

**EDGERTON PLANNING COMMISSION
MEETING AGENDA
EDGERTON CITY HALL - 404 EAST NELSON STREET
December 13, 2022
7:00 P.M.**

Call to Order

1. **Roll Call** _____ Daley _____ Little _____ Crooks _____ Draskovich _____ Mueller
2. **Welcome**
3. **Pledge of Allegiance**

Consent Agenda *(Consent Agenda items will be acted upon by one motion unless a Planning Commissioner requests an item be removed for discussion and separate action.)*

4. Approve Minutes from the September 13, 2022 Planning Commission Meeting.

Motion: _____ Second: _____ Vote: _____

Regular Agenda

5. **Declaration.** At this time Planning Commission members may declare any conflict or communication they have had that might influence their ability to impartially consider the agenda items.

Business Requiring Action

New Business

6. **PUBLIC HEARING FOR APPLICATION UDCA2022-02 FOR AMENDMENTS TO ARTICLE 2 OF THE CITY OF EDGERTON UNIFIED DEVELOPMENT CODE**
7. **CONSIDER APPLICATION UDCA2022-02 FOR AMENDMENTS TO ARTICLE 2 OF THE CITY OF EDGERTON UNIFIED DEVELOPMENT CODE**

Motion: _____ Second: _____ Vote: _____

8. **Future Meeting Reminders**

- January 10, 2023 at 7:00 PM – Regular Session
- February 14, 2023 at 7:00 PM – Regular Session

PLANNING COMMISSION MEETING September 13, 2022

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on September 13, 2022. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	present
Charlie Crooks	present
Adam Draskovich	present
John Daley	present
Bill Malloy	absent

With a quorum present, the meeting commenced.

Staff in attendance: Chris Clinton, Planning and Zoning Coordinator/Deputy City Clerk
Beth Linn, City Administrator

2. **WELCOME** Chairperson Daley welcomed all in attendance to the meeting.
3. **PLEDGE OF ALLEGIANCE** All present participated in the Pledge of Allegiance.

CONSENT AGENDA

4. Approve Minutes from the July 12, 2022 Planning Commission Meeting.

Commissioner Crooks moved to approve the consent agenda. Commissioner Little seconded the motion. The consent agenda was approved, 3-0.

REGULAR AGENDA

5. DECLARATION

Chairperson Daley asked the Commissioners to declare any correspondence they have received or communication they have had regarding the matters on the agenda. If they have received correspondence or have had any communication, he asked if it may influence their ability to impartially consider the agenda items.

The Commissioners did not have anything to declare at this time.

BUSINESS REQUIRING ACTION

NEW BUSINESS

6. **CONSIDER TEMPORARY CONSTRUCTION USE APPLICATION TU2022-01 FOR A CONCRETE BATCH PLANT OPERATION FOR LOGISTICS PARK KANSAS CITY FIFTH PLAT CARGO CONTAINER STORAGE LOT LOCATED NORTH OF 187TH STREET BETWEEN KILL CREEK ROAD AND WAVERLY ROAD** Applicant: Steve Schuering, Agent – Concrete Strategies

Ms. Beth Linn, City Administrator, addressed the Commission. She explained that is unique as the applicant wishes to have the batch plant onsite and not just near the job site. She stated Article 9, Section 9.6E of the Unified Development Code (UDC) of the City of Edgerton, Kansas states that the Planning Commission is authorized to review and approve the use of property during times of construction, reconstruction, or adaptation to permit temporary living quarters for construction personnel, offices, buildings for storage, outdoor storage, machinery yards, portable concrete or asphalt mixing plants, sanitary facilities, and similar uses. On previous occasions, the Commission has approved the use of certain property for construction-related activities associated with Logistics Park Kansas City (LPKC) subject to stipulations and the approval of City staff.

Ms. Linn said the subject site currently hold an Edgerton L-P, Logistics Park, zoning designation as it was rezoned from Johnson County RUR, Rural, on July 12, 2012. On December 14, 2021, the Commission approved Application FS2021-11, the Final Site Plan for LPKC Fifth Plat, or Project Door, a Cargo Container Storage Facility on this parcel. On August 16, 2022, City staff received an application from Concrete Strategies Inc. (CSI) to construct a batch plant which would provide concrete for the construction of Project Door located on the west of the same subject parcel.

Ms. Linn explained the property where the batch plant is to be located is owned by Edgerton Land Holding Company (ELHC), LLC and is part of LPKC Phase I. Pursuant to Article 9, Section 9.6E of the UDC, the use of privately owned property for temporary construction activities required the property owner's permission. With the application, CSI provided a letter from Nathaniel Hagedorn, Manager at ELHC, LLC dated August 15, 2022. In the letter, the owner give permission for the batch plan to operate on their property with a restriction that the batch plant only be used for the construction of Project Door. The owner retains the right to cancel this permission to operate a concrete batch plant at any time. She said as part of the application, CSI has indicated typical operating hours would be from 6:00 AM to 5:00 PM. Overnight operations from 10:00 PM to 9:00 AM are being requested during warmer months. The applicant has indicated that ambient temperature, wind speeds, solar radiation, and low humidity are all factors which can impair the quality of concrete be accelerating the rate of moisture loss and rate of cement hydration. These conditions are weather dependent. She said the applicant has agreed to keep City staff apprised of when overnight operations will occur and will update City staff with any schedule changes.

Ms. Linn stated a map of the haul route for raw materials was provided in the packet. The applicant will use 191st Street east to Waverly Road north and then enter the site from 187th Street. Kill Creek Road is not indicated as a haul route. Delivery of concrete from the plan to the pour site will occur onsite. Concrete delivery vehicles will not be utilizing any City of Edgerton roadways. She said because temporary construction uses are for active construction activities only, and not for the storage of non-operating equipment, City staff is recommending the batch plant only be given permission to operate through the completion

of Project Door and the issuance of a Certificate of Occupancy. If a new project arises in the future that would require the use of the batch plant, a new Temporary Construction Use Permit Application must be submitted to the City.

Ms. Lin explained City staff does recommend approval of batch plant Application TU2022-01 for property located a quarter of a mile west of the intersection of 187th Street and Waverly Road for construction-related activities pursuant to Article 9, Section 9.6E of the UDC, by CSI for operation of a concrete batch plant for the construction of Project Door subject to the following conditions:

1. All deliveries will utilize Homestead Lane north to 191st Street, 191st Street east to Waverly Road, Waverly Road north to 187th Street, and 187th Street west to the job site entrance.
2. Concrete deliveries from the batch plant to the project site will be wholly internal to the site and will not use City streets.
3. Off-site impacts from onsite construction-related activities shall be minimized to the least extent possible. This shall include compliance with all City regulation and policies related to the tracking of debris onto public streets. Applicant agrees to keep haul route clean of raw materials debris attributable to their materials deliveries.
4. Any damage caused to any public infrastructure along the haul route due to concrete operations is the responsibility of the applicant to repair.
5. Applicant and any subcontractors agree to address any issues that affect offsite properties or public rights-of-way or easements in a reasonable time period.
6. Hours of operation shall be limited to 6:00 AM to 5:00 PM unless otherwise approved by City staff for special weather dependent hours.
7. Applicant shall maintain a valid City of Edgerton Business License.
8. All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use.
9. All vertical structures shall require a building permit pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton prior to being occupied.
10. Temporary living quarters are not permitted onsite unless prior authorization has been provided by the Commission.
11. All occupied buildings shall have access to potable water from an approved water source.
12. All signage shall be placed pursuant to applicable sign regulations for the City, including traffic control signage.
13. Contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or any other applicable chapter of City Code.
14. Onsite Stormwater Management Plan shall be approved by the City prior to the disturbance of land.
15. Land disturbance activities shall be done pursuant to Article 12 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton, and a Land Disturbance Permit is required prior to the installation of the batch plant facility.
16. Holding tanks shall be used in lieu of sanitary sewer service, and shall be permitted and inspected pursuant to the Johnson County Environmental Sanitary Code.
17. Property owner and/or general contractors shall provide the City and emergency response agencies a copy of a site specific Safety Action Plan.

18. Property owner and/or general contractors shall provide a Construction Management Plan to the City.
19. This Temporary Construction Use is only for the construction of Project Door. Should any other projects be awarded to the applicant, a new Temporary Construction Use permit must be obtained including the submittal of a new application, a new permission letter from the property owner, and a review by the Commission.
20. Permission for temporary construction activities is granted until a Certificate of Occupancy for Project Door is issued or September 13, 2023, whichever is sooner. Permission subject to the revocation before that by the property owner per the attached letter.
21. Additionally, prior to full site vacation on September 13, 2023 any area of the site not paved for development must be restored to a planted condition and no debris, equipment, concrete, gravel piles, et cetera, may be left behind. Applicant must contact City staff for an onsite inspection three (3) days prior to the deadline to review site conditions when the property is vacated. Failure to do so may result in disapproval of future activities.

Chairperson Daley asked if public streets will be used by the applicant. Ms. Linn explained delivery of raw materials will use public streets, but the actual delivery of concrete will all be onsite.

Commissioner Draskovich stated the batch plant would be away from residential uses in Gardner.

Commissioner Crooks moved to approve Application TU2022-01 with the stipulations outlined by City staff. The motion was seconded by Commissioner Draskovich. Application TU2022-01 was approved with the stipulations, 3-0.

7. **PUBLIC HEARING REGARDING APPLICATION ZA2022-02 FOR REZONING 5.61 ACRES GENERALLY LOCATED ALONG 8TH STREET/EDGERTON ROAD, NORTH OF MERIWOOD LANE AND SOUTH OF NELSON STREET FROM CITY OF EDGERTON SINGLE FAMILY RESIDENTIAL (R-1) TO TWO FAMILY RESIDENTIAL (R-2)**

Applicant: Shawn Faruqi, Property Owner

Chairperson Daley opened the public hearing.

Mr. James Oltman, President of ElevateEdgerton!, addressed the Commission. He said he is speaking to them to urge the recommend approval of this rezoning. He explained there is a housing need in Edgerton. The approval of the Concept Plan for the Planned Unit Development was a start to addressing this need, but it is not enough. The City also needs housing options to fit different needs and different age ranges. The best solution is to have housing option of all types. He explained that not everyone can own home or maintain a whole house, and others do not want to own at this time. Mr. Oltman stated over 80% of the homes in Edgerton are owner-occupied single-family homes and less than 1% of homes are town homes or duplexes. He said the approval of this rezoning is a start to address all of the community's housing needs.

Chairperson Daley closed the public hearing.

