

CITY OF ABILENE
PLANNING COMMISSION
AGENDA

October 6, 2020 at 4:00 p.m.
Abilene Public Library ~ Meeting Room
209 NW 4th Street

Agenda Item
1.Call to Order
2. Roll Call: ____ Robin Black, ____ Jennifer Green, ____ Rod Boyd, ____ Bill Marshall ____ Vice Chair: Brenda Finn-Bowers, ____ Chair: Travis Sawyer
3. Approval of Agenda
4. Approval of Minutes June 16, 2020
Business: 5. Open Public Hearing: for approval of an ordinance amending Section 27-401 of the Zoning Regulations for Electronic Message Center Signs within the City of Abilene *Public Comment *Commission Comment Close Public Hearing 6. Action Date to go before the City Commission: October 26, 2020 7. Open Public Hearing: for approval of an ordinance amending Section 20-14 concerning the designation and regulation of Critical Drainage Area within the City of Abilene *Public Comment *Commission Comment Close Public Hearing 8. Action Date to go before the City Commission: October 26, 2020
9. Planning Commission Comments and Staff Updates
10. Adjournment

Next Planning Commission Meeting: November 3, 2020



Abilene Planning Commission Minutes
Abilene Public Library - 209 NW Fourth Street
June 16, 2020 @ 4:00 p.m.
Abilene, Kansas

1. Call to Order

2. Roll Call – Planning Commission Present: Jennifer Green, Rod Boyd, Vice Chair Brenda Finn-Bowers and by phone Robin Black and Chair Travis Sawyer.

Staff Present: Travis Steerman, Brenda Wildman and City Manager Jane Foltz.

Others Present: David Wells representative for US Cellular.

3. Approval of Agenda

Motion by Commissioner Boyd, seconded by Commissioner Green to approve the agenda. Motion carried, all voting "Aye."

4. Minutes

Motion by Chair Sawyer, seconded by Commissioner Black to approve the November 13, 2019 and March 3, 2020 agenda with the spelling correction of Duane Scragg to Duane Schrag on the March 3, 2020 agenda. Motion carried, all voting "Aye."

Business Discussion

5. Apply for in-text amendment to Zoning code Section 27 regarding Electronic Message.

There was discussion regarding the Electronic Message Center regarding dimming and the moving message. A motion was made by Commissioner Boyd, seconded by Commissioner Green to direct city staff to initiate a text amendment, on behalf of the planning commission, to amend Section 27-401© of the Abilene Zoning Regulations, to provide for a minimum hold time of three seconds for all electronic message center signs now and hereafter approved by a conditional use permit. Motion carried, all voting "Aye."

6. Apply for in-text amendment to Zoning code Section 29 regarding membership of Heritage Commission.

No Action taken.

7. Public Hearing for PC 20-6

Vice Chair Brenda Finn-Bowers opened the public hearing at 4:13 p.m.

David Wells for US Cellular provided information regarding the cell tower to the commission. Mr. Well also informed the commission that the cell tower meets all FAA and FCC requirements.

Vice Chair Brenda Finn-Bowers closed the public hearing at 4:23 p.m.

8. Action on Public Hearing

Motion by Commissioner Black, seconded by Commissioner Boyd to approve the Conditional Use Permit for a cellular tower in the Light Industrial District (I-1) for the properties located at 401 N Cottage and 507 N Cottage Street to include the following requirements: a) All criteria for the conditional use permit must be met. b) All building codes be met. Motion carried, all voting "Aye."

9. Critical Drainage Ordinance Review

Discussion and Presentation from city staff and City Manager Jane Foltz were given. The Planning Commission had discussion on the area that would be included in the ordinance.

Motion by Commissioner Black, seconded by Commissioner Boyd to proceed with the Critical Drainage notification for a public hearing. Motion carried, all voting "Aye."

10. Discussion on updating/review Comprehensive Plan

Commissioner Black requested this be put on the agenda because the planning commission should be reviewing the comprehensive plan every year. The planning commission would like to be updated by city staff regarding items the city is looking at. They would like to have on each agenda an update on what is happening in areas of town.

11. Planning Commission Comments and Staff Updates

None currently.

12. Adjournment

Motion by Commissioner Boyd, seconded by Commissioner Green to adjourn. Motion carried, all voting "Aye."

Travis Sawyer, Chair
Brenda Finn-Bowers, Vice Chair

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 27-401 OF THE ZONING REGULATIONS FOR THE CITY OF ABILENE, KANSAS CONCERNING REQUIRED MESSAGE HOLD TIMES FOR ELECTRONIC MESSAGE CENTER SIGNS WITHIN THE CITY OF ABILENE, KANSAS.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

SECTION ONE. Section 27-401 of the Zoning Regulations for the City of Abilene, Kansas is hereby amended to read as follows:

27-401.

