

**EDGERTON PLANNING COMMISSION  
MEETING AGENDA  
EDGERTON CITY HALL - 404 EAST NELSON STREET  
July 11, 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**

**Consent Agenda** *(Consent Agenda items will be acted upon by one motion unless a Planning Commissioner requests an item be removed for discussion and separate action.)*

4. Approve Minutes from the June 13, 2023 Planning Commission Meeting.
5. Approve Minutes from the June 20, 2023 Planning Commission Special Session.

**Regular Agenda**

6. **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**

7. **PP2023-03: PRELIMINARY PLAT APPLICATION FOR NORTHPOINT DEVELOPMENT LOCATED SOUTHEAST OF THE INTERSECTION OF W. 191<sup>ST</sup> STREET AND KILL CREEK ROAD**

Applicant: Kevin White, Agent – NorthPoint Development, Developer/Property Owner

*This item requires a continuance and will be considered at the August 8, 2023 Planning Commission meeting.*

8. **FS2023-06: PRELIMINARY PLAT APPLICATION FOR NORTHPOINT DEVELOPMENT LOCATED SOUTHEAST OF THE INTERSECTION OF W. 191<sup>ST</sup> STREET AND KILL CREEK ROAD**

Applicant: Kevin White, Agent – NorthPoint Development, Developer/Property Owner

*This item requires a continuance and will be considered at the August 8, 2023 Planning Commission meeting.*

9. **UDCA2023-02: AMENDMENTS TO ARTICLE 4 (COMMERCIAL ZONING DISTRICTS) AND ARTICLE 7 (CONDITIONAL USES) OF THE UNIFIED DEVELOPMENT CODE (UDC)**

- a. Public Hearing for UDCA2023-02
- b. Consideration of UDCA2023-02

10. **Future Meeting Reminders**

- 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
- November 14, 2023 at 7:00 - Regular Session

11. **Adjourn**

**PLANNING COMMISSION MEETING**  
**June 13, 2023**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Street, Edgerton, Kansas on June 13, 2023. The meeting convened when Chair John Daley called the meeting to order at 7:00 PM.

**1. ROLL CALL**

Jeremy Little	absent
Charlie Crooks	present
Adam Draskovich	absent
John Daley	present
Jordyn Mueller	present

With a quorum present, the meeting commenced.

Staff in attendance: Beth Linn, City Administrator  
Zachary Moore, Development Services Director  
Chris Clinton, Planning and Zoning Coordinator/Deputy City Clerk

- 2. WELCOME** Chairperson Daley welcomed all in attendance to the meeting.
- 3. PLEDGE OF ALLEGIANCE** All present participated in the Pledge of Allegiance.

**CONSENT AGENDA**

- 4.** Approve Minutes from the May 9, 2023 Planning Commission Meeting.

Commissioner Crooks moved to approve the consent agenda. Commissioner Mueller seconded the motion. The consent agenda was approved, 3-0.

**REGULAR AGENDA**

**5. DECLARATION**

Chairperson Daley asked the Commissioners to declare any correspondence they have received or communication they have had regarding the matters on the agenda. If they have received correspondence or have had any communication, he asked if it may influence their ability to impartially consider the agenda items.

The Commissioners did not have anything to declare at this time.

**BUSINESS REQUIRING ACTION**

**NEW BUSINESS**

## 6. **ELECTION OF PLANNING COMMISSION OFFICERS**

Mr. Zachary Moore, Development Services Director, stated that pursuant to the Bylaws of the Planning Commission, an annual meeting is held in June of each year for the purpose of electing a Planning Commission Chair, Vice Chair, and a Secretary.

Chairperson Daley stated he will nominate himself to remain as Chair. Commissioner Crooks seconded the nomination. Chairperson Daley remained the Chair, 3-0.

Mr. Moore stated Commissioner Little informed him he was welcome to the idea of serving again as the Vice Chair. Commissioner Crooks nominated Commissioner Little to serve as the Vice Chair. Commissioner Mueller seconded the nomination. Commissioner Little will remain the Vice Chair, 3-0.

Commissioner Crooks stated he would serve again as the Secretary. Commissioner Mueller nominated Commissioner Crooks as the Secretary. The nomination was seconded by Commissioner Crooks. Commissioner Crooks remains the Secretary, 3-0.

## 7. **PUD2023-01: PLANNED UNIT DEVELOPMENT APPLICATION (FINAL PLAN/PLAT) FOR DWYER FARMS LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF W. 207<sup>TH</sup> STREET/BRAUN STREET AND 8<sup>TH</sup> STREET/EDGERTON ROAD**

Mr. Lee Ryherd of SMH Consultants, Civil Engineer of the project, approached the Commission. He stated this is an application for a Final Planned Unit Development (PUD) for a previously approved Preliminary PUD. This request is for Phase I of the development which is to be comprised of ninety-three (93) residential lots. There are also five (5) common tracts proposed. Two (2) tracts are for stormwater detention, 1 will be used for community greenspace and amenity area, 1 will be used for a monument sign for the subdivision, and the last one is floodplain. Two (2) access roads are proposed into the site. The 2 detention ponds that are proposed will either reduce or keep the stormwater runoff the same. He explained the proposed landscaping meets the Code for street trees as each residential lot will have at least 1 street tree. Landscaping will be used with the monument signs and will screen other appurtenances. Every lot will provide underground electrical, while sanitary and storm sewer, and water services will be provided by the City. Mr. Ryherd stated there are a total of three (3) total monument signs proposed. One (1) sign will be at each entrance and one larger sign at the corner of 8<sup>th</sup> Street/Edgerton Road and 207<sup>th</sup> Street/Braun Street. He explained they have twelve (12) different floorplans for this development for future residents to select from.