8. **CONSIDER APPLICATION ZA2022-02 FOR REZONING 5.61 ACRES GENERALLY LOCATED ALONG 8TH STREET/EDGERTON ROAD, NORTH OF MERIWOOD LANE AND SOUTH OF NELSON STREET FROM CITY OF EDGERTON SINGLE FAMILY RESIDENTIAL (R-1) TO TWO FAMILY RESIDENTIAL (R-2)** Applicant is Shawn Faruqi, Property Owner

Mr. Shawn Faruqi, Property Owner, addressed the Commission. He stated he has been in Edgerton for twenty (20) years and owns rental properties. He said this property is south of the mobile home park and is a good transition between that and single family residential. He said traffic will have an easy access point to 8th Street/Edgerton Road.

Ms. Linn addressed the Commission. She stated the application for rezoning is to change the zoning from R-1, which is Single Family Residential to R-2, which is Two Family Residential. She explained the zoning map shown in the packet.

Ms. Linn explained City staff reviewed the rezoning application with respect to the Edgerton UDC, the law of Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. She went through the Golden Criteria:

1. **Need for the Proposed Change** –The applicant has requested that this parcel be rezoned to R-2 to allow for the future development of two-family residential dwellings, such as duplexes. The current zoning of R-1 does not allow for the development of duplexes on this parcel.
2. **Magnitude of the Change** – This parcel borders a parcel that is zoned Manufactured Home Park (MHP) to the north and Single Family Residential (R-1) to the south. There is a R-2 zoned parcel located less than two tenths of a mile (0.2) to the northeast. The requested R-2 zoning designation is a common request to serve as transitional zoning between traditional single family (R-1) zoning and more dense zoning classifications such as MHP. Therefore, the magnitude of change would not be considered unusual.
3. **Whether or not the change will bring harm to established property rights** - The subject property is located near and adjacent to other residential uses. The proposed development has a similar density than those of surrounding residential areas and will not change any property rights to the neighboring properties.
4. **Effective use of Land** –This would be an effective use of the land as it meets two goals of the City's Comprehensive Plan to (1) promote compact and well-connected infill development adjacent to existing neighborhoods and (2) direct urban growth to locations where water and sewer services are located nearby.
5. **The extent to which there is a need in the community for the uses allowed in the proposed zoning** – A 2021 Edgerton housing study indicated that there is a need for all types of housing in Edgerton. One strategic objective of the housing study was to provide a range of housing environments by offering moderately priced housing types which meet the housing need for households that are at different points in their life. A critical component for housing in the Edgerton community is move-up housing which is

new housing that will allow existing residents to move into housing that better fits their needs while allowing them to continue living in the community they have become an integral part of. Additionally, the City's Comprehensive Plan Housing Policies encourage the City to provide a variety of housing types including multi-family, duplex and single-family detached units. Rezoning this parcel to R-2 for residential development could help to fulfill some of Edgerton's housing need.

6. **The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space** – As shown in Figure 1 of the Staff Report, the subject parcel is near other parcels which currently contain a residential zoning designation. Directly north is an existing manufactured home park that would have a higher density than that of single-family homes. The parcel to the south does contain single-family homes and a R-1 zoning designation. The parcels abutting the west boundary of the subject parcel are currently zoned Johnson County RUR and the parcel to the east is currently zoned R-1 with no existing development. The parcel also contains a small portion of private pond, mostly on adjacent property, and some areas within Zone AE of the floodway which will require special consideration during development.
7. **Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties** – As noted in #6 earlier, the proposed zoning is compatible with the existing zoning of neighboring and nearby parcels. The proposed zoning would allow for two-family dwelling units, single family attached dwellings or single family detached units. The proposed zoning and land use is consistent with the City's Future Land Use Map.
8. **Suitability of the uses to which the property has been restricted under its existing zoning** – The current zoning of R-1 allows for the development of single-family homes among other uses. The applicant has proposed duplexes be constructed on this parcel, which is not an approved use for the current zoning.
9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, the property has been used for agricultural purposes dating back to at least 2006.
10. **The extent to which the zoning amendment may detrimentally affect nearby property** - This parcel is located north of parcels which today contain a City of Edgerton R-1 zoning designation and south of a manufactured home park. The addition of duplexes between the two uses would allow for a transition between the zoning classifications and densities of housing. Edgerton's Comprehensive Plan encourage the allowance of higher density housing to occur within established neighborhoods provided that "careful attention is paid to site design and neighborhood capability." If rezoned as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Ms. Linn reminded the Commission that the zoning of a parcel determines the appropriate use of land, and a plat will divide the land. She stated part of a Site Plan review would include attention to overall density and size of project, building size and scale, buffering, screening, open space, lighting, traffic, and on-site

parking. This Site Plan review will help mitigate impact that might occur to adjacent properties.

11. **Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage** – This is not a request for a PUD.
12. **The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services** – Edgerton's Comprehensive Plan directs urban growth to locations where water and sewer services exist or can be economically extended. Water, electric, and gas utilities are located in the right-of-way adjacent to this parcel. The sanitary sewer main is nearby off of 7th Street. Adjacency of utilities is one of the most compelling reasons for infill development of this property as the cost to extended adjacent utilities is typically more economical and additional users of the utility systems can make the systems operative more efficiently.
13. **The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property** – The UDC prohibits the individual lots on this parcel to connect directly to West 8th Street. If rezoned as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Part of a Site Plan review would include attention to how the development would impact the capacity of safety of the adjacent road network such as overall density and size of project, traffic, on-site parking, etc. This would the requirement for construction of street to serve future lots on this property. The Site Plan review will help mitigate impact that might occur to adjacent properties.
14. **The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm** - The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan (SWPPP) that is reviewed by the City and the State. A full stormwater study of the site is also required and will be reviewed by the City Engineer prior to the issuance of a Land Disturbance Permit. Finally, there is a portion of the parcel within Zone AE of the floodway, in addition to a small portion within Zone X Future Conditions.

These areas would require additional review and regulations related to the development during the site plan process.

15. **The economic impact on the community from the uses allowed in the proposed zoning** –The additional lots created by future development would generate additional property taxes would benefit the community. Additionally, as stated in #5, a 2021 Edgerton housing study indicated that there is a need for all types of housing in Edgerton. One strategic objective of the housing study was to provide a range of housing environments by offering moderately priced housing types which meet the housing need for households that are at different points in their life.
16. **The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial** - There would be little relative gain, if any, to the public health, safety, and welfare from the denial of these zoning applications.
17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** - The Edgerton Comprehensive Plan lists this area, between West 8th Street to West 1st Street and McDonald Street to Meriwood Lane, as an opportunity for infill development. The Comprehensive Plan stresses the importance of thinking about how each parcel connects and relates to adjacent and nearby sites. There are tremendous opportunities to develop a unique land use pattern to serve both the community and compliment nearby subdivisions. The proposed rezoning would also meet several urban growth policies to (1) direct urban growth to locations where water and sewer services exist or can be economically extended; (2) promote infill development, when possible, for new residential and commercial uses; (3) promote compact growth and prevent scattered development and (4) require new urban development to connect to municipal utility service and infrastructure.
18. **The recommendation of professional staff** – City staff's recommendation will be provided shortly.

Chairperson Daley said it is possible to get six (6) to eight (8) duplex per acre. Ms. Linn stated this is a good opportunity to work with applicant to work potential layouts for the lots. Chairperson Daley said it could provide homes for around forty (40) individuals.

Commissioner Draskovich inquired if the driveway north of Meriwood Lane was on this property. Ms. Linn answered it is and a traffic study will need to be done to see best location for the connection of the driveway to allow access to the house that is on another parcel. Commission Draskovich stated it would be interesting to have a roadway to a house.

Chairperson Daley asked if the R-2 zoning designation would allow duplexes be constructed next to single family houses. Ms. Linn answered it would and allows more flexibility as to what housing is constructed. Commissioner Little stated the main change to the rezoning is to allow duplexes instead of houses and asked why the applicant is making the request for rezoning. Mr. Ben Gasper, SMH Consulting, owner representative, replied that the rezoning would allow duplexes with smaller lot setbacks and more density than just single-family

homes. He stated the current zoning would allow single-family residential to be built, but the applicant would like the opportunity to construct duplexes as well. Ms. Linn explained the duplexes can be together to where single-family residences have to have a side yard setback. Chairperson Daley asked if the lot width would stay the same. Ms. Linn answered it would. Commissioner Draskovich asked there would be any distance between structures. Mr. Gasper said there would still be setbacks that have to be adhered to. Ms. Linn stated it is not an application for a Planned Unit Development so the requirements in the UDC will have to be followed for development.

Commissioner Little stated the Staff Report mentions that the R-2 zoning would be a good transition from MHP to R-1. He asked if there is a section of code that requires that type of transition. Ms. Linn replied it is not required by code, but it is an industry standard and planning best practice to have transitions like that. She explained it is typical to see steps in the zoning designations. If there is a big box store, it is typically near apartments, then duplexes or condos before single-family residential areas. She said there is no requirement for the transition, but it is what is often seen in standard development. Ms. Linn explained the R-2 zoning designation would allow duplexes and single-family residential development as well.

Commissioner Little stated there were upgrades to the stormwater system last year at 8th Street and Meriwood Lane. He explained that the area still has flooding in backyards. Ms. Linn inquired if the work was done during street reconstruction. Commissioner Little said the work was only at 8th Street and Meriwood Lane. Ms. Linn stated that work was not part of street reconstruction. Commissioner Crooks asked if any stormwater information was provided. Ms. Linn replied that a full stormwater study will need to be completed prior to development. She explained the applicant will need to show the current conditions in terms of flow and how it is kept the same after development. The City Engineer will be able for questions later in the development process. She stated there will be more pavement and that means the area is wet longer but the places to where the stormwater goes and how quickly it gets there will need to remain the same. Commissioner Crooks stated there is floodplain to the east and development would bring more concrete and structures. Commissioner Draskovich said the pond could actually dry out, which is just as bad. Ms. Linn said that is correct and why a stormwater study will need to be done, but single-family residences can still be developed as it is currently zoned for that. Commissioner Draskovich clarified the site could be developed at any time. Ms. Linn stated that is correct.

Chairperson Daley stated he believes this parcel is a good spot for the R-2 zoning.

Commissioner Little said in Golden Criteria number 17, the Staff Report reads that the rezoning would promote infill development, when possible, for new residential and commercial uses. He inquired as to why the Staff Report mentions commercial uses. Ms. Linn explained that is a direct quote from the Comprehensive Plan. Commissioner Draskovich stated the commercial component does not apply for this application. Commissioner Crooks said it is confusing how it is written. Ms. Linn reminded the Commission that the City is currently working on updating the Comprehensive Plan and it will change how it reads. She then reminded the Commission that when a motion is made, the Commission needs to add rationale behind the motion.

Commissioner Crooks asked if there were any plans submitted with the rezoning application. Chairperson Daley explained this application is to decide if the land use makes sense, not what is to be built.

