

EDGERTON PLANNING COMMISSION AGENDA  
REGULAR SESSION  
Edgerton City Hall  
December 8, 2015  
7:00 PM

1. Call meeting to order

2. Pledge of Allegiance

3. Roll Call

A. Members:

Chuck Davis, Chair	Present / Absent
Ron Conus, Vice-Chair	Present / Absent
Bob O'Neill	Present/ Absent
Andrea Lucero	Present/ Absent
Cliff Withrow	Present/ Absent
Randal Gifford	Present/ Absent
Bill Braun	Present/ Absent
Elliott Lahn	Present/Absent

4. Minutes

A. Consideration of Regular Session Minutes of November 10, 2015

5. Guests Present

6. Communications from Staff

7. Old Business

**FINAL SITE PLAN - EXTENSION**

A. Consideration of a request for an extension of time for completion of the parking surface for Final Site Plan, FS2015-003 (C Y Edgerton, LLC), located at 32355 W. 191<sup>st</sup>, a tract of land containing one (1) lot, containing approximately 31.86 acres. Applicant: Rusty Williams, Arrowhead Intermodal. Engineer: Roger Cassity, R-I-C.

Action requested: Consider motion to approve, deny, or table request.

**FINAL SITE PLAN - EXTENSION**

B. Consideration of a request for an extension of time for completion of the parking surface for Final Site Plan, FS-09-16-13 (TranSpec Leasing), located at the southwest corner of 191<sup>st</sup> Street and Waverly Road. Applicant: Tom Hastings, TSL Companies. Engineer: R-I-C.

Action requested: Consider motion to approve, deny, or table.

8. New Business

**PUBLIC HEARING – UNIFIED DEVELOPMENT CODE AMENDMENT**

A. Consideration of a public hearing in regards to UDCA-01, Unified Development Code Amendment 01, pertaining to Article 3 in regards to use of acceptable building materials and accessory structures. Applicant: City of Edgerton.

Action requested: Consider opening hearing, consider comments, consider a motion to close or continue hearing.

**PUBLIC HEARING – UNIFIED DEVELOPMENT CODE AMENDMENT**

- B. Consideration of a public hearing in regards to UDCA-02, Unified Development Code Amendment 02, pertaining to fencing standards, setback, and bulk and yard requirements. Applicant: City of Edgerton.

Action requested: Consider opening hearing, consider comments, consider a motion to close or continue hearing.

9. Future Meeting – Regular meeting – January 12, 2016
10. Commissioners Comments
11. Adjournment:

EDGERTON COMMUNITY BUILDING  
 PLANNING COMMISSION MEETING  
 Regular Session  
 November 10, 2015  
 Minutes

Prior to the meeting, Elliot Lahn was sworn in as new Planning Commissioner.

The Edgerton Planning Commission met in a regular session with Chair Davis calling the meeting to order at 7:00 p.m.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were: Commissioners Chuck Davis, Maria O'Neill, Bob O'Neill, Ron Conus, Randal Gifford, and Elliot Lahn. Absent were: Commissioners Bill Braun, Andrea Lucero, and Cliff Withrow. Also present were Community Development Director Kenneth Cook and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

**MINUTES – AUGUST 11, 2015 AND AUGUST 18, 2015**

Approval of the minutes from the regular session of August 11, 2015 and special session of August 18, 2015 was considered.

Motion by B. O'Neill, seconded by M. O'Neill, to approve the minutes. Motion was approved, 6-0.

**GUESTS**

Charlie Troutner, Edgerton City Council, was present in the audience.

**COMMUNICATIONS FROM STAFF**

The Community Development Director introduced Elliot Lahn as the newest Planning Commissioner. Mr. Lahn informed the Commissioners he is a former city planner at Mission, Kansas. Mr. Lahn was welcomed.

Mr. Cook informed the Commissioners that there will be a number of items to consider with the Uniform Development Code (UDC) in upcoming meetings. He briefly overviewed the Council's action of a moratorium of residential housing building permits with non-conventional building materials. He stated the need will be to review residential building materials.

