lines.
 - a. Signs of a duly constituted governmental body, including traffic or similar regulatory services, legal notices, warnings at railroad crossings, and other institutional or regulatory signs having to do with health, hazards, parking, swimming, dumping and of a similar nature.
 - b. Scoreboards, municipal golf course tee signs, sports field fencing, and park signs.
 - c. Signs incorporated on inside of the building/lease space on a window that is not readable from right-of-way.
 - d. Permanent signs designating historic tours, permanent direction signage, government facility or operation locations.
 - e. All City and State directional and traffic control signs.
 - f. One temporary sign not exceeding twelve (12) square feet in area.
 - g. The changing of messages or copy of signs designed and intended to be

changed on a regular basis provided the sign is not altered. Examples of these type signs are theater marquees, menus, fuel prices, directories, and the like.

- h. Signs which display date, time and temperature are permitted, providing they do not exceed six (6) square feet in addition to other signage on the property.
- i. On-site directional signs necessary for the movement and circulation of traffic which are three (3) square feet or less in size.
- j. Signs which display "help wanted," and do not exceed six (6) square feet.

4. Prohibited Signs.

- a. Off-Premise Billboards. Off-premise pole signs and billboards are prohibited in the L-P District.
- b. Trailer Mounted and Portable Read-a-Board Signs. Trailer mounted and portable read-a-board signs are strictly prohibited, and subject to the following:
 - 1. **Enforcement.** The owner or occupant of any property upon which there is located a trailer mounted, or non-trailer mounted, portable read-a-board sign in violation of this Sub-Section or the owner or lessee of any trailer mounted, or non-trailer mounted, portable sign which is in violation of this Sub-Section as herein defined shall be given notice by the Building Official or designee, stating the nature of the violation and ordering that the violation be corrected or removed from said property within seventy two (72) hours.
 - 2. **Notice.** Notice shall be given by one of the following methods:
 - a. A written notice may be attached to the sign in violation of this Sub-Section, or
 - b. Verbal notification may be made by telephone or in person.
 - c. No Response. If the owner, lessor, lessee, or the representative of the lessor of the trailer mounted or non trailer mounted portable sign fails to remove such sign within seventy two (72) hours of the notification, the owner, lessor or lessee shall be issued a citation.
 - d. Entrance onto Property. The Building Official or any duly authorized agent may enter upon private property which is accessible to the public for the purposes specified in this SubSection to examine signs or their location, obtain information as to the ownership of such signs and to declare the sign to be a violation pursuant to this Sub-Section.
- c. Obscene and Immoral Matter. It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral behavior, as defined in the Black's Law Dictionary Fifth Edition.
- d. Painting or marking or streets, sidewalks or utility poles. No person shall attach any sign, paper or other material, or paint, stencil or write any name, number (except address numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure except as otherwise allowed by the code.
- e. Hand Bills and Placards. No person, firm, corporation or association of persons, shall paste, stick, tack, nail or otherwise place any advertisement, handbill, placard or printed, pictured or written matter or thing for any purpose upon any fence, railing sidewalk or public telephone, electric or other utility pole, or any other public property, including trees thereon.
- f. Flashing Signs. Signs of any type with flashing, revolving or rotating lights shall not be permitted.
- g. Pole Signs/Pylon Signs. Pole signs shall be prohibited in the L-P District.