Commissioner Draskovich moved to recommend approval of Application ZA2022-02 with the stipulations outlined by City staff to the Governing Body based on the Golden Criteria in the Staff Report. Commissioner Crooks seconded the motion. Application ZA2022-02 was recommended for approval with the stipulations outlined by City staff based on the Golden Criteria, 2-1, Commissioner Little was the dissenting vote.

9. **PUBLIC HEARING REGARDING APPLICATION FS2022-03 FOR A FINAL SITE PLAN FOR JB HUNT TRANSPORT, INC. LOCATED AT 30650/30700 W. 191ST STREET**

Applicant: Derek Kennemer, Agent – JB Hunt Transport, Inc.

Chairperson Daley opened the public hearing.

There were no public comments made at this time.

Chairperson closed the public hearing.

10. **CONSIDER APPLICATION FS2022-03 FOR A FINAL SITE PLAN FOR JB HUNT TRANSPORT, INC. LOCATED AT 30650/30700 W. 191ST STREET** Applicant: Derek Kennemer, Agent – JB Hunt Transport, Inc.

Mr. Brandon Waldrum, CEI Engineering Associates, approached the Commission. He stated he is the Civil Engineer for this project. He explained there will be one (1) access point to the project by using the existing on access point on 191st Street. He wanted to provide a brief overview of the plan. The site currently has a small building that is closer to 191st Street than the proposed building. The property owner acquired ten (10) acres to expand the facility. The expansion would include the construction of a new 21,000 square foot maintenance facility, office, and a covered wash bay. He explained there is an existing Conditional Use Permit (CUP) on the current site, but the property owner will want to expand that CUP to encompass the newly acquired land. Mr. Waldrum stated the Commission asked great questions regarding stormwater on a previous application. He explained it will all be contained on site as the property owner would be expanding the detention pond and drainage system. He explained there was landscaping approved in first phase and those area will be expanded to screen the property from neighboring properties.

Mr. Greg Walker, MBL Architects, addressed the Commission. He stated the provided slides show views from neighboring properties and the right-of-way from 191st Street. The first photo provided shows the view from the south along 191st Street and shows how far building is from 191st Street. He explained there are material changes that occur on the building. There are different colors of brick and cementitious materials proposed. Mr. Walker passed around a board with samples of the proposed materials. He explained the property to the east is a residentially zoned property. This is the side of the property they are proposing to stack the cargo containers. This will help screen the view of the proposed building. Landscape screening will be installed as well. Mr. Walker stated the building is proposed to have large overhangs for shading for the tenant. He explained the property to

the north is agricultural/residential. Along the north property line, fencing and landscaping will be installed to screen from that property. There is a covered wash bay but no garage doors along the north façade.

Ms. Linn explained there are two (2) items regarding this parcel to be presented to the Commission and 2 to be presented later to the Board of Zoning Appeals (BZA). The applications that will go before the Commission are for a Final Site Plan, then an application for a Conditional Use Permit (CUP).

Ms. Linn stated the subject parcel was rezoned on January 9, 2014 and the original Final Site Plan was approved on August 9, 2016. The Final Site Plan was approved for a cargo container storage facility. On January 9, 2014, the Governing Body approved a cargo container storage lot CUP for ten (10) years. The two eastern parcels were later rezoned from Johnson County *RUR, Rural* to City of Edgerton, *L-P, Logistics Park*. The Governing Body granted final approval for the rezoning on September 9, 2021. She explained the Preliminary and Final Plat were heard by the Planning Commission on December 14, 2021. The Final Plat has not been presented to the Governing Body as the applicant was finalizing easements and other information related to this Final Site Plan application. Ms. Linn stated the revisions do not need to be reapproved by the Commission as they were listed as stipulations for approval.

Ms. Linn stated City staff had the following comments regarding the Final Site Plan when reviewing it under the guidelines of Article 10 of the UDC.

1. Parking areas, paths, sidewalks with sizes and surface material specifications.
 - a. Currently there is no sidewalk on the north side of 191st Street. When this parcel was initially developed, the applicant entered an agreement not to protest the formation of a benefit district for the construction of any future sidewalk. This agreement will need to be updated to include the legal description for the entirety of the new parcel. The applicant has acknowledged the agreement will be needed.
2. Exterior lighting specification including a preliminary photometric plan. A final photometric plan will be required at the time the applicant applies for a Building Permit. Lighting should be installed in an effort to minimize spillover onto adjacent properties and streets. The maximum light level at any point on a property line shall not exceed 0.0 foot-candles when adjacent to an agricultural or residential property or 0.2 foot-candles when adjacent to a nonresidential district, measured five (5) feet above grade. Lights shall be aimed away from adjacent properties and streets and may need to be shielded to meet the foot-candle requirements. The maximum height for luminaries shall not exceed 25 feet as measured between the bottom of the luminaire and grade.
 - a. The provided plans show the foot-candle readings at the property lines at 5 feet above grade meeting the requirements. However, the applicant has indicated that forty (40) foot high poles will be on top of six (6) foot high bases are to be used. The applicant has filed an application for a variance of this section of code to the Board of Zoning Appeals (BZA). The application for a variance will be heard at the September 13, 2022 meeting.

Ms. Linn stated if the BZA does not grant the variance for the height of the luminaries, the applicant will be required to redesign the lot to accomplish proper lighting with luminaries at the appropriate height. She added that City staff will monitor the sight to ensure the foot-candle readings are always in compliance with the UDC.

3. Connection point for utilities and the location and size of all utility lines including but not limited to sewer lines and manholes; water lines and fire hydrants; telephone, cable, fiber, and electrical systems; and storm drainage systems including inlets, catch basins, lines and other appurtenances, existing and proposed.
 - a. The City Engineer has provided sanitary sewer plan comments separately and the Final Site Plan will need to be updated as needed to encompass the approved sanitary sewer plan.
4. Scale drawings of all proposed signage including location, height, size, area, material, and design to be used on the premises with construction drawings required when applying for a sign permit in accordance with Article 12, *Sign Regulations*, of the UDC.
 - a. No signage has been proposed with this application.

Ms. Linn explained any proposed signage will be reviewed by City staff to ensure all requirements set forth in the UDC are met and the applicant has acknowledged the statement.

5. The location of any HVAC systems (roof or ground), utility boxes and any other above ground facilities. Include line of sight drawings which indicate view from the street, public right-of-way, and/or adjacent properties. Ground-based mechanical equipment shall be located away from property lines adjacent to public streets and residential property. Include type of screening that will be used around equipment.
 - a. The applicant has proposed a set area for all ground mounted equipment and has screened it from public view.
6. Area or facilities used for trash, trash compacting, recycling containers, service and loading are to be located out of view from streets, adjacent to residential properties, and other highly visible areas such as parking lots, access drives, and similar areas.
 - a. The applicant has stated the proposed dumpster enclosure is located west of the building.

Ms. Linn stated City staff will continue to monitor the site to ensure the last two requirements are met at all times.

She said the following review comments arose during City staff's review of the Final Site Plan under the guidance of Article 5 of the UDC.

1. Building Materials. One hundred percent (100%) of the surface of each exterior wall (excluding doors and windows) facing a public street, residential use or public open space shall consist of material including but not limited to stone, brick, glass block, tile, cast metal, cast or cultured stone, concrete (tilt-up walls), glass, or a combination of these materials.
 - a. The proposed building is mostly covered by a brick veneer, except for the north façade.

Ms. Linn stated the metal on the building needs to be covered on all sides of the proposed building and the Site Plan will need to be updated.

2. Façade Guidelines

- a. Horizontal Articulation. Walls facing a public right-of-way or a residentially zoned property shall not extend for a distance greater than four (4) times the wall's height without having an off-set of ten percent (10%) of the wall's height (maximum of five (5) feet); the new plane shall extend for a distance equal to a minimum of twenty percent (20%) of the maximum length of the first plane. The City may allow exceptions to this requirement upon review and approval of a typical façade elevation. Walls not facing a public right-of-way or a residentially zoned property and loading dock doors are exempt from the horizontal articulation requirement.
 - i. Three of the façades face public right-of-way or residentially zoned property. Those are the north, east and south façades. The west façade faces a property that is zoned L-P, Logistics Park. The north and south façades do not span the required 4 times the height of the building to require any horizontal articulation. The east façade of the building does have dock doors and is exempt from this requirement. Ms. Linn explained the horizontal articulation has been met.
- b. Vertical Articulation. Walls facing a public right-of-way or a residentially zoned property shall not extend for a distance greater than four (4) times the height of the wall without changing height by a minimum of ten percent (10%) of the wall's height (maximum of five (5) feet). The City may allow exceptions to this requirement upon review and approval of a typical façade elevations. Walls not facing a public right-of-way or a residentially zoned property are exempt from the vertical articulation requirement.
 - i. Three of the façades face public right-of-way or residentially zoned property. Those are the north, east and south façades. The west façade faces a property that is zoned L-P, Logistics Park. The north and south façades do not span the required 4 times the height of the building to require any vertical articulation. The east façade does span the distance to require vertical articulation. While there is no proposed vertical articulation shown on the façade, the applicant has provided changes in the color of the brick that surrounds the dock doors. The applicant has also proposed some changes of materials to a smooth finished, grooved cementitious material above the dock doors. The cementitious material is proposed to be white, and the second color of brick is to be gray.

Ms. Linn explained City staff feels the changes of materials coupled with the changes of the color of the brick meets the spirit and intent of the code and recommends the approval of this deviation.

- c. Screening of Rooftop Equipment. For buildings within the L-P District, all rooftop mounted mechanical, air conditioning, electrical, and satellite dish equipment shall not be visible. Rooftop equipment shall be screened from ground and street level view with parapets or other architectural design features constructed of the same materials used on the exterior walls.
 - i. There are proposed solar panels to be placed on the roof of the building. These units will need to be in compliance of this requirement.

Ms. Linn stated City staff will continue to monitor the site to ensure this requirement is met at all times.

3. Landscape Standards.

- a. Buffer Composition Requirements. Required plant material within each type of landscape buffer shall be in accordance with the provisions set forth in Table 3, Buffer Planting Standards.
 - i. No single species of tree or plant material shall comprise more than 30% of the cumulative total of plantings on a site.

Ms. Linn explained the proposed number of Wichita Blue Junipers exceeds the limit outline in the UDC. It is proposed to make up 31.8% of the total planting. The Final Site Plan will need to be updated.

Ms. Linn stated the City Engineer has provided comments for the stormwater and those comments will be worked through before any building permit can be issued. She said City staff does recommend approval with the following stipulations:

1. The staff recommendations and comments noted related to infrastructure, landscaping, the stormwater plan and all else discussed as included in the Staff Report are included as stipulations as part of approval of this Final Site Plan.
2. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City. The applicant has submitted a drainage easement to the City Engineer for review. Upon approval, the easement will be recorded either before or with the Final Plat.
3. Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads, and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein

Commissioner Draskovich inquired to what will happen to the wash bay run off and asked if the runoff violates any codes. Ms. Linn replied there have been a lot of conversations between the applicant and City to ensure that unnecessary water is going into the sanitary sewer. This wash bay is covered so the chance of stormwater entering the sanitary sewer system is slim.

