

**EDGERTON PLANNING COMMISSION
MEETING AGENDA
EDGERTON CITY HALL - 404 EAST NELSON STREET
February 11, 2025
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 ____ Mathos ____ 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. Minutes from the November 12, 2024 Planning Commission Meeting.

5. Future Meeting Reminders

- February 11, 2025 at 7:00 – Work Session
- March 11, 2025 at 7:00 PM – Regular Session
- April 8, 2025 at 7:00 PM – Regular Session
- May 13, 2025 at 7:00 PM – Regular Session

6. Announcements

7. Adjourn

**PLANNING COMMISSION
November 12, 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 November 12, 2024. The meeting convened when Vice Chair Jeremy Little called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	present
Tina Mathos	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

2. WELCOME Vice Chair Little 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 October 8, 2024 Planning Commission Meeting.

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

Regular Agenda

5. Declaration. There were no declarations made by the Commissioners.

Business Requiring Action

New Business

6. CU2024-0102: CONDITIONAL USE PERMIT APPLICATION FOR EVERGY COMMUNICATIONS TOWER LOCATED AT 18827 DILLIE ROAD

Vice Char Little invited the applicant to present their application.

Mr. Robert Goetz, Selective Site Consultants, addressed the Commission. He stated they are requesting approval of a Conditional Use Permit (CUP) to replace the existing 220-foot tower located at 18827 Dillie Road with a new 230-foot-tall tower. This ten (10) foot increase in height is within the Federal Communications Commission's (FCC) parameters of non-

substantial modification. He explained that the property is zoned is A-G (Agricultural) and has been since April 23, 2009. The property to the west is zoned Johnson County RUR (Rural) and is used for agricultural. He said that the property to the north is Johnson County RUR and the use is public and agricultural. The property to the south is currently zoned A-G and is agricultural in use. To the east are I-H (Heavy Industrial) zoning and A-G and used as utility and agricultural. He explained the site plan and the location of the proposed tower, which is just south of the existing tower. He stated the overall footprint of the tower will be expanded as the existing tower is guy-wired and the new tower will be self-supporting. The tower will have lights that meet FCC standards.

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

Vice Chair Little requested City staff to present their report.

Mr. Chris Clinton, Planning and Zoning Coordinator, spoke before the Commission. He stated that the applicant is requesting the approval of a CUP for a communications tower that is taller than 60 feet located at 18827 Dillie Road. The proposed 230-foot, self-supported tower is proposed to replace the existing 220-foot, guy-wired tower. A new shelter for equipment is also proposed as part of this project. Communication towers greater than 60 feet in height require approval of a CUP. Mr. Clinton explained a resident did stop by City Hall with questions regarding this proposal, however, no comments or questions have been sent in writing. He said the 67.69± acre property was annexed into Edgerton on April 23, 2009. The existing communications tower was located on the property prior to annexation. Contained within the subject property is a 10.10± acre section that is zoned Heavy Industrial (I-H), which is where an electrical substation is located. That substation is to the east of where the existing tower is located with the new tower proposed just south of the existing tower.

Mr. Clinton explained that Article 7 of the Unified Development Code (UDC) authorizes the Commission to recommend the approval of a CUP provided that certain standards are met. 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 the surrounding property, persons, and neighborhood values; and any additional standards of Article 7 specified as a condition of approval. He stated Section 7.1 of the UDC also lists all the criteria that the Commission must take into account when making a determination as to whether or not the CUP should be recommended for approval. There are a total of 14 criteria, but Mr. Clinton stated he will bring a select few to the attention of the Commission along with City staff's determination as to whether the proposal meets the criteria or not.

Mr. Clinton stated the first criterion is that the character of the neighborhood, such as the zoning, existing land use, residential density and open space. City staff found that the subject property is in a low-density residential area that is zoned Rural or Agricultural. There is also an electrical substation located on the property within the I-H zoned area. Landscaping is located along the property line on the south and along Dillie Road. The Lanesfield School historical site is to the north of the property.

The second criterion is the nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses and the need for buffering and screening. The neighboring properties are all zoned Rural or Agricultural. There is an existing electrical substation and supporting infrastructure to the east of the tower. The existing tower is 220 feet tall and is proposed to be replaced by a 230-foot tall tower. The existing tower uses guywires for structural support, while the proposed tower will be self-supporting. That results in a smaller overall footprint for the structural support of the tower.