Mr. Moore stated the parcel is 35.5 acres with five (5) tracts to be maintained by the Homeowners Association (HOA). There are play areas and greenspaces proposed and a 9.3 acre floodplain tract at the northeast corner of the parcel. City Staff reviewed the plans in accordance with the provisions set forth in Article 6 of the Unified Development Code (UDC). This proposal does align with the Future Land Use Map and goals of the Comprehensive Plan. Staff has found the proposal of single-family residential homes and associated open spaces is compatible with the surrounding development. The net density of this development is 2.61

dwelling units per acre, which is consistent with the density approved by the Governing Body with the related Conceptual PUD Plan. The UDC requires the development site to be under one owner, which the parcel is. The proposed yard sizes are the same as approved in the Conceptual PUD with the stipulation of fire rated materials to be used during construction if the dwelling units are separated by ten (10) feet. Mr. Moore explained that the requirement of fire rated materials will be reviewed during the building permit review. The proposed parking is consistent to that of the Conceptual PUD. There have been no changes to the information that was provided during the Conceptual PUD phase, so no new Traffic Impact Study was needed. Mr. Moore said the applicant does exceed the landscaping requirement. Each lot will have 1 street tree and the internal tracts are lined with deciduous trees. 8<sup>th</sup> Street/Edgerton Road and 207<sup>th</sup> Street/Braun Street will have trees planted where residential lots are adjacent to the right-of-way. The floodplain tract will remain in its natural vegetative state. Mr. Moore explained the applicant has expanded the number of models that were provided compared to that of the Conceptual PUD. This allows more variety and prevents a mundane and "cookie cutter" feel to the development. He said the stormwater, utility plans for sanitary sewer, water lines and street lighting plans are currently being reviewed by City staff and the City Engineer for compliance to City standards. These items are not in the purview of the Commission but will be required to meet standards. Mr. Moore stated there are a few items that need to be updated on the Plat for the PUD and are listed as stipulations. Those updates are some additional easements may be needed, and the labels mentioned in the Staff Report have been updated after the publication of the packet. He stated City staff recommends approval of Application PUD2023-01 with the stipulations outlined.

Chairperson Daley inquired as to when construction might start. Mr. Kyle Jones, Rausch Coleman Homes, Property Owner, stated they are waiting on reviews of the City Engineer and upon approval of utilities, they will be ready to start moving dirt. Their hope is to be able to start in mid-July. He explained that the same floorplan will not be next to each other. They make a six (6) lot block where the same elevation will not be built. The design team is always coming up with new plans, so there could be ones that have not been presented to the Commission. The square footage and architecture requirements will still be met that were set in the Conceptual PUD.

Commissioner Crooks asked if all of the tracts will be maintained by the property owner and HOA. Mr. Jones stated they will be owned by the HOA and will be maintained in accordance to Edgerton City Codes.

Chairperson Daley inquired if parking on the streets will be allowed. Mr. Jones stated they will be following the City's recommendation on parking that they received on the Conceptual PUD. Mr. Ryherd stated every floorplan has a 2-car garage with 2 parking spots in the driveway. He added 1 side of the street will allow for parking but no overnight parking. The proposed time restraint for street parking is midnight to 5 AM. Commissioner Crooks verified that one side of the street will be signed as no parking. Mr. Ryherd replied that is correct and it is typically the side of the street with sidewalks that does not allow parking.

Chairperson Daley requested clarification if all homes will have 2-car garages because one of the provided floorplans has a 1-car garage. Mr. Ryherd answered there might be some with a 1-car garage, but there will still be enough space for 2 cars to park in the driveway. Mr. Moore stated it is possible for that floorplan to not be used at all in the development.

Commissioner Crooks said he remembered requiring at least four (4) off street parking spaces. Mr. Jones said the City requires each lot to have parking for three (3) cars off of the street. Ms. Beth Linn, City Administrator, added these streets are a lot wider than current streets in the City and have become standard. Mr. Moore stated the number of off-street parking will be verified upon the building permit review.

Commissioner Crooks asked when construction on Phase II will start. Mr. Jones answered they will have to see how many homes sell. It is possible that Phase II won't start until May of 2024 as it is completely driven by the sales of homes.

Commissioner Crooks moved to recommend approval with the following stipulations:

1. All infrastructure requirements of the City are met.
2. Prior to plat recording, the following must occur:
  - a. Dedication language for the sign easement must be placed on the face of the plat.
  - b. All easement widths must be labeled on the plat.
  - c. The stormwater study must be approved by the City Engineer. Any necessary changes to the plat based on review of the stormwater study must be made prior to plat recording.
3. All requirements of the City for a PUD are met.
4. Fire rated materials must be used in construction of homes in lieu of the Planning Commission and Governing Body permitting a 5-foot side yard setback and minimum 10-foot separation between buildings.

Commissioner Mueller seconded the motion. Application PUD2023-01 was recommended for approval with the stipulations, 3-0.

