

MINUTES
Independence Planning Commission
Independence Board of Zoning Appeals
Tuesday, April 3, 2018
Veterans Room Memorial Hall 5:30 p.m.

Call to Order

Planning Commissioners Present

Brian Beecham, Jim Hardy, Barb Emert, Philipp Umlauf, Mary Jo Meier and Andy McLenon*

Planning Commissioners Absent

John Koschin, Steve McBride and Nick McCollam*

Staff Present

Kelly Passauer, Assistant City Manager

Craig Whitehead, City Manager

Visitors

Tabitha Snodgrass

Minutes

a. Consider approving minutes of the March 6, 2018 meeting.

Jim Hardy made a motion to approve the minutes of the March 6, 2018 meeting, Philipp Umlauf seconded the motion. The motion carried 6-0.

Planning Commission

- b. Consider text amendments to the zoning code; specifically, Article VIII, Sign Regulations, including but not limited to 802.6 (District C-3, central commercial district), and 803.6 (Attention-attracting devices) – adjourned from February 6, 2018.**

The following staff report was provided which included some information that was originally provided for the February 6, 2018 meeting:

802.6 (District C-3, central commercial district)

City staff has received concerns from downtown business owners regarding the sign regulations in the downtown area (C-3, central commercial district) as being too strict.

When considering possible text amendments to any sign regulations it is important to consider the intent and purpose of sign regulations as provided for in Section 801.2:

801.2. Intent and purpose: Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the

City of Independence without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, it is the intention of this ordinance to establish regulations governing the display of signs which will:

- a. Promote and protect the public health, safety, comfort, morals and convenience;
- b. Enhance the economy and the business and industry of the city by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public;
- c. Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision;
- d. Reduce conflict among signs and light between public and private information systems; and
- e. Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain and are expressive of the identity of proprietors and other persons displaying signs.

The C-3 district regulations are provided for in section 802.6 as follows:

802.6. District C-3, central commercial district:

- a. *Permitted signs:*
 1. *[Generally:]* Signs permitted in the C-3 district shall be illuminated signs, nonilluminated signs, marquee signs, temporary signs, wall signs and projecting signs with the exception that no sign shall be mounted, painted or affixed to any surface extending above the transom or storefront beam whichever is higher.
 2. *Wall signs:* One sign per face of building not to exceed 50 square feet or five percent of the total area, whichever is smaller.
 3. *Corner buildings:* One sign equal to standards above for each wall.
 4. *Multiuse signs:* Total sign area for all uses not to exceed above standards.
 5. *[Signs hanging from awnings or mounted to storefronts:]* Signs hanging from awnings or mounted to storefronts may not exceed five square feet per face.
 6. *[Freestanding buildings:]* Freestanding buildings shall be permitted one freestanding sign not to exceed 80 square feet per face or 160 square feet total of all faces in the sign area. The top of the sign shall not be higher than 25 feet above ground level.
 7. *Historical restorations or reproductions:* Historically significant or reproduced signs shall be referred to the Main Street Committee for recommendation to the city commission who may authorize such installation.
 8. *[Rear wall signs:]* One rear wall mounted sign not to exceed 18 inches by 36 inches for business identification.
- b. *[Poster panels and billboards:]* Poster panels and billboards shall not be permitted in the C-3 zone.
- c. *Signs on awnings, canopies, and marquees:*
 1. There shall not be more than one sign exceeding an aggregate gross surface area of such awning, canopy or marquee of ten percent of the gross area for each principal building.

2. The gross surface area of a sign shall not exceed 50 percent of the gross surface area of the awning, canopy or marquee to which the sign is fixed.
- d. *General standards:*
1. Any awning, canopy, marquee or projecting sign shall not be less than seven feet above the surface of the grade of any street or sidewalk.
 2. Awnings and canopies shall be no closer than four feet from the public street curb and in no case extend more than 12 feet from the property line.
 3. Marquees shall be no closer than two feet from the property line.

I am also including the definitions of signs in the zoning code as they may also relate to this review:

Sign: Any words, numerals, figures, devices, designs, or trademarks by which information is made known to the public outside a building and including, but not limited to, the following:

1. *Detached sign:* Any sign located on the ground or on a structure located on the ground and not attached to a building. Multiple signs on one detached structure not attached to a building shall be considered one sign.
2. *Electronic sign:*
 - a. *LED/Reader Board (Electronic Changeable Copy) Sign:* A sign in which the copy is changed electronically, uses changing lights to form the message or text form wherein the sequence of messages and rate of change is electronically programmed and modified.
 - b. *Electronic Display Center (Video Display Sign):* A sign that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards and holographic displays.
3. *Illuminated sign:* Any sign which has characters, letters, figures, designs, or outlines illuminated directly, such as spotlights, or by electric lights or luminous tubes as a part of the sign proper.
4. *Nonilluminated sign:* Any sign which is lighted by natural sunlight only.
5. *Marquee sign:* Any sign attached flat against a marquee.
6. *Portable sign:* A sign not permanently affixed to the ground or to a building or structure, such as signs mounted on vehicles, wheels, or any type of support not permanently attached to a structure or to the ground.
7. *Poster panel or billboard:* An illustration of approximate dimension of 12 feet by 24 feet or multiples thereof mounted on a semi-permanent structure and depicting information not directly related to the property upon which it is placed.
8. *Projecting sign:* Any sign extending more than one foot from the face of the building to which it is attached. A time and temperature instrument mounted on the face of the building shall be included in the definition.
9. *Roof sign:* Any sign erected, constructed and maintained wholly upon or over the roof of a building and having the roof as a principal means of support.
10. *Temporary sign:* Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a short period of time, not to exceed 30 days.