The Community Development Director noted after the first of the year, staff and Commissioners will begin reviewing and updating the regulations. He indicated some of the items for review include: accessory structures, fencing and projection of roofs and other structures into setbacks. Mr. Cook stated the public hearings will be placed on the December 8, 2015 agenda.

**PRELIMINARY PLAT - EXTENSION**

A request to extend the expiration date of Preliminary Plat, PP-09-26-13, Lot 2, Edgerton Logistics Park, located north of 91<sup>st</sup> Street, east of Homestead, to November, 2016 was considered. Applicant: Edgerton Logistics, LLC.

Mr. Cook stated this item was considered and approved by the Planning Commission on November 12, 2013 and given an additional year's extension in September, 2014. He noted the west 12 acres of the original preliminary plat has completed a final plat for Trans Coastal Supply Company; and added the eastern 31 acres remains under the preliminary plat.

Mr. Cook stated he anticipates this will probably go forward next year. He stated staff recommends approval with the same stipulations as made at the original approval in 2013.

Mr. Lahn asked when the Trans Coastal plat was approved. Mr. Cook indicated a couple years ago.

Mr. O'Neill asked about any anticipated changes. Mr. Cook stated he believed the applicant is working on final plans.

Mr. Lahn asked if there would be changes in the upcoming UDC review regarding the platting process. The Community Development Director indicated the process would focus more on standards in construction, etc.

Mr. Conus asked about ramifications of not extending the preliminary plat. He questioned the language to authorize an extension of more than one consecutive year.

Mr. Cook indicated the language is not as clear as desired, but he did not see a reason this request cannot be approved.

Mr. Lahn stated that perhaps a stipulation noting this is the final extension of the preliminary plat could be added to the motion.

Mr. Conus stated he understands, noting the economy has made challenges.

Mr. Cook stated staff supports approval, but noted the applicant could be told that future requests will probably not be renewed if the final plan process is not underway.

The Commissioners discussed the language regarding extension of preliminary plats. The consensus was that after the first extension, it did not appear there was authority for additional extensions.

Motion by M. O'Neill, seconded by Conus, to deny the extension request based upon the UDC Section 13.3 E (3) stating the "The preliminary plat shall be approved for a one-year period and shall be extended for an additional year upon the approval of a final plat for the same parcel of land or any part thereof. If a final plat is not approved for a portion or all of the land covered under the preliminary plat within one year, the preliminary plat shall be ruled null and void." Motion was approved, 6-0.

### **COMMISSIONERS COMMENTS**

Commissioner Gifford offered his resignation from the Planning Commission effective January, 2016.

Commissioner Conus thanked everyone for the card and thoughts at the time of his mother's death.

Edgerton Planning Commission

November 10, 2015

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**FUTURE MEETING**

The next scheduled meeting is a regular session on December 8, 2015.

**ADJOURNMENT**

Motion by Gifford, seconded by Lahn, to adjourn. Motion was approved 6-0.

The meeting adjourned at 8:25 p.m.

Submitted by:

Debra S. Gragg  
Recording Officer

Date 12-4-15

City of Edgerton Planning Commission,

This letter is a formal request for an extension for the land development located at 32355 W 191<sup>st</sup> Edgerton, KS. CY Edgerton/Arrowhead Intermodal Services understands that there have been several extensions extended to the previous land owners/developers, but this only the second extension granted to CY Edgerton/Arrowhead Intermodal. Final purchase of the property was not completed until April of this year. CY Edgerton will provide a detailed 8 week schedule at the meeting on December 8<sup>th</sup>, 2015. We appreciate your understanding and consideration. CY Edgerton and affiliated contractors feel strongly that work can be completed by June 1, 2016.

Best regards,

CY Edgerton

Rusty Williams



November 30, 2015

City of Edgerton, KS  
ATTN: Kenneth Cook  
404 East Nelson  
Edgerton, KS 66021

RE: 191st and Waverly Roads, Edgerton Paving Project

Dear Mr. Cook:

I would like to inform you of the progress with the concrete paving project on our property at the corner of 191st and Waverly Roads. The permitting process was completed on November 3rd, 2015. This allowed TSL to proceed with the trenching and installation of the fire hydrants. This had to be completed before we could pour concrete, which we began on November 4th. We installed the hydrants to meet all code and recommendations of the Johnson County Fire Department, allowing for loaded container storage in the entire facility. The installation was completed on November 13th. We then were able to begin the paving process. Surface preparation was completed on November 17th, and we paved our first 1,000 feet of concrete on November 19th and 20th. On November 19th, you and Beth were able to visit the site to witness firsthand the magnitude of this project.

