

PLANNING COMMISSION
August 13, 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 August 13, 2024. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	present
Tina Mathos	present
Adam Draskovich	present
John Daley	present
Jordyn Mueller	absent

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 Mathos moved to approve the Consent Agenda. The motion was seconded by Commissioner Little. The Consent Agenda was approved, 4-0.

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. CU2024-0100: CONDITIONAL USE PERMIT APPLICATION FOR THE NORTHERN BILLBOARD SIGN LOCATED AT 36450 FRONTAGE ROAD

Mr. Mike Dahir, Ad Trend, LLC, spoke before the Commission. He stated this application is for the northern sign on the property and the southern sign will be addressed in the next application for the sign to the south. He explained this is a request to renew the conditional use permit (CUP) that will expire later this year. The current zoning of the parcel is C-2. To the north, the property is zoned B-P. There is also City R-1, R-2, and R-3 to the north. Another C-2 zoned parcel is to the northeast. To the west, the parcels are zoned County Rural, and the property immediately to the south is the interstate, Interstate 35 (I-35). He said the signs have adhered to the Conditional Use Permit (CUP), Unified Development Code (UDC), and other requirements. They are agreeable to the staff stipulations listed in the staff report. There have not been any complaints of the sign in the 14 years it has been present.

Chairperson Daley opened the public hearing. There were no comments made by the public. Commissioner Little moved to close the public hearing. Commissioner Draskovich seconded the motion. The public hearing was closed, with a 3-0 vote.

Mr. Chris Clinton, Planning and Zoning Coordinator, addressed the Commission. He stated the request is for a renewal of CUP CU2019-02, which is for the northern billboard located at 36450 Frontage Road. The southern billboard will require a separate public hearing and action and will be heard later during the August 13, 2024 meeting. The 16.09± acre site was annexed into the City of Edgerton on February 28, 2008 and later rezoned to C-2, Heavy Service Commercial, on April 24, 2008. The first CUP was approved on March 25, 2010, which allowed for the construction of the billboards. The latest renewal of the CUP was on October 10, 2019 for five (5) years, so the CUP is set to expire in October of this year.

He explained that in August of 2019, the UDC was amended to prohibit construction of any new billboards in the City of Edgerton. Prior to those amendments being adopted, discussions were had with the property owners regarding renewals of the CUPs for the billboards. Mr. Clinton said the UDC does provide the Planning Commission authority to recommend a CUP for structures as long as they meet the requirements for a CUP provided in Article 7. City staff reviewed the request against the standards outlined in Article 7 of the UDC that the Planning Commission may recommend a CUP to the Governing Body. Those standards are the location is appropriate and consistent with the Comprehensive Plan; that the public health, safety, morals, and general welfare will not be adversely affected; the necessary safeguards will be provided to surrounding property, persons, and neighborhood values; and any additional standards outlined in Article 7 specified as a condition of approval.

Mr. Clinton stated that Section 7.1 of the UDC lists the criteria that the Planning Commission must take into account when making a determination as to whether or not the CUP should be recommended for approval. He said there are 14 different criteria, but only a select few will be highlighted along with staff's determination of the criteria. The remaining criteria are outlined in the Staff Report.

He said the first criteria is the character of the neighborhood, such as the zoning, existing land use, residential density, and open space. The subject property abuts right-of-way for Interstate 35 (I-35) and is zoned C-2. There is one (1) single family residential building that

is currently occupied on the subject parcel, a business occupies another building, and the remaining two buildings on the subject parcel are unoccupied.

He stated the nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties is the next criteria. I-35 is to the immediate south, which would make the location of the signs ideal. The billboard is approximately 672 square feet and is one of the few structures on the subject parcel. There are no other developments around the subject parcel.

Mr. Clinton explained the third criteria is the extent to which the proposed use may detrimentally affect the nearby property. The billboard has been on the subject property for 14 years, and City staff has not received any complaints so there are no detrimental affects to nearby properties.