11. *Wall sign:* Any sign attached to and erected parallel to and within one foot of the face or wall of a building, including signs painted on the walls of buildings.

Sign area: That area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included as a part of the sign area.

In addition to the Zoning Code regulations, signs in the Downtown Historic District must also be reviewed by the Independence Historical Preservation and Resource Commission (IHPRC). IHPRC is a Certified Local Government (CLG), which basically means the review of sign, building or demolition permits in the Downtown Historic District can be performed by the IHPRC rather than the State Historic Preservation Officer (SHPO). The IHPRC are required to consider certain criteria and guidelines. City code relating the IHPRC can be found at this link: https://library.municode.com/ks/independence/codes/code_of_ordinances?nodeId=PTICO_CH50INHIPRECO

Please note, the code creating the IHPRC is not under the Zoning Code, therefore, the Planning Commission does not have authority to recommend text amendments to City code relating to the IHPRC.

Any modifications in the C-3 Central Business District Sign Regulations should encourage the following attributes:

1. An attractive downtown that enables shoppers to easily locate goods and services without confusion;
2. Allow proprietors to express their identity; and
3. Promote the preservation of the Downtown Historic District.

In consideration of the above, City staff believes it is important to hear from the downtown property and business owners, Main Street, the Chamber and IHPRC. Therefore, it is staff's recommendation to adjourn the portion of the public hearing regarding any text amendments to Section 802.6 (District C-3, central commercial district) to April 3, 2018 to allow for additional feedback from these groups.

Brian Beecham and Andy McLenon both commented at the February 6, 2018 meeting that it would be good to update downtown, times are changing and they would like to hear from property owners. It was also discussed that this might be a good topic for First Friday. A motion was made by Barbara Emert, seconded by Brian Beecham to adjourn this portion of the hearing to April 3, 2018 to allow feedback from Main Street working with the IHPRC and downtown property owners. The motion carried 8-0.

City staff has received the attached recommendation from Tabitha Snodgrass, representing Main Street. In summary, the recommendations are as follows:

1. First, we feel that some sort of acknowledgement be added to the business license application that the applicant must respond to showing that they are aware that they must get a sign permit prior to having a sign produced for their business.
2. Secondly, we are recommending that some sort of flyer/pamphlet/brochure be produced showing downtown style buildings and suggested sign placements. In addition, we would recommend that sign styles also be identified (i.e. flag style, pendent, monument, pole, blade sign, etc.)

Tabitha Snodgrass will be available to review the recommendation with the Planning Commission.

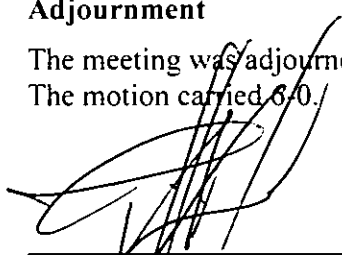
Tabitha Snodgrass, Main Street Director addressed the Planning Commission. She stated that many other cities do not allow variances, having a variance means the City is more accommodating. She recommended having promotional material showing examples of signs that meet the guidelines that went through the proper process. She further stated that two of the best signs are at 8th and Main and the movie theater. Both of these entities worked with the Independence Historic Preservation and Resource Commission (IHPRC) first. The IHPRC wants to be a resource, the question they ask is "Does it destroy the historical integrity of the building?" She further indicated that enforcement is an issue for those that don't follow the rules.

The Planning Commissioners discussed wanting to be business friendly. Whether or not to continue to allow variances was also discussed, with the overall opinion that the variance process should remain as is. No text amendments were recommended.

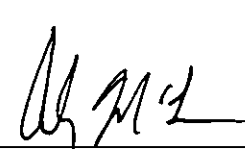
Mary Jo Meier moved to request 1) IHPRC update their brochure to include downtown style buildings, suggested sign placements and that the styles be identified; and 2) that the City business license application be amended to highlight the section certifying the applicant has received and read the sign regulations. The motion was seconded by Andy McLenon. The motion carried 6-0.

Adjournment

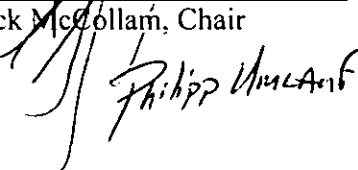
The meeting was adjourned with a motion by Philipp Umlauf, seconded by Jim Hardy. The motion carried 6-0.



Nick McCollam, Chair



Andy McLenon, Secretary



Philipp Umlauf