

**EDGERTON PLANNING COMMISSION
MEETING AGENDA – SPECIAL SESSION
EDGERTON CITY HALL - 404 EAST NELSON STREET
June 20, 2023
7:00 P.M.**

The City of Edgerton encourages public participation in local governance issues. To facilitate an efficient and effective meeting, persons wishing to address the Planning Commission must sign-up before the meeting begins. During public hearings, comments must be limited to three (3) minutes per speaker. The maximum time limit for all speakers during each public hearing will be one (1) hour.

The chair may modify these provisions, as necessary. Speakers should state their name and address and then make comments that pertain to the public hearing item.

The chair may limit any unnecessary, off-topic, or redundant comments or presentations. Speakers should address their comments to Planning Commission members only and should not speak to fellow audience members. Commission members will not engage in a dialogue or debate with speakers. Speakers and audience members should conduct themselves in a civil and respectful manner. Disruptive conduct may result in removal from the meeting.

Call to Order

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

Regular Agenda

4. **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

5. **CU2023-02: CONDITIONAL USE PERMIT APPLICATION FOR A CHILD CARE CENTER FOR NEW CITY CHURCH LOCATED AT 517 W MORGAN STREET**

Applicant: Brandy Peterson, Agent – New City Church, Property Owner

- a. Public Hearing for CU2023-02
- b. Consideration of CU2023-02

6. **Future Meeting Reminders**

- July 11, 2023 at 7:00 PM – Regular Session
- August 8, 2023 at 7:00 PM – Regular Session

- September 12, 2023 at 7:00 PM – Regular Session
- October 10, 2023 at 7:00 PM - Regular Session

7. Adjourn

NEW CITY EARLY LEARNING ACADEMY

Application CU2023-02
517 W. Morgan Street

QUICK FACTS

PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval of a childcare facility for six (6) persons or more.

A Public Hearing is required.

Owner and Applicant

Brandy Peterson,
Agent of New City Church

Existing Zoning and Land Use

Currently R-1 (Single Family Residence District) with one (1) structure on the subject parcel used as a church.

Parcel Size

3.15 acres

Staff Report Prepared by

Zachary Moore



BACKGROUND

1. Proposal

The applicant, New City Church, has submitted a request for a Conditional Use Permit to allow for a child care facility in the R-1 (Single Family Residence) District. The Unified Development Code (UDC) requires a Conditional Use Permit to operate child care facility for six (6) persons or more in the R-1 District. New City will operate their Early Learning Academy on site daily, from 6:30 AM to 5:30 PM and will be able to accommodate 24 children ages 2 ½ to 5.

2. Subject Site & History

The 3.15-acre subject property was annexed into the City of Edgerton in 1965 and was platted in 1912 with the County Clerk's Subdivision plat. The property includes an approximately 3,485 square foot church on site, with parking lots to the northwest and east of the building. Access is provided to the site in two (2) locations from 56 Highway.

The UDC requires that churches in the R-1 (Single Family Residence) District must obtain a Conditional Use Permit. The existing church on the subject property has been in operation as a legal nonconforming use, as the structure was permitted as a church in 1985, prior to the adoption of Zoning Regulations in the City of Edgerton, which occurred in 1988. The use of the property may remain on site as a church, provided there is no expansion or termination of the use for greater than 180 days. This Conditional Use Permit request for a Child Care facility does not impact the status of the church on the property as a legal nonconforming use.

3. Service Providers

- a. Water Service – City of Edgerton.
- b. Sanitary Sewer – City of Edgerton.
- c. Electrical Service – Evergy.
- d. Gas Service – Kansas Gas Service.
- e. Police Protection – City of Edgerton through the Johnson County Sheriff's Office.
- f. Fire protection – Johnson County Fire District #1.



View of subject property looking southwest from 56 Highway/Morgan Street

CONDITIONAL USE PERMIT REVIEW

City Staff reviewed the Site Plan under the requirements outlined in Article 7 – *Conditional Uses* of the Unified Development Code (UDC).

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 Planning 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 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 may be approved, the Governing Body must review the record of the public hearing held by the Planning Commission.

The Planning Commission, in accordance with the procedures and standards of the UDC, may recommend the Governing Body authorize 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.