Mr. Moore stated the Governing Body will consider this application on June 22, 2023.

8. **CU2023-02: CONDITIONAL USE PERMIT APPLICATION FOR NEW CITY CHURCH LOCATED AT 517 W. MORGAN STREET**

Mr. Moore stated this item requires continuance and will be considered at the June 20, 2023 Special Session of the Planning Commission.

9. **FUTURE MEETING REMINDERS**

Chairperson Daley stated that there is a Special Session on June 20, 2023. The next regular sessions are scheduled for July 11, 2023; August 8, 2023; and September 12, 2023.

10. **ADJOURN**

Commissioner Crooks moved to adjourn the meeting. Commissioner Mueller seconded the motion. The meeting was adjourned at 7:21 PM, 3-0.

**PLANNING COMMISSION  
SPECIAL MEETING  
June 20, 2023**

A special session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Street, Edgerton, Kansas on June 20, 2023. The meeting convened when Chair John Daley called the meeting to order at 7:00 PM.

**1. ROLL CALL**

Jeremy Little	absent
Charlie Crooks	present
Adam Draskovich	present
John Daley	present
Jordyn Mueller	present

With a quorum present, the meeting commenced.

Staff in attendance: Zachary Moore, Development Services Director  
Chris Clinton, Planning and Zoning Coordinator/Deputy City Clerk

- 2. WELCOME** Chairperson Daley welcomed all in attendance to the meeting.
- 3. PLEDGE OF ALLEGIANCE** All present participated in the Pledge of Allegiance.

**REGULAR AGENDA**

**4. DECLARATION**

Chairperson Daley asked the Commissioners to declare any correspondence they have received or communication they have had regarding the matters on the agenda. If they have received correspondence or have had any communication, he asked if it may influence their ability to impartially consider the agenda items.

The Commissioners did not have anything to declare at this time.

**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**

Ms. Brandy Peterson, New City Church, spoke before the Commission. She stated she runs the childcare centers for New City Church in Shawnee and Raytown, Missouri. She explained the childcare center will be located in the basement of the building, where it was once located years ago. The childcare center will accommodate twenty (20) to twenty-four (24) toddlers

and kids aged two and a half (2.5) to five (5) years old from 6:30 AM to 5:30 PM. They will use a basic curriculum that focuses on learning through play, social skill, and Kindergarten prep. The year-round program will only be closed on the basic federal holidays and two (2) teacher prep/training days. She said she has been working on getting the Johnson County licensure secured. The director that would be hired to lead the center lives in Gardner and has written curriculum for the other centers the last few years.

Mr. Zachary Moore, Development Services Director, addressed the Commission. He explained City staff reviewed the application under the purview of Article 7 of the Unified Development Code (UDC) as a childcare facility for more than six (6) persons on a R-1 zoned parcel requires a Conditional Use Permit (CUP). He explained Article 7 has criteria that need to be reviewed when determining if a CUP should be approved or not and City staff reviewed the application against these criteria. There is a large need of this use in the City and this use fits the character of the neighborhood, as the intensity of the childcare facility will be low. The proximity of 56 Highway makes the subject parcel unsuitable for many uses in the R-1 District. The subject parcel has been developed with the church structure since the early 1990s and no further development is proposed at this time. Mr. Moore stated City staff does not believe there would be any detrimental effects to nearby properties. There is adequate parking on site that exists to accommodate the childcare facility and there are two (2) access points from 56 Highway will prevent any possible backups or stacking on the Highway. He explained that utilities are on site, so no new utility extensions are needed. No new environmental impacts are expected as there will not be any increase to impervious surface and the facility will close prior to the need of exterior lighting. He said the addition of a childcare facility would allow greater flexibility for employees and families in the City and would be a big help and economic boost to the community. City He told the Commission he was in a meeting with Human Resources representatives of tenants from Logistics Park Kansas City (LPKC), and the lack of childcare is a big reason why employees leave their employment at LPKC. There would be little to no gain to the public health, safety, and welfare if this application was denied. Mr. Moore stated the application is consistent with the Comprehensive Plan and City staff does recommend approval of the CUP for 10 years with the stipulation that all state law pertaining to operating a childcare facility are followed.

Chairperson Daley inquired what the plan was if traffic backs up to highway 56. Mr. Moore replied that parents will use the western access point and use the circle drive to drop off and exit to the east. He explained this would allow several cars the ability to stack, and there is a parking lot for people to park and go into the center to pick up children. Ms. Peterson added they will request parents park to come in and pickup or drop off their kids. There will be a small number of children between 6:30 and 7:00 AM. It is possible for some congestion around 8:00 AM for drop off, but it should be short lived.

Commissioner Crooks asked what the plan is for expanding once capacity is reached. Ms. Peterson answered that they would want to expand eventually but are more concerned about getting the childcare center licensed and started first.

Commissioner Draskovich stated he is not familiar with the building and asked if there are adequate exits in the basement. Ms. Peterson replied that there are, and preliminary approval was granted by the fire marshal. Commissioner Crooks stated the basement was a daycare



before. Ms. Peterson stated that the licensing agencies have approved a higher number for enrollment, but the center wants to stay around the 20-24 number.

Chairperson Daley wanted to clarify the age range of students. Ms. Peterson stated 2.5 to 5 years old.

