

EDGERTON COMMUNITY BUILDING  
PLANNING COMMISSION MEETING

July 12, 2014

Minutes

The Edgerton Planning Commission met in regular session with Chair Harris calling the meeting to order at 7:00 p.m.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were: Commissioners Phyllis Harris, Maria O'Neill, Bob O'Neill, Chuck Davis, Missy Drinkard, Ron Conus, Tina Graddy, and Cliff Withrow. Absent was: Andrea Lucero. Also present were City Administrator Beth Linn and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

**MINUTES**

Minutes of June 10, 2014 were considered.

Motion by M. O'Neill, seconded by Graddy, to approve the minutes. The motion was approved, 8-0.

**COMMUNICATIONS**

The City Administrator informed the Commissioners of the upcoming vacancy on the City Council. She indicated the Council will be accepting letters of interest and resume's from qualified electors by July 18, 2014, with subsequent interviews. She indicated the appointment is expected in August.

Ms. Linn updated the Commissioners on the conditional use permit application for the quarry/asphalt operations. She stated after review, the Johnson County Board of Commissioners remanded the application back to the Southwest Johnson County Planning Commission (SWJCPC). She told the Commissioners the next meeting of the SWJCPC is scheduled for July 23, 2014 at the Senior Center in Gardner. The City Administrator shared part of the City's comments/suggestions which included looking at an internal haul road and relocation of the entrance site across from the park entrance on Sunflower Road. She indicated the Council will review at the July 10, 2014 Council meeting.

The City Administrator spoke about the 2015 budget process. She informed the Commissioners that at the July 10, 2014 Council meeting the members will discuss actions to un-fund the Administrative Services Director position and fund a Planning/Zoning Director. She indicated this would provide a better method/opportunity to serve development decision matters to the Council.

Ms. Linn also indicated the July 3, 2014 celebration was a great event.

### **ELECTION OF 2014-15 OFFICERS**

Election of officers for 2014-15 was considered. After a brief discussion, nomination of officers was considered. Those nominated were: Chuck Davis for Chair; Ron Conus for Vice-Chair, and Maria O'Neill for Secretary.

Motion by M. O'Neill, seconded by Conus, to accept the nominations and approve those in the named positions. The motion was approved, 8-0.

### **REZONING**

A public hearing in regards to RZ-06-13-2014, requesting zoning change from City of Edgerton C-2 (Heavy Service Commercial) to City of Edgerton I-G (General Industrial District) for property located at 36450 Frontage Road, located within the southeast one-quarter of Section 18, Township 15, Range 22, containing approximately 16.06 acres, more or less, was opened by Chair Harris. Owner: Robert Blachly, Mico, Inc. Agent: Rob Johnson, Shafer, Kline & Warren.

The City Administrator reviewed the project indicating the owner desires opening an indoor warehouse/storage for agricultural commodity in an existing building which is currently not allowed within the commercial district. The zoning of I-G allows this purpose.

Ms. Linn noted the property is served by a gravel road and is adjacent to I-35. The Commissioners were informed of the other buildings and uses upon the 16-acre tract. In addition, Ms. Linn described the adjacent properties and zoning designations. She overviewed the infrastructure and services for the site and noted the property is within the Sunflower Benefit District which would allow property owners access to City of Edgerton water and sewer system in the future.

The City Administrator indicated the existing buildings were constructed within the county prior to annexation. She informed the Commissioners the property was zoned IP-1, Light Industrial prior to 1993; then in 1993 the County approved zoning CP-3 which allowed the property to be used for retail. Subsequently in 1994, the County reclassified the property to PRB-2 Planned Retail Business as part of the adoption of new zoning regulations and map. She noted in 1996 and in 2003, the County approved a conditional use permit for horse and other miscellaneous trailer sales on the property and also in 2003, the County approved a conditional use permit for a trucking company.

The staff analysis, reviewed with respect to the City's codes and the "Golden Criteria," was reviewed. Ms. Linn indicated staff recommends the exclusion of outdoor storage of materials or equipment due to the proximity of nearby single family residential zoning. She also highlighted the need for the applicant to submit a site plan for current operations to show adequate setback and screening in regards to affects to nearby properties. Ms. Linn noted, as part of the review, the applicant should submit a traffic

study for review by the City Engineer regarding the anticipated amount of traffic along the frontage road. She also informed the Commissioners the I-G district requires all on-site parking and drives be asphalt, adding existing parking lots have been allowed to continue as non-conforming.