We are estimating that the paving will take between 10 and 14 weeks to complete. Considering the fact that we cannot pave in freezing weather, we are anticipating being able to proceed on approximately April 1st, 2016, depending on weather. It is our desire to expedite the completion so as to allow us to fully utilize the property.

The Edgerton facility is a 50 year project for TSL. We are pouring the concrete specifications at KDOT 4000 PSI spec 12" thick with "structural fiber mesh." It will be in excess of a three million dollar investment for the Company. We do not want to potentially jeopardize the integrity of the concrete by pouring part of it this winter. It is our wish to be able to commence pouring as soon as possible in the spring. Due to extenuating circumstances, simply put, we ran out of time to meet the December 1, 2015, deadline.

We appreciate your understanding and hope that our past performance will give credibility to our intentions.

Sincerely,  
Tom Hastings  
President

CC: Beth Linn

10001 South 152<sup>nd</sup> Street  
Omaha, Nebraska 68138  
Phone: 402-895-6692  
[www.4tsl.com](http://www.4tsl.com)

## STAFF MEMO

December 1, 2015

To: Edgerton Planning Commission  
Fr: Kenneth Cook, AICP, CFM, Community Development Director  
Re: Building Materials for Dwellings, Accessory Structures, Projections & Fencing

It has become apparent as staff has reviewed building permits and reading through our current regulations that a number of updates need to occur. The first item that needs to be discussed involves the types of building materials that are permitted for residential structures. The City Council has currently placed a moratorium on the use of non-conventional materials for the exterior of dwellings. A public hearing has been published in regards to this item. A separate public hearing has been published for the discussion of accessory structures, projection of structures into setbacks and for fencing standards. The items have been published and scheduled as separate public hearings to allow for consideration to occur under different time periods, if needed. Following are the discussions and suggests of each of these items.

### **Residential Materials**

The current UDC does not place any restrictions on the type of materials that can be used for residential structures. Staff is suggesting that the Planning Commission consider if any restrictions should be placed on the types of materials that are allowed to be used for single family dwellings. The first area that should be discussed is in regards to if any restrictions should be placed on the type of materials permitted on the façades. This could include different standards placed on primary façades (front or adjacent to streets) or secondary façades. Finally, this will also need to include the type of materials which are or are not permitted.

Staff has found three examples of how different jurisdictions have dealt with this issue. The first example that staff has found is from the City of Hutchinson and which states:

*All Structures, whether constructed on site or moved onto a site in the Hutchinson zoning jurisdiction, shall be of a compatible scale, design and visual quality, and shall display exterior materials that are generally compatible with other structures in the surrounding neighborhood or district.*

*Buildings, structures and manufactured homes moved into the Hutchinson zoning jurisdiction or from one location to another within the jurisdiction must conform to the zoning regulations of the zoning district into which the building, structure or manufactured home is to be moved, and must, when relocated, be made to conform fully with these regulations and all applicable codes of the City including any building codes.*

*No moving permit, building permit, or zoning certificate shall be issued, unless in the determination of the zoning administrator the height, age, architectural style and texture of the materials pertaining to the exterior appearance of such building, structure or maunufactured home reasonable conform to other buildings in the block*



*and surrounding area to which it is to be constructed or moved, and would not determinately affect the values of surrounding properties  
The zoning administrator shall be authorized to administer and interpret the standards of this section.*

The second example is from the City of McPherson.