5. Illuminated signs are permitted in nonresidential districts, provided that they shall not be erected within one hundred (100) feet of any residential zoning district unless properly and adequately shielded so that light from such sign is not directed toward such residential district.
6. In no case can a sign be placed closer than fifteen (15) feet from a residential property.
7. No high intensity lights shall be permitted as part of a sign display visible from an adjacent street.
8. No sign shall be illuminated to intensity greater than two hundred (200) foot-candles. The restrictions of luminance in this Sub-Section shall be determined from any other premise or from any public street right-of-way other than an alley.
9. The maximum size of any temporary construction/development sign, that is not adjacent to a highway, is ninety (90) square feet per side, with a maximum height of twenty (20) feet and a maximum length of fifteen (15) feet.
10. The maximum size of a temporary construction/development sign adjacent to a highway is three hundred twenty five (325) square feet per side, with a maximum height of thirty (30) feet and maximum length of fifteen (15) feet.
11. No sign shall be located as to obstruct the vision or sight distance of vehicle operators or pedestrians at any intersection or street crossing. In order to maintain visual clearance and sight distance for vehicle operators and pedestrians:
 - a. A 20' x 20' Visibility Triangle shall be provided.
 - b. A sign in direct line of vision of any signal light, traffic control sign, or any other such device from any point in a moving traffic lane must be at least fifty (50) feet from such device, unless the Superintendent of Public Works, or designee, approves the placement of such sign.
12. No sign shall be constructed nearer than three (3) feet from any public or private underground utilities. No ground sign or accessories to such sign shall be located within ten (10) feet vertically and six (6) feet horizontally of electrical wires or conductors in free air carrying more than forty eight (48) volts, whether or not such wires or conductors are insulated or otherwise protected.
13. Signs Posted on Poles and Fences. No sign shall be posted upon any tree, utility pole, fence post, or any style or type of fence. No detached sign shall be suspended over any building or structure.
14. No cloth, paper, banner, flag, device, or other similar advertising matter shall be permitted to be attached, suspended from or allowed to hang loose from any sign, building, or structure, except as allowed by other provisions of this Section. Such advertising matter shall be a violation of this Section and shall be removed immediately upon notice by the Building Official. No person shall place on, or suspend from any building, pole, structure, sidewalk, parkway, driveway, or parking area, any goods, wares, merchandise, or other advertising object or structure for the purpose of advertising such items, except as otherwise permitted.
15. No portion of any sign shall be erected upon or over public property or public right-of-way, except as otherwise specifically permitted.
16. No signs shall be attached to a motorized vehicle, where the primary use of such vehicle is for sign purposes. Signs attached to or upon any motorized vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of using the vehicle for signage. Vehicles operating under a city Franchise shall be excluded from this provision. This provision does not restrict the identification signing or vehicles used for delivery service, interstate commerce, or any bona fide transportation activity.
17. **Specific Sign Regulations**
 - a. **Attached Sign.** A sign attached to, painted on, or erected against a wall of a

building which extends no more than twelve (12) inches from the wall surface upon which it is attached and whose display surface is parallel to the face of the building to which the sign is attached and may not extend above the roof line or roof façade, and must be at least eight (8) feet from grade.

b. Directional Signs.

1. Directional signs shall be allowed in the L-P District subject to the following:
 - a. Directional signs shall be limited to six (6) square feet in area for institutional uses, with one (1) sign per street entrance allowed.
 - b. Identification of services is permitted on such a sign, such as “emergency services entrance.” Such signs are limited to two (2) square feet or less in area for non-institutional uses, with no limit on the number of signs permitted for such uses. For non-institutional uses, identification of services is not permitted on such sign.

c. Monument Signs. Such signs will be governed by the requirements set forth in the following Table:

Monument Signs		
Attribute		Requirement
Number		<ul style="list-style-type: none"> – One (1) monument sign is permitted for each property. – On property of more than thirty (30) acres in size and with more than one (1) street frontage, a second monument sign is permitted on the additional street frontage. – Platted private roads may be considered a second street frontage.
Location		<ul style="list-style-type: none"> – 15 feet from all property lines. – Outside of site triangles and easements. – No closer than 400 feet to another freestanding sign located on the same property.
Size	Sign Face	<ul style="list-style-type: none"> – No element of a sign shall not exceed eight (8) feet above natural or average grade (including base, support structure or other architectural elements). – The sign face area shall not exceed one square foot per ten (10) lineal feet of street frontage up to a maximum of 60 square feet per sign.
	Base & Support Structure	<ul style="list-style-type: none"> – Base must be a minimum of two feet in height. – The base shall extend a minimum of ¾ the entire length of the sign. – The total area of the base and support structure shall be at least 75% of the sign face area. – The base and support structure shall not exceed the sign face area by more than 10 percent.
Mater	Sign face	<ul style="list-style-type: none"> – Cabinet-type signs with translucent panels or panels with reflective surfaces, including but not limited to acrylic fiberglass, plastic, or metal or channel letter signs with translucent backlit panels are prohibited. Artistic elements to the sign may include small areas of translucent, backlit surfaces that exceed no more than 5% of the total sign face. – Sign face shall provide individually cut letters including channel letter signs (may be Halo lit); stenciled panels with three-dimensional push-through graphics; cast letters and logos; cast metal; or engraved. – Background of Sign face is encouraged to be comprised of natural design materials that are compatible with the building façade. – Electrical transformer boxes and raceways shall be concealed from public view.