Ms. Linn also spoke about the environmental impacts and noted the owner is not proposing any changes to existing buildings, parking or land area. She noted materials stored such as seed, fertilizer, soil additives or other items should be stored, handled and disposed of per the manufacturer's specifications. Ms. Linn also indicated that it is unknown if the existing lighting is excessive and noted that if the lights create glare, hoods or cut-off fixtures could be added. In conclusion, she indicated that if all the items noted are addressed, environmental impacts would be negligible.

Ms. Linn then reviewed staff's stipulations for the recommendation of approval.

Commissioner Conus questioned the lighting concerns as part of the environmental impacts. The City administrator noted tonight's action was for zoning only, adding the photometric issues come later; she added the Commission could conditionally approve to meet certain conditions.

Mr. Blachly stated at this time no changes in uses are planned. The City Administrator indicated that at this time, no residential property is directly adjacent. She reviewed the location and conceptual plan of Sunflower Ridge.

Commissioner B. O'Neill questioned if this action was to add to or to improve to the site. Mr. Blachly indicated there are several businesses existing on this site. He noted the uses are not changing, but the desire is to coordinate a use with/for intermodal function.

Commissioner Withrow stated that new tenants usually are required to construct hard parking surfaces, but noted this request is not following. Ms. Linn indicated with the nature of the intended use, a conditional use permit on existing zoning is not permissible. She stated there is a challenge in understanding how this impacts. Mr. Withrow asked if this would be setting precedence if a hard surface is not required for this action. Ms. Linn replied that not necessarily would it set precedence.

Commissioner Graddy questioned if the change of zoning would also require a conditional use permit. Ms. Linn addressed the needs within the L-P district versus the I-G district.

Commissioner Davis asked if the rezoning change would eliminate the residential use. The City Administrator overviewed the language of the I-G zoning and indicated that zoning does not allow residential use within. It was noted the Planning Commission could continue this matter to a special session/meeting so the applicant could determine how to best work out the matter.

Debra Payne, 36700 W. 215<sup>th</sup>, Edgerton, Kansas, spoke about the confusion as to whether or not there would be or is indoor/outdoor storage since recently two (2) storage bins were added to the site. Ms. Payne questioned if currently there are any hazardous materials stored at this location. The City Administrator indicated there were no building permits issued for this site, and upon learning of such, the additions were stopped. Mr. Blachly indicated the tenant began the improvements, but has since stopped. He added the tenant will work within the desired actions. He noted the stored items are food stuffs for animal feed.

The City Administrator recommended the Planning Commission close or continue the hearing and table the matter to the August meeting. She indicated staff could clarify use of transloading, lighting and other matters.

Motion by B. O'Neill, seconded by Drinkard, to close the public hearing. The motion was approved, 8-0.

Motion by Drinkard, seconded by Graddy, to table the rezoning request until August 12, 2014. The motion was approved, 8-0.

## **PLATS**

Final Plat No. P-05-29-2014, requesting approval for the final plat for J.B. Hunt Container Storage Facility, consisting of one (1) lot containing 20.04 acres more or less, within the southwest quarter of Section 35, Township 14 South, Range 23 East, in Johnson County, and commonly known as 30700 W. 191<sup>st</sup>, was considered. Applicant: J. B. Hunt Transport, Inc. Engineer: Kaw Valley Engineering.

The City Administrator reviewed the request for the final plat. Ms. Linn informed the Commissioners the applicant has already submitted the form indicating they will not protest the formation of benefit districts for future improvements, if needed. Ms. Linn indicated the proposed final plat meets most requirements and spoke brief about items needed for full compliance. She stated staff recommends approval with noted stipulations.

Jim Anderson, Kaw Valley Engineering, was present to address any questions/concerns.

Motion by Conus, seconded by B. O'Neill, to approve the final plat subject to the following stipulations: 1) All Final Plat requirements of the city listed shall be met or addressed prior to recording of the Plat; 2) The commencement of any improvements shall not occur prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat by the Governing Body. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the

commencement of any improvements; 3) A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements; 4) The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax; and 5) The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code. The motion was approved, 8-0.

### **OTHER BUSINESS**

Mayor Donald Roberts appeared to talk about the upcoming vacancy on the City Council. He spoke about the position and needs for filling and encouraged Commissioners to consider applying. He also reviewed the process for application, interview, and appointment.

The next meeting is scheduled for August 12, 2014.

Commissioner Conus asked about the status of Sunflower Ridge. The City Administrator noted the zoning exists, but the plat has expired.

### **ADJOURNMENT**

Motion by Drinkard, seconded by M. O'Neill, to adjourn. The motion was approved, 8-0.

The meeting adjourned at 8:20 p.m.