

MINUTES

**Independence Planning Commission/Board of Zoning Appeals
Tuesday, September 5, 2017
Veterans Room Memorial Hall 5:30 p.m.**

Call to Order

Planning Commissioners Present

Steve McBride, Mary Jo (Dancer) Meier, Philipp Umlauf, Jim Hardy, Brian Beecham, Brent Littleton, Nick McCollam* and Andy McLenon*.

Planning Commissioners Absent

Barbara Emert

*Outside Appointments are not on the Board of Zoning Appeals

Staff Present

Kelly Passauer, Assistant City Manager/Zoning Administrator

Visitors Present

Brock Sutherland and Dennis Pinkerton

a. Consider approving minutes of the August 1, 2017 meeting.

Nick McCollam made a motion to approve the minutes of the August 1, 2017 Planning Commission/Board of Zoning Appeals minutes, seconded by Jim Hardy. The motion carried 8-0.

Board of Zoning Appeals

b. Consider a variance request from the number and size of signs allowed in a C-4 zoned district at 510 and 584 North Peter Pan Road.

Staff provided the following staff report to the board in written form prior to the meeting:

Overview of Variance Requested

At the February 7, 2017 Planning Commission meeting, Labette Health requested a variance from the number and size of signs allowed in a C-4 zoned district for their property at 510 and 584 North Peter Pan Road. This request was made and granted, to allow the following:

1. To exceed the maximum of three signs allowed in a C-4 district by allowing for the following twelve signs:
 - i) Five (5) wall signs as follows:
 - (1) North Façade -- This one (1) sign shall not exceed 20% of the total area of the north façade.
 - (a) One (1) illuminated "EMERGENCY" wall mounted sign.

- (2) West Façade -- The total of these four (4) signs shall not exceed 20% of the total area of the west façade.
 - (a) Two (2) illuminated wall mounted signs plus one (1) illuminated wall mounted company logo sign on the west (front) façade; and
 - (b) One (1) non-illuminated tenant name sign with logo on the west (front) façade southern entrance.
- ii) Seven (7) detached signs as follows:
 - (1) One (1) detached ground illuminated tenant (monument) sign 5'-0" long x 5'-0" high up to 25 square feet per side or 65 square feet total for four (4) sides at the west (front) entrance;
 - (2) One (1) "future" detached (monument) sign w/digital display board up to 200 square feet per side or 450 square feet total for four (4) sides; and
 - (3) Five (5) smaller detached, ground mounted "directional signs" each up to 50 square feet total for four (4) sides.
- 2. To exceed the maximum size of a detached sign in a C-4 district of 150 square feet per face or 300 square feet total for the "future" detached monument sign w/digital display board up to 200 square feet per side or 450 square feet total for four (4) sides. The electronic portion of this sign may not exceed 20% per face or 40 square feet per side on two sides and the sign must be located 100' from any residentially zoned properties.

Labette Health is requesting another variance to allow them to mount 2 non-illuminated signs as indicated in item "6" on their application "1. *At the North (Front) Façade, provide one Donor Mounted Sign (approx. 55 sq. ft. total); and 2. At the South (Front) Façade, provide one donor wall Mounted Sign (approx. 30 sq. ft. total).*" Based on information provided by the applicant in item "9"; "*These donors have made significant contributions to support this facility that we want to recognize in our Exterior signage.*" It is not believed that the signs will exceed the maximum allowed area of 20% of the total façade.

Section 802.5 states:

802.5. District C-2, general business district and District C-4, highway commercial district:

- a. *Wall and marquee sign:* Each business or commercial establishment shall be permitted not more than three illuminated or nonilluminated wall or marquee signs, not more than one on a facade, the total area of which sign shall not exceed 20 percent of the total area of the facade upon which it is placed. Such signs shall not extend above the average roof level of a one-story building more than five feet and shall not extend above the average level of a two or more story building. Any signs painted directly upon wall surfaces shall not exceed 20 square feet in area.

Section 83.10 states:

803.10. Permits:

- a. *[Required:]* No permanent or portable sign shall be installed, erected, or set in place until a sign permit has been issued therefor by the City of Independence. The city zoning administrator will review, approve and issue sign permits, after payment of permit fee which shall be deposited in the city's general fund.
- b. *[Application:]* Application for a sign permit shall be made upon forms provided by the zoning administrator, and unless specifically waived by the zoning administrator, shall contain, or have attached thereto, the following information:
 - 1. Name, address, and telephone number of the applicant.
 - 2. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be erected.
 - 3. Position of the sign in relation to nearby buildings or structures.
 - 4. One set of scale drawings and specifications showing the proposed structure and the method of construction and attachment to the building or in the ground.
 - 5. Copy of the stress and design calculations (if applicable) showing the structure is designed for adequate dead load and wind pressure in any direction.
 - 6. The name of the person, firm, corporation, or association erecting the structure.
 - 7. Evidence that the electrical system for the sign complies with the National Electrical Code, as revised.
 - 8. Such other information as the zoning administrator shall require to show full compliance with this and all other laws and ordinances of the city.
 - 9. It shall be the duty of the zoning administrator after having issued the permit, to follow up on the structure. If the work authorized under the permit has not been started within three months of date of issuance, the said permit shall become null and void.
- c. *Licensing of sign hangers:* Commercial sign hanging businesses shall be licensed to be sure that these businesses are familiar with the local ordinances. All fees derived from such licensing shall be deposited in the city's general fund.

Board of Zoning Appeals Consideration

In considering the providing of a variance we wish to provide the following information:

- a. *That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district, and is not created by any action or actions of the property owner of the applicant;* The applicant is following regulations outlined by city code.
- b. *That the granting of the permit for the variance will not adversely affect the rights of the adjacent property owner represented in the application;* It is not believed that the signage would create any adverse effects to adjacent property owners.