Commissioner Draskovich asked if all of the tire storage will be enclosed. Mr. Lynn Boyd, agent, JB Hunt, replied it is. Chairperson Daley stated outdoor storage isn't allowed. Commissioner Draskovich stated he wanted to make sure. Mr. Boyd added that all exterior items will be screened from view.

Commissioner Crooks moved to approve Application FS2022-03 with the stipulations outlined by City staff. Commissioner Little seconded the motion. Application FS2022-03 was approved with the stipulations outlined by City staff, 3-0.

11. **PUBLIC HEARING REGARDING APPLICATION CU2022-01 FOR A CONDITIONAL USE PERMIT FOR JB HUNT TRANSPORT, INC FOR A CARGO CONTAINER STORAGE LOT LOCATED AT 30650/30700 W. 191ST STREET** Applicant: Derek Kennemer, Agent – JB Hunt Transport, Inc.

Chairperson Daley opened the public hearing.

There were no public comments made at this time.

Chairperson Daley closed the public hearing.

12. **CONSIDER APPLICATION CU2022-01 FOR A CONDITIONAL USE PERMIT FOR JB HUNT TRANSPORT, INC FOR A CARGO CONTAINER STORAGE LOT LOCATED AT 30650/30700 W. 191ST STREET** Applicant: Derek Kennemer, Agent – JB Hunt Transport, Inc.

Mr. Waldrum stated they are extending the CUP to the additional acreage.

Ms. Linn explained the applicant wants to remove the current CUP and replace it with a new one that has the land that was purchased included on the CUP. She explained City staff reviewed the Site Plan under the requirements outlined in Article 7 – *Conditional Uses* of the UDC.

She said the purpose of this article is to provide for certain uses, which because of their unique characteristics cannot be distinctly listed as a permitted use in a particular zoning district. The Commission may recommend approval of conditional uses to the Governing Body after consideration in each case, of the impact of such uses upon neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standards are herein established to ensure the use's consistency with the character, uses and activities in the zoning district. Before any conditional use shall be approved, the Governing Body shall review the record of the public hearing held by the Commission.

The Commission, in accordance with the procedures and standards of the UDC, may recommend the Governing Body authorize buildings, structures, and uses as conditional uses in specific instances and in particular districts set forth provided that:

- a. the location is appropriate and consistent with the Comprehensive Plan;
- b. that the public health, safety, morals, and general welfare will not be adversely affected;
- c. the necessary safeguards will be provided to surrounding property, persons, and neighborhood values; and
- d. further provide that additional standards of this Article be specified as a condition of approval.

No Conditional Use shall be authorized unless the Commission finds that the establishment, maintenance, or operation of the Conditional Use meets the standards set forth in the UDC. The burden of proof and the burden of persuasion is on the applicant to bring forth the

evidence on all questions of fact that are determined by the Commission.

Ms. Linn stated Section 7.1 of the UDC lists criteria that is reviewed for the issuance of a CUP. The following statements and staff determinations were noted:

1. Criteria. In order to recommend approval or disapproval of a proposed conditional use permit, both the Planning Commission and the Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, the Planning Commission and Governing Body may consider all factors they deem relevant to the questions of compatibility and the best interest of the City, including the following:
 - a. The extent to which there is a need in the community for the proposed use.
 - i. Demand for businesses to store and maintain cargo containers and chassis, such as the facility proposed here, is a by-product of the activity in and around the intermodal facility. The primary function of LPKC is to transport and redistribute containers and the products they contain. The proposed use would fill a need for this type of support services in LPKC. Staff determination: Positive
 - b. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
 - i. The neighborhood is established as a transportation and logistics hub. The Burlington Northern Santa Fe (BNSF) Intermodal Facility is roughly 1.2 miles to the west of the subject parcel. The parcel contains the correct zoning designation for the proposed use. The site would be wholly contained within Application FS2022-03 as submitted for Planning Commission review. Staff determination: Positive
 - c. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening.
 - i. The current zoning of L-P and the parcel's adjacency to similar uses supports the need for this kind of use. Application FS2022-03 was reviewed to ensure compliance with the UDC regarding requirements for L-P zoned parcels. Staff determination: Positive
 - d. Suitability of the uses of the property without the proposed conditional use permit.
 - i. Cargo container and chassis storage are an important function to serve LPKC. This important support service continues to be a much-needed use within LPKC and the supply chain in general. The existing cargo container storage facilities are seeing an increased demand for such services. Staff determination: Positive
 - e. Length of time the subject property has remained vacant without the proposed conditional use permit.
 - i. The western portion of the parcel has been used as a cargo container storage lot since it was developed in 2014. The eastern portion of the parcel has been used as agricultural land since 2006, per Johnson County AIMS. The expansion of this cargo container storage and maintenance facility serves a need in the Logistics

Park. Staff determination: Neutral

- f. The extent to which the proposed use may detrimentally affect nearby property.
 - i. No long-term detrimental effects are expected for the use of the property as the use requested is not extraordinary at LPKC. There are currently three (3) other cargo container storage facilities in operation at LPKC and the approval another facility will be beneficial to the BNSF Intermodal. Staff determination: Positive
- g. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions.
 - i. The existing drive from 191st Street will still be utilized for the expansion. Staff determination: Positive
- h. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services.
 - i. Due to a portion of the property being developed, most utilities are onsite. The applicant will be responsible for expanding sanitary sewer to the site and decommissioning of the current septic tank. Staff determination: Positive
- i. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property.
 - i. The road network nearby has been constructed to serve this type of heavy truck traffic and the site is currently developed for this type of operation. Staff determination: Positive
- j. The environmental impacts that the proposed use would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.
 - i. This project will increase the amount of impervious surface. During Site Plan review, the stormwater report is reviewed by the City Engineer to ensure all stormwater stays on site and does not impact nearby properties. The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan that is reviewed by the City and the State. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process. Staff determination: Neutral
- k. The economic impact of the proposed use on the community.
 - i. Prior to the development of the BNSF intermodal facility and LPKC, there were few commercial and industrial uses within the City. Warehousing and related uses in

the L-P District have the potential to benefit the residents and the community in a positive way by providing much needed jobs and tax revenues. This type of use is seen as necessary support for warehousing and other related LPKC uses. Staff determination: Positive

- l. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial.
 - i. If approved with the stipulations stated, Application FS2022-03 meets the requirements of the UDC. Due to the nature of the request, there would be little gain to the public health, safety, and welfare of the City of Edgerton and the property owner should this request be denied. Staff determination: Positive
- m. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community.
 - i. The Future Land Use Map within the Comprehensive Plan designates the subject property for industrial development. Staff determination: Positive
- n. In addition to the above criteria, the recommendation of professional staff is also required per Ordinance 798 (2005). Staff recommendation will be addressed after all of City staff's findings have been presented.

Ms. Linn said the CUP application was also reviewed under the scope of Section 7.2.G.7 which lists the L-P zoning specific district requirements for a cargo container storage, repair, or maintenance facility. Those comments are as follows:

- 1. All cargo container storage and cargo container repair and maintenance facilities (collectively referred to as "facilities") shall be subject to the following performance provisions:
 - a. Access: No cargo containers or semi-trailers (either on or off a chassis), or a chassis, may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings.
 - i. The applicant has stated the existing development provides an access driveway to 191st Street from incoming and outgoing cargo containers and semi-trucks. All containers and trucks are stored back into the existing storage and access to 191st Street is not impeded or blocked. Site Plan FS2022-03 complies.
 - b. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exists. A lighting plan shall be submitted and approved.
 - i. The applicant has provided a photometric that does not comply with the standards outlined in the UDC. The applicant has submitted an application for a variance that will be presented to the Board of Zoning Appeals (BZA) in September of 2022. If the BZA does not grant the variance as requested, the applicant will then need to update the Final Site Plan to be in compliance with the UDC.
 - c. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres.

- i. The applicant stated the existing lot is 19.58 acres and the property owner is adding ten (10) acres to that for a total of 29.58. The legal description that was approved for the platting of this property confirms the acreage. Site Plan FS2022-03 complies.
- d. Noise: Noise from businesses and facilities shall not exceed 60 dB(A) in any adjacent residential district or 70 dB(A) in any adjacent commercial or industrial district or property.
 - i. Noise issues are not addressed in the applicant's proposal; however, if approved, the use must continuously comply with these parameters in the conduction of business. Applicant has acknowledged this requirement.
- e. Paving: All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For purposes of this stipulation: 1) Paving shall mean concrete or asphalt and 2) Dust-free shall mean that all interior driveway and storage area surfaces shall be kept free of dust, dirt, or other materials to prevent the migration of dust off-site.
 - i. The applicant has indicated the site will be paved with two (2) inches of asphaltic cement concrete (ACC) on top of four (4) inches of ACC base with a twelve (12) inch aggregate base on top of a nine (9) inch treated subgrade. Some areas will be paved with eleven (11) inches of 4,000 pounds per square inch (PSI) PC concrete with six (6) inches of aggregate compacted base on top of the 9-inch treated subgrade. Site Plan FS2022-03 complies.
- f. Parking: Facilities shall comply with the Article 5.2 L-P District Off Street Parking and Loading regulations. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices.
 - i. The proposed use shall continuously comply with parking requirements.
 - ii. The applicant has stated a total of 622 off-street parking spaces will be provided to meet this requirement. Site Plan FS2022-03 complies.
- g. Cargo Container Stacking: Cargo containers shall not be stacked more than five (5) in number.
 - i. The proposed use must continually comply with and not exceed the maximum stacking number. Applicant has acknowledged this requirement.
- h. Chassis Stacking/Racking: Empty chassis may be stored on end (racking) or may be stacked. When stacked, chassis shall not be more than five (5) in number.
 - i. The proposed use must continually comply with and not exceed the maximum stacking number. Applicant has acknowledged this requirement.
- i. Screening and Landscaping: Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping. Screening shall comply with requirements Article 5.2 L-P District Landscape Standards.
 - i. The comments regarding the landscaping in the Staff Report for Application FS2022-03 must be addressed and the proposed use shall continuously comply with the landscaping requirements. An updated Final Site Plan is required.