Base & Support Structure	<ul style="list-style-type: none"> – Natural flagstone, rock, stone, river rock, brick, limited areas of cementitious stucco, concrete and similar materials designed to match the look of the building in texture and color are considered appropriate materials. – Architectural elements should be provided on the top and/or sides of the sign
Illumination	<ul style="list-style-type: none"> – The use of backlit (halo), individually cut reverse channel letter signs, or stenciled panels with three-dimensional push-through graphics is strongly encouraged. – The use of external lighting sources is permitted. External lighting shall be designed so that the light source is directed away or shielded from passersby, adjacent properties and motorists.
Landscaping	<ul style="list-style-type: none"> – The base of a monument sign shall be softened with landscaping sufficient to cover an area extending not less than 2½ feet around the base of the sign. – The applicant shall designate the area and type of plantings in the sign permit application. Said landscape area shall be landscaped appropriately. – Landscaping shall not obstruct the sign face. – Ordinance No. 1044, 2017

d. **Wall Signs.**

1. Construction: Attached signs that are illuminated internally shall be constructed only of materials that are noncombustible or slow burning in the case of plastic inserts and faces.
2. Maximum height: A wall sign shall not extend above the roofline or facade of a building.
3. Maximum area:
 - a). Frontage: Total square footage is equal to one (1) times the length of the building frontage or lease space frontage;
 - b). Sides: Total square footage is equal to one half (0.5) times the length of the side wall of building.
4. Minimum area: A wall sign shall be a minimum of twenty four (24) square feet.
5. Depth: A wall sign shall not extend more than twelve (12) inches from the building wall to which it is attached.
6. Placement: Painted or attached directly on the wall surface on a building intended to be viewed from the ground. Signs above roofline, fascia, or top of roofs are strictly prohibited.

- e. **Portable Signs, Temporary Banners, Flags, or Inflatable Signs.** Prior to the use or placement of any portable sign, temporary banner, flags or inflatable signs, a permit must be obtained from the City. The maximum size of any such sign is 12 square feet. A permit for such signs can only be issued for a maximum continuous period of fourteen (14) days, and for a maximum number of four (4) times per calendar year. A minimum time of sixty (60) days must be elapsed between expiration and issuance of such permits. None of these signs shall be located in city rights-of-way, in any Visibility Triangle, or in any other location so as to impair traffic or pedestrian vision or safety. All such signs must be set back a minimum distance of five (5) feet from the property line. Such signs may be internally lighted; however, such lighting shall not be flashing or intermittent. Temporary electrical requirements shall be subject to the adopted electrical code.

1. Banners and other wind devices shall be securely attached to a wall surface or building element and shall not project above the apparent roof or building eave line. A fence or railing shall not be considered to be a building element.

A banner shall not be used in lieu of a permanent sign, except in the case of new businesses where it may be used for a period not exceeding thirty (30) days. Banners shall be secured at all points of attachment. Torn or severely weathered banners shall not be permitted.