- c. *That the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;* The hardship would consist of not allowing the property owner to recognize the significant donors to their facility.
- d. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare* It does not appear that the variance will affect public health, safety or general welfare.
- e. *That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.* City staff feels it is not opposed to the general spirit and intent of the zoning regulations.

Staff Recommendation

City Staff recommends granting the variance from number and size of signs allowed in a C-4 zoned district at 510 and 584 North Peter Pan Road by allowing two additional attached signs as follows:

Two donor signs to be mounted on the west (front) façade with the northern most sign measuring approximately 55 square feet, and the southernmost sign measuring approximately 30 square feet.

Brock Sutherland and Dennis Pinkerton represented the applicant and reviewed Labette Health's request. A motion was made by Philipp Umlauf and seconded by Brent Littleton to grant the variance from the number and size of signs allowed in a C-4 district at 510 and 584 North Peter Pan Road as recommended by staff. The motion carried 6-0.

Planning Commission

- c. **Consider text amendments to the zoning code; specifically, Article VIII, relating to Attention Attracting Devices and Electronic Signs.**

Staff provided the following staff report to the board in written form prior to the meeting:

Summary Regarding Text Amendment

The City has received request(s) from non-profit organizations that are desirous of updating their signage with electronic versions. As a result, the City Commission at their July 27, 2017 meeting initiated a text amendment to Section 803.6 of the zoning code for consideration by the Planning Commission. Section 803.6 is included in Article VIII – Sign Regulations and relates to Attention Attracting Devices and Electronic Signs.

Section 803.6 currently reads:

803.6. Attention-attracting devices:

- a. Any attention-attracting device, as defined in section 403.0, Definitions, of this ordinance, is hereby prohibited from use except for the following:

1. Signs designating time, date, temperature, community service and similar information when approved by the city commission.
2. Electronic signs as defined in section 403.0, Definitions, following all requirements and standards designated for their use in the C-2 and C-4 districts only as stated in section 802.5 of the District Sign Regulations.

Section 403.0 defines attention-attracting devices as:

Attention-attracting device: Any flasher, blinker, animation, banner or other object designed or intended to attract the attention of the public to an establishment or to a sign, except that any sign whereon the primary use is current time, temperature and/or community service information is indicated by intermittent lighting shall not be deemed as an attention-attracting device.

Action by the Planning Commission

1604.2. Amendments to text: When a proposed amendment would result in a change in the *text* of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:

- a. Whether such change is consistent with the intent and purpose of these regulations;
- b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and
- c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts or other social economic conditions in the areas and zoning districts affected.

Staff Recommended Text Amendment

803.6 Attention – Attracting Devices and Electronic Signs:

- a. Any attention-attracting device, as defined in Section 403.0, Definitions, of this ordinance, is hereby prohibited from use except as **hereinafter provided.**
- b. **Attention-attracting devices and electronic signs as defined in Section 403.0, Definitions, shall be permitted in any zoning district for non-commercial purposes if such signs designate time, date, temperature, community service and/or other similar information regarding a non-profit or charitable organization, receive approval of the City Commission, and if the electronic signs follow all requirements and standards designated for their use as set forth in Section 802.5.**
1. **Whether such change is consistent with the intent and purpose of these regulations.** The intent and purpose of these regulations will be upheld by only allowing “non-profit or charitable organizations” not located in a C-2 or C-4 zone to use electronic signage if

approved by the City Commission and if the established criteria for electronic signs found in 802.5(c) is adhered to.

2. **The areas which are most likely to be directly affected by such change and in what way will be affected.**

The area affected will be any non-profit or charitable organization not located in a C-2 or C-4 zone that receives approval from the City Commission to have electronic signage; and any neighboring properties which could be in residential zones.

3. **Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts or other social economic conditions in the areas and zoning districts affected.**

With the changes and advances in technology, electronic signage for nonprofit organizations, such as churches, is becoming popular and more affordable than in the past. The text amendment would allow only non-profit organizations not currently located in a C-2 or C-4 zone to use electronic signage while keeping the spirit of the regulation by requiring Commission approval and enforcement of restrictions included in 802.5(c).

City staff recommends authorizing a text amendment to Section 803.6 of Article VIII – Sign Regulations as follows:

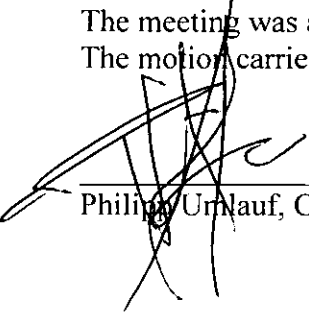
803.6 Attention – Attracting Devices and Electronic Signs:

- a. Any attention-attracting device, as defined in Section 403.0, Definitions, of this ordinance, is hereby prohibited from use except as hereinafter provided.
- b. Attention-attracting devices and electronic signs as defined in Section 403.0, Definitions, shall be permitted in any zoning district for non-commercial purposes if such signs designate time, date, temperature, community service and/or other similar information regarding a non-profit or charitable organization, receive approval of the City Commission, and if the electronic signs follow all requirements and standards designated for their use as set forth in Section 802.5.

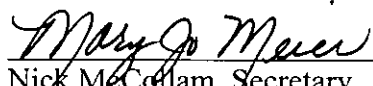
A motion was made by Nick McCollam and seconded by Steve McBride to recommend approval of the text amendment as presented by staff. The motion carried 8-0.

Adjournment

The meeting was adjourned with a motion by Philipp Umlauf and second by Nick McCollam. The motion carried 8-0.



Philipp Umlauf, Chair



Nick McCollam, Secretary
Mary Jo Meier, Vice Chair