- j. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property shall be subject to the setback requirements in Article 5.2 L-P District Setback, Yard, Area Regulations, except however, the parking or storage of cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked) shall be subject to the following setback standards that may vary depending upon the difference scenarios set forth below:
 - i. When abutting (touching), or across the street from non-residentially zoned property, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked and stacked)
 - ii. When abutting (touching) public right-of-way, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked and stacked);
 - iii. When abutting (touching), or across the street from residentially zoned property, such parking or storage shall be setback a minimum of 250 feet from the nearest property line of the residentially zoned property;
 - iv. When abutting (touching), or across the street from a habitable dwelling, such parking or storage shall be setback a minimum of 300 feet from the nearest dwelling; and
 - v. For purposes of Stipulations 3 and 4 above, measurements shall be made between the nearest property line of the residentially zoned property or the nearest edge of a dwelling, and the nearest cargo container, semi-trailer (either on or off a chassis), or chassis.
 - 1. The applicant has provided a map of the setback from the residentially zoned parcels as 175 feet and the setback from L-P zoned parcels as fifty (50) feet. Site Plan FS2022-03 complies for the area that abuts L-P zoned parcels. The applicant has submitted an application for a variance to the BZA regarding the setback abutting residentially zoned parcels. If the BZA does not approve the variance, the setbacks required by the UDC will need to be adhered to and the Final Site Plan Application FS2022-03 will need to be updated.
- k. Signage: Business signs shall be allowed according to Article 12 L-P District Signage regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis.
 - i. The applicant has not indicated any new signage will be placed on the site at this time. All new signage will require the submittal of a Sign Permit Application which will be reviewed by staff for compliance with Article 12 of the UDC. Applicant has acknowledged this requirement.
- l. Site Plan: A site plan shall be submitted with the application. The site plan shall be prepared in accordance with the requirements of Article 9.1 (B) (3) of these regulations.
 - i. Application FS2022-03 has been submitted. Submittal of updated Site Plan Application FS2022-03, as stipulated when approved, is a condition of this permit's approval. Applicant has acknowledged this requirement.

- m. Other Rules and Regulations: All facilities shall abide by any and all governmental rules, regulations, codes and specifications now in effect or hereafter adopted that would be applicable to this permit or the use of the property by the applicant/landowner.
 - i. The proposed use must continuously comply with these requirements. Applicant has acknowledged these requirements.
- n. Deviations: In the event that an applicant desires to deviate from the above performance standards and provisions for certain Conditional Uses, the applicant shall submit written information to the Governing Body indicating the circumstances which are believed to necessitate the need for a deviation(s), and the applicant shall provide a list of alternative materials, designs or methods that are equivalent to the performance standards and provisions for the L-P Zoning District, Section 5.4, Section G through Q in the regulations. The application may only be approved if findings are made by the Governing Body that a) due to the circumstances of the application, it would be unnecessary to impose the standard(s) and equivalent alternatives should be allowed, b) that the spirit and intent of the regulations are being met, c) that granting the deviation shall not adversely affect adjacent or nearby property and d) the application shall otherwise comply with all building code(s) and safety requirements. (Ordinance No. 915, 2012).
 - i. The proposed use must continuously comply with these requirements. Applicant has acknowledged these requirements.

Ms. Linn then stated City staff does recommend approval of this application with the following stipulations:

1. The Conditional Use Permit CU2022-01 approval shall be transferable, but it must stay with the ownership of these parcels for which its use is approved (Final Plat Application FP2021-04).
2. The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements. The applicant shall comply with height requirements by limiting cargo container stacking to not exceed the maximum of 5 (five) cargo containers. This condition shall be continually met for the duration of the conditional use permit.
3. The property shall be developed in accordance with the Final Site Plan Application FS2022-03 and any stipulations, to be approved by the Planning Commission, prior to commencement of the cargo container storage use.
4. Landscaping material shall be continuously maintained and replaced when dead.
5. No other outside storage of equipment or materials shall be allowed on the property.
6. Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a new, revised Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans.
7. This Conditional Use Permit shall be valid for 10 (ten) years from date of approval by the City of Edgerton Governing Body.

Chairperson Daley clarified the applicant is expanding the CUP to encompass the Final Site Plan that was approved. Ms. Linn stated that is correct and the CUP is required for the storage container yard to operate.

Commissioner Draskovich stated the stacking will be higher than the lighting luminaries. He inquired if the stacking is going to be on eastern half of the project site. Ms. Linn explained the UDC dictates where and how high stacking can be and the BZA has an item regarding where the stacking will take place. Mr. Waldrum stated a Site Plan where the stacking is proposed was provided in the packet. Chairperson Daley inquired what would happen if the variances were not approved by the BZA. Ms. Linn answered the applicant will have to redesign the site and that can be administratively approved. Commissioner Draskovich asked if the current operations meet the UDC requirements. Ms. Linn replied that it does.

Commissioner Crooks moved to recommend approval of Application CU2022-01 with the stipulations outlined by City staff to the Governing Body. The motion was seconded by Commissioner Draskovich. Application CU2022-01 was recommended for approval, 3-0.

13. **FUTURE MEETING REMINDERS** Chairperson Daley stated the next regular sessions of the Commission are scheduled for October 11, 2022, November 8, 2022, and December 13, 2022, all at 7:00 PM.
14. **ADJOURN** Commissioner Little moved to adjourn the meeting. Commissioner Crooks seconded the motion. The meeting was adjourned at 8:01 PM, 3-0.

MEMORANDUM

Date: December 6, 2022

To: City of Edgerton Planning Commission

From: Beth Linn, City Administrator

Re: Application UDCA2022-02 For Amendments To Article 2 Of Edgerton Unified Development Code Signage Regulations particularly in the Commercial Districts

It has recently been brought to Staff's attention a request for the ability for Traffic Control Signage or Internal Directional Signage within the Commercial Zoning Districts. For example, for a property zoned Heavy Service Commercial (C-2) like the On the Go Travel Center there is no ability for the travel center operator to post signs for circumstances where abandoned trailers will get towed at the owner's expense. The Owner is asking the City to consider what, if any, internal signage would be appropriate in this district.

There are several alternative methods to allow this, should the Planning Commission find it appropriate.

1. **General Sizes Exempt signs under a certain size:** Some cities exempt smaller signs from needing a permit. For example a sign under 4 square feet would be exempt from permit and could be placed by Property Owner. If exempt, City does not have control over number of signs placed, location of placement etc.
2. **Provide for Traffic Control Signage within the Commercial Zoning Districts.** Some cities allow for placement of traffic control signs on private property but they must be in conformance with the Manual of Uniform Traffic Control Devices (MUTCD). This is most typical for signs similar to what you would see on public streets to route traffic through a site, designate loading zoning, parking limitations, etc. Staff will verify if MUTCD provides for a sign posting towing at owner's expense. In this method, city would simply state that must conform with MUTCD. The City would need to decide if would require a permit and any other limitations (i.e. number, location, etc).
3. **Provide for Internal Directional Signage within the Commercial Zoning Districts similar to L-P.** Today, Edgerton UDC allows "Internal Directional Signage" in the Logistics Park (L-P) zoning district that is maximum of 6 square feet and maximum of 4 total per site. External Directional Signage along the right-of-way is treated separately. Planning Commission could add this category to one, some or all of the commercial zoning districts. This type of sign does not require a permit and but does include other limitations such as square feet, location, no illumination, etc.

Enclosed with this memo is the Edgerton UDC Article 12 Signs Permitted Sign Matrix for all districts. Staff has published for the required public hearing for a possible proposed regulation change to the UDC for Article 12, Signs. Following the conclusion of the public hearing, staff would recommend the Planning Commission provide direction to staff for preparation of any proposed change to the UDC if desired. If any regulations changes are recommended, those would be prepared in ordinance to be considered by the Edgerton City Council at a future meeting.

A. Table 12-1 Signs Permitted in All Districts.

Permitted Signs in All Districts							
Type	Max Size	Max Ht (ft)	Max #	Min Set-back	Permit Req.	Illum Type	Notes
Real estate	exempt	exempt		Not located in the right of way.	no	none	
Political	exempt	exempt		Not located in the right of way.	no	none	Not located on public property
Lots for sale	exempt	exempt		Not located in the right of way.	no	none	On-site signs only
Auction	exempt	exempt		Not located in the right of way.	no	none	On-site and off site signs
Construction	exempt	exempt		Not located in the right of way.	no	none	Repairs, contractors or builders
Special events at commercial locations				Not located in the right of way.	yes	none	Grand openings, sales, promotions or similar signs - 30 days maximum

Permitted Signs in All Districts							
Type	Max Size	Max Ht (ft)	Max #	Min Set-back	Permit Req.	Illum Type	Notes
Special events - public, private, charitable	exempt	exempt		Not located in the right of way.	no	none	Rallies, picnics, fairs, festivals, displays, promotions
Future building site	20 sq. ft.	8 ft.		Not located in the right of way	yes	none	Announces future building project Monument style only
Day care or adult care	20 sq. ft.	6 ft.		Not located in the right of way	yes	none	Monument style, ground style or wall

B. Table 12-2 Signs Permitted in Residential Districts.

Permitted Signs in R-1, Single Family Residential Districts							
Type	Max Size	Max Ht (ft)	Max #.	Min Setback	Permit Req.	Illum Type	Notes
Home Occupations	8 sq. ft. and 2 x 3 ft. on building	6 ft.	2	2 required yard setback	yes	external	Monument or ground style and a sign attached to building
Institutional	36 sq. ft.	6 ft.	1	Not located in the right of way. and cannot create a traffic hazard.	yes	external or internal (must reflect or direct light away from residential dwellings)	Monument only

Permitted Signs in R-1, Single Family Residential Districts							
Type	Max Size	Max Ht (ft)	Max #.	Min Setback	Permit Req.	Illum Type	Notes
Subdivision name	16 sq. ft.	6 ft.	1	Not located in the right of way. and cannot create a traffic hazard.	yes	external	Monument only

R-2 & R-3, Multi-Family Residential District & MHP							
Type	Max Size	Max Ht (ft)	Max #.	Min Setback	Permit Req.	Illum Type	Notes
Name plate for building	4 sq. ft.	Per building			no		per building
Place name - gives name of apartment complex	24 sq. ft.	6 ft.	1	Not located in the right of way. and cannot create a traffic hazard	yes	external	Monument or ground style only - name of apartment complex
Home Occupation	8 sq. ft. and 2 x 3 ft. on building	6 ft.	2	2 required yard setback	yes	external	Monument or ground style and a sign attached to building
Institutional	36 sq. ft.	6 ft.	1	Not located in the right of way. and cannot create a traffic hazard	yes	external or internal (must reflect or direct light away from residential dwellings)	Monument only

MH Park	16 sq. ft.	8 ft.	1	Not located in the right of way. and cannot create a traffic hazard	yes	external	Monument or ground style
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Planned Unit Development Districts							
Type	Max Size	Max Ht (ft)	Max #.	Min Setback	Permit Req.	Illum Type	Notes
All Permanent Signs	By review	By review	By review	Not located in the right of way. and cannot create a traffic hazard	yes	By review	All permanent signs in a PUD are approved during the review of the preliminary and final plans

