

AGENDA
BOARD OF ZONING APPEALS AND PLANNING COMMISSION
EDWARDSVILLE, KANSAS

November 16, 2022
Regular Meeting 6:00 p.m.

Robert Niffen

John Altevogt

Erin Harves

Tim Sweeten

Camila Adcox

Mickey Schwartzkopf

Ian Abbott

-
1. Call meeting to order
 2. Minutes from September 21, 2022 Meetings
 3. New Business
 - a. Planning Commission Resolution No. 2022-03
 - b. **PUBLIC HEARING** – Temporary Use Permits (2022-14-Z)
 4. Staff Reports
 - a. Development Updates
 5. Planning Commission Comments
 6. Adjournment



Planning Commission Meeting Minutes

September 21, 2022

6:00 p.m.

Members Present: John Altevogt, Robert Niffen, Mickey Schwartzkopf, Ian Abbott
Members Absent: Erin Harves, Camila Adcox, Tim Sweeten
Staff Present: Michael Webb, City Manager. Bradley Hocevar, City Planner, Chantal Frierson, Development Services Clerk

1. Call meeting to order

- Regular meeting was called to order by Chairman Altevogt at 6:03 pm

2. Minutes from August 17, 2022 Meeting

- **Motion:** Chairman Altevogt made a motion to approve the August 17, 2022 minutes.
- **Second:** Commissioner Niffen seconded the motion
- **Vote:** Passes, 4-0.

3. New Business

a. **goDotte Wyandotte County Strategic Mobility Plan presentation – Gunnar Hand – Director of Planning and Urban Design (Unified Government of Wyandotte County)**

City Planner Bradley Hocevar introduced Gunnar Hand, – Director of Planning and Urban Design (Unified Government of Wyandotte County) and gave a brief description of the presentation for this evening. Gunnar Hand explained the importance of the GoDotte plan and how it effects the tri-city area in Wyandotte County. The goal is to increase more accessible transportation to the public. UG is partnering with Bonner Springs and Edwardsville to apply for a federal grant to identify High Injury Network (HIN) areas and prioritize streets in need of design improvements to make the streets safer.

Gunnar explained the 5 different strategy categories that will need to be addressed to apply for funding.

Chairman Altevogt asked if creating a mass transit system would be profitable. Discussion ensued regarding that no transit system is profitable, but it is necessary to be able to move people.

Gunnar explained that Edwardsville has been very successful in utilizing our trail system and the ultimate goal is to make the trails accessible metro wide with the proper funding.

Chairman Altevogt asked to clarify that this was bicycle transit and Gunnar explained that it was. Discussion then ensued about the importance of the trails to connect city wide to made the roadway safer.

City Manager Michael Webb explained that Edwardsville is in the process of extending our trail system and it will be valuable to be able to connect our trails to the transit system to make transportation more accessible to everyone.

Chairman Altevogt suggested that everyone take the documents with them and review them for future discussions next month to get a resolution. City Manager Michael Webb explained the meaning of resolution is to accept the process of the plan. Discussion then ensued that accepting the resolution just means acceptance and we would still have to go through the formal process for the resolution.

- **Motion:** Chairman Altevogt made the motion to move to the next item.
- **Second:** Commissioner Niffen seconded the motion
- **Vote:** Passes, 4-0

b. Temporary Use Permit workshop

City Manager Michael Webb introduced the need for a Special Use Permit exception. We have had several items lately that the staff feels we need to make some adjustments and add a temporary use process. Discussion ensued that no adjustments would be made in Industrial or the High Intensity Residential zones. City Manager Michael Webb suggested that the temporary permit only be good for 1 to 3 years as it is not intended for a long-term solution. Chairman Altevogt recommended that we allow the temporary use permit be allowed for a period of 3 years and it must come in front of The Planning Commission to renew the permit after 3 years.

4. Staff Reports

- Development Updates
- City Manager Michael Webb gave updates on the Council approving the Signature Property upon recommendation of the Planning Commission.
- Kincaid has project has begun and dirt is moving.
- Chairman Altevogt asked Michael Webb if he has spoken to Evergy. Discussion ensued. Evergy is not ready to make any decision, they are pursuing their options at this time.