Commissioner Draskovich asked if the center was compliant with the Americans with Disabilities Act (ADA). Ms. Peterson replied the center is.

Chairperson Daley opened the public hearing.

Mr. James Oltman, President of ElevateEdgerton!, approached the Commission. He stated he is in support of this CUP, and that this is a huge need in the community. When he fields calls for companies from LPKC, the second most requested service behind more food options is childcare. He believes this is a good step in the right direction, and he is happy this organization has stepped up to be the first major center in Edgerton.

Ms. Amy Francis, 109 W. 7<sup>th</sup> Street, addressed the Commission. She said that she supports this great opportunity for the community. She said Edgerton is growing with many new houses planned. Childcare centers are needed now and more in the future. She wants to get this center to start and grow for the future of Edgerton.

Commissioner Crooks moved to close the public hearing. Commissioner Draskovich seconded the motion. The public hearing was closed, 4-0.

Commissioner Crooks moved approve Application CU2023-02 with the stipulations outlined by City staff. The motion was seconded by Commissioner Mueller. Application CU2023-02 was recommended for approval with the stipulations, 4-0.

Mr. Moore stated the application will be presented to the governing body on July 13, 2023.

## **6. FUTURE MEETING REMINDERS**

Chairperson Daley stated that the next regular sessions are scheduled for July 11, 2023; August 8, 2023; September 12, 2023; and October 10, 2023.

## **7. ADJOURN**

Commissioner Crooks moved to adjourn the meeting. Commissioner Draskovich seconded the motion. The meeting was adjourned at 7:14 PM, 4-0.

**MEMORANDUM**

Date: July 11, 2023

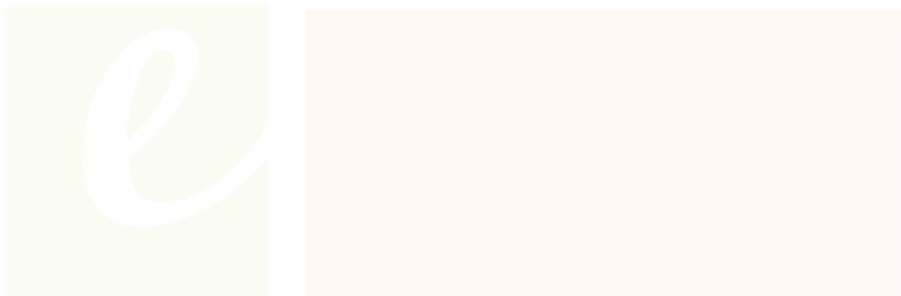
To: City of Edgerton Planning Commission

From: Zachary Moore, Development Services Director

Re: PP2023-03: Preliminary Plat for Logistics Park Kansas City Snow Depot

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The City received an application for a Preliminary Plat for Logistics Park Kansas City Sixth Plat. Preliminary Plat applications require a public hearing, pursuant to Section 13.3.B of the City's Unified Development Code (UDC), which require public notice. This item requires a continuance to the next Planning Commission meeting, which is August 8, in order to meet the notification requirements for a public hearing.



**MEMORANDUM**

Date: July 11, 2023

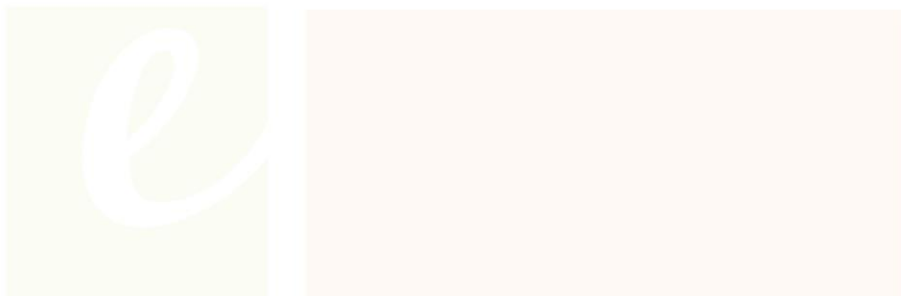
To: City of Edgerton Planning Commission

From: Zachary Moore, Development Services Director

Re: FS2023-06: Final Site Plan for Logistics Park Kansas City Snow Depot

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The City received an application for a Final Site Plan for Logistics Park Kansas City Snow Depot. Final Site Plan applications require a public hearing, pursuant to Section 10.1.D of the City's Unified Development Code (UDC), which require public notice. This item requires a continuance to the next Planning Commission meeting, which is August 8, in order to meet the notification requirements for a public hearing.



**MEMORANDUM**

Date: July 11, 2023

To: City of Edgerton Planning Commission

From: Zachary Moore, Development Services Director

Re: Public Hearing for UDCA2023-02 For Amendments to Articles 4 (Commercial Zoning Districts) & 7 (Conditional Uses) of the Edgerton Unified Development Code (UDC)

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During a recent audit of the UDC, staff identified an area of the UDC that should be updated for clarity to readers. Articles 3, 4, and 5 of the UDC list out uses that are permitted by right and uses that require a conditional use permit in each zoning district. Article 7, which is titled 'Conditional Uses', has individual sections for each different zoning district, but only lists the uses that have specifically prescribed conditions required for consideration. Staff's recommendation is to update Article 7 to include the full listing of each use that is permitted with a Conditional Use Permit in that district. No changes to the conditions themselves are proposed, and only minor changes to language to align with current industry standards are proposed.

