

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
May 14, 2019

The Edgerton Planning Commission met in regular session with Chair John Daley 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 Chair John Daley, Commissioner Tim Berger, and Commissioner Charlie Crooks. Also present were: Mayor Donald Roberts, City Administrator Beth Linn, Development Services Director Katy Crow, and City Clerk Rachel James.

The City Clerk announced a quorum was present.

CONSENT AGENDA

Commissioner Josh Beem arrived at 7:06 PM.

Mr. Berger motioned to approve the item as presented in the Consent Agenda, Mr. Crooks seconded. The consent agenda was approved, 4-0.

MINUTES

The minutes for Regular Session of April 9, 2019 were considered and approved.

NEW BUSINESS

TEMPORARY CONSTRUCTION USE – APPLICATION TU2019-03

Katy Crow, Development Services Director, introduced Application TU2019-03 for external chiller units at Jet.com located at 30801 W. 191st Street, Edgerton, Kansas. Staff received a request from Chad Aipperspach of Jet.com to allow temporary outdoor chiller units at the Jet.com facility. Ms. Crow stated this is a one-time consideration to be utilized during the summer months while a permanent cooling solution is installed.

Ms. Crow stated the applicant is requesting temporary chillers, similar to those utilized last summer, due to the temperatures inside the building that caused heat related incidents for Jet.com employees. City staff has requested that the applicant to move forward on a permanent solution to address summer heat inside the building. Jet.com has contacted Kansas City Power and Light about an upgrade to their electrical service in order to accommodate for the permanent cooling unit.

Ms. Crow informed the Commission that the applicant is present and available for questions.

Chairman Daley asked Mr. Aipperspach, applicant, if the cooling units will be inside on racks. Mr. Aipperspach stated that a portion of the cooling units would be inside to deliver a chilled airflow, providing a more efficient solution than what was in place last year.

Commissioner Crooks asked about the noise level produced by the generators. Mr. Aipperspach stated that the generators are standard diesel generators, producing normal generator noise levels.

Mr. Berger motioned to approve the application with the stipulations, Mr. Crooks seconded. Temporary Construction Use Application TU2019-03 was approved, 4-0.

TEMPORARY CONSTRUCTION USE – APPLICATION TU2019-04

Katy Crow, Development Services Director, introduced Application TU2019-04 requesting an extension to the expiration date of approved of Application TU2018-03 which allowed the use of a residential building for project management coordination activities at Project Mustang (Kubota North American Distribution Center) located at 20370 Waverly Road.

Kubota has requested an extension of the use to December 31, 2019 due to unforeseen construction delays and concern about the new facilities being ready to move into. Ms. Crow said the applicant, Kubota, has obtained Wellsville Farms permission to utilize the drive located on their property to access the house. There is no provision in the Edgerton UDC to allow a temporary construction use to occur on a site that does not have an active construction project. Staff recommends this request to allow the use of the residential dwelling be allowed until September 30, 2019 or the date the Certificate of Occupancy is issued to Kubota for the Parts Building (Building 1), whichever occurs first.

Chairman Daley asked if Kubota has been using the house as offices for at least a year. Ms. Crow stated that this was correct, and the application is for an extension.

Mr. Berger motioned to approve the application with the stipulations, Mr. Beem seconded. Temporary Construction Use Application TU2019-04 was approved, 4-0.

**TEMPORARY CONSTRUCTION USE – AMENDMENT TO APPLICATION TU2019-01
(TEMPORARY CONSTRUCTION USE FOR ROCK CRUSHING FOR INLAND PORT 51)**

Ms. Crow introduced an amendment to Application TU2019-01, rock crushing operations at Inland Port 51, to be located near the northeast corner of 207th Street and Waverly Road. Previously TU2019-01 was approved at the April 9, 2019 Planning Commission. The current approved application allows for rock crushing activities to occur from 7:00 a.m. to 7:00 p.m., Monday through Saturday.