2. The number of banners displayed on any premises shall not exceed two (2).
3. No individual banner shall contain more than forty (40) square feet of area.
4. Banners found in violation of this Section must be removed or made to conform within 24 hours of notification.

f. **Kiosk Signs.**

1. Kiosk signs provide a uniform, coordinated method of providing information while minimizing the negative impacts to the City and its residents. A Kiosk sign is a sign containing individual panels and is generally used to provide direction to residential subdivisions from major thoroughfares or to provide direction to schools, amenities, information centers, community facilities and neighborhoods within a residential subdivision. Kiosk signs shall conform to the requirements set forth below. A "Sign Panel" is an individual sign placard displaying directional information on a kiosk sign.
2. All kiosk signs must have approval by the Planning Commission. Placement of Kiosk signs shall not distract traffic or create a traffic hazard. The Superintendent of Public Works must approve the placement of all kiosk signs prior to installation. Kiosk sign structures shall not exceed 12 feet in height and 4 feet in width. Kiosk sign structures shall be ladder type with individual sign panels of uniform design. The color of all kiosk sign structures and panel background color will be approved by the City. The City may, by a duly executed services contract, grant to a qualified person or company the right to design, erect and maintain directional kiosk signs within the City.

18. **Maintenance of Signs.** All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be maintained in a proper state of preservation. No sign will be allowed to be kept in a dilapidated or deteriorated condition. Signs with broken or missing faces shall be repaired or replaced within fifteen (15) days of notice by the Building Official.

- a. Freestanding sign panels advertising a business that has vacated the premises must be replaced with the new business or a blank panel within thirty (30) days of vacancy.
- b. Any sign which the Building Official determines no longer serves a bona fide use conforming to this code, shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such signs is located within fifteen (15) days after written notification to do so from the Building Official. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon where it is erected.
- c. If the Building Official shall determine that any sign is unsafe or unsecure, or is a menace to the public, he shall give written notice to the person or persons responsible for such sign. If the permittee, owner, agent or person having the beneficial use of the premises fails to remove or repair the sign within fifteen (15) days after such notice, such sign may be removed by the Building Official at the expense of the permittee or owner of the property upon which it is located. The Building Official may cause any sign that is an immediate hazard to persons to be removed summarily and without notice.

19. **Illegal Signs.** An illegal sign is any sign that meets any of the following criteria:

- a. A sign erected without first obtaining a permit from the City and complying with all regulations in effect at the time of its construction or use;
- b. A sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises;
- c. A nonconforming sign for which the amortization period has expired;
- d. A sign that was legally erected but which later became nonconforming and then was damaged to the extent of 50% or more of its current replacement value;
- e. A sign that is a danger to the public or is unsafe; or
- f. A sign that pertains to a specific event that has not been removed within five (5) days after the occurrence of the event.

20. Non-Conforming Signs.

- a. Non-conforming signs, except as otherwise provided by these regulations, may be continued subject to the following limitations:
 - 1). The owner of a non-conforming sign, upon receipt of a notice of non-conformity, may register the sign with the City as an existing, non-conforming sign.
 - 2). Registered, non-conforming signs may be maintained and repaired with like materials and the sign message may be changed, provided that there is no extension, enlargement, change in location, or structural modification to any non-conforming aspects of the sign.
 - 3). When a non-conforming sign is demolished or damaged to the extent that the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location, such sign shall be eliminated or made to conform to the current sign regulations.
- b. Removal of Non-conforming Signs. The following non-conforming signs shall be eliminated or made to conform to the current sign regulations within thirty (30) days of the receipt of a notice of nonconformity. Signs subject to this Section are those whose characteristics constitute a public safety hazard.
 - 1). Signs that violate the sight triangle provision.
 - 2). Signs using the words "stop," "slow," "caution," "danger" or any other word, phrase, symbol or character in such a manner as is reasonably likely to be confused with traffic, directional and regulatory signs.
 - 3). Signs erected so that by their location, color, nature or message are likely to be confused with or obstruct the view of traffic signals or signs, or is likely to be confused with the warning lights or an emergency or public safety vehicle.
 - 4). Strings of lights not permanently mounted to a rigid background.
 - 5). Signs affixed to trees or utility poles.
 - 6). Temporary and portable signs, except those provisionally exempt signs listed in this Section as Exempted Signs, which violate building code provisions for wind loading, structural stability, electrical wiring or other code provisions.