The next highlighted criteria asks if there would be any gain to the public health, safety, and welfare from a denial of the application versus the hardship imposed by the denial of the application imposed on the applicant. Mr. Clinton stated that there would not be a gain to the public health, safety, or welfare to the denial of the application. He explained the hardship imposed on the applicant would be significant as the billboard would then have to be removed.

He said the next criteria is looking into the consistency with the Comprehensive Plan. The Future Land Use Map in the recently adopted Comprehensive Plan has the subject property designated as Gateway Commercial This billboard is consistent with the Future Land Use Map designation.

Mr. Clinton stated the final criterion is staff's recommendation. City staff recommends approval of CUP Application CU2024-0100 with the following stipulations:

1. The sign must be kept in good condition. If repairs to the sign are required, the repairs must be in accordance with the time frame of the City of Edgerton UDC. Failure to maintain the sign will result in revocation of the CUP.
2. This CUP will be valid for five (5) years from the date of approval by the City of Edgerton Governing Body.

Commissioner Little inquired as to how the messages on the sign are decided on. Chairperson Daley stated that the City cannot dictate what is put on the sign. Commissioner Little acknowledged that fact, but he was curious if the company knew what is being put on the billboard. Mr. Dahir replied that there are stipulations in the lease agreement. The company does have the final say as to what sign is displayed on the billboard.

Commissioner Mathos moved to recommend approval of Application CU2024-0100 with the stipulations outlined by City staff to the Governing Body, seconded by Commissioner Draskovich. Application CU2024-0100 was recommended for approval as stipulated, with a 4-0 vote.

7. CU2024-0101: CONDITIONAL USE PERMIT APPLICATION FOR THE SOUTHERN BILLBOARD SIGN LOCATED AT 36450 FRONTAGE ROAD

Mr. Dahir spoke before the Commission. He explained this application is for the southern billboard and all of the other information provided during his presentation for CU2024-0100 is the same for this application.

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

Mr. Chris Clinton, Planning and Zoning Coordinator, addressed the Commission. He stated the request for this application is for approval of a CUP of the southern billboard located at 36450 Frontage Road. This is the same property as CUP Application CU2024-0100 and the information is the same. The 16.09± acre property was annexed into the City of Edgerton on February 28, 2008 then rezoned to C-2 on April 24, 2008. The first CUP was approved on March 25, 2010 with the latest renewal being on October 10, 2019. It was renewed for five (5) years, so the CUP expires in October of this year. Mr. Clinton said the August 2019 amendments to the UDC also affect this billboard. City staff used the standards outlined previously and will point out the same criteria for this request as that made in CU2024-0100 and provide City staff's determination on the criteria.

Mr. Clinton stated the character of the neighborhood, such as zoning, land use, residential density, and open space is the first criterion. The property abuts I-35 and is zoned C-2 and the only development in the area is on the subject property. The second criterion is the nature and density of the proposed use. The subject property is adjacent to I-35 and is one (1) of the structures on the property with no other properties having any structures. The third criterion is any detrimental effect to nearby properties. Mr. Clinton stated the signs have been on the subject property for 14 years and there have been no complaints submitted to City staff. The next criterion is the relative gain, if any, to denial versus the potential hardship on the applicant. He stated there wouldn't be any gain to the public health, safety, or welfare, however the applicant would be required to remove the billboard if the CUP is denied. Mr. Clinton explained the next criterion was consistency with the Comprehensive Plan. The Future Land Use Map in the Comprehensive Plan designates the subject property as Gateway Commercial, which the billboard is consistent with.

Mr. Clinton stated the final criterion is staff's recommendation. City staff recommends approval of CUP Application CU2024-0101 with the following stipulations:

1. The sign must be kept in good condition. If repairs to the sign are required, the repairs must be in accordance with the time frame of the City of Edgerton UDC. Failure to maintain the sign will result in revocation of the CUP.
2. This CUP will be valid for five (5) years from the date of approval by the City of Edgerton Governing Body.