Staff has been reviewing opportunities to help promote business in the Downtown Area along Nelson Street. One way to do this is to allow for sidewalk sales, which will draw attention to local businesses and will help invigorate the Downtown area. The UDC currently requires a Temporary Sales Permit to allow outdoor displays and sales of merchandise in the Downtown District. If a Temporary Sales Permit is approved under today's Code, that would allow the outdoor display and sales of merchandise up to four (4) times per year, up to seven (7) days per each permit. These permits may run consecutively, therefore allowing outdoor display and sales for a total of 28 days, but the business owner would not be permitted to have additional Temporary Sales Permits for outdoor displays and sales throughout the year. With this recommended update to the UDC, staff is recommending that sidewalk sales be permitted with approval of a Sidewalk Sales Permit, which must be obtained annually. Staff is also recommending the following conditions with the Sidewalk Sales Permit:

Businesses in the C-D District that are immediately adjacent to a sidewalk may display merchandise on the public sidewalk for sale, pursuant to the following conditions:

1. A Sidewalk Sales Permit must be reviewed and approved by the Zoning Administrator prior to the display of merchandise for sale or storage on a Downtown sidewalk.
  - a. Sidewalk Sales Permits must be renewed annually.
  - b. Sidewalk Sales Permits run with the business, not the property. If a new business moves into a Downtown storefront, a new Sidewalk Sales Permit must be obtained prior to sidewalk sales occurring.
  - c. Additional conditions may be added to the Sidewalk Sales Permit, as determined by the Zoning Administrator.
2. A sketch plan identifying the merchandise display area must be provided with the Sidewalk Sales Permit.
  - a. Clear ingress and egress a minimum of 4 feet in width must be maintained from the entry of the structure to the curb.

- b. A clear 4 foot path must be maintained in front of the store along the public sidewalk.  
(potential to add diagram to clarify)
  - c. All ADA requirements must be met.
- 3. All material displayed outdoors during business hours must be moved indoors upon the close of business.

Staff requests that the Commissioners provide any additional feedback regarding **Article 4, Section 4.1.F** as it relates to outdoor display and storage of merchandise and **Article 7** for Conditional Uses. The sections of Code that are proposed to be modified are included in the packet in their existing states, in the pages following this memo. Staff will collect final comments or feedback and incorporate them into a final version of these Articles, which would be presented to the City Council for review, consideration, and adoption. Prior to presentation to the City Council, staff will provide a revised copy of the UDC to the City Attorney for review.

## **Article 7**

### **Conditional Uses**

Section 7.1	Issuance of Conditional Uses
Section 7.2	Specific District Requirements

#### **7.1 Issuance of Conditional Uses**

- A. Intent. 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 these 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 particular use at the particular location. Limitations and standards are herein established to insure the use's consistency with the character, uses and activities in the zoning district. Before any conditional use shall be approved, the Governing Body shall review the record of the public hearing held by the Planning Commission.
- B. Standards. The Planning Commission, in accordance with the procedures and standards of this UDC, may recommend the Governing Body authorize buildings, structures, and uses as conditional uses in the specific instances and particular districts set forth provided that the location is appropriate, consistent with the Comprehensive Plan, that the public health, safety, morals, and general welfare will not be adversely affected, and that necessary safeguards will be provided surrounding property, persons, and neighborhood values, and further provided that the additional standards of this Article specified as a condition of approval. Unless otherwise specified in this Article or as a condition of approval, the height, yard, lot area, design, environmental, and sign requirements shall be the same as other uses in the district in which the conditional use is located. No conditional use shall be authorized unless the Planning Commission finds that the establishment, maintenance, or operation of the Conditional Use meets the standards set forth in this Article. The burden of proof is on the applicant to bring forth the evidence and the burden of persuasion on all questions of fact that are determined by the Planning Commission.
- C. Criteria. In order to recommend approval or disapproval of a proposed conditional use permit, both the Planning Commission and 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:
1. The extent to which there is a need in the community for the proposed use.
  2. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
  3. 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.

4. Suitability of the uses of the property without the proposed conditional use permit.
5. Length of time the subject property has remained vacant without the proposed conditional use permit.
6. The extent to which the proposed use may detrimentally affect nearby property.
7. 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.
8. 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.
9. 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.
10. 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.
11. The economic impact of the proposed use on the community.
12. 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.
13. 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.
14. The recommendation of professional staff. (Ord. 798; 2005)

## 7.2 Specific District Requirements

In addition to the specific use requirements outlined by zoning district and use type listed below, the applicant **must provide a site plan for review and approval** with special emphasis given to parking, circulation, loading, landscaping and screening. Staff may request additional information deemed necessary to provide a comprehensive review of the conditions listed in Section 7.1c above.

### A. Districts A-G, R-1, R-2 and R-3.

1. Bed and Breakfast. (A-G, R-1, R-2, R-3)
  - a. Conditions listed in 7.1 (C) above.
  - b. No more than four (4) units for rent.
  - c. Proprietor must reside on the premises.
  - d. Food service limited to a breakfast meal.
  - e. No change or adaptation to the exterior of the structure that would alter the residential appearance.