21. Forfeiture of Signs. Any sign installed or placed on public property, except in conformance with the requirements of these regulations, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

22. Computation of Area of Individual Signs

- a. The area of a sign shall be computed as the entire advertising area of the sign, including any framing or trim, contained within the respective sign cabinet. For the purposes of this computation the sign cabinet shall be defined as the structure or border used to differentiate a sign face from the structure against

- which a sign face is placed.
- b. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning or wall and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall.
 - c. The permitted area for all monument signs shall not include the sign base or sign structure. In no case shall the overall sign structure, including the base, exceed the maximum allowed height nor the maximum allowed sign area. In no case shall the sign face of a monument sign exceed 50% of the overall sign structure.
23. **Computation of Area of Multi-faced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are substantially similar, and when such sign faces are part of the same sign structure the sign area shall be computed by the measurement of one of the faces.
24. **Computation of Height.** The height of a sign shall be computed as the mean distance from the base(s) of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
25. **Computation of Sign Setback.** The spacing between a sign and a lot line or two (2) signs. The distance is measured horizontally from a vertical plane at the outer extremity of each sign.
26. **Computation of Maximum Number of Signs.** Pursuant to the standards provided in the L-P District, each lot is allocated the maximum number of signs allowed. Where indicated, additional signs beyond the identified allowance shall be determined by the lineal frontage of the lot or of the "artificial lot".
27. **Sign Permits, Applications and Inspections.**
- a. It shall be unlawful for any person to paint on any wall or surface, construct, erect, alter, enlarge or repair any sign within the legal boundary of the L-P District without first obtaining a permit from the Building Official and paying the fee as listed elsewhere in the City Code.
 - b. Signs to be illuminated are subject to the electrical code, permit and fee requirements.
 - c. Applications for permits shall be made upon forms provided by the Building Official, and shall contain or have attached thereto the following information:
 - 1). Name, address and telephone number of the applicant.
 - 2). Location of building, structure, or lot to which or upon the sign or other advertising structure is to be attached or erected.
 - 3). Two (2) sets of plans to scale shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences, and sidewalks, and two sets of plans and specifications showing method of construction and attachment to the building or ground, size, type, height, construction materials, and such other information as the Building Official may require. The plans shall be one-eighth inch (1/8") to one foot (1'). Signs over ten (10) feet in height shall be engineered design.

- 4). Name and address of person, firm, corporation, or association erecting any structure.
 - 5). Electrical permit shall be required for illuminated sign.
 - 6). Zoning classification carried by the property.
 - 7). Such other information as the Building Official may require in order to show full compliance with this and all other laws and ordinances of the city and state.
- d. The Building Official may require plans to be prepared by a registered professional engineer. Original signature of engineer required. Engineer shall be certified by the State of Kansas.
 - e. It shall be the duty of the Building Official upon the filing of an application for a sign permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed structure is in compliance with all the requirements contained in the building code, and all other laws and ordinances of the City of Edgerton. The Building Official shall then issue the sign permit. If the work authorized under a sign permit has not been completed within ninety (90) days after issuance, the said permit shall become null and void.
 - f. The Building Official shall be notified by the permittee when erection of the sign is complete and he shall make an inspection to determine if the sign conforms to city ordinances and codes.
 - g. Signs or signs with moving parts shall be approved by the Planning Commission.
 - h. Signs shall meet all adopted building codes and fire codes.
 - i. Signs in excess of fifty (50) square feet in area and taller than ten feet in height shall be designed by a structural engineer registered in the State of Kansas; these signs shall be constructed to withstand a minimum wind load of thirty (30) pounds per square foot and a minimum dead load as required by the adopted building code.