5. Adjournment

- Motion: Commissioner Niffen made the motion to adjourn at 7:45pm
- Second: Chairman Altevogt seconded the motion.
- Vote: Passes, 4-0

PLANNING COMMISSION MEMORANDUM



The city of
EDWARDSVILLE
Kansas

To: Planning Commission

From: City of Edwardsville Planning Department

Date: November 16, 2022

RE: Item 3a – Planning Commission Resolution No. 2022-03

Background

On September 21, 2022 the Planning Commission heard a presentation by the Director of Planning and Urban Design with the Unified Government of Wyandotte County / Kansas City, Kansas regarding the *goDotte Countywide Strategic Mobility Plan*. Generally, the purpose of this plan is to establish a unified framework to align transportation policy and investments to meet the needs of all incorporated cities in Wyandotte County. The goDotte plan introduces a transformative vision for mobility in Wyandotte County by reinforcing the idea that mobility should be supportive of goals unique to each individual community.

To achieve these goals, gDotte proposes five Big Ideas, each representing transformative concepts intended to guide recommendations, projects and policies. The five pillars that provide a framework for the mobility strategy are as follows:

- **Safety First:** *Eliminate traffic deaths and protect or residents.*
- **Street Design 101:** *Be brilliant at the basics – streets are the building blocks of our community*
- **Next-Level Transit:** *Provide safe, reliable, and frequent transit to reconnect the region.*
- **Prioritize Connections:** *Build out and maintain our sidewalks, bikeways and trails.*
- **Invest in Opportunity Corridors:** *Connect land use and transportation to grow our community.*

City staff believes the concepts, strategies and insight found throughout this plan could improve Edwardsville’s approach to planning, designing, and implementing our planned transportation system by leveraging existing regional plans into an integrated system-wide strategy.

Recommendation

Staff recommends that the Planning Commission formally acknowledge and accept the *goDotte Countywide Strategic Mobility Plan* by way of the attached resolution. Additionally, staff recommends for the Planning Commission to consider amending *The Edwardsville Plan* to include the *goDotte Countywide Strategic Mobility Plan* by reference per the requirement of K.S.A. 12-747.

Attachments

- PC Resolution No. 2022-02

PC RESOLUTION NO. 2022-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EDWARDSVILLE, KANSAS ACCEPTING THE GODOTTE COUNTYWIDE STRATEGIC MOBILITY PLAN

WHEREAS, on September 21, 2022, the Planning Commission for the City of Edwardsville, Kansas (“Planning Commission”) heard a presentation of the goDotte Countywide Strategic Mobility Plan, a copy of which is on file with the City Clerk; and

WHEREAS, after the presentation on September 21, 2022, a majority of the Planning Commission voted to recommend the acknowledgment and acceptance of the goDotte Countywide Strategic Mobility Plan; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF EDWARDSVILLE, KANSAS, AS FOLLOWS:

Section 1. The Planning Commission hereby acknowledges and accepts the goDotte Countywide Strategic Mobility Plan

Section 2. The Planning Commission hereby intends to adopt the goDotte Countywide Strategic Mobility Plan by reference at the time amendments are made to the City of Edwardsville Comprehensive Plan, pursuant to K.S.A. 12-747(b).

Section 3. The Planning Commission hereby requests that the Secretary of the Planning Commission, and/or any other such employees, officials and agents of the City of Edwardsville as may be necessary, submit a copy of this Resolution and a written summary of the meeting held on September 21, 2022, to the Director of Planning and Urban Design with the Unified Government of Wyandotte County / Kansas City, Kansas.

Section 3. This Resolution shall take effect and be in full force immediately after its adoption.

PASSED AND APPROVED by the Planning Commission for the City of Edwardsville, Kansas this 16st day of November, 2022.

John Altevogt, Chairman

Attest:

Erin Harves, Secretary

PLANNING COMMISSION

MEMORANDUM



To: Planning Commission

From: City of Edwardsville Planning Department

Date: November 16, 2022

RE: Item 3b – **PUBLIC HEARING** Temporary Use Permits (2022-14-Z)

Background

The Planning Commission and staff held discussions on March 16, 2022 and September 15, 2022 regarding the need to address temporary uses. For the purpose of this discussion, a temporary use is a use not otherwise permitted in the existing zoning district where the use is located. Further, the use may be incompatible with future uses within the existing zoning district or as envisioned by the comprehensive plan. Finally, temporary uses are limited in time and scale.

In developing an ordinance addressing temporary uses, certain criteria were examined including types of uses permitted and/or prohibited within existing zoning districts, the duration of temporary uses, the process for considering temporary uses and any other special considerations.

The existing Zoning Ordinance is generally broken down into three broad districts: residential, commercial and industrial. Each district is further broken-down primary by density of the activity. All land within the city is currently zoned into one of these districts.