- a. Sign Height: Sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign. No sign may exceed the maximum height permitted for buildings in the zoning district in which the sign is located. Except that interstate advertising signs (on premise) may be sixty-five (65) feet above the interstate roadbed and associated bridges and ramps, with a maximum height of eighty-five (85) feet. Where the interstate roadbed is below the grade elevation of adjoining property, the maximum sign height shall be sixty-five (65) feet. This height may be increased provided a sign survey indicates a need for visibility at 1/2 mile, which will allow a safe exit from the inside lane of the interstate highway, with a maximum height of 110 feet
- b. Illuminated Sign: A sign designed to give forth artificial light or designed to reflect light derived from any source, shall comply with the following:
 1. Illuminated sign shall be designed so as to reflect or direct light away from any residential dwelling district.
 2. Lighted signs in direct vision of a traffic signal shall not be in red, amber or green illumination.
- c. Flashing or Moving Signs: Any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this regulation, any revolving, rotating, moving, animated, signs with moving lights or signs which create the illusion of movement shall not be permitted except Christmas or other holiday lights during a period four (4) weeks preceding such holiday. Such signs shall comply with the following:

A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed as a flashing sign if the lighting changes are limited to the numerals and any ancillary messages (such as community events).

Electronic Message Centers shall be permitted in Commercial and Industrial Districts only upon issuance of a conditional use permit in accordance with Article 26. In considering a conditional use permit application the Planning Commission and

Governing Body may impose requirements related to size, maximum illumination (including incorporating automatic dimmer controls), and hours of operation, or other conditions as deemed necessary and appropriate by the Planning Commission and Governing Body; provided, however, that all Electronic Message Centers now or hereafter approved by conditional use permit shall be allowed to have a minimum message hold time of three (3) seconds, and in considering a conditional use permit application, the Planning Commission and Governing Body shall not require a message hold time of greater than three (3) seconds.

- d. Accessway: No sign shall block any required accessway.
- e. Signs on Trees or Utility Poles: Except where otherwise specifically allowed under these regulations for temporary signs, no sign shall be attached to a tree or to a publicly- or privately-owned utility pole on either public or private property.
- f. Temporary Sign: Temporary signs are signs which are not permanently mounted to the ground or to a building. Temporary signs shall be allowed without a permit if they comply with the following requirements:
 - 1. Posters and banners of a commercial nature shall only be allowed within commercial or industrial zoning classification and on non-residential properties within residential zoning classifications. Flags (no more than 2 per allowed sign) shall be allowed in residential zoning classifications only in new developments and subdivisions during periods of active construction, and shall be located with or mounted on monument or construction signs.
 - 2. Posters shall be attached flat against a building and shall not exceed thirty-two (32) square feet in area.
 - 3. Posters and banners shall be limited to advertising an award, special product or sale within the building to which the poster or banner is attached.
 - 4. Banners or streamer/pennants shall be attached to privately owned and maintained poles that are located on private property.
 - 5. A banner or pennant may not hang lower than 15 feet over a vehicular path/drive and 12 feet over a pedestrian walkway.
 - 6. Banners that are attached flat against a building may not exceed 200 square feet and 32 square feet if not attached flat. All permanent wall signs, banners, pennants collectively may not exceed 10% of the wall space. All permanent ground signs, and ground mounted banners collectively may not exceed 200 square feet of sign face.
 - 7. Both the business and property owner are responsible to keep any poster, banner, or pennant in good repair and condition. Any poster, banner or pennant in deteriorated condition, hazardous to persons, or unsightly shall be removed.
 - 8. Construction and contractor yard signs and garage sale signs.