- f. Advertising limited to one monument sign which is subject to the limitations of Article 12 related to “Home Based Businesses.”
- 2. In Home Child or Elder Care. (A-G, R-1, R-2, R-3)
  - a. Approved state operating permit.
  - b. No more than 12 children and two supervisors may be employed on the premises.
  - c. The operation must be located in a safe and convenient area that will facilitate the delivery of and pickup of clients.
- 3. Communications Towers Over 60' in Height. (A-G, R-1, R-2, R-3)
  - a. Facility must not be located in an area used or planned for residential purposes.
  - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
  - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
  - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
  - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
- 4. Airport or Landing Strip (A-G only)
- 5. Attendant Care or Nursing Home (A-G, R-1, R-2, R-3)
- 6. Commercial Kennels or Animal Sanctuary (A-G only)
  - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
  - b. Operator must maintain a current license.
  - c. Facility is subject to inspection by Codes Enforcement/Animal Control Officer twice per calendar year following the provision of reasonable notice.
- 7. Quarries and Sand/Gravel Extraction (A-G, R-1, R-2, R-3)
  - a. Facility must be located a minimum of 1,000 feet from the nearest residence.
  - b. The road network must be capable of supporting the anticipated truck traffic.
- 8. Camps, Travel Trailer or RV Parks (A-G only)
- 9. E.C.H.O (Elderly Cottage Housing Opportunity) Housing. (A-G, R-1, R-2, R-3)
- 10. All other uses Listed as Condition in Article 3 – R-1 Districts
  - a. Approval of a site plan that demonstrates adequate parking, circulation, and open space.
  - b. Screening and barrier separation as deemed necessary by the Planning Commission.



**B. C-D, Downtown Commercial District.**

1. Parking lots detached from the principal use. Site plan provided for review and approval should give special emphasis to:
  - a. Parking and circulation as required by Article 16.
  - b. Landscaping Plan as determined by zoning district requirements in Article 4.
  - c. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
  - d. Onsite signage plan for site circulation shall be provided at time of application.

**C. C-1, General Commercial District.**

1. Parking lots detached from the principal use. Site plan provided for review and approval should give special emphasis to:
  - a. Parking and circulation as required by Article 16.
  - b. Landscaping Plan as determined by zoning district requirements in Article 4.
  - c. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
  - d. Onsite signage plan for site circulation shall be provided at time of application.

**D. C-2, Heavy Service Commercial District.**

1. Adult Entertainment – Sex-Oriented Businesses.
  - a. Must be located a minimum of 1,000 feet or more from the nearest residential dwelling, school, day care center, church, library, youth center, cemetery, liquor store, or another adult entertainment or sex-oriented business.
  - b. No service of alcoholic or cereal malt beverages is allowed.
  - c. The surrounding land uses, and zoning districts must be provided including distance to nearest structure.
  - d. Additional screening is required on the perimeter of the property. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way. Landscape and screening plan must be submitted at time of application for staff review.
  - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
2. Interstate Pole Sign. Applicant must provide the following details in submission materials:
  - a. The use of the proposed development.
  - b. The height of the proposed principal building.
  - c. The surrounding land uses and zoning districts.
  - d. The relationship to the Interstate (the property where the interstate pole sign is to be placed must have 50% of the site within 800 feet of the centerline or 500 feet of the right of way (whichever is less) of an Interstate);
  - e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway.
  - f. The proposed height and signable area of the pole sign.

- g. The applicant shall provide a line of sight drawing which includes evaluation of natural land grade and highway curvature for sign placement. Line of sight vantage should be shown at ½ mile and 1-mile distances from both directions.
  - h. All requirements noted in Article 12 in the UDC related to size, height, number of signs, landscaping, etc. must be met by the proposed pole sign application.
- 3. Wireless Facilities/Wireless Support Structures
  - a. Facility must not be located in an area used or planned for residential purposes.
  - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
  - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
  - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
  - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.

**E. C-3, Highway Service Commercial District.**

- 1. Wireless Facilities/Wireless Support Structures
  - a. Facility must not be located in an area used or planned for residential purposes.
  - b. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
  - c. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
  - d. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
  - e. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
- 2. Campgrounds
  - a. A fully developed Site Plan with requirements as listed in Article 10.
  - b. Parking and circulation as required by Article 16.
  - c. Landscaping Plan as determined by zoning district requirements in Article 4.
  - d. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.

3. Outdoor amusement establishments such as miniature golf, driving ranges, pitch and put courses amusement parks and other similar establishments.
  - a. A fully developed Site Plan with requirements as listed in Article 10.
  - b. Parking and circulation as required by Article 16.
  - c. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
  - d. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
  - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.
4. Interstate Pole Sign. Applicant must provide the following details in submission materials:
  - a. The use of the proposed development.
  - b. The height of the proposed principal building.
  - c. The surrounding land uses and zoning districts.
  - d. The relationship to the Interstate (the property where the interstate pole sign is to be placed must have 50% of the site within 800 feet of the centerline or 500 feet of the right of way (whichever is less) of an Interstate);
  - e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway.
  - f. The proposed height and signable area of the pole sign.
  - g. The applicant shall provide a line of sight drawing which includes evaluation of natural land grade and highway curvature for sign placement. Line of sight vantage should be shown at ½ mile and 1-mile distances from both directions.
  - h. All requirements noted in Article 12 in the UDC related to size, height, number of signs, landscaping, etc. must be met by the proposed pole sign application.
5. Motor vehicle repair, general.
  - a. A fully developed Site Plan with requirements as listed in Article 10.
  - b. Parking and circulation as required by Article 16.
  - c. Landscaping Plan as determined by zoning district requirements in Article 4.
  - d. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
  - e. Applicant shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted for staff review at application.