From time to time, staff is presented with a proposed use which could be supported via a change in zoning, but the change in zoning would be detrimental to the future use of land in accordance with the comprehensive plan. For example, a property owner who owns a large tract of land and personal residence in the Agricultural/Residential (AG/R) Zoning District wishes to operate a landscaping company from his home. The area around the subject property also is AG/R. A landscaping company is considered a commercial use and generally permitted in the C-2 and C-3 commercial zones. A rezoning of AG/R zoned property to a commercial use may not be in keeping with the comprehensive plan and therefore the zoning should be denied. Therefore, the property owner would not be able to operate their business from their home.

Another common request staff is presented with is the temporary use of an existing residential structure during the construction of a new dwelling. In these instances, the temporary use as proposed is on its face temporary in nature; in harmony with the spirit and intent of the zoning regulations; not detrimental to the public, healthy safety or general welfare; is located on a site containing sufficient land to allow the

temporary use; and generally, complies with applicable use-specific standards of the zoning regulations. However, zoning regulations and city policy prohibit residential lots from having more than one primary residential structure.

This item is before the Planning Commission to conduct a public hearing related to the draft materials, and for review and discussion purposes. The intent of ordinance is to address the issues noted above and those that may be similar by allowing a low intensity use to operate for a period of time until the use of the land changes or the home business relocates to an appropriate site.

After the public hearing and review / discussion the Planning Commission may desire that additional adjustments be research or make a recommendation to the Governing Body regarding adoption of the draft regulations as presented.

Recommendation and Conditions

Staff believes a temporary use process could address these types of situations. However, certain regulations must be approved via an amendment to the zoning ordinance to create a Temporary Use Permit.

Conditions:

1. No industrial shall be permitted as a Temporary Use in any zoning district. An industrial can be temporary in the industrial zoning districts;
2. Temporary Uses generally should not be permitted in the RD-S, RD-NS, R-2 and R-3 zoning districts. However, certain low impact uses may be appropriate from time to time and could be considered through the permitting process;
3. Temporary uses cannot be used in place of a Special Use Permit (i.e. mining and quarrying);
4. Temporary uses shall be limited to 36 months from approval. A shorter term can be recommended and approved by the City Council;
5. Temporary uses cannot be transferred;
6. The use is not detrimental or have substantial adverse effects to property or improvements in the surrounding area including noise, or to the public health, safety, or general welfare;
7. The site contains sufficient land area to allow the temporary use and associated structures, and accommodate any associated parking and traffic movement, and without disturbing environmentally sensitive lands;
8. The temporary use shall not require any new permanent structures;
9. Temporary use permits shall apply to a single parcel for a single primary use;
10. Temporary use permits may be terminated if found to be inconsistent with the stated intent of the temporary use permit.
11. All temporary uses permits will require the applicant to provide a narrative describing the intended use in detail and length of time the temporary use will be located on the property.

In closing, staff recommends the Planning Commission consider the development of a Temporary Use Permit process and call a public hearing for October 19 to consider amendments to Chapter 14, Article 14.06 Zoning Regulations, of the Code of Ordinances of the City of Edwardsville, Kansas.

Attachments:

- Sample Ordinance
- Draft Temporary Use Permit Ordinance

ORDINANCE NO. 106x

AN ORDINANCE ADOPTING TEMPORARY USE PERMIT REGULATIONS OF THE CITY OF EDWARDSVILLE, KANSAS AND INCORPORATING SUCH REGULATIONS INTO THE CODE OF ORDINANCES CHAPTER 14

WHEREAS, the Edwardsville Planning Commission, pursuant to the Zoning Ordinance of the City of Edwardsville, Kansas, has proposed updating the zoning regulations; and

WHEREAS, as required by law, a legal notice was placed in the official City newspaper on October 15, 2022 notifying the public of a public hearing to be held by the Edwardsville Planning Commission, on such zoning regulation changes; and

WHEREAS, the Planning Commission conducted such public hearing at its November 16, 2022 meeting and received staff reports regarding such zoning regulation text changes.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Edwardsville, Kansas:

Section 1. The Edwardsville Planning Commission received the staff report prepared and presented by the City Planner, conducted a public hearing, and voted x-x on November 16, 2022 to recommend to the Governing Body approval of text amendments to Chapter 14.06, Zoning Regulations of the City of Edwardsville.

Section 2. The text amendments are attached as Attachment A.

Section 3. Findings. The City Council finds: (a) that these proposed text changes are properly presented before the City Council; (b) that notice was properly provided and the required public hearing held; (c) that action on the proposed changes was properly taken by the Planning Commission; (d) that the Planning Commission has recommended approval of the text changes; and (f) that the findings of fact as prepared by staff and as submitted to the Planning Commission should be accepted and adopted as the findings of fact of the City Council.

Section 4. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be and are hereby repealed.

