

**EDGERTON PLANNING COMMISSION
MEETING AGENDA
EDGERTON CITY HALL - 404 EAST NELSON STREET
November 14, 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 October 10, 2023 Planning Commission Meeting.

Regular Agenda

5. **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

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).**
 - a. Public Hearing for UDCA2023-03

b. Consideration of UDCA2023-03

7. Future Meeting Reminders

- December 12, 2023 at 7:00 PM – Regular Session
- January 9, 2024 at 7:00 PM – Regular Session
- February 13, 2024 at 7:00 – Regular Session

8. Announcements

- Planning Commission Chair Announcements
- Development Services Director Announcements

9. Adjourn

PLANNING COMMISSION
October 10, 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 October 10, 2023. The meeting convened when Vice Chairperson Jeremy Little called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	present
Charlie Crooks	present
Adam Draskovich	absent
John Daley	absent
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 Vice Chairperson Little 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 September 12, 2023 Planning Commission Meeting.
5. Approve Final Plat Application FP2023-05 for Logistics Park Kansas City Sixth Plat located on the Northwest Corner of W. 193rd Street, West of Waverly Road.

Commissioner Crooks moved to approve the Consent Agenda. The motion was seconded by Commissioner Mueller. The Consent Agenda was approved, 3-0.

REGULAR AGENDA

6. DECLARATION

Vice Chairperson Little 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

7. **FS2023-08: FINAL SITE PLAN APPLICATION FOR LOGISTICS PARK KANSAS CITY SIXTH PLAT LOCATED ON THE NORTHWEST CORNER W. 193RD STREET, WEST OF WAVERLY ROAD**

Mr. Brody Sherar, NorthPoint Development, addressed the Commission. He stated that Logistics Park Kansas City (LPKC) has grown significantly over the last 15 years and a big part of the maintenance of the park is the removal of snow and being able to store equipment to do so. He explained that during site selection, being able to screen the property was a huge consideration. They wanted the snow depot as far as possible from any major roadways. Access to the site will be from the south as an extension of 193rd Street, which is a private street that extends from Waverly Road. A proposed access easement will allow access to the subject parcel. Mr. Sherar explained they anticipate about ten (10) people per snow event to access the site so there is minimal impact to traffic.

He explained that the site was rezoned in 2014 to L-P and in 2016, a Final Site Plan was approved for the building to the south of the subject parcel. The site was used as stormwater detention as a tract. The Final Plat that was a part of the consent agenda, approved the change from a tract to a developable lot.

Mr. Sherar said the plan is to extend the access easement and 193rd Street to provide access to the site. The paved area will be used to store snowplows, skid loaders, hand spreaders for salt, along with other equipment for snow removal. The private vehicles used by employees will be parked on the paved surface where the equipment was located that is picked up and used off site. The proposed 40-foot by 40-foot structure will be used to store the salt for parking lots and will not be occupied, so parking stalls are not shown on the plans. Two (2) brine tanks for snow and ice prevention are proposed on the west side of the building to screen from public view from Waverly Road.

He stated that the setbacks have been met or exceeded and no utilities are proposed to the site. He explained that there is an existing sanitary sewer line that City staff requires less than 25 feet of fill on, and they will revise the plans to meet that requirement. The landscaping on the south will be made of existing vegetation, which meets and exceeds the buffer requirements. The requirements are also met on the west and the north with a berm that reaches a height of 14 feet along the north side of the site. The proposed landscaping and existing vegetation will aid in the complete screening that is required by the Unified Development Code (UDC). The proposed building will be 1,600 square feet and 25 feet in height and will only be operational during the winter months. The equipment at the depot will not be stored there year-round. A detention basin will be added to the southwest for stormwater.

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

Mr. Zachary Moore, Development Services Director, spoke before the Commission. He stated this application is for a Final Site Plan for a snow depot located at the northwest corner of 193rd Street, west of Waverly Road. The subject parcel is 5.73 acres and is currently zoned L-

P, which was established on December 4, 2014, and is currently used for stormwater detention for nearby developments. The property was annexed into the City of Edgerton on March 27, 2014. A Preliminary Plat was approved by the Commission on November 4, 2014, and a Preliminary Site Plan was approved on March 10, 2015, by the Commission. A Final Site Plan was approved by the Commission on March 8, 2016, and a Final Plat was approved by the City Council on April 14, 2016.