6. Outdoor display and sales of merchandise and equipment
  - a. A fully developed Site Plan with requirements as listed in Article 10 is required.
  - b. If applicable, parking and circulation as required by Article 16. If parking spaces are going to be used for outdoor display/sales area, applicant must provide a parking plan which provides for accommodation of lost spaces.
  - c. Signage must be placed in accordance with Article 12.
  - d. Screening and Landscaping as determined by zoning district requirements in Article 4. Additional screening may be required on the perimeter of the property if adjacent to or across from A-G or any residential zoned districts. Screening shall be a combination of fencing and landscaping. Berming may be allowed if the topography of the parcel allows for adequate screening as determined by a line of sight drawing from any adjacent right of way.
  - e. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.

**F. B-P, Business Park District.**

1. Communication Transmission Towers Over Sixty (60) Feet in Height
  - a. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human occupancy (other than the principal use), and/or any road.
  - b. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
  - c. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.
  - d. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.

**G. L-P, Logistics Park District**

**All** uses in the L-P (Logistics Park) Zoning District **listed as Conditional Uses** must submit a site plan for review subject to the following requirements:

1. Communication Transmission Towers Over Sixty (60) Feet in Height
  - a. The facility must be located a horizontal distance equal to its total height plus 50 feet from any building used for human habitation (other than the principal use), and/or any road.
  - b. The applicant must demonstrate the necessity for the tower by demonstrating that this facility cannot reasonably be co-located on an existing tower or structure.
  - c. The applicant shall show that the new tower is designed to accommodate additional antennae equal in number to the applicant's present and future need and will accommodate two co-located antennae requested by public or private concerns.

- d. Submission of an acceptable agreement to remove the tower and or antenna within 180 days after cessation of use.
- 2. Truck stops with fuel and accessory services
- 3. Private or public owned playground, playfields, and recreational facilities (e.g. public or private golf courses, tennis or other courts, and swimming pools) open for public or commercial use;
- 4. Auditoriums, convention centers, and conference facilities
- 5. Colleges and universities.
- 6. Transportation storage and trucking yards
- 7. Cargo container storage, repair or maintenance. All cargo container storage and cargo container repair and maintenance facilities (collectively referred to as “facilities”) shall be subject to the following performance provisions:
  - a. Access: No cargo containers or semi-trailers (either on or off a chassis), or a chassis, may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings.
  - b. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.
  - c. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres.
  - d. Noise: Noise from businesses and facilities shall not exceed 60 dB(A) in any adjacent residential district or 70 dB(A) in any adjacent commercial or industrial district or property.
  - e. Paving: All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For purposes of this stipulation:
    - 1. Paving shall mean concrete or asphalt: and
    - 2. Dust-free shall mean that all interior driveways and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.
  - f. Parking: Facilities shall comply with the Article 5.2 L-P District Off Street Parking and Loading regulations. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices.
  - g. Cargo Container Stacking: Cargo containers shall not be stacked more than five (5) in number.
  - h. Chassis Stacking/Racking: Empty chassis may be stored on end (racking), or may be stacked. When stacked, chassis shall not be more than five (5) in number.
  - i. Screening and Landscaping: Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping. Screening shall comply with requirements Article 5.2 L-P District Landscape Standards.

- j. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property, shall be subject to the setback requirements in Article 5.2 L-P District Setback, Yard, Area Regulations, except, however, the parking or storage of cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked) shall be subject to the following setback standards that may vary depending upon the difference scenarios set forth below:
1. When abutting (touching), or across the street from non-residentially zoned property, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked and stacked);
  2. When abutting (touching) public right-of-way, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked);
  3. When abutting (touching), or across the street from, residentially zoned property, such parking and storage shall be setback a minimum of 250 feet from the nearest property line of the residentially zoned property;
  4. When abutting (touching), or across the street from, a habitable dwelling, such parking and storage shall be setback a minimum of 300 feet from the nearest dwelling; and
  5. For purposes of Stipulations 3 and 4 above, measurements shall be made between the nearest property line of the residentially zoned property or the nearest edge of a dwelling, and the nearest cargo container, semi-trailer (either on or off a chassis), or chassis.
- k. Signage: Business signs shall be allowed according to Article 5.2 L-P District Signage regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis.
- l. Site Plan: A site plan shall be submitted with the application. The site plan shall be prepared in accordance with the requirements of Article 9.1 (B) (3) of these regulations.
- m. Other Rules and Regulations. All facilities shall abide by any and all governmental rules, regulations, codes and specifications now in effect or hereafter adopted that would be applicable to this permit or the use of the property by the applicant/landowner.
- n. Deviations: In the event that an applicant desires to deviate from the above performance standards and provisions for certain Conditional Uses, the applicant shall submit written information to the Governing Body indicating the circumstances which are believed to necessitate the need for a deviation(s), and the applicant shall provide a list of alternative materials, designs or methods that are equivalent to the performance standards and provisions for the L-P Zoning District, Section 5.4, Sections G through Q in the regulations. The application may only be approved if findings are made by the Governing Body that 1) due to the circumstances of the application, it would be unnecessary to impose the standards(s) and equivalent alternatives should be allowed, b) that the spirit and intent of the regulations are being met, c) that granting the deviation shall not adversely affect adjacent or

nearby property, and d) the application shall otherwise comply with all building code(w) and safety requirements. (Ord. 915, 2012)