Q. Diesel Emission Requirements The following diesel emission requirements shall apply to warehouse/distribution, manufacturing including heavy duty diesel trucking and courier services, warehousing and storage, and motor freight transportation terminals, truck stops, and maintenance facilities located within the L-P (Logistics Park Zoning) District:

1. Except for loading/unloading operations, heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds shall be restricted from idling on-site for no more than 5 minutes in any 60 minute period. For loading/unloading operations, idling shall be restricted to no more than 30 minutes in any 60 minute period. The following exceptions shall apply to this section:
 - a. Emergency vehicles performing their emergency duties;
 - b. Vehicles that must idle to operate auxiliary equipment to accomplish the intended use of the vehicles such as mixing, refrigerating, or operating a hydraulic lift. The exemption does not apply when the vehicle idling is solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions except in the case of a safety or health emergency;
 - c. Vehicles in extreme hot or cold weather;
2. One electrical hook-up shall be provided for "trucker plug-ins" equal to a minimum of one-third (1/3) of the total number of truck bays at the facility to eliminate excessive idling by heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds. Approval to use alternative technologies to eliminate excessive idling may be requested, but shall not be approved unless the applicant demonstrates that they are at least as effective as electrical hook-ups;

CITY OF EDGERTON, KANSAS
PROPERTY OWNER NOTIFICATION LETTER

Case No.: BZA-2019-01

Dear Sir or Madam:

This letter is to notify you that a public hearing will be held at the Edgerton Community Building, 404 E. Nelson St., Edgerton, Kansas, to consider an appeal of or variance from the following section(s) of the Unified Development Code:

Section(s): Article 5, Section 5.2 P 17d3a)

The appeal/variance relates to the following described tract of land:

Legal Description:

See Attached

General Location:

31600 W 207th St., Edgerton, KS 66021

A public hearing will be held to consider the appeal or variance regarding the above-described tract at 6:30 p.m. on April 9th, 2019. Any interested persons or property owners are invited to attend. Information regarding this request is available in the office of the City Clerk at City Hall or by phone at (913) 893-6231. You may also contact the undersigned for additional information regarding this request.

Respectfully,

Richard W Robinson

Applicant (or Owner or Agent)

ADDRESS: 2338 Merriam Ln., Kansas City, KS 66106

STREET

CITY

STATE

ZIP

PHONE: 913-894-4422

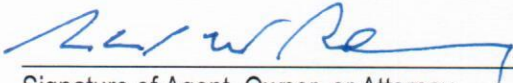
CITY OF EDGERTON, KANSAS
PROPERTY OWNER NOTIFICATION AFFIDAVIT

Case No.: BZA- 2019-01

I, Richard W Robinson of lawful age being first duly sworn upon oath, state:

That I am the Agent (agent, owner, attorney) for the property for which the application was filed and did, not later than ten (10) days prior to the date of the public hearing scheduled before the Board of Zoning Appeals, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

These notices were mailed on the 19th day of March, 2019.



Signature of Agent, Owner, or Attorney

Subscribed and sworn to before me this 19th day of March, 2019.

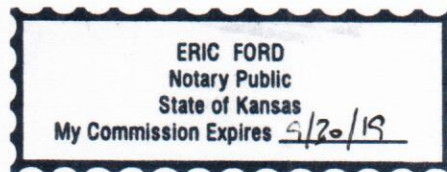


Notary Public

My Commission Expires:

(SEAL)

