

**EDWARDSVILLE BOARD OF ZONING APPEALS AND PLANNING COMMISSION**  
EDWARDSVILLE CITY HALL TRAINING ROOM  
690 SOUTH 4<sup>TH</sup> STREET P O BOX 13738  
EDWARDSVILLE, KANSAS 66113

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**MINUTES January 17, 2018**

**Members Present:** Mark Bishop, Bryan Smith, Tim Sweeten, Erin Harves, Greg Scott

**Staff Present:** Dave Knopick, City Planner  
Michael Webb, City Manager  
Zack Daniel, Assistant City Manager/City Clerk

**PLANNING COMMISSION**

The regular meeting was called to order by Chairman Bishop at 7:02 p.m.

**Minutes from November 15, 2017**

Commissioner Smith made the motion to accept the minutes as written. Commissioner Harves seconded the motion, which passed 5-0

**New Business**

**(a) Special Use Permit Public Hearing**

Mr. Knopick reviewed the SUP application, noting it was for a short-term rental establishment for 10526 Richland Avenue. This is similar to the kind of business that the group approved in late 2017 where renters typically seek out places to stay via online brokers such as Airbnb or VRBO. Mr. Knopick concluded that staff recommends the approval of the SUP contingent on the conditions that the SUP be limited to one-year (similar to the previous address that was granted an SUP for this purpose), renters stay less than 30 days, and that the applicant meet all applicable government requirements.

Commissioner Smith made the motion to open the public hearing, which was seconded by Commissioner Sweeten. The motion passed 5-0.

At this point, Rhonda Smiley, the applicant, addressed the Planning Commission. She briefly reviewed her history as it related to short-term rentals. She also noted she would prefer that condition 2 read that stays shall be "30 days or less" rather than "stays shall be less than 30 days. She reviewed a current situation where a family is having a home rebuilt and will likely need to stay in the rental unit for more than 30 days.

Commissioner Smith asked if condition 1 could be reworked to allow for an administrative approval rather than entering into the entire SUP process for the renewal. Mr. Knopick noted that this condition was structured to be similar to the previous short-term rental SUP, but that the Commission could make that recommendation.

Chairman Bishop moved to close the public hearing. Commissioner Scott seconded the motion, which was approved 5-0.

Commissioner Smith made the motion to approve the SUP, modifying condition no. 1 to allow for an annual administrative review in order to renew the permit to ensure compliance with all applicable laws and to modify condition no. 2 to read, "Short term rental stays shall be 30 days or less." Commissioner Scott seconded the motion, which was approved 5-0.

**(b) Preliminary/Final Plat Public Hearing**

**(c) Special Use Permit Public Hearing**

Mr. Knopick noted that the public hearing for these two items will be combined, as they both involve the same property. The Planning Commission still needs to take two separate actions. Mr. Knopick reviewed the planned expansion of the Elementary School. Due to the expansion, a special use permit is required as the property is proposed to be platted as one lot in the R-1 rural residential zoning district. Staff recommends approval of the preliminary and final plats with a few standard conditions outlined in the agenda memo. Mr. Knopick then reviewed the SUP process and the "Golden" criteria used to determine the appropriateness of proposed use of property. He explained that the current use is considered a legal non-conforming use and that the expansion of the existing use triggered bringing the use into conformance with City regulations.

Commissioner Smith made a motion to open the public hearing, which was seconded by Commissioner Sweeten. The motion passed 5-0. David Wood of Kaw Valley Engineering addressed the group and provided further details on the proposed expansion. Dan Brungardt, Superintendent of USD 204, also addressed the group and answered questions related to safety upgrades the school will be making.

Brett Peterson, 1800 S. 104<sup>th</sup> St., addressed the Planning Commission and noted some drainage issues that have arisen since the school was built. He also noted that the school buses routinely use his driveway to turn around, which have caused a rut on his property. Mr. Brungardt assured Mr. Peterson that those issues would be addressed. *(Note: Mr. Peterson's comments were given after the close of the public hearing. He misunderstood the process of the hearing and was not recognized by the Commission until after the hearing was closed. His comments were logged for the record).*

Chairman Bishop made the motion to close the public hearing. Commissioner Sweeten seconded the motion, which passed 5-0.

Commissioner Sweeten made the motion to approve the preliminary plat with staff conditions as well as approve the final plat with the staff conditions. Chairman Bishop seconded the motion, which was approved 5-0.

Commissioner Sweeten made the motion to recommend approval of the special use permit to allow an elementary school at this location along with the staff conditions outlined in the memo. Commissioner Scott seconded the motion, which was approved 5-0.

### **Staff Reports**

City Manager Michael Webb noted that Robert Niffen's Planning Commission application will be reviewed by the City Council at their January 22, 2018 meeting and that he expects the appointment to be finalized at that time. He also provided updates to the Village South at Edwardsville project as well as the Plaza West II development.

### **Planning Commission Comments**

Chairman Bishop asked about the status of the Lodge of the Forrest. Mr. Knopick noted that he has not heard anything about the specific status of the project, but that the property owner is working on a number of preliminary details.

### **Adjournment**

Chairman Bishop motioned to adjourn the meeting, which was seconded by Commissioner Sweeten. The motion passed 5-0.

Minutes submitted by Zack Daniel, Assistant City Manager