This amendment is a request to allow rock crushing activities to occur 24 hours a day Monday through Saturday, and 7:00 a.m. until 7:00 p.m. on Sundays. This request is being made due to the inclement weather which has been experienced in the area, specifically the amount of rainfall that has occurred since the application was approved. Applicant is requesting that they be allowed to operate 24 hours a day on dry days so that they can make-up for lost production time and keep with the proposed construction schedule for the project.

Due to the intensity of this type of operation, staff recommends that operations only be allowed to increase from 7:00 p.m. to 9:00 p.m. Monday through Saturday, and operations be allowed on Sundays from noon to 7:00 p.m. This change in hours and days of operation would be until the permit expires on August 9, 2019.

Staff also recommends that the Planning Commission allow staff the ability to adjust hours contingent upon feedback received from adjacent residents due to noise, lighting and dust concerns. Staff would also request that if the opportunity arises and additional rock crushing machinery is available, applicant

increase operations to meet their deadline requirements utilizing additional requirement and not necessarily extended operating hours.

Ms. Crow stated that there would be no increase in blasting on the site, just an extension to rock crushing hours in order to allow for Haupt Construction to catch up during dry weather days.

Commissioner Crooks asked if anyone has talked to the homeowners. Applicant stated that they had not reached out to homeowners. Ms. Crow answered that the amendment stipulates that if complaints are received, hours and approval are subject to review by staff. Ms. Crow also stated there have not been complaints thus far.

Commissioner Daley asked about the weather delay. Justin Haupt, Haupt Construction Representative, answered that the two rainy weeks had amounted to over 9 inches of rain and had impacted their ability to rock crush.

Mr. Berger motioned to approve the amended rock crushing application, TU2019-01, with stipulations, Mr. Crooks seconded. Application TU2019-01 was approved, 4-0.

UDCA2018-01– AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Ms. Crow introduced application UDCA2018-01, an application regarding revisions to Articles 4, 10, and 12 of the City of Edgerton's Uniform Development Code (UDC). The public hearing regarding these amendments was held during the December 11, 2018, January 8, 2019 and February 12, 2019 Planning Commission Meetings. During those public hearing held at those meetings there were no public comments regarding the updates.

Articles 10 and 16 have undergone very few revisions since the Planning Commission reviewed these articles with Staff during the public hearings. Staff is requesting that these two Articles be recommended to the Governing Body for adoption at the June 13, 2019 City Council Meeting.

Ms. Crow outlined the updates to Article 4. Sections 4.1, 4.2, 4.3 and 4.4 of Article 4. The majority of the change is in the Design Guidelines section for each use type. New content was added related to building materials, roofing, awnings, gutters and downspouts, rooftop screening, ground or building mounted equipment, horizontal and vertical articulation, architectural design standards, façade guidelines and focal point elements. Staff took feedback from the Planning Commissioners and incorporated it into the existing UDC. Some areas only required minor tweaking to bring the code up to date and other areas needed to be written from scratch.

Section 4.1 C-D Downtown Commercial District specifically incorporates information recommended by the Downtown Edgerton Plan which was adopted by the Governing Body on March 8, 2018. Design guidelines, building materials, roofing, awnings, architectural design standards, service areas, site plan approval, parking and loading and landscaping sections have all been added. These areas of content are not present in the current Article 4 of the UDC but are necessary to carry out the vision of the adopted Downtown Edgerton Plan.

Ms. Crow stated that after Planning Commission recommendation the Articles would be reviewed by the City Attorney to insure compliance with state statute. If any edits are found to be in major conflict

with state statute, staff will return to Planning Commission to review. Any grammatical edits noted by the City Attorney would be made prior to Governing Body recommendation.

Mr. Berger motioned to recommend approval of Articles 10 and 16 to the Governing Body as presented, Mr. Crooks seconded. Motion was approved, 4-0.

FUTURE MEETING

The next meeting is scheduled for June 11, 2019. Before the regular meeting there will be a Planning Commission Work Session at 5:00 p.m. for KOMA/KORA Training.

ADJOURNMENT

Motion by Mr. Berger, seconded by Mr. Crooks, to adjourn. Motion was approved, 4-0.

The meeting adjourned at 7:32 p.m.

Submitted by: Rachel James, City Clerk