C. Table 12-3 Signs Permitted in Commercial Districts – CD, C1, C2, C3

Permitted Signs in CD- Downtown Commercial District								
Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
Awning	Permanent	Graphic text cannot exceed 30% of the total exterior surface area of the awning; If side panels are provided they may not carry text or images greater than	N/A – sign coverage limited to awning face.	See notes.	May not protrude from awning face.	Yes	Decorative downlights above awning only; No illumination allowed on awning.	One sign face per window or door opening as allowed by district design standards; When multiple awnings occur in a row on a building side, every other awning surface should be left free of sign graphics or text; The square footage of the text and graphics on an awning

Permitted Signs in CD- Downtown Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
		20% of the awning panel area; Text and graphics on a valance shall not be larger than 8 inches in height.						surface or valance count toward the total allowed square footage for a wall sign at the same location.
Blade Sign (AKA Projection Sign)	Permanent	12 sq. ft. in area per side; may have two sign faces.	Shall maintain not less than 8 ft. clearance between the bottom of the sign and the finished grade; May not extend more than 2 ft. above the building parapet/roofline.	1	May not extend more than 3 ft. from the wall façade or into public right of way.	Yes	Internal illumination only.	May only be placed on a front façade; May not be used in conjunction with a wall sign.
Monument Sign	Permanent	36 sq. ft. in area per sign face; may be single or double faced.	6 ft. from natural grade or average grade including base.	1 per principal building per street frontage.	7 ft. setback from property lines.	Yes	Light source may be internal or external; if external, it must be directed away or shielded from passersby, adjacent properties and motorists.	See Section 12.8 for design details regarding Monument Signs.
Wall Sign	Permanent	On a standalone building or a multi-tenant complex, the total area of the	Wall height; may not extend past roofline or parapet.	1 per front or side of building facing a	N/A – may not protrude off of wall of building.	Yes	External or internal illumination; decorative downlights	If a tenant is part of a multi-tenant complex, each tenant shall be allowed one (1) wall sign no greater than ten (10)

Permitted Signs in CD- Downtown Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
		wall sign shall be one and a half square feet of sign area for each one foot of linear footage of the building façade facing the street.		street up to a total of 3 maximum; may not be placed on rear of building.			required for external illumination; must be directed away or shielded from passersby, adjacent properties and motorists.	percent of the tenant wall area upon which the sign is placed. Corner tenant spaces will be allowed one (1) additional wall sign no greater than ten (10) percent of the wall area upon which it is placed so that one may be placed on each side of a corner façade. Signs facing the rear of a building are prohibited. See section 12.8 for calculation of sign area parameters.
Wall sign for Accessory Building	Permanent	16 sq. ft in area	Wall height; may not extend past roofline.	1	N/A – may not protrude off of wall of building.	No	External only; must be directed away or shielded from passersby, adjacent properties and motorists.	1 sign per accessory building; must be constructed out of permanent material.
Window sign	Permanent	1 per window not to exceed 10% of total glass area unless no wall sign is provided; If no wall sign is provided then window sign can be 20% of total glass area.	Within window confines	1	N/A	No	External or internal	Sign may be painted or etched on glass – must be on interior surface of window; Sign made from materials (not etched or painted on glass) must be hung inside; Neon signs may be used as a window sign and may encompass 25% of total glass area as long as no other window signage is present.

Permitted Signs in C-1 - General Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
Awning	Permanent	Graphic text cannot exceed 30% of the total exterior surface area of the awning; If side panels are provided they may not carry text or images greater than 20% of the awning panel area; Text and graphics on a valance shall not be larger than 8 inches in height.	N/A – sign coverage limited to awning face.	See notes.	May not protrude from awning face.	Yes	Decorative downlights above awning only; No illumination allowed on awning.	One sign face per window or door opening as allowed by district design standards. When multiple awnings occur in a row on a building side, every other awning surface should be left free of sign graphics or text; The square footage of the text and graphics on an awning surface or valance count toward the total allowed square footage for a wall sign at the same location.
Blade Sign (AKA Projection Sign)	Permanent	12 sq. ft. in area per side; may have two sign faces.	Shall maintain not less than 8 ft. clearance between the bottom of the sign and the finished grade; May not extend more than 2 ft. above the building parapet/roofline.	1	May not extend more than 3 ft. from the wall façade or into public right of way.	Yes	Internal illumination only.	May only be placed on a front façade; May not be used in conjunction with a wall sign.
Flags	Permanent	No single flag shall exceed 40 sq. ft. in area.	35 ft. above finished grade.	3 per development site.	Must meet Zoning District requirements.	No	External illumination required if flag is to fly at night; light source must be	

Permitted Signs in C-1 - General Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
							directed away or shielded from passersby, adjacent properties and motorists.	
Freestanding Canopy Façade Sign	Permanent	Sign area shall not exceed 10 (ten) percent of the canopy façade where sign is placed.	Cannot extend above canopy façade roofline.	1 per side facing public right of way.	Depth of content cannot extend a depth of more than 6 inches.	Yes	Internal only.	Pertains to canopies for drive-through facilities.
Interstate/Highway Adjacent Monument Sign	Permanent	Area per face shall not exceed 200 sq. ft., maximum two faces permitted.	30 ft. above the natural or average grade	1 per parcel	Shall not be closer than 30 ft. of all property lines or located within any easement.	Yes	Internal Only	<p>May contain a changeable copy sign;</p> <p>No flashing, intermittent or moving lights; LED signs must display image for at least 8 seconds;</p> <p>Changeable copy content and logo are used to calculate total sq. ft. when calculating maximum sq. ft. per sign side;</p> <p>Allowed if a minimum of 50% of the site is within 800 ft. of the centerline or 500 ft. of the right of way (whichever is less) of an Interstate or Highway.</p> <p>The width of the base of the sign shall not be less than 20% of the width of the sign face or more than 60% of the width of the sign face.</p>

Permitted Signs in C-1 - General Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
								Landscaping such as flowering trees, shrubs and bushes shall be provided around the base of the sign as approved. See Section 12.8 for design details regarding Monument Signs.
Monument Sign	Permanent	.5 sq. ft. in area per linear foot of street frontage; Maximum of 120 sq. ft. in area per sign face; may be single or double faced.	10 ft. from natural grade or average grade including base.	1 per principal building per street frontage.	12 ft. setback from property lines.	Yes	Light source may be internal or external; if external, it must be directed away or shielded from passersby, adjacent properties and motorists.	May contain a changeable copy sign; No flashing, intermittent or moving lights; LED signs must display image for at least 8 seconds; Changeable copy content and logo are used to calculate total sq. ft. when calculating maximum sq. ft. per sign side; See Section 12.8 for design details regarding Monument Signs.
On-Site Identification Sign	Permanent	4 sq. ft. in area per face; may be double faced.	4 ft.	1 per site or driveway entrance.	Not in right of way.	Yes	None allowed.	Must be constructed of permanent materials; May be wall mounted or installed using metal two-inch square posts; Wooden posts are not allowed unless they are metal wrapped.

Permitted Signs in C-1 - General Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
Parked Vehicle Service Signs	Permanent	6 sq. ft. in area per face; may be installed back to back.	6 ft.	1 per order station	Same as parking setback for applicable zoning district.	Yes	Internal illumination only.	May contain visual or auditory communication system.
Vehicle Drive Lane Sign	Permanent	32 sq. feet in area	6 ft.	1 per drive lane	Same as parking setback for applicable zoning district.	Yes	Internal illumination only.	<p>May be attached to wall or freestanding;</p> <p>If freestanding, must be built on a solid base that is at least 50% of the width of the sign face;</p> <p>Shall be located along the sides or rear of the building;</p> <p>If visible from a public street, additional landscaping and/or screening is required to screen board from view from public street;</p> <p>Must be constructed to match the aesthetics of the main building including building materials used;</p> <p>May contain visual or auditory communication system.</p>
Vehicle Drive Lane Accessory Sign	Permanent	15 sq. ft.	6 ft.	1 per drive through lane; Must be separated from any Vehicle Drive Lane Sign	Must be placed within 3 ft. of adjacent drive through lane	Yes	Internal illumination alone.	<p>May be attached to wall or freestanding;</p> <p>If freestanding, must be built on a solid base that is at least 50% of the width of the sign face;</p>

Permitted Signs in C-1 - General Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
				by at least 15 ft.				<p>Shall be located along the sides or rear of the building;</p> <p>If visible from a public street, additional landscaping and/or screening is required to screen board from view from public street.</p> <p>Must be constructed to match the aesthetics of the main building including building materials used.</p>
Wall Sign	Permanent	On a standalone building or a multi-tenant complex, the total area of the wall sign shall be one and a half square feet of sign area for each one foot of linear footage of the building façade facing the street.	Wall height; may not extend past roofline or parapet.	1 per front or side of building facing a street up to a total of 3 maximum; may not be placed on rear of building.	N/A – may not protrude off of wall of building.	Yes	External or internal illumination; decorative downlights required for external illumination; must be directed away or shielded from passersby, adjacent properties and motorists.	<p>If a tenant is part of a multi-tenant complex, each tenant shall be allowed one (1) wall sign no greater than ten (10) percent of the tenant wall area upon which the sign is placed.</p> <p>Corner tenant spaces will be allowed one (1) additional wall sign no greater than ten (10) percent of the wall area upon which it is placed so that one may be placed on each side of a corner façade.</p> <p>Signs facing the rear of a building are prohibited.</p> <p>See section 12.8 for calculation of sign area parameters.</p>

Permitted Signs in C-1 - General Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
Wall sign for Accessory Building	Permanent	16 sq. ft in area	Wall height; may not extend past roofline.	1	N/A – may not protrude off of wall of building.	No	External only; must be directed away or shielded from passersby, adjacent properties and motorists.	1 sign per accessory building; must be constructed out of permanent material.
Window sign	Permanent	1 per window not to exceed 30% of total glass area unless no wall sign is provided.	Within window confines	1	N/A	No	External or internal	Sign may be painted or etched on glass – must be on interior surface of window; Sign made from materials (not etched or painted on glass) must be hung inside; Neon signs may be used as a window sign and may encompass 30% of total glass area as long as no other window signage is present.