The third criterion highlighted by Mr. Clinton requires the determination of the suitability of the uses of the property without the proposed CUP. The subject property is currently developed with an electrical substation, which is permitted by right for the Agricultural District and the I-H District. Communication towers are also permitted by right if the height does not exceed 60 feet. That height would not allow the utilization of the antennas proposed on the tower which would limit the community access to television, radio, cellular reception, and the internet.

The final criterion highlighted is if the proposal is consistent with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community. The Future Land Use Map (FLUM) within the Comprehensive Plan designates the subject property as Public/Semi-Public, which the proposal is consistent with.

Mr. Clinton explained Section 7.2 outlines additional regulations for CUPs in their respective zoning designations. This section of the UDC has five (5) additional requirements for communication towers taller than 60 feet on an A-G zoned property. The first requirement is that the facility must not be located in an area used or planned for residential purposes. Mr. Clinton stated that the FLUM shows the subject property remaining Public/Semi-Public and is not planned for residential uses. The next is the facility must be located a horizontal distance equal to the total height plus 50 feet from any building used for human habitation, other than the principal use, and/or any road. Mr. Clinton stated that the proposed tower is over 320 feet away from Dillie Road, which is the closest road or building used for human habitation. This requirement is met as the required distance is 280 feet. The applicant must demonstrate the necessity for the tower by demonstrating that the new tower this facility cannot reasonably be co-located on an existing tower or structure. He explained that the applicant provided plans show the existing tower has four (4) antennas. The proposed tower will have those four (4) existing antennas and six (6) new antennas. There will also be locations for future antennas that could be added to the proposed tower in the future. The final is that a submission of an acceptable agreement to remove the tower and/or antenna within 180 days after cessation of use. Mr. Clinton stated that the agreement is being drafted and will be included as a stipulation that the agreement be entered into prior to the completion of the final inspection of the tower. Mr. Clinton said City staff recommends approval of the CUP with the following stipulations:

1. The CUP will be valid for ten (10) years from the date of approval by the City of Edgerton Governing Body.

2. The agreement to remove the tower following the cessation of use must be entered into prior to the completion of the final inspection of the tower.

Vice Chair Little inquired as to what the inquiry was that City staff was able to answer. Mr. Clinton answered that a resident had concerns about the width of the tower. The existing tower ranges from three (3) to nine (9) feet in width. The proposed tower will be 23 feet at the base, ten (10) feet wide at a height of 110 feet then three and a half (3.5) feet wide at the top of tower.

Mr. Kenton Cropp, 18740 Dillie Road, Edgerton, Kansas 66021, asked if the lighting will be different than that of the existing tower. Mr. Goetz replied that the lighting will not change. There will be lights at 115 feet and the top of the tower as required by the FCC.

Commissioner Mathos inquired as to the structure being added. Mr. Goetz stated that the footprint of the tower will be expanded but no additional structures are proposed.

Commissioner Mathos moved to recommend approval of the CUP for the Evergy Communications Tower with the stipulations listed by City staff. Commissioner Mueller seconded the motion. Application CU2024-0102 was recommended for approval, 3-0.

7. FUTURE MEETING REMINDERS

Vice Chair Little stated that the next regular session is scheduled for December 10, 2024; January 14, 2025; and February 11, 2025.

8. ANNOUNCEMENTS

Mr. Zachary Moore, Development Service Director, addressed the Commission. He stated that City staff are prepping the Development Calendar for 2025. In November, the second Tuesday will be November 11, 2025, which is Veteran's Day and City offices will be closed. He requested that the Commission cancel the November 11, 2025, meeting and schedule a special session. He recommended that the Commission schedule the special session either the next day, Wednesday, November 12, 2025, or the following Tuesday, November 18, 2025.

Commissioner Mathos inquired about the second City Council meeting in November. Mr. Moore explained that there will not be a second Council meeting during November due to the Thanksgiving holiday.

Commissioner Mueller moved to cancel the November 11, 2025 regularly scheduled Commission meeting and hold a Special Meeting of the Commission on November 12, 2025. The motion was seconded by Commissioner Mathos. The November 11, 2025 Commission meeting was canceled and a Special Meeting was scheduled on November 12, 2025, 3-0.

9. ADJOURN

Commissioner Mathos moved to adjourn the meeting. Commissioner Mueller seconded the motion. The meeting was adjourned at 7:20 PM, 3-0.

Submitted by Chris Clinton, Planning and Zoning Coordinator

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