Section 7.1 Issuance of Conditional Uses

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. The City of Edgerton and the Kansas City region is currently underserved when it comes to day care opportunities. This proposed day care would be the first large day care in the City and would be a useful service to employees in the region, specifically employees at Logistics Park Kansas City (LPKC).*

- 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 properties to the west and south are zoned R-1 and the properties to the east are zoned R-2. The neighborhoods to the west and south are developed with low-density single-family homes ranging between one- and two-stories in height. The neighborhood to the east is developed with duplex homes, all one-story in height. The entire area to the west, south, and east is platted, and there is a small amount of open space to the south and east of the existing church building. The entire area across 56 Highway to the north is developed with rural residential and agricultural uses with large amounts of open space.*

- 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 proposed use of a child care facility will be low-intensity in nature, with no new structures proposed with the use. The child care facility will be compatible with the surrounding residential area without a need for buffering and screening at this time.*
- d. Suitability of the uses of the property without the proposed conditional use permit.**

 - i. The subject property is zoned R-1, which allows for 9 uses by right and 14 uses with a conditional use permit. Of the permitted uses, the location of the property on a highway makes the property unsuitable for several uses typically found in an R-1 District, such as single-family residential.*
- e. Length of time the subject property has remained vacant without the proposed conditional use permit.**

 - i. The subject property was developed with a church in the early 1990s, which has remained to date.*
- f. The extent to which the proposed use may detrimentally affect nearby property.**

 - i. Staff does not anticipate any detrimental effect on nearby properties by a child care facility operating on the subject property.*
- 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 property, as it exists in its current state, contains an adequate amount of parking on site to accommodate a child care facility. The two (2) existing access points on 56 Highway will allow traffic to move freely about the site without delays, backups, or stacking on 56 Highway.*
- 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. All utilities necessary to operate the site exist today and no public improvements will be necessary in order for the child care facility to operate.*
- 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 addition of a child care facility at an existing church building is relatively minor in nature and will not adversely affect the amount of traffic visiting the site on a State*

Highway. The site also contains 24 marked parking stalls in addition to a significant amount of unmarked space for parking.

- 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. There will be no increase in the amount of impervious surface on the subject property with this Conditional Use request. The child care facility will terminate operation at 5:30 PM daily, therefore, no light pollution is anticipated. Since there is no increase in impervious surface on the property, there is no requirement for an additional stormwater study. Staff anticipates no increase in water pollution, air pollution, noise pollution, or light pollution with this Conditional Use request.*
- k. The economic impact of the proposed use on the community.**
 - i. The addition of a child care facility to the existing church will allow greater flexibility for employees and families in the City. A new amenity in the City such as a child care facility may assist with employee retention for local businesses as their employees would have an opportunity for child care in the City.*
- 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. There would be little to no gain to the public health, safety, and welfare of the City of Edgerton and the property owner should this request be denied.*
- 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 of the Comprehensive Plan identifies the subject property as 'Public', which the proposed use of a Child Care facility is consistent with. Additionally, the proposed Conditional Use aligns with Goals 2 "Create Employment Opportunities and Promote a Diversified Economic Base" and Goal 12 of the Comprehensive Plan, which is, "Provide services to senior citizens and the youth."*

DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
Application	Application for CU2023-01	
1	Statement of Purpose	06/12/2023

STAFF RECOMMENDATION

City Staff recommends approval of Conditional Use Permit **Application CU2023-02** for *New City Church* with the following stipulations:

1. The Conditional Use Permit to allow Child Care for six (6) persons or more at 517 W. Morgan Street is valid for a period of ten (10) years following the date of approval.

2. All State laws pertaining to operating a Child Care facility must be followed.

Note: For Application CU2023-02 the Planning Commission is the recommending body for the application to the Governing Body. The Application will be presented to the Governing Body on July 13, 2023.

Please print or type.

PROPERTY INFORMATION

Requesting Conditional Use Permit For: New City Church - New City Early Learning Academy

Location or Address of Subject Property: 517 W Morgan St, Edgerton, KS 66021

Legal Description: COUNTY CLERKS SUBDIVISION NW1/4 7-15-22 LT 7 EX S 300'

Zoning on Subject Property: R-1 (Single Family) Current Land Use: Church

PROPERTY OWNER INFORMATION

Property Owner's Name(s): New City Church Phone: 913-568-4617

Company: New City Church Fax: _____

Mailing Address: 7230 Quivira Road

City: Shawnee State: KS Zip: 66216

APPLICANT/AGENT INFORMATION

Applicant/Agent's Name(s): Brandy Peterson Phone: 913-568-4617

Company: New City Church Fax: _____

Mailing Address: 7230 Quivira Road

City: Shawnee State: KS Zip: 66216

ENGINEER/ARCHITECT INFORMATION

Engineer/Architect's Name(s): _____ Phone: _____

Company: _____ Fax: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

SIGNATURE

Signature of Owner or Agent:  5.1.23

NOTE: If not signed by owner, authorization of agent must accompany this application