Permitted Signs in C-2 - Heavy Service Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
Awning	Permanent	Graphic text cannot exceed 30% of the total exterior surface area of the awning; If side panels are provided they may not carry text or images greater than 20% of the awning panel area; Text and graphics on a valance shall not be larger than 8 inches in height.	N/A – sign coverage limited to awning face.	See notes.	May not protrude from awning face.	Yes	Decorative downlights above awning only; No illumination allowed on awning.	One sign face per window or door opening as allowed by district design standards. When multiple awnings occur in a row on a building side, every other awning surface should be left free of sign graphics or text; The square footage of the text and graphics on an awning surface or valance count toward the total allowed square footage for a wall sign at the same location.
Blade Sign (AKA Projection Sign)	Permanent	12 sq. ft. in area per side; may have two sign faces	Shall maintain not less than 8 ft. clearance between the bottom of the sign and the finished grade; May not extend more than 2 ft. above the building parapet/roofline	1	May not extend more than 3 ft. from the wall façade or into public right of way.	Yes	Internal illumination only.	May only be placed on a front façade; May not be used in conjunction with a wall sign.
Flags	Permanent	No single flag shall exceed 40 sq. ft. in area.	35 ft. above finished grade.	3 per development site.	Must meet Zoning District requirements.	No	External illumination required if flag is to fly at night; light source must be directed away or shielded from	

Permitted Signs in C-2 - Heavy Service Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
							passersby, adjacent properties and motorists.	
Freestanding Canopy Façade Sign	Permanent	Sign area shall not exceed 10 (ten) percent of the canopy façade where sign is placed.	Cannot extend above canopy façade roofline.	1 per side facing public right of way.	Depth of content cannot extend a depth of more than 6 inches.	Yes	Internal only.	Pertains to canopies for drive-through facilities.
Interstate/Highway Adjacent Monument Sign	Permanent	Area per face shall not exceed 200 sq. ft., maximum two faces permitted.	30 ft. above the natural or average grade	1 per parcel	Shall not be closer than 30 ft. of all property lines or located within any easement.	Yes	Internal Only	<p>Allowed if a minimum of 50% of the site is within 800 ft. of the centerline or 500 ft. of the right of way (whichever is less) of an Interstate or Highway.</p> <p>May contain a changeable copy sign;</p> <p>No flashing, intermittent or moving lights; LED signs must display image for at least 8 seconds;</p> <p>Changeable copy content and logo are used to calculate total sq. ft. when calculating maximum sq. ft. per sign side;</p> <p>The width of the base of the sign shall not be less than 20% of the width of the sign face or more than 60% of the width of the sign face.</p> <p>Landscaping such as flowering trees, shrubs and</p>

Permitted Signs in C-2 - Heavy Service Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
								bushes shall be provided around the base of the sign as approved. See Section 12.8 for design details regarding Monument Signs.
Interstate Pole Sign	Permanent	900 sq. ft. in area per sign side which includes total of all individual sign faces; may be single or double sided.	60 ft. above finished grade of adjacent city roadway to a maximum height of 100 ft.	1	30 ft. setback from property lines.	Yes; Conditional Use Permit also required	Internal illumination only; see notes for changeable copy illumination.	<p>Allowed in C-2/C-3 District only and also requires a conditional use permit;</p> <p>May contain a changeable copy sign;</p> <p>No flashing, intermittent or moving lights; LED signs must display image for at least 8 seconds;</p> <p>Changeable copy content and logo are used to calculate total sq. ft. when calculating maximum sq. ft. per sign side;</p> <p>Allowed if a minimum of 50% of the site is within 800 ft. of the centerline or 500 ft. of the right of way (whichever is less) of an Interstate.</p> <p>May only be placed on premise.</p>
Monument Sign	Permanent	.5 sq. ft. in area per linear foot of street frontage;	25 ft. from natural grade or average grade including base.	1 per principal building per street frontage.	30 ft. setback from property lines.	Yes	Light source may be internal or external; if external, it must be directed away or	See Section 12.8 for design details regarding Monument Signs.

Permitted Signs in C-2 - Heavy Service Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
		Maximum of 250 sq. ft. in area per sign face; may be single or double faced.					shielded from passersby, adjacent properties and motorists.	
On-Site Identification Sign	Permanent	4 sq. ft. in area per face; may be double faced.	4 ft.	1 per site or driveway entrance.	Not in right of way.	Yes	None allowed.	Must be constructed of permanent materials; May be wall mounted or installed using metal two-inch square posts; Wooden posts are not allowed unless they are metal wrapped.
Parked Vehicle Service Signs	Permanent	6 sq. ft. in area per face; may be installed back to back.	6 ft.	1 per order station.	Same as parking setback for applicable zoning district.	Yes	Internal illumination only.	May contain visual or auditory communication system.
Vehicle Drive Lane Sign	Permanent	32 sq. feet in area	6 ft.	1 per drive lane.	Same as parking setback for applicable zoning district.	Yes	Internal illumination only.	May be attached to wall or freestanding; If freestanding, must be built on a solid base that is at least 50% of the width of the sign face; Shall be located along the sides or rear of the building; If visible from a public street, additional landscaping and/or screening is required to screen board from view from public street;

Permitted Signs in C-2 - Heavy Service Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
								<p>Must be constructed to match the aesthetics of the main building including building materials used;</p> <p>May contain visual or auditory communication system.</p>
Vehicle Drive Lane Accessory Sign	Permanent	15 sq. ft.	6 ft.	<p>1 per drive through lane;</p> <p>Must be separated from any Vehicle Drive Lane Sign by at least 15 ft.</p>	<p>Must be placed within 3 ft. of adjacent drive through lane</p>	Yes	Internal illumination alone.	<p>May be attached to wall or freestanding;</p> <p>If freestanding, must be built on a solid base that is at least 50% of the width of the sign face;</p> <p>Shall be located along the sides or rear of the building;</p> <p>If visible from a public street, additional landscaping and/or screening is required to screen board from view from public street.</p> <p>Must be constructed to match the aesthetics of the main building including building materials used.</p>
Wall Sign	Permanent	On a standalone building or a multi-tenant complex, the total area of the wall sign shall be one and a half square feet of sign area for each one foot of linear	Wall height; may not extend past roofline or parapet.	1 per front or side of building facing a street up to a total of 3 maximum; may not be placed on	N/A – may not protrude off of wall of building.	Yes	External or internal illumination; decorative downlights required for external illumination; must be directed away or shielded from passersby,	If a tenant is part of a multi-tenant complex, each tenant shall be allowed one (1) wall sign no greater than ten (10) percent of the tenant wall area upon which the sign is placed.

Permitted Signs in C-2 - Heavy Service Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
		footage of the building façade facing the street.		rear of building.			adjacent properties and motorists.	<p>Corner tenant spaces will be allowed one (1) additional wall sign no greater than ten (10) percent of the wall area upon which it is placed so that one may be placed on each side of a corner façade.</p> <p>Signs facing the rear of a building are prohibited.</p> <p>See section 12.8 for calculation of sign area parameters.</p>
Wall sign for Accessory Building	Permanent	16 sq. ft in area	Wall height; may not extend past roofline.	1	N/A – may not protrude off of wall of building.	No	External only; must be directed away or shielded from passersby, adjacent properties and motorists.	1 sign per accessory building; must be constructed out of permanent material.
Window sign	Permanent	1 per window not to exceed 30% of total glass area unless no wall sign is provided.	Within window confines	1	N/A	No	External or internal	<p>Sign may be painted or etched on glass – must be on interior surface of window;</p> <p>Sign made from materials (not etched or painted on glass) must be hung inside;</p> <p>Neon signs may be used as a window sign and may encompass 30% of total glass</p>

Permitted Signs in C-2 - Heavy Service Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
								area as long as no other window signage is present.

Permitted Signs in C-3 - Highway Service Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
Awning	Permanent	Graphic text cannot exceed 30% of the total exterior surface area of the awning; If side panels are provided they may not carry text or images greater than 20% of the awning panel area; Text and graphics on a valance shall not be larger than 8 inches in height.	N/A – sign coverage limited to awning face.	See notes.	May not protrude from awning face.	Yes	Decorative downlights above awning only; No illumination allowed on awning.	One sign face per window or door opening as allowed by district design standards. When multiple awnings occur in a row on a building side, every other awning surface should be left free of sign graphics or text; The square footage of the text and graphics on an awning surface or valance count toward the total allowed square footage for a wall sign at the same location.
Blade Sign (AKA Projection Sign)	Permanent	12 sq. ft. in area per side; may have two sign faces	Shall maintain not less than 8 ft. clearance between the bottom of the sign and the finished grade;	1	May not extend more than 3 ft. from the wall façade or into public right of way.	Yes	Internal illumination only.	May only be placed on a front façade; May not be used in conjunction with a wall sign.

Permitted Signs in C-3 - Highway Service Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
			May not extend more than 2 ft. above the building parapet/roofline					
Flags	Permanent	No single flag shall exceed 40 sq. ft. in area.	35 ft. above finished grade.	3 per development site.	Must meet Zoning District requirements.	No	External illumination required if flag is to fly at night; light source must be directed away or shielded from passersby, adjacent properties and motorists.	
Freestanding Canopy Façade Sign	Permanent	Sign area shall not exceed 10 (ten) percent of the canopy façade where sign is placed.	Cannot extend above canopy façade roofline.	1 per side facing public right of way.	Depth of content cannot extend a depth of more than 6 inches.	Yes	Internal only.	Pertains to canopies for drive-through facilities.
Interstate/Highway Adjacent Monument Sign	Permanent	Area per face shall not exceed 200 sq. ft., maximum two faces permitted.	30 ft. above the natural or average grade	1 per parcel	Shall not be closer than 30 ft. of all property lines or located within any easement.	Yes	Internal Only	Allowed if a minimum of 50% of the site is within 800 ft. of the centerline or 500 ft. of the right of way (whichever is less) of an Interstate or Highway. May contain a changeable copy sign; No flashing, intermittent or moving lights; LED signs must display image for at least 8 seconds;

Permitted Signs in C-3 - Highway Service Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
								<p>Changeable copy content and logo are used to calculate total sq. ft. when calculating maximum sq. ft. per sign side;</p> <p>The width of the base of the sign shall not be less than 20% of the width of the sign face or more than 60% of the width of the sign face.</p> <p>Landscaping such as flowering trees, shrubs and bushes shall be provided around the base of the sign as approved. See Section 12.8 for design details regarding Monument Signs.</p>
Interstate Pole Sign	Permanent	900 sq. ft. in area per sign side which includes total of all individual sign faces; may be single or double sided.	60 ft. above finished grade of adjacent city roadway to a maximum height of 100 ft.	1	30 ft. setback from property lines.	Yes; Conditional Use Permit also required	Internal illumination only; see notes for changeable copy illumination.	<p>Allowed in C-2/C-3 District only and also requires a conditional use permit;</p> <p>May contain a changeable copy sign;</p> <p>No flashing, intermittent or moving lights; LED signs must display image for at least 8 seconds;</p> <p>Changeable copy content and logo are used to calculate total sq. ft. when calculating maximum sq. ft. per sign side;</p>