- *Earth-sheltered dwellings, provided that the design is compatible with adjacent properties including such items as drainage, parking and accessory structures.*
- *Metal buildings specifically designed for use as single-family detached dwellings: provided that the design is compatible with adjacent properties including such items as aesthetic appearance, parking and accessory structures. (See Section 6-100B4 for metal building used as accessory)*
- *Metal accessory buildings over 100 square feet in size shall be prohibited in all residential zoning districts unless approved as a Conditional Use by the Board of Zoning Appeals. Any such approval shall be appropriately conditioned to ensure that the metal building be visually compatible with the principal dwelling unit and surrounding residential neighborhood. Such conditions may include the requirement for roofing and/or siding materials and color choices customarily used on site-built structures.*

These first two examples could be considered as a more simple way to address this issue. While simple, they do rely heavily on the interpretation of the zoning administrator and do not specifically mention type of material that are not permitted or which are preferred. The final example that staff has been reviewing is that of the City of Olathe and which is significantly more specific. It should first be mentioned that the Olathe requirements address this issue in a different manner in that they have "Building Design Categories" that address the various types of residential structures and different categories of materials. As we are primarily concerned with detached single family dwellings, the following information is drawn from their Building Design Category A.

This section starts with a statement that the standards have been created to ensure compatible development in area shown in their comprehensive plan as Conventional Neighborhoods and Conservation/Cluster Neighborhoods (typically their residential areas). It also specifies that the standards do not apply to single-family dwellings on lots exceeding 7,200 square feet. The regulations continue that the standard for Exterior Building Materials is relevant to only Primary Façades with a minimum % from Materials Category 1 of 70% and a maximum % from Material Category 2 of 30%. Category 1 materials would include items such as brick, stone and stucco and then expands to include additional items in category 2 & 3. It would appear from this section that the primary façade is the only one that has any restriction on it and that any material would appear to be allowed on other façades.

The Edgerton UDC does currently have regulations dealing with Residential Design Manufactured Homes and which does have the following wording that could possibly be incorporated into requirements for other dwellings:

*The exterior siding shall be made of non-reflective material customarily used on site-built dwellings, such as wood, composition or simulated wood, clapboard, vinyl, brick,*

*stucco, or similar materials but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior foundation.*

It is staff's opinion that additional updates to the design standards for residential structures will be needed in the future, especially in regards to multiple family structures. These updates will likely require substantial changes to other portions of the regulations in order to provide additional design standards for multifamily structures. Staff suggests the Planning Commission consider recommending an update similar to the wording from Hutchinson in order to provide an intermediate solution to this issue until we have the ability to perform a more substantial update to the UDC. Following is staff's recommended wording:

*All residential structures, whether constructed on site or moved onto a site in the City of Edgerton, shall be of a compatible scale, design and visual quality, and shall display exterior materials that are generally compatible with other structures in the surrounding neighborhood or district. Such material shall be non-reflective material customarily used on site-built dwellings, such as wood, composition or simulated wood, clapboard, vinyl, brick, stucco, or similar materials but excluding smooth, ribbed or corrugated metal or plastic panels. The Zoning Administrator shall be authorized to administer and interpret the standards of this section.*

The Planning Commission may also want to discuss a few final questions. First, will the above requirements also be enforced on roofing material? Second, should the requirements also be enforced on accessory structure? Another option for accessory structures would be to provide an allowance that metal structures under a certain size be allowed (say 50 square feet) and all larger accessory structures be required to comply with the same standards or be designed to be compatible/match to the principle structure on the property?

### **Accessory Structures**

As is mentioned above, one item that needs to be discussed in regards to accessory structures is if any material standards should be required for the exterior of accessory structures. A second item is for our regulations of accessory structures in the R-1 District. The UDC currently includes the following wording for accessory structures in this district:

*Detached accessory buildings in District R-1 shall not exceed ten (10) percent of the total lot size or one thousand five hundred (1500) square feet.*