9/30/2019



	A	B	C
1	To Company Name	To Name	To Address Line 1
2	MIDDLETON, PAUL VICTOR	MIDDLETON, MARIE E.	4721 SHAWNEE TER
3	SEC OF TRANSPORTATION	STATE OF KANSAS	700 SW HARRISON ST
4	STATE OF KANSAS		300 SW. 10th St
5	WISE, HARVEY G. TRUST		2103 BARNER RD
6	SINGLETON, RICHARD D.	SINGLETON, LORI M.	20115 WAVERLY RD
7	FLAGEOLLE, HENRY V	FLAGEOLLE, JUDY B	20175 WAVERLY RD
8	MERTZ, THOMAS DALE	MERTZ, DONNA	20233 WAVERLY RD
9	REED, CHRIS E.	REED, MICHELLE D.	20295 WAVERLY RD
10	WELLSVILLE FARMS LLC		4825 NW 41st STREET
11	WELLSVILLE FARMS LLC		32450 W. 207th St
12	WELLSVILLE FARMS LLC		20450 Waverly Rd
13	WELLSVILLE FARMS LLC		20520 Waverly Rd
14	WELLSVILLE FARMS LLC		31300 W. 207th St
15	WELLSVILLE FARMS LLC		31700 W. 207th St
16	WELLSVILLE FARMS LLC		20650 Waverly Rd
17	WELLSVILLE FARMS LLC		4187 Louisiana Ter
18	HILLSDALE FARMS LLC		4825 NW 41st STREET
19	HILLSDALE FARMS LLC		4187 Louisiana Ter
20	BOTTOMS, BERNICE TRUST		30485 W 207TH ST
21	HIGHFILL, LYLE M. TRUSTEE	HIGHFILL, MARIE M. TRUSTEE	31881 W 207TH ST
22	RALSTON, Lyla		20840 WAVERLY RD
23	HIGHFILL, LYLE M. JR		31565 W 207TH ST
24	HIGHFILL, DAVID L.		31755 W 207TH ST
25	WELSH, STEPHEN M.	WELSH, CAROL A.	32105 W 207TH ST
26	BREEDING, KAREN TRUST	CARRILL, KAREN	32185 W 207TH ST
27	VANCLEAVE, ARTHUR L		32275 W 207TH ST
28	WELLSVILLE LAND CO LLC		4825 NW 41st STREET
29			4187 Louisiana Ter
30	JOHNSON COUNTY LAND COMPANY LLC		4825 NW 41st STREET
31	JOHNSON COUNTY LAND COMPANY LLC		4189 Louisiana Terr
32	POE, ANITA		32717 W 207TH ST
33	MADDEN, JEFFERY L		32955 W 207TH ST
34	DICK, CANDICE R		32640 W 207TH ST
35	JO CO PARK & RECREATION DISTRICT		7900 RENNER RD
36	CITY OF EDGERTON		PO BOX 255
37	JO CO BD OF COMMISSIONERS		111 S CHERRY ST
38	Moonlight Farms LLC		4825 NW 41st St
39			4187 Louisiana Ter
40	South JOCO Farms LLC		4825 NW 41st St
41			20370 Waverly Rd.
42			4187 Louisiana Ter

	D	E	F	G
1	To Address Line 2	To City	To State	To ZIP
2		WELLSVILLE	KS	66092
3	Floor 14	TOPEKA	KS	66603
4		TOPEKA	KS	66612
5		WESSON	MS	39191
6		EDGERTON	KS	66021
7		EDGERTON	KS	66021
8		EDGERTON	KS	66021
9		EDGERTON	KS	66021
10		RIVERSIDE	MO	64150
11		Edgerton	KS	66021
12		Edgerton	KS	66021
13		Edgerton	KS	66021
14		Edgerton	KS	66021
15		Edgerton	KS	66021
16		Edgerton	KS	66021
17		Ottawa	KS	66067
18		RIVERSIDE	MO	64150
19		Ottawa	KS	66067
20		GARDNER	KS	66030
21		EDGERTON	KS	66021
22		SPRING HILL	KS	66083
23		EDGERTON	KS	66021
24		EDGERTON	KS	66021
25		EDGERTON	KS	66021
26		EDGERTON	KS	66021
27		EDGERTON	KS	66021
28		RIVERSIDE	MO	64150
29		Ottawa	KS	66067
30		RIVERSIDE	MO	64150
31		Ottawa	KS	66067
32		EDGERTON	KS	66021
33		EDGERTON	KS	66021
34		EDGERTON	KS	66021
35		SHAWNEE	KS	66219
36		EDGERTON	KS	66021
37		OLATHE	KS	66061
38	Suite 500	RIVERSIDE	MO	64150
39		Ottawa	KS	66067
40	Suite 500	RIVERSIDE	MO	64150
41		EDGERTON	KS	66021
42		Ottawa	KS	66067