Permitted Signs in C-3 - Highway Service Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
								Allowed if a minimum of 50% of the site is within 800 ft. of the centerline or 500 ft. of the right of way (whichever is less) of an Interstate. May only be placed on premise.
Monument Sign	Permanent	.5 sq. ft. in area per linear foot of street frontage; Maximum of 250 sq. ft. in area per sign face; may be single or double faced.	25 ft. from natural grade or average grade including base.	1 per principal building per street frontage.	30 ft. setback from property lines.	Yes	Light source may be internal or external; if external, it must be directed away or shielded from passersby, adjacent properties and motorists.	See Section 12.8 for design details regarding Monument Signs.
On-Site Identification Sign	Permanent	4 sq. ft. in area per face; may be double faced.	4 ft.	1 per site or driveway entrance.	Not in right of way.	Yes	None allowed.	Must be constructed of permanent materials; May be wall mounted or installed using metal two-inch square posts; Wooden posts are not allowed unless they are metal wrapped.
Parked Vehicle Service Signs	Permanent	6 sq. ft. in area per face; may be installed back to back.	6 ft.	1 per order station.	Same as parking setback for applicable zoning district.	Yes	Internal illumination only.	May contain visual or auditory communication system.
Vehicle Drive Lane Sign	Permanent	32 sq. feet in area	6 ft.	1 per drive lane.	Same as parking setback for applicable zoning district.	Yes	Internal illumination only.	May be attached to wall or freestanding; If freestanding, must be built on a solid base that is at

Permitted Signs in C-3 - Highway Service Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
								<p>least 50% of the width of the sign face;</p> <p>Shall be located along the sides or rear of the building;</p> <p>If visible from a public street, additional landscaping and/or screening is required to screen board from view from public street;</p> <p>Must be constructed to match the aesthetics of the main building including building materials used;</p> <p>May contain visual or auditory communication system.</p>
Vehicle Drive Lane Accessory Sign	Permanent	15 sq. ft.	6 ft.	<p>1 per drive through lane;</p> <p>Must be separated from any Vehicle Drive Lane Sign by at least 15 ft.</p>	Must be placed within 3 ft. of adjacent drive through lane	Yes	Internal illumination alone.	<p>May be attached to wall or freestanding;</p> <p>If freestanding, must be built on a solid base that is at least 50% of the width of the sign face;</p> <p>Shall be located along the sides or rear of the building;</p> <p>If visible from a public street, additional landscaping and/or screening is required to screen board from view from public street.</p>

Permitted Signs in C-3 - Highway Service Commercial District

Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
								Must be constructed to match the aesthetics of the main building including building materials used.
Wall Sign	Permanent	On a standalone building or a multi-tenant complex, the total area of the wall sign shall be one and a half square feet of sign area for each one foot of linear footage of the building façade facing the street.	Wall height; may not extend past roofline or parapet.	1 per front or side of building facing a street up to a total of 3 maximum; may not be placed on rear of building.	N/A – may not protrude off of wall of building.	Yes	External or internal illumination; decorative downlights required for external illumination; must be directed away or shielded from passersby, adjacent properties and motorists.	<p>If a tenant is part of a multi-tenant complex, each tenant shall be allowed one (1) wall sign no greater than ten (10) percent of the tenant wall area upon which the sign is placed.</p> <p>Corner tenant spaces will be allowed one (1) additional wall sign no greater than ten (10) percent of the wall area upon which it is placed so that one may be placed on each side of a corner façade.</p> <p>Signs facing the rear of a building are prohibited.</p> <p>See section 12.8 for calculation of sign area parameters.</p>
Wall sign for Accessory Building	Permanent	16 sq. ft in area	Wall height; may not extend past roofline.	1	N/A – may not protrude off of wall of building.	No	External only; must be directed away or shielded from passersby, adjacent properties and motorists.	1 sign per accessory building; must be constructed out of permanent material.

Permitted Signs in C-3 - Highway Service Commercial District								
Type	Perm. Or Temp.	Max. Size	Max Height (ft.)	Max #	Min. Set-back	Permit Required	Illum. Type	Notes
Window sign	Permanent	1 per window not to exceed 30% of total glass area unless no wall sign is provided.	Within window confines	1	N/A	No	External or internal	<p>Sign may be painted or etched on glass – must be on interior surface of window;</p> <p>Sign made from materials (not etched or painted on glass) must be hung inside;</p> <p>Neon signs may be used as a window sign and may encompass 30% of total glass area as long as no other window signage is present.</p>

D. Table 12 – 4 Signs Permitted in Industrial Districts

Permitted Signs in B-P, L-P, I-G and I-H Districts							
B-P Business Park District							
Type	Max. Size	Max. Ht. (ft)	Max. #	Min. Setback	Permit Req.	Illum. Type	Notes
Free-standing monument, ground signs	By review	By review		4 ft. from right of way.	yes	internal or external	<ul style="list-style-type: none"> Sign control standards are established by review of the preliminary park plan
Additional Signs	By review	By review			yes	internal or external	1 pole sign per principal building

L-P Logistics Park District

Type	Max. Size	Max. Ht. (ft)	Max. #	Min. Setback	Permit Req.	Illum. Type	Notes
External Directional Sign	Maximum of 6 sq ft per building occupant	5'	1 per site entrance per building occupant	Not located in the right of way, site triangle or off-premises	Yes	Internal or external	<p>Maximum allowed square footage is 6 SF per building occupant to maximum of 18 SF in total.</p> <p>Must be constructed of permanent materials.</p> <p>Installed using metal two-inch square posts.</p> <p>Wooden posts are not allowed unless they are metal wrapped.</p>
Flags	Exempt	110'	5 per development site	A distance equal to the height of the pole	No	External illumination required if flag is to fly at night; light source must be directed away or shielded from passersby, adjacent properties and motorists.	<p>Must be shown on site plan.</p> <p>Building permit required for pole installation and electrical if applicable.</p>
Internal Directional Sign	6 sq ft	5'	4 total per site	Not located in the right of way, site triangle or off-premises	No	None	<p>Must be constructed of permanent materials.</p> <p>May be wall mounted or installed using metal two-inch square posts.</p> <p>Wooden posts are not allowed unless they are metal wrapped.</p>

L-P Logistics Park District

Type	Max. Size	Max. Ht. (ft)	Max. #	Min. Setback	Permit Req.	Illum. Type	Notes
Kiosk	4' width	12'	One per project site or campus entrance; additional permitted onsite as part of a comprehensive signage plan.	Not located in right of way, site triangle, or off premises	Yes	Internal	<p>Kiosk sign structures shall be ladder type with individual sign panels of uniform design.</p> <p>The color of all kiosk sign structures and panel background color will be approved by the City.</p> <p>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.</p> <p>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.</p>
Monument Sign	1 SF per ten (10) linear feet of street frontage up to a maximum of 60 SF per sign face (does not include sign base or sign structure)	8' above natural or average grade including base, support structure or other architectural elements	1 per property; if parcel is more than 30 acres in size with more than 1 street frontage, a 2 nd monument sign is permitted on the additional street frontage.	15 feet from all property lines; outside of site triangles and easements; minimum 400 feet from another freestanding sign located on the same property	Yes	Internal or External	<p>Platted private roads may be considered a 2nd street frontage for purposes of determining the number of allowed monument signs.</p> <p>Base must be a minimum of two feet in height.</p> <p>The base shall extend a minimum of $\frac{3}{4}$ the entire length of the sign.</p> <p>The total area of the base and support structure shall be at least 75% of the sign face area.</p> <p>The base and support structure shall not exceed the sign face area by more than 10 percent.</p> <p>The sign face may not exceed 50% of the overall sign structure.</p>

L-P Logistics Park District

Type	Max. Size	Max. Ht. (ft)	Max. #	Min. Setback	Permit Req.	Illum. Type	Notes
Temporary Construction/Development Signage – Highway Adjacent	325 sq ft per side	30 feet	1	Not located in the right of way	Yes	None	Maximum length – 15 feet Parcel must be highway adjacent - 50% of the site is within 800 feet of the centerline or 500 feet of the right of way (whichever is less) of an Interstate or Highway
Temporary Construction/Development Signage – Not Highway Adjacent	90 sq ft per side	20 feet	1	Not located in the right of way	Yes	None	Maximum length – 15 feet
Temporary Banner or Sign (Not Yard Sign)	12 sq ft	5'	2 allowed per building occupant per permit request	May not be located in right of way. Must be set-back 5' from any property line.	Yes	External; shall not be flashing or intermittent; temporary electrical requirements shall be subject to the adopted electrical code.	Usage limited to 14 days per permit request, up to 2 permit requests per year. Applicant must remove when usage limit has expired. 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. Temporary Banners shall be secured at all points of attachment. Torn or severely weathered banners are not permitted. Temporary signs or banners found to be in violation of this section must be removed or made to conform within 24 hours of notification.
Wall Sign – front façade	Min SF = 24 SF Front Max SF= 1x length of building frontage or lease space frontage	Shall not extend above the roofline or façade of the building.	1	N/A – located on building wall only	Yes	Internal	Attached signs that are internally illuminated shall be constructed only of materials that are noncombustible or slow burning in the case of plastic inserts and faces. A wall sign shall not extend more than twelve (12) inches from the building wall to which it is attached. Bottom of sign must be at least eight (8) feet from grade at wall where sign is installed.

L-P Logistics Park District							
Type	Max. Size	Max. Ht. (ft)	Max. #	Min. Setback	Permit Req.	Illum. Type	Notes
Wall Sign-side façade	Side Max SF= .5x length of side wall of building	Shall not extend above the roofline or façade of the building	3 – total SF may not exceed total allowed SF	N/A – located on building wall only	Yes	Internal	Attached signs that are internally illuminated shall be constructed only of materials that are noncombustible or slow burning in the case of plastic inserts and faces. A wall sign shall not extend more than twelve (12) inches from the building wall to which it is attached.
Window sign-age not readable from right of way	exempt	exempt		N/A – located in window only	No	None	
Yard Sign	6 sq ft	5 ft	4 per parcel	Not located in the right of way	Yes	None	Usage limited to 14 days per permit request, up to 4 permit requests per year.

Table 12-4 Appendix - Additional Guidelines for L-P District Signage:

- Illuminated signs 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.
- In no case can a sign be placed closer than fifteen (15) feet from a residential property.
- No high intensity lights shall be permitted as part of a sign display visible from an adjacent street.
- No sign shall be illuminated to intensity greater than two hundred (200) foot-candles. The restrictions of luminance in this section shall be determined from any other premise or from any public street right-of-way other than an alley.
- No cloth, paper, banner, flag, or similar advertising matter shall be suspended from, or allowed to hang loose from or over, any building or structure. Such advertising matter shall be a violation of this section and shall be removed immediately upon notice by the building official.

I-G and I-H Industrial Districts							
Type	Max Size	Max Ht (ft)	Max #	Min Set-back	Permit Req.	Illum Type	Notes
Free-standing monument, ground signs	80 sq. ft.	height of principal building plus 20 ft.	1	1 ft. from right of way.	yes	internal or external	1 monument, ground, or pole sign per 200 ft. of street frontage
Additional Signs	Same as commercial				yes	internal or external	Same as commercial