**H. I-G, General Industrial District and I-H, Heavy Industry District.**

1. All uses listed as conditional in the I (Industrial) Zoning Districts must comply with the following:
  - a. Applicant shall submit a site plan for review and approval with special emphasis given to parking, site circulation, and loading; and screening of outdoor materials.
  - b. Conditions listed in 7.1(C) above. (Ord. 845; 2008)

**I. Additional Regulations for Conditional Uses.**

1. A Conditional Use Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the conditional use application.
2. The Governing Body or Planning Commission may impose any additional condition(s) that it deems necessary to preserve the harmonious design of the community, lessen congestion, or preserve the public health, safety, and welfare.
3. The Governing Body or Planning Commission may recommend denial of any conditional use/special use listed in this Unified Development Ordinance that, in its opinion, would adversely impact the public health, safety, or welfare.

## **Article 4**

### **Commercial Zoning Districts**

- Section 4.0 Reserved for Future Use
- Section 4.1 C-D Downtown Commercial District
- Section 4.2 C-1 General Commercial District
- Section 4.3 C-2 Heavy Service Commercial District
- Section 4.4 C-3 Highway Service Commercial District
- Section 4.5 Reserved for Future Use
- Section 4.6 Awnings, Extended Awnings and Fencing
- Section 4.7 Fuel Stations, Convenience Stores and/or Drive-Throughs

#### **4.1 C-D, Downtown Commercial District**

- A. Purpose.** This district is intended to accommodate civic, limited commercial services, housing, and offices in Downtown. Uses are restricted to civic, housing, light retail, offices, personal services, and public services to serve the needs of Edgerton residents. The intent is to allow creative reuse and rehabilitation of existing buildings.
- B. Use Restrictions.** In District C-D, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted or conditional as follows in sections C and D below.
- C. Permitted Uses.**
1. Uses listed in C-1, General Commercial District, except for the following:
    - i. Convenience stores, with or without gasoline sales.
    - ii. Drive through food service.
    - iii. Restaurants and other eating establishments, can include drive through facilities.
  2. Farmers Markets
  3. Restaurants without drive-through facilities.
  4. Bed and breakfast.
- D. Uses Permitted by Condition (Conditional Uses).** The following uses may be permitted with a Conditional Use Permit obtained pursuant to the provisions of Article 7 of the Unified Development Code:
1. Parking lots detached from the principal use.



## E. Setback, Yard and Area Regulations.

Table 4-4 - Setbacks, Yards, and Area for C-D Zoning District			
Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
No front yard setback is required. If a setback is desired, maximum allowed distance is five (5) feet.	Required side yard setback is ten (10) feet, with the following exceptions: <ul style="list-style-type: none"> <li>- No side yard is required when adjacent buildings share a common wall.</li> <li>- When a side lot line abuts a residential property, a fifteen (15) foot side yard setback is required.</li> </ul>	Required rear yard setback is twenty (20) feet from the building wall and/or mechanical equipment used to service the premises when the lot abuts a residential property.  When adjacent to other commercial, the rear setback shall be 10 (ten) feet).	No building in the C-D district shall be constructed to a height greater than 2 stories.

**F. District Regulations.** No merchandise or equipment shall be stored or displayed outside a building. However, the Zoning Administrator may issue a Temporary Sales Permit for outdoor displays and sales of merchandise up to four times a year with a limit of seven days per each sales permit issuance. Permit periods may run in succession. Uses which would detract from the desired functionality and character of Downtown are not allowed.

**G. Design Guidelines.** The Downtown Commercial District in Edgerton provides for a unique opportunity to embrace the past while bridging the future. The design of proposed buildings in the Downtown Commercial District should be inspired by the characteristics of existing traditional buildings but should not try to recreate traditional building style with new construction. Infill buildings should ensure that setbacks, building heights and land coverage are sensitive to the surrounding spatial context. Development within the Downtown Commercial District should incorporate the following items in implementing development design:

1. Commercial buildings should continue traditional building elements displayed in traditional buildings such as storefront display and transom windows, sign boards, upper level windows, and cornices.
2. Street level transparency should be maintained through building design. Blocking storefront windows with opaque materials is not allowed.
3. Infill buildings located in the Downtown Commercial District should be designed and constructed in a manner which complements existing traditional architecture using context sensitive materials and architectural elements.
4. Infill buildings should front the sidewalk zone in line with adjacent buildings.
5. Proposed buildings with non-traditional architectural styles should visually complement the character of existing traditional buildings.
6. Multiple architectural styles should not be mixed within the façade of a single building or continuous storefront.
7. Buildings should be massed at limited heights to prevent overwhelming adjacent existing buildings. Building heights should vary to create an attractive rhythm for the building blocks as a whole.
8. Entrance doors are encouraged to be recessed to emphasize entry and reduce potential pedestrian conflicts.
9. All areas used for refuse collection shall be screened from view.