It is staff's opinion that two items be more specifically addressed as part of this requirement. First is the question of how many accessory structures may be permitted on a single property and if more than one accessory building is permitted, if the above requirement is meant to be a maximum of the total square footage of accessory structures or for each individual structure. The second item is to adjust the wording to be clearer that accessory structures are permitted to be 10% of the total lot size, but in no case shall they exceed 1500 square feet. It is staff's understanding that in the past this requirement has been interpreted to allow any lot to have a structure of 1500 square feet and that larger properties were allowed to have a structure up to 10% of the lot size. As we are discussing this item, I would suggest that the Planning Commission consider if there should be a process which would allow a structure that was greater than 10% or 1500 square feet or multiple accessory structures, especially on properties that have a substantial size (such as more than 1 or 2 acres). There

is no current maximum size or coverage/open space requirement for principle structures. This technically would allow an individual to construct a garage/shop of any size if connected to a dwelling, as long as it complies with the district setback requirements. While it would appear that a new section should be added to the UDC for Supplemental Use Regulations, Staff suggests the following wording to better address concerns with the current wording (replace existing wording in Table of Setbacks, Yards, and Area for the R-1 Zoning District).

*A maximum of two detached accessory buildings with a total combined area not to exceed 10% of the lot size. In no case shall the total combined area of such accessory structures exceed 1500 square feet.*

The addition of a section dealing with Supplemental Use Regulations would allow for a place where specific items (such as accessory structures, fences, accessory dwellings, drive-through, home occupations, outdoor dining, outdoor display, telecommunication facilities and solar or wind generation facilities) could be addressed.

### **Projection of Structures**

Section 1.6B.4.b) currently specifies the following in regards to how setbacks are measured:

*A front yard setback shall mean the distance between the edge of the R.O.W. to the base of a structure, and does not include any part of the structure the projects outward from above this line. The side and rear yard setbacks shall mean the distance from the lot line to the base of the structure, and do not include any part of the structure that projects outward above this line. The exception to this rule is when a property line runs to the center of the R.O.W. In such cases, the Zoning Administrator shall use an equitable method to determine the building setback based on "averaging" methods according to the conditions of the neighborhood.*

This section conflicts with how the regulations define Front and Rear Yards in that the definitions specifically state that covered porches are considered as part of the structure and are not allowed to encroach. Staff would suggest that this item be adjusted to remove this conflict. Most regulations that I have looked through will usually have allowances for certain items to encroach into specified yards. This would include items such as eaves, projecting windows, chimneys and can also extend to patios, decks, fire escapes and handicap ramps and even basketball goals, play structures and light poles. My current suggestion is for a minor adjustment to be made to this wording to remove the references "does not include any part of the structure that projects outward above this line" and to include wording that lists specific items that are allowed to encroach and any restrictions. This would also require the removal of portions of the definitions for Front and Rear Yard. A second option would be to only remove the wording allowing projections above the base of the structure, and which this section would then match the definitions.

- b) **Setback Measurement.** Every part of a required yard shall be unoccupied and unobstructed by any portion of a structure from the ground upward, except as provided in subsection "c)" below.*
- c) **Permitted Obstructions.** The following shall not be considered to be obstructions when located in a required yard*

- *Building projections such as overhanging eaves and gutters, ones story bay window projecting, cornices, chimneys, spouts/gutters, or similar architectural features or fire escapes. 36 inches or less into the yard.*

We might also want to add additional items such as:

- *Ramps for citizens with impairments*
- *Open terraces or patios not over four (4) feet above the average level of the adjoining ground, but not including a permanent roof.*
- *Wing walls, stoops, landings, balconies, patios, and decks a maximum of 30 inches into yard.*
- *Playground equipment*
- *Flagpoles and basketball goals*
- *Pools and spas (rear or side yard)*
- *Ornamental light*

### **Fencing**

The current UDC only specifies that a building permit is required for the construction of fencing and then defines what fencing is. The regulations do not currently have any standards in regards to type of fencing or where fencing can be placed, other than the requirements of the L-P, Logistics Park District. A fence is currently defined as:

*A structure used as a boundary, screen, separation, means of privacy, protection or confinement, and is constructed of wood, plastic, metal, wire mesh, masonry or other similar material and is used as a barrier of some sort.*

Staff would recommend that the above definition is too broad or that additional requirements should be in place which describes the type of fencing materials that are acceptable and the location on a lot where fencing can be used in different districts.

Staff will continue to work on preparing proposed changes to the regulations for discussion at the Planning Commission Meeting.