

EDGERTON COMMUNITY BUILDING  
PLANNING COMMISSION MEETING  
Special Session  
August 18, 2015  
Minutes

The Edgerton Planning Commission met in a special session with Chair Davis 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 Chuck Davis, Maria O'Neill, Bob O'Neill, Andrea Lucero and Bill Braun. Absent were: Commissioners Ron Conus, Missy Drinkard, Randal Gifford, and Cliff Withrow. Also present were Community Development Director Kenneth Cook and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

**COMMUNICATIONS FROM STAFF**

The Community Development Director informed the Commissioners that Commissioner Conus had a death in the family and would not be attending tonight.

**PUBLIC HEARING - CONDITIONAL USE PERMIT**

A public hearing to consider recommendation for Conditional Use Permit Case No. CU2015-01, requesting a change in paving materials for property located at 32355 W 191<sup>st</sup> Street, part of the northwest one-quarter of Section 3, Township 15, Range 22, was considered.

Owner/Applicant: CY Edgerton, LLC/Arrowhead Intermodal Services LLC. Engineer: Roger L. Cassity, Renaissance Infrastructure Consulting.

Motion by B. O'Neill, seconded by M. O'Neill, to open the hearing. Motion was approved, 5-0.

Josh Cooley, owner of Arrowhead Intermodal Services, LLC, was present. Mr. Cooley overviewed the request to change paving surface material to asphalt millings, which would be more financially feasible. He stated the asphalt millings (groundings) make stronger stacking areas. He indicated the entrance would be comprised of concrete, asphalt for the drive areas, and millings located at the stacking sites for containers/chassis. Mr. Cooley also overviewed other locations of his company's container yards. He informed the Commission the BN&SF has millings where the containers are stacked. He requested favorable support.

Mr. B. O'Neill noted the single advantage for this request is the cost. He inquired into the maintenance for this surface. Mr. Cooley indicated maintenance is usually completed two to three times per year, which includes hot rolling which smooths, compacts and leaves the surface dustless. He stated during the first few years, the surfacing material requires more maintenance until the material settles/hardens. Mr. Cooley overviewed the problems he has encountered with asphalt, and in particular how it is impacted with heavy weight, heat, freeze and thaw.

Mr. B. O'Neill questioned if there are any container yards in the area with no concrete/asphalt

parking.

Mr. Cooley noted the entrance into the container yard would be concrete, with asphalt drives and aisles, and asphalt millings in the stacking areas.

Ms. Lucero asked if there were any container yards which were fully concrete. Mr. Cook indicated those with asphalt/concrete are J. B. Hunt and KC Piggyback; TSL will be installing same.

Mr. B. O'Neill asked Mr. Cooley about the dust impacts. Mr. Cooley indicated with the proper sealant and maintenance, the surface generally will not create much dust. He stated his company hires contractors for maintenance. He also noted they will probably not stack many containers.

Mr. Lucero questioned Mr. Cooley if the most ideal surface would be concrete. Mr. Cooley responded that yes, concrete would be the most ideal, but with 31 acres, it would be cost prohibitive for most companies.

Ms. Lucero questioned if there are other ways to help with financing. The Community Development Director spoke about industrial revenue bonds, but noted the costs associated with issuance may not make it feasible. Mr. Cooley indicated that after a cost benefit analysis, it did not make sense for this action.

Mr. Braun asked if there are any performance standards with the material. Mr. Cooley stated he was not aware of any.

Mr. Cook overviewed comments from the City Engineer which overviewed recycled asphalt pavement (RAP) and reviewed the structural numbers for hot mix asphalt, noting an inch of hot mix asphalt has over twice the strength as RAP.

Donald Roberts, Mayor of Edgerton, overviewed the history regarding surfacing for this type of operation regulations. He stated the intent was to have A-class facilities within the Logistics Park – to be the best in the country. He stated it was known the intent was for an economically higher material requirement to ensure quality development in the area.

Mr. Cook read a note into the record from George J. Schlagel:

The City in this instance is in unenviable position of wanting to balance the encouragement of intermodal driven development while maintaining existing standards for that development.

I want the City to carefully consider the standards that they want to exist at the intermodal with the eye towards having a development that will build value for the area while being sensitive to whether those standards make sense going forward. Exceptions to those standards probably should be respected on future applications with similar facts.

I can respect any decision that the City makes in this situation. I would encourage thoughtful consideration of the impact this decision will have going forward with respect to maintaining value and setting a precedent.

Thank you for having the Planning Commission consider my thoughts.

Mr. Cook updated the Commissioners about the original request which was approved on December 10, 2013. He overviewed conditions noted at the time. He also quoted from the Unified Development Code (UDC) regarding the applicant's ability to request deviation and the process (Section 7.2D.14). Mr. Cook noted this request is to amend a portion of the original conditional use permit (Ord. 967). He reviewed the project and its alternative landscape plan. He reviewed the 2015 actions and spoke about staff research of other locations/community container yard standards, which included: Gardner, KS; Riverview, MI; Romeoville, IL, Wilmington, IL; and Shorewood, IL. He noted the development standards varied and highlighted some of the standards. He added concrete/asphalt is not the normal standard for most, but added Edgerton has some lesser requirements, which would be more costly elsewhere. It was noted the City does not want to do anything to make development impossible, but desires certain qualities within this development park.

Mr. Cook stated staff recommends denial. He noted should the Planning Commission approve a recommendation of approval, there would need to be a discussion of appropriate conditions. The Commissioners were informed the City Engineer was present to address any questions.

Mr. Cooley responded to information presented by Mr. Cook. He noted the only major intermodal container yard noted was Wilmington. He noted very few of these yards are located within major intermodal or portal communities. He stated he understands to intent is not to have dirt yards similar to those found in Kansas City Kansas Argentine area. He stated he believes the millings meet the City's intent, and encouraged looking at the "real world" application. He stated he believes this will hold up better than asphalt.

Mr. B. O'Neill questioned the dust containment upon the maintenance of the surface. Mr. Cooley spoke about the tacky nature of the millings, adding it will not work like gravel. He requested the chance to prove the project for a couple years, then analyze.

No other persons appeared to speak in favor or opposition.

Chair Davis closed the hearing.

Ms. Lucero stated concrete would be best, adding she wants what is best for the community.

Mr. B. O'Neill spoke about the existing standards.

Mr. Braun indicated the requirements are noted, he added he does not see need for changing.

Mr. Davis stated the standards should be followed.

Motion by Braun, seconded by M. O'Neill, to follow staff's recommendation of denial of the

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application. Motion was approved 5-0.

Mr. Cook informed the audience a two-week protest period begins on August 19, 2015. He indicated this would be submitted to the Council for consideration on September 10, 2015.

Motion by B. O'Neill, seconded by Braun, to adjourn. Motion was approved 5-0.

The meeting adjourned at 8:23 p.m.

Submitted by:

Debra S. Gragg  
Recording Officer