Section 5. This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EDWARDSVILLE, KANSAS ON THIS 28th DAY OF NOVEMBER, 2022.

Carolyn Caiharr Mayor

ATTEST:

Zack Daniel, Assistant to the City Manager / City Clerk

APPROVED AS TO FORM:

Lisa Dehon, City Attorney

Appendix A

Temporary Use Permits

General provisions for temporary uses. Because of particular factors associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but may be permitted as “temporary uses” when their proposed location is supplemented by additional conditions such as to make the use considered compatible with the surrounding property, the neighborhood and the zoning district.

(a) Process

The process for approval of a temporary use permit shall otherwise be the same as for an amendment to change zoning districts as set forth in the Zoning Ordinance of the City Of Edwardsville, KS including the provisions for filing protest petitions. All fees and charges for temporary use permits shall be subject Appendix A, Fee Schedule, of the Code of Ordinances.

(b) Application

Each temporary use permit shall be accompanied by an application containing at a minimum the following information:

- (1) The applicant’s name, address, email and telephone number;
- (2) The property owner’s name, address, email and telephone number (if different);
- (3) The address of the property subject to the temporary use permit;
- (4) The legal description of the property;
- (5) The current zoning and uses of the property;
- (6) A narrative describing the intended use in detail and length of time the temporary use will be located on the property;
- (7) A site plan of the property conveying the following:

- (A) The site plan must be drawn to a recognizable scale, i.e. 1" = 20'.
- (B) North arrow and scale (written and graphic scale) shown on plan.
- (C) All property lines must be clearly shown and dimensions indicated.
- (D) Location and dimensions of all existing and proposed structures (including fences, signs and pools) from property lines and distance between structures.
- (E) Location and width of dedicated streets, recorded easements, (provide recording number) and platted easements on or adjacent to property (include names of streets if applicable).
- (F) All existing and proposed structures must be shown and dimensioned on the site plan.

(c) Conditions

- (1) No industrial shall be permitted as a Temporary Use in any zoning district. An industrial can be temporary in the industrial zoning districts;
- (2) Temporary Uses generally should not be permitted in the RD-S, RD-NS, R-2 and R-3 zoning districts. However, certain low impact uses may be appropriate from time to time and could be considered through the permitting process;
- (3) Temporary uses cannot be used in place of a Special Use Permit (i.e. mining and quarrying);
- (4) Temporary uses shall be limited to 36 months from approval. A shorter term can be recommended and approved by the City Council;
- (5) Temporary uses cannot be transferred;
- (6) The use is not detrimental or have substantial adverse effects to property or improvements in the surrounding area including noise, or to the public health, safety, or general welfare;
- (7) The site contains sufficient land area to allow the temporary use and associated structures, and accommodate any associated parking and traffic

- movement, and without disturbing environmentally sensitive lands;
- (8) The temporary use shall not require any new permanent structures;
 - (9) Temporary use permits shall apply to a single parcel for a single primary use;
 - (10) Temporary use permits may be terminated if found to be inconsistent with the stated intent of the temporary use permit.
 - (11) All temporary uses permits will require the applicant to provide a narrative describing the intended use in detail and length of time the temporary use will be located on the property.

(d) Findings

- (1) Before any temporary use permit shall be issued, the city council, after a hearing and recommendation by the Planning Commission, shall make certain findings certifying compliance with the rules governing temporary uses and that satisfactory provision and arrangement has been made concerning the following where applicable:
 - (A) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - (B) Off-street parking and loading areas where required, with particular attention to the noise, glare, or odor effects of the special use on adjoining properties and properties generally in the district.
 - (C) Refuse and service areas.
 - (D) Utilities, with reference to locations, availability, and incompatibility.
 - (E) Screening and buffering with reference to type, dimensions, and character.

- (F) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
 - (G) Required yards and other open spaces.
 - (H) General compatibility with adjacent properties and other property in the district.
- (2) The temporary use shall not adversely affect, reduce or depreciate property values of land and property surrounding the same, whether or not immediately adjoining, when devoted to permitted uses.
 - (3) The temporary use shall be in compliance with height and area regulations of the district in which the same is located, except as otherwise specifically provided and approved in the temporary use.

(e) Violation or noncompliance.

If there be violation of or noncompliance with any of the stated conditions of such temporary use permit during the term thereof, the same shall be subject to revocation by resolution of the city council after public hearing after notice to the then owner and occupant of the land which is the subject of the use, and by public notice to the general public. Upon such revocation, such temporary use permit shall thereafter be void and of no effect.

(f) Assignment of special use permit.

No temporary use permit may be assigned by any individual, partnership, association, or corporation holding a temporary use permit