Commissioner Draskovich moved to recommend approval of Application CU2024-0101 with the stipulations outlined by City staff to the Governing Body, seconded by Commissioner

Mathos. Application CU2024-0101 was recommended for approval as stipulated, with a 4-0 vote.

8. **UDCA2024-0001: PROPOSED AMENDMENTS TO ARTICLE 3 OF THE EDGERTON UNIFIED DEVELOPMENT CODE**

Mr. Zachary Moore, Development Services Director, spoke before the Commission. He explained that the UDC outlines standards for Single Family Residential (R-1) zoned property. The standards for driveways in R-1 are the minimum width and materials the driveway is made of. Mr. Moore explained City staff is requesting direction from the Commission for additional standards on driveways and to create fence regulations for R-1 zoned properties.

Mr. Moore began with going through the requirements currently listed in the UDC for driveways. The required minimum width of a driveway is 18 feet and there is no maximum width at the approach. He explained that this could become an issue for the City when street projects that requires replacing drive approaches, it could lead to large expanses of replacing driveway approaches. It will also be aesthetically pleasing to have a standard width. He stated City staff is recommending a maximum width of 35% of the lot width or a 30-foot maximum at the right-of-way. The minimum width of 18 feet would remain. For a 70-foot-wide lot, which is what the UDC minimum lot width in R-1, would be 24.5 feet. The minimum driveway width of 18 feet is equivalent to the width of two (2) parking stalls side-by-side. A two and a half (2.5) foot flare where the driveway meets the street would be permitted on each side of the driveway. Mr. Moore stated that the connection point at the street would be 35 feet, which is the maximum width that the City allows at Logistics Park Kansas City (LPKC). Mr. Moore clarified that the driveway may widen once the driveway is two (2) feet behind the property line, up to the maximum lot coverage, so additional parking can be added.

Mr. Moore said that these proposed changes is for the R-1 zoning designation, nothing in A-G or other residentially zoned parcels. Any new construction, new driveways, or expansions for the driveway will need to meet the updates, if they are adopted. Any existing conditions can remain once the amendments are adopted and maintenance can be done on existing driveways, but no new gravel driveways or parking areas will be allowed.

Mr. Moore explained City staff is recommending that the UDC be amended to limit the number of driveways that can service a lot. The proposal would limit any single-family residence be limited to one (1) driveway connection to the public right-of-way, either from a street or alley. Gated driveways would be permitted; however, the gate would need to be setback as to not impede traffic either in the street or pedestrians utilizing the sidewalk. Therefore, City staff proposes a setback of 25 feet for driveway gates. The gates would also be required to meet fire access requirements. The final item that is proposed regarding driveways is that of the material used to construct the driveway. He stated the current standard states that asphalt or concrete must be used for the driveway. City staff is proposing to add to that standard to help clarify precisely what can and cannot be used. City staff recommends that asphalt millings be prohibited, as with gravel. The UDC should state that the driveway must be a paved surface. Mr. Moore said City staff would also find it beneficial to allow brick pavers to be used as an accent material for driveways. The pavers would need to be laid on concrete and cannot be in the public right-of-way. He explained not allowing the pavers in the City would mean if the City were working on the street and the approach is being replaced, the City will not be

responsible for putting pavers in the approach. Commissioner Draskovich recommended that loose aggregate be added to the prohibited materials so it would also include sand, pea gravel, and other similar materials.