FOR OFFICE USE ONLY

Application No.: CU-_____ Received by: _____

Permit Fee Paid: \$ _____ Date Fee Paid/Receipt #: _____

Publication Fee Paid: \$ _____ Date Fee Paid/Receipt #: _____

Hearing Date _____

20140326-0006176		
Electronic Recording	T: \$12.00	03/26/2014 09:44:43 AM
Pages: 2	Register of Deeds	T20140014218
JO CO KS	BK:201403	PG:006176

KANSAS WARRANTY DEED

McCaffree-Short Title

14 0395

THIS INDENTURE, made on this 26th day of March, 2014, by and between

Edgerton Southern Baptist Church, Inc.

Grantor(s), and

New City Church, Inc.

Grantee(s), for the sum of one dollar and other good and valuable considerations.

Grantee's mailing address is: 517 W. Morgan, Edgerton, KS 66021

All of Lot 7, COUNTY CLERK'S SUBDIVISION, of the Northwest 1/4 of Section 7, Township 15, Range 22, in Johnson County, Kansas, except the South 300 feet and except a tract beginning at the Northwest corner of said Lot 7, thence South 38.9 feet; thence East 220.00 feet; thence North 38.51 feet; thence West 220.00 feet to the point of beginning.

Subject to restrictions, reservations, assessments, and easements, if any, now affecting said property.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, forever.

And Grantor(s), for himself, his heirs, successors and assigns, does hereby covenant, promise and agree, to and with Grantee(s), that at the delivery of these presents he is lawfully seized in his own right of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above-granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments taxes, assessments and encumbrances, of what nature and kind whatsoever, subject to Grantor's reservation set forth herein, and that he will

WARRANT AND FOREVER DEFEND the same unto Grantees and to his/her/its heirs and assigns forever, and all and every person or persons whomsoever lawfully claiming or to claim the same.
Edgerton Southern Baptist Church, Inc.

Aerial View



02/18/2023

Aerial View 2



02/23/2023

AUTHORIZATION OF AGENT FORM

To: City of Edgerton

Case No. CU-202302

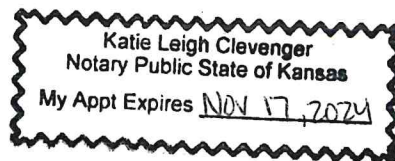
I, Jennifer Miller, of New City Church, do hereby
authorize Brandy Peterson, of New City Church, to act as
Agent for New City Church located at 7230 Quivira Rd
Shawnee, KS 66216

Jennifer Miller
Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 12th day of May, 2023.

Katie C
Notary Public

My Commission Expires: NOV. 17, 2024





7230 Quivira Road Shawnee, KS 66216

June 12, 2023

Dear City of Edgerton:

My name is Brandy Peterson, and I am the Central Director for New City Early Learning Academy. Currently, we have two locations on our four campuses. I am writing today because we would like to open a Preschool and Pre-K based New Cit ELA within our New City Church building in Edgerton. We operate a year-round program open 6:30-5:30 Monday to Friday. We base our curriculum around learning through play, center-based exploration, and a bible rich activity-based yearlong plan. We will provide a structured schedule for up to 24 children ages 2.5-5 years in a mixed age Preschool/Pre-K based classroom. Based on the current application submission date of July 14, 2023, we anticipate our opening to be mid-October to early November 2023 due to the state requirements of 90 days to approve an application once submitted.

I look forward to sharing more about our program with you at the City Council meeting on June 20, 2023. I think you will find our experience as a program will be a good fit for the community and serve a need to provide quality preschool childcare within Edgerton. You will find Ms. Lindsey, our director, to be a structured planner who loves providing students and families with a chance to engage in the love of learning. If you have any questions, I can be reached via email at brandy@newcityela.com or on my cell phone at 913-568-4617. I have included our Federal ID and current contact information should that be necessary.

Federal ID # 90-0541765

New City Early Learning Academy
7230 Quivira Rd. Shawnee, KS 66203
913-268-6301

Sincerely,

A handwritten signature in black ink, appearing to read "Brandy Peterson", with a long horizontal line extending from the end of the signature.

Brandy Peterson

NCELA Central Director