

PLANNING COMMISSION
July 9, 2024 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 July 9, 2024. The meeting convened when Chairperson John Daley called the meeting to order at 7:01 PM.

1. ROLL CALL

Jeremy Little	present
Tina Mathos	absent
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

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. Minutes from the June 11, 2024 Planning Commission Meeting.

Commissioner Little moved to approve the Consent Agenda. The motion was seconded by Commissioner Mueller. 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.

BUSINESS REQUIRING ACTION

NEW BUSINESS

6. PUD2024-0101: FINAL PLANNED UNIT DEVELOPMENT AND PLAT APPLICATION FOR DWYER FARMS LOCATED ON THE SOUTHWEST CORNER OF BRAUN/207TH STREET AND 8TH STREET/EDGERTON ROAD

Mr. Lee Ryherd, SMH Consultants, spoke before the Commission. He stated this application is for Phase II of the Dwyer Farms subdivision. Phase I started in 2022 and this will be a continuation of the development to the west and will be comprised of 105 lots and one (1) common tract for a monument sign off Braun/207th Street. There is one (1) additional connection from Braun/207th Street proposed and the streets from Phase I will be continued into Phase II. The property to the west will be able to connect to one of the streets as future development occurs. He explained that all of the utilities will be installed to all of the proposed lots. The stormwater and sanitary sewer infrastructure will be continued from Phase I into Phase II. Mr. Ryherd said the watermain is accessible across Braun/207th Street. Gas and power will be extended to the site by the appropriate company. Landscaping will be provided as was agreed upon in the Conceptual Plan, which was one (1) tree per lot. Landscaping will also be provided along Braun/207th Street as shown on the Landscaping Plan that was provided. He stated the monument sign will be like the sign in the northeast corner of Phase I. He stated that the lighting plan and architectural floor plans will be provided to City staff later.

Mr. Zachary Moore, Development Services Director, spoke to the Commission. He stated the application request is for a Final Planned Unit Development (PUD) Plan and Plat for the second phase of the Dwyer Farms subdivision. The property was annexed in April of 2022 then later rezoned to Planned Unit Development (PUD) in August of 2022. The Conceptual Plan was also approved by the Governing Body in August of 2022. On June 13, 2023, the Commission approved Phase I of the Dwyer Farms subdivision and construction is currently on going. Mr. Moore explained Phase II is proposed to have 105 lots with one (1) common tract. The lots will range from 6,000 square feet to just over 10,000 square feet with an average lot size of just under 7,500 square feet. The tract will be owned and maintained by the Homeowners' Association.

He said City staff reviewed the submittal against Article 6 and 13 of the Unified Development Code (UDC). The first requirement of Article 6 is that the proposal must conform with the objectives of the Comprehensive Plan. Mr. Moore stated that three (3) goals of recently adopted Comprehensive Plan are being met with this proposal:

- Goal 2.4: Coordinate land use planning with transportation and other public investments.
- Goal 4.1: Increase housing diversity in Edgerton.
- Goal 4.2: Promote best practices for all proposed residential development.

The Future Land Use Map (FLUM) also shows the subject property to be used as low-to-medium density residential and the proposal is compatible with the existing neighborhood. Mr. Moore explained that the net density proposed in Phase II is consistent with the previously approved Conceptual Plan. The site is under one (1) ownership as required by the UDC.

Mr. Moore said the applicant has requested a side yard setback of five (5) feet, which was approved in the Conceptual Plan and the first phase of the development. This would result in

a space between buildings of ten (10) feet. A stipulation of approval has been added for the use of fire rated materials to be used for exterior materials. The proposed setbacks meet what was approved in the Conceptual Plan. The front yard setback is proposed as 28 feet, rear yard setback proposed is 20 feet, and the corner yard setback that is proposed is 15 feet. Off-street parking will be provided as each previously provided floor plan has either a two (2) or three (3) car garage with two (2) additional parking spaces in the driveway. Mr. Moore said the proposed PUD will follow the Traffic Impact Study that was previously approved. The landscape plan and signage dose meet the UDC requirements, and the applicant will provide a sidewalk on one (1) side of all interior streets.

Mr. Moore said City staff recommends approval of PUD Final Plan and Plat for Phase II of Dwyer Farms with the following stipulations:

1. Prior to the plat being recorded, the following must occur:
 - a. Floorplans for the models of homes to be constructed during this Phase must be provided.
 - b. The stormwater study must be approved by the City Engineer.
 - c. Public infrastructure plans must be approved by the City Engineer. Any necessary changes to the plat based on the review of those plans must be made prior to plat recording.
 - d. The exterior corner in the boundary of a subdivision of land must be monumented prior to the recording of the plat.
2. 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.

Chairperson Daley inquired if the City is requiring basements on the homes. Mr. Moore replied that there have not been any formal building permit submittals at this time, but basements are not required. Chairperson Daley thought a shelter of some sort was required. Mr. Moore answered that when the building code was adopted, the Governing Body voted to amend the building code to allow a property owner to sign an affidavit opting out of having a storm shelter provided in a new house being constructed. Chairperson Daley inquired as to who submits the affidavit. Mr. Moore answered the property at the time of building permit submittal submits the affidavit.

Chairperson Daley inquired as to what the status of Phase I is currently. Mr. Kyle Jones, Rausch Coleman Homes, replied that they are currently working on constructing the streets and then other utility infrastructure will be constructed. He stated they have no control as to when the utilities will be completed as construction of those are done by each utility company. Once the roads are completed, Rausch Coleman then plans on applying for building permits, which they hope is to be in August. Chairperson Daley asked if the homes were to be constructed on a slab and not a basement. Mr. Jones stated that is correct and will have an option for buyers to add a storm shelter to their home, but as the owner at the time of building permit submittal, Rausch Coleman will be opting out of the storm shelter requirements.