- g. Projecting Signs: Projecting signs shall not extend over the public right-of-way, except as allowed in this subsection in the C-4 district. Projecting signs shall be allowed in the C-4 District subject to the following restrictions.
1. No projecting sign shall be maintained less than nine (9) feet, nor more than fifteen (15) feet above, the sidewalk over which it is erected.
 2. No projecting sign shall project more than five (5) feet beyond the face of the building to which it is attached, and shall not extend over any public driveway, alley or thoroughfare used for vehicular traffic.
 3. No projecting sign shall exceed twelve (12) square feet in surface area.
 4. A projecting sign shall project at a ninety (90) degree angle from the building to which it is attached.
 5. No applicant shall be granted a permit to erect a projecting sign until he/she has furnished proof of insurance satisfactory to the Zoning Administrator stating that the applicant's coverage extends to the proposed sign and any injuries arising therefrom.
- h. Metal Signs: Signs constructed of metal and illuminated by any means requiring internal wiring or electrically-wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall also maintain a clearance of nine (9) feet to grade. No metal ground sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected. All such signs shall conform with the City's adopted Electrical Code.
- i. Traffic Safety:
1. No sign shall be maintained at any location where by reason of its position, size, shape or color, it will, in the determination of the Zoning Administrator, obstruct, impair, obscure, interfere with the view of or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.
 2. Any sign located within two (2) feet of a private driveway or within a parking area shall have its lowest elevation at least ten (10) feet above the curb level; however, in no event shall any sign except wall signs and awnings, canopy or marquee signs be placed so as to project over any public right-of-way.
 3. No sign shall be placed in the sight triangle as defined in this subsection unless the bottom edge of such sign is greater than 12 feet above the ground. No pole or structure supporting such sign shall have a width exceeding two (2) feet. The minimum area included in a sight triangle shall be bounded on two sides by the centerline of each street, and on the third side by a line connecting the two

centerline at points a distance of 90 feet from the intersection of the centerline. This distance shall be increased to 120 feet on State or Federal highways and on arterial streets as defined by the Comprehensive Plan.

- j. Lineal Street Frontage: In those districts where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one street, street frontage shall be computed as follows:
1. For those tracts or parcels located on major streets as designated in the Comprehensive Plan, the lineal street frontage shall be the length of that property line abutting the major streets.
 2. For those tracts or parcels not located on a major street, the lineal street frontage shall be one-half (1/2) of the sum of all the street frontage.

SECTION TWO. Existing Section 27-401 of the Zoning Regulations of the City of Abilene, Kansas is hereby repealed.

SECTION THREE. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. ____ Summary

On _____, 2020, the City Commission passed Ordinance No. _____. The ordinance amends Section 27-401 of the Zoning Regulations for the City of Abilene, Kansas concerning required message hold times for electronic message center signs within the City of Abilene, Kansas. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 9th day of _____, 2020.

Chris Ostermann, Mayor

Attest:

Penny L. Soukup, CMC, City Clerk

The publication summary set forth above is certified this ____ day of _____, 2020.

Aaron O. Martin, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING REGULATIONS FOR THE CITY OF ABILENE, KANSAS TO ADD A NEW SECTION 20-14 CONCERNING THE DESIGNATION AND REGULATION OF CRITICAL DRAINAGE AREAS WITHIN THE CITY OF ABILENE, KANSAS.

BE IT ORDAINED, BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS:

SECTION 1. Article 20 of the Zoning Regulations for the City of Abilene, Kansas is hereby amended by adding a new Section 20-14, to read as follows:

SECTION 20-14 CRITICAL DRAINAGE AREAS

12-1401. Definitions. As used in this article, the following terms shall be defined as follows:

- (1) *Critical drainage area* is an area designated on the official zoning map of the city that is subject to periodic flooding due to stormwater ponding or sheet flow.
- (2) *Development* means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (3) *Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
 - (i) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 - (ii) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (4) *Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- (5) *Historic structure* means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or (d) individually listed on a local inventory of historic places under a historic preservation program that has been certified either:
 - (i) By an approved state program as determined by the secretary of the interior; or

(ii) Directly by the secretary of the interior.

12-1402. Critical drainage areas. Critical drainage areas may be designated by the board of city commissioners following a report and recommendation from the planning commission. The city engineer shall identify areas that should be considered for designation as critical drainage areas. No development or substantial improvement may be undertaken within a critical drainage area without first obtaining a permit from the zoning administrator. The zoning administrator shall not approve any development which does not provide adequate drainage improvements so as not to inordinately expose the development as well as surrounding land to increased stormwater flooding. The drainage improvements shall be designed in accordance with criteria established by the city engineer. The city engineer shall review proposed drainage improvement plans and advise the zoning administrator if such plans comply with established criteria. The completion of said improvements shall be the responsibility of the applicant. This regulation shall not apply to any platted lot zoned single-family residential, regardless of size, nor any platted lot containing less than ten thousand (10,000) square feet of land area, regardless of the zoning classification.

SECTION 2. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. _____ Summary

On _____, 2020, the City Commission passed Ordinance No. _____. The ordinance amends the zoning regulations for the City of Abilene, Kansas by adding a new section 20-14 authorizing the designation of critical drainage areas within the City of Abilene, Kansas, and authorizing the regulation of certain improvements within such designated critical drainage areas. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this _____ day of _____, 2020.

Chris Ostermann, Mayor

Attest:

Penny L. Soukup, CMC, City Clerk

The publication summary set forth above is certified this _____ day of _____, 2020.

Aaron O. Martin, City Attorney