Mr. Moore explained the requirements for the L-P zoning district have either been met or exceeded by the application. The floor area ratio and building coverage are both well under what is allowed. All the required setbacks have been exceeded and the building height proposed is 25 feet is well under the maximum allowed height of 110 feet. The building separation has been met as there is only 1 proposed building on the site. The proposed building is shown to be tilt-up concrete and has the same color scheme as other buildings found in LPKC. The site is to be a transitional area and the building is not going to be occupied, so there are no parking requirements that need to be met.

Mr. Moore stated that the site does need to be fully screened from public view. The applicant is proposing a 14-foot-tall berm to the north and will utilize the existing vegetation to the south. With the added landscaping to the east and west, it does appear that the site will be fully screened. The proposed access easement will need to be recorded by separate instrument and the cover of the existing sanitary sewer should not exceed 25 feet from the invert to the finished grade will need to be met.

Mr. Moore said City staff does recommend approval of Final Site Plan Application FS2023-08 with the following stipulations:

1. Prior to the certification of the Final site Plan by the Zoning Administrator, the following must be completed:
 - a. The outflow structure design in the stormwater study does not match the construction plans and either the study or the plans need to be revised to match.
 - b. A Kansas Department of Health and Environment approved Notice of Intent needs to be provided.
2. Prior to the issuance of a building permit, all required off-site easements must be dedicated by separate instrument.
3. The following comments must be completed prior to certification by the Zoning Administrator:
 - a. A vegetation survey of the existing vegetation along the south property line needs to be submitted.
 - b. Additional screening may be required to screen the development from public view.
 - c. A revised plan showing the cover over the manhole in the southeast corner needs to be provided.
4. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City.

5. Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads, and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein.

Commissioner Crooks asked if the one (1) access point would be adequate. Mr. Moore answered that it would be.

Commissioner Crooks inquired if the brine tanks are double walled. Mr. Sherar replied that they are.

Commissioner Crooks moved to approve Final Site Plan Application FS2023-08 for Logistics Park Kansas City Sixth Plat with the stipulations. Commissioner Mueller seconded the motion. Final Site Plan Application FS2023-08 was approved with the stipulations, 3-0.

8. FUTURE MEETING REMINDERS

Vice Chairperson Little stated that the next regular sessions are scheduled for November 14, 2023 and December 12, 2023.

9. ANNOUNCEMENTS

There were no announcements made at this time.

10. ADJOURN

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



MEMORANDUM

Date: November 14, 2023

To: City of Edgerton Planning Commission

From: Zachary Moore, Development Services Director

Re: Public Hearing for UDCA2023-03 For Amendments to Articles 3 (Agricultural & Residence Zoning Districts), 4 (Commercial Zoning Districts), 5 (Industrial Zoning Districts), 7 (Conditional Uses), & 12 (Sign Regulations) of the Edgerton Unified Development Code

During a recent development review application, staff noticed that the Unified Development Code (UDC) did not list 'places of worship' as a permitted use, either by-right or with a Conditional Use Permit in several districts. Places of worship are uses that generally fit in most districts, either by-right or with a Conditional Use Permit

In 2000, a law was passed called the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), that 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. In zoning, this can be addressed by which districts there are permitted in, as well as other development standards, such as setbacks or sign regulations.

The updates proposed by staff tonight will permit places of worship as a land use in all districts, either by-right or with a Conditional Use Permit. The table provided below shows the proposed allowance for places of worship in each of the 14 City zoning districts to ensure compliance with RLUIPA. For the B-P and L-P Districts, staff is proposing to reclassify other nonreligious assembly uses as requiring a Conditional Use Permit, so they would have the same allowance as a place of worship under staff's recommendation.

Additionally, staff is recommending updates to Chapter 12 (Sign Regulations) of the UDC, to permit wall and monument signs for places of worship in various districts where places of worship would be permitted with staff's recommendation. Additionally, staff is recommending an update to sign allowances for buildings in the Downtown Commercial (C-D) District, when a façade facing a public street does not utilize a wall sign.

Staff requests that the Commissioners provide any additional feedback regarding the proposed updates relating to allowance of places of worship in City zoning districts and the proposed updates to sign regulations. 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 at the December 14, 2023 meeting for review, approval and adoption. Prior to presentation to the Governing Body, staff will provide a revised copy of the UDC to the City Attorney for review.

