

**PLANNING COMMISSION
November 14, 2023 Minutes**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Street, Edgerton, Kansas on November 14, 2023. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	present
Charlie Crooks	present
Adam Draskovich	absent
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
Ann Myles, Customer Service Representative II

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 October 10, 2023 Planning Commission Meeting.

Commissioner Crooks moved to approve the Consent Agenda. The motion was seconded by Commissioner Little. 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. **UDCA2023-03: AMENDMENTS TO ARTICLE 3 (AGRICULTURAL & RESIDENCE ZONING DISTRICTS), ARTICLE 4 (COMMERCIAL ZONING DISTRICTS), ARTICLE 5 (INDUSTRIAL ZONING DISTRICTS), ARTICLE 7 (CONDITIONAL USES), AND ARTICLE 12 (SIGN REGULATIONS)**

Chairperson Daley opened the public hearing. There were no comments made at this time. Commissioner Crooks moved to close the public hearing. The motion was seconded by Commissioner Mueller. The public hearing was closed, 3-0.

Mr. Zachary Moore, Development Services Director, addressed the Commission. He stated City staff are proposing updates to five (5) articles of the Unified Development Code (UDC), all zoning district articles, the Conditional Use article and the Sign Regulation article. He explained that during a recent development review application, staff identified that the UDC did not list churches or places of worship as a permitted use, either by right or Conditional Use in many districts. This is problematic because of a 2000 law called the Religious Land Use and Institutionalized Persons Act (RLUIPA). This law protects individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws. RLUIPA requires religious assemblies and institutions to be treated at least as well as nonreligious assemblies and institutions like schools and concert halls. Mr. Moore said that most cities have allowed churches or other places of worship in many, if not all, zoning districts, either by right or as a conditional use. City staff recommends allowing churches and places of worship in all residential districts, Downtown Commercial, C-D, General Commercial, C-1, General Industrial, I-G, and Heavy Industrial, I-H. In Heavy Service Commercial, C-2, Highway Service Commercial, C-3, Business Park, B-P, and Logistics Park, L-P, zoning districts, churches and places of worship, as well as other assembly uses are proposed as conditional uses. Planned Unit Development, PUD, was not included as those uses are determined at the time of conceptual plan and can encompass any use when applied for.

Commissioner Crooks stated a lot of churches like to hold services in a park at some point during the year and asked if that created a conflict with the zoning of the park. Mr. Moore replied that the City does not currently have a zoning district for parks and those services would be more of a special use and not create a zoning issue.

Daley stated he does not believe anyone will oppose those changes.

Mr. Moore stated that Article 12, Sign Regulations, also has proposed amendments. Currently, there are no allowances for wall signs for institutional uses in residential zoning districts. City staff is also proposing allowing parcels zoned C-D to have a wall sign on a façade that does not face public right-of-way in lieu of on a wall that does.

Chairperson Daley asked if the wall signs could be reviewed on a case-by-case basis. Mr. Moore replied it is difficult to review wall signs on a case-by-case basis and it is best to have regulations set firm so applicants know what kind and how many signs can be placed.

Commissioner Crooks inquired about the size of signs for churches. Mr. Moore answered that the current allowed sign is a 36 square foot monument sign. He stated that the regulations for commercial zoning designations or the Commission can create a different size.

Commissioner Crooks asked where the signs would be. Mr. Moore replied that a wall sign is attached to the building's façade.

Chairperson Daley stated he believes that the signs should not be illuminated in the downtown area. Mr. Moore stated signs may not be allowed to be illuminated, but the UDC will specify clearly.

Chairperson Daley said it would be best to have a wall sign be sized by the building façade, that way if the building is large, then the sign face would be larger. Mr. Moore explained that is how the UDC reads for other zoning designations and the new section can match it.

Ms. Shaunacee Wilkinson, 105 E McDonald, asked if a sign can project from the wall. Mr. Moore replied that is called a projecting sign and is not included in the staff's recommendation, but the Commission can include that if they want. Chairperson Daley inquired if a projecting sign has light. Mr. Moore answered that it might, depending on what is applied for. He added projecting signs are more typical on a downtown building and not on a thoroughfare and are currently allowed in the downtown area. Chairperson Daley asked if a projecting sign is permanent or temporary. Mr. Moore replied that a projecting sign would require a permit and is a permanent sign.

Chairperson Daley said he does not see a problem of adding a non-street facing façade wall sign clause but does see an issue with the illumination of the sign. Mr. Moore stated that the limitation of non-illuminated signs will be included.

Commissioner Mueller moved to recommend for approval of the proposed amendments for Articles 3, 4, 5, 7, and 12 to the Governing Body. Commissioner Little second the motion. The amendments were recommended for approval, 3-0.

7. FUTURE MEETING REMINDERS

Chairperson Daley stated that the next regular sessions are scheduled for December 12, 2023; January 9, 2024; and February 13, 2024.

8. ANNOUNCEMENTS

Councilmember Little stated he will not be in attendance for the December meeting.

9. ADJOURN

Commissioner Crooks moved to adjourn the meeting. Commissioner Little seconded the motion. The meeting was adjourned at 7:16 PM, 3-0.