Mr. Moore stated regarding fences, they are allowed as an accessory structure, but there are no regulations on fences. City staff is proposing height limits and material restrictions for fences. The first height limitation will be for fences in front yard. This will be fences located between the front of the house and the street. Mr. Moore explained that if the garage is set forward from the house, then the fence height would be from the front of the garage to the street. The proposed height limit would be three and a half (3.5) feet, which was decided on as that is the height listed in the Manual on Uniform Traffic Control Devices as the standard eye height for a passenger car, and the fence must be at least 50% transparent. This would require the material be lattice, chain link, wrought iron, or other similar materials. This would prevent any walls or stockade-style privacy fences in the front yard. Mr. Moore stated that these requirements would be for new fences or future development only. He said an exception to the height requirement in the front yard would be for a gated entryway, like an ornamental gate, with the maximum height of eight (8) feet and a maximum width of six (6) feet. For the side and rear yard, a fence would be allowed to be a maximum of six (6) feet in height. Mr. Moore explained the materials for fences in the side and rear yard will be allowed to be stone, wood stockade, wood lattice, chain link, split rail, wood rail, wrought iron, decorative aluminum, spaced picket fence, imitation vinyl, or composite fence panel. He said that existing fences not meeting this material list will not have to be removed, but it cannot be replaced with a prohibited material. Commissioner Draskovich stated that this would be a normal type of fence in the side and rear yard and no eyesores in the front yard. He clarified that no above ground electric fence could be used. Mr. Moore stated that is correct.

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

Commissioner Draskovich recommended that concrete not be required for a driveway on a large residential lot. He explained that it would become cost prohibitive to develop those lots if a full concrete drive is required. He recommended that a limit be set on how long a concrete driveway must be. Mr. Moore inquired if it should be a footage setback or to allow the Zoning Administrator the authority to make case-by-case determinations. Commissioner Draskovich added that an apron of some sort will be needed to keep gravel or other material off of the roadway and require a concrete pad at the house as well to help seal the garage. Commissioner Mathos stated she likes allowing the Zoning Administrator to make case-by-case determination. Chairperson Daley agreed that the Zoning Administrator should have that authority however there should be a set amount that should have to be concrete or pavement. Commissioner Draskovich said the setbacks are typically the same in a neighborhood and there should be a minimum distance that must be paved or concrete. Mr. Moore suggested to add language of allowing the Zoning Administrator to approve alternative materials on a case-by-case basis, but in no case may the driveway length be less than 50 feet. That way it is always at least to the front yard setback, then there would be minimum impact on public right-of-way. He explained that the current development trend is to have more and more dense subdivisions. He stated he will create different options of requirements to the Governing

Body for them to consider. The Commission agreed it was best to not require longer driveways to be fully paved.

Commissioner Little stated that he has a retaining wall and gravel parking area on the side of his house. He and his family have considered getting a travel trailer and the parking area would need to be expanded. He inquired as to what constitutes a driveway versus a parking pad or area. Mr. Moore stated prior to adoption of the amendments, he and Mr. Clinton will catalog what conditions are existing. A gravel parking area or pad would be an extension of the driveway. He stated that a gravel driveway or parking area is not permitted under the current UDC. Commissioner Little inquired a property owner had to drive through grass to get to the parking area. Mr. Moore answered it would still be considered part of a driveway. Chairperson Daley stated there was a church that wanted to put gravel down for a driveway and wasn't allowed to.

Chairperson Daley asked if the amendments would need to come back to the Commission. Mr. Moore replied that City staff has received enough direction from the Commission to draft an ordinance, so not necessarily, unless the Commission would like to see the amendments prior to the Governing Body wants to see it again. The only item that might need to be revisited, would be the case-by-case clause for the driveways. He explained that if the Governing Body has other direction, it will then come back to the Commission. He stated he can present a brief recap what the Governing Body does regarding the amendments. The Commission agreed for a recap after the Governing Body makes a decision.

Commissioner Mathos moved to recommend approval of the proposed amendments to Article 3 of the UDC. Commissioner Draskovich seconded the motion. The amendments were recommended for approval, 4-0.

9. FUTURE MEETING REMINDERS

Chairperson Daley stated that the next regular session is scheduled for September 10, 2024; October 8, 2024; and November 12, 2024.

10. ANNOUNCEMENTS

There were no announcements made at this time.

11. ADJOURN

Commissioner Little moved to adjourn the meeting. Commissioner Mathos seconded the motion. The meeting was adjourned at 7:48 PM, 4-0.

Submitted by Chris Clinton, Planning and Zoning Coordinator