Commissioner Mueller moved to recommend approval of Application PUD2024-0101 with the stipulations outlined by City staff to the Governing Body, seconded by Commissioner Little. Application PUD2024-0101 was recommended for approval with the stipulations, 3-0.

7. **RZ2024-0001: REZONING APPLICATION FOR MIDWAY FORD TRUCK CENTER, INC. LOCATED WEST OF THE INTERCHANGE OF HOMESTEAD LANE AND INTERSTATE 35**

Mr. Judd Claussen from Phelps Engineering, applicant representative, addressed the Commission. He said the site is just over 15 acres and is located on the northwest corner of Homestead Lane and Interstate 35 (I-35), just south of the Edgerton Crossing development. The subject property will have access from public streets coming from Edgerton Crossing that will enter at the northeast corner of the site. Mr. Claussen explained that there is floodplain on the western side of the subject property and there is thick vegetation to the north. Johnson County Parks and Recreation owns the property to the south and there is Rural-to-Low Density Residential to the north and west. The subject property is on the edge of City limits to the west and south. He stated the property was annexed in 2014 and later rezoned to C-2, Heavy Service Commercial, later that year. Mr. Claussen said Midway Ford Truck Center, Inc. has recently purchased property and would like to use the land for commercial truck sales and service center. Rezoning to C-3, Highway Service Commercial, would be required as vehicle sales are not a use allowed in C-2, even though a truck service facility would be allowed. Mr. Claussen stated Midway Ford is one of the largest dealers in the nation and would like to be able to serve the Edgerton area with truck sales in the near future. There is no Site Plan drafted at this time, but the property owner is requesting for the allowance of the use of truck sales. The property owner wants to be in Edgerton and plans on developing the site in about five (5) years, which will allow time for marketing. A Site Plan will be brought forward when development is more imminent.

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

Mr. Moore spoke before the Commission. The subject property is about 15.14 acres located just west of the Homestead Lane and I-35 interchange and the applicant is requesting to rezone it from C-2, Heavy Service Commercial, to C-3, Highway Service Commercial. The subject property was annexed into the City of Edgerton in August of 2014 and rezoned to C-2 in September of 2014. The property owner is requesting the rezoning for future development of commercial truck service and sales. The truck service facility would be allowed in the C-2 district. However the sale of vehicles is not allowed and the rezoning to the C-3 district would be needed for the sales.

Mr. Moore stated the property to northeast, which is Edgerton Crossing, is currently zoned C-2. The other properties adjacent to the subject parcel are all currently zoned County RUR (Rural). He explained the Future Land Use Map (FLUM) designates the subject property as Gateway Commercial, making the request for the rezoning consistent with the FLUM and Comprehensive Plan.

He explained the request was reviewed against the Golden Criteria as was adopted by the State of Kansas. He said if this request is approved, it would be the only property in Edgerton zoned C-3, therefore exhibiting the need for the rezoning of this property. Mr. Moore said that all cities need to have and utilize many different uses and zoning districts to be sustainable.

The use proposed by the property owner would fit in with the future development to the northeast and the overall character of the neighborhood. The C-3 zoning district is compatible with the C-2 zoning district. The property is currently undeveloped and has been since it was rezoned in 2014. The location of the property is that the roadway would currently end in the future development so the increase of traffic would not adversely affect the roadway network or safety, nor would it detrimentally affect nearby properties. The proposed rezoning would meet the following goals set in the Comprehensive Plan:

- Goal 2.1: Promote a balanced mix of land uses that supports growth and development.
- Goal 2.2: Grow in an efficient and sustainable manner that considers the needs and impact of expanding services.
- Goal 5.1: Continue to support Edgerton’s specialization in transportation and warehousing while also diversifying its economic base.
- Goal 5.3: Become a full-service community with a wide variety of amenities, jobs, and housing types.

Mr. Moore stated that City staff did receive an email earlier today from a neighboring resident. The request was for a restriction of all exterior lights to be turned off no later than 8:00 PM. He explained stipulations such as that are development standards and would be appropriate to be reviewed and possibly added to a Site Plan. A photometric plan will be required to meet City requirements at the time of Site Plan application. Mr. Moore said City staff does recommend approval of Rezoning Application RZ2024-0001 with no stipulations.

Commissioner Little moved to recommend approval of Application RZ2024-0001 to the Governing Body. Commissioner Mueller seconded the motion. Application RZ2024-0001 was recommended for approval, 3-0.

8. **UDCA2024-0001: PROPOSED AMENDMENTS TO ARTICLE 3 OF THE EDGERTON UNIFIED DEVELOPMENT CODE – STAFF REQUESTS THIS ITEM BE CONTINUED TO THE AUGUST 13, 2024 MEETING**

Commissioner Mueller moved to continue Application UDCA2024-0001 and the public hearing to the Commission meeting scheduled on August 13, 2024. The motion was seconded by Commissioner Little. Application UDCA2024-0001 and the public hearing was continued to August 13, 2024, 3-0.

9. **FUTURE MEETING REMINDERS**

Chairperson Daley stated that the next regular session is scheduled for August 13, 2024; September 10, 2024; and October 8, 2024.

10. **ANNOUNCEMENTS**

Chairperson Daley stated he does not plan on seeking reappointment when his current term ends in September.

Mr. Moore said he does not have any announcements.

11. **ADJOURN**

Commissioner Little moved to adjourn the meeting. Commissioner Mueller seconded the motion. The meeting was adjourned at 7:28 PM, 3-0.

Submitted by Chris Clinton, Planning and Zoning Coordinator