

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
June 11, 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, Commissioner Jeremy Little, and Commissioner Charlie Crooks. Commissioner Josh Beem was absent from the meeting. Also present were: Mayor Donald Roberts, City Administrator Beth Linn, Development Services Director Katy Crow, and Planning and Zoning Coordinator Chris Clinton.

The Planning and Zoning Coordinator announced a quorum was present.

CONSENT AGENDA

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 May 14, 2019 were considered and approved.

NEW BUSINESS

ELECTION OF PLANNING COMMISSION OFFICERS

Pursuant to the Bylaws of the Planning Commission, an annual meeting is held in June of each year for the purpose of electing a Planning Commission Chair, a Vice Chair, and a Secretary. Ms. Crow stated that the Planning Commission is required to have the officers per City Bylaws. Mr. Daley asked if any of the Commissioners wanted to change who the officers are. Mr. Crooks motioned to retain the same officers with Mr. John Daley as the Chair, Mr. Tim Berger as the Vice Chair, and Mr. Jeremy Little as the Secretary, Mr. Berger seconded. The motion carried, 4-0.

TEMPORARY CONSTRUCTION USE – APPLICATION TU2019-05

Katy Crow, Development Services Director, introduced Application TU2019-05 requesting a gravel parking lot for ColdPoint Logistics at 31301 West 181st Street. Ms. Crow stated the applicant is Aaron Burks of ColdPoint. The ColdPoint facility is being built in phases with Phases I, II, and III being complete. With those phases completed, there is not enough room on the parcel to stage equipment needed to build Phase IV. Applicant is requesting to utilize Tract A of the parcel which abuts 181st Street to create the lay down lot. NorthPoint owns the parcel and has provided permission to ColdPoint for the use of the lot. Ms. Crow explained this lot had been used for Phase III. This request came in last fall, but staff requested it be held until the applicant was actually ready to begin construction.

Ms. Crow informed the Commissioners staff recommends approval with the following stipulations:

- 1) The lot may not be used for the staging of trucks carrying product to or from the ColdPoint site or trucks waiting to pick up loaded trailers. Only semi-trailers for construction use may be stored on this lot.
- 2) Temporary living quarters are not permitted on-site.
- 3) All occupied buildings shall have access to potable water from an approved water source.
- 4) All signage shall only be placed pursuant to applicable sign regulations in Article 5 and 12 of the Unified Development Code (UDC) of the City of Edgerton with a sign permit application submitted for review if necessary.
- 5) All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use.
- 6) All vertical structures shall require a building permit pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton prior to being occupied.
- 7) All contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or other applicable chapters of City Code, including a current Edgerton Business License.
- 8) Off-site impacts from on-site construction-related activities shall be minimized to the extent possible. This shall include compliance with City Regulations and Policies with regards to the tracking of debris onto public streets. Improvements for a construction entrance and the access road shall be required prior to operation and must be continually maintained in good condition.
- 9) On-site Stormwater Management Plan shall be approved by the City prior to the disturbance of land.
- 10) Land disturbance activities shall be done pursuant to Article 12 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton.
- 11) Contractors are required to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable period of time.
- 12) Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan.
- 13) Property owner and/or general contractors shall provide a Construction Management Plan to the City.
- 14) Staff retains the ability to establish reasonable requirements for the operation for the duration of approved use.
- 15) Permission for temporary construction activities is granted for a period ending June 11, 2020 or at the issuance of a Certificate of Occupancy, whichever comes first. At that time, all construction materials are to be removed from the site and it is to be planted with grass seed and matting to control erosion.

Mr. Berger motioned to approve application TCU2019-05 with the stipulations outlined, Mr. Little seconded. Temporary construction use TU 2019-05 approved, 4-0.

TEMPORARY CONSTRUCTION USE – APPLICATION TU2019-06

Ms. Beth Linn, City Administrator and Mayor Donald Roberts entered the meeting at 7:07 p.m.

Ms. Crow introduced Application TU2019-06 requesting a rock and dirt hauling operation on the property located at the southeast corner of West 191st Street and Homestead Lane. This application is a renewal of a temporary construction use permit that was issued in April of 2018 that is now expired. The property owner is Mr. Omar Holtgraver, who has provided a letter granting permission to Hartman Excavating, the applicant, to continue removing the rock and dirt. The applicant is requesting

operations to start at 7 a.m. and go to 7 p.m. on Monday through Saturday. Hartman Excavating indicated water is to be used for dust control.

Ms. Crow informed the Planning Commission that staff recommends approval of the application with the following stipulations:

- 1) Temporary living quarters are not permitted on-site.
- 2) All occupied buildings shall have access to potable water from an approved water source.
- 3) All signage shall only be placed pursuant to applicable sign regulations in Article 5 and 12 of the UDC of the City of Edgerton with a sign permit application submitted for review if necessary.
- 4) All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use.
- 5) All vertical structures shall require a building permit pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton prior to being occupied.
- 6) All contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or other applicable chapters of City Code, including a current Edgerton Business License.
- 7) Land disturbance activities shall be done pursuant to Article 12 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton.
- 8) Improvements for a construction entrance and the access road shall be required prior to operation and must be continually maintained in good condition.
- 9) Contractors are required to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable period of time.
- 10) Hours of operation shall be limited to from 7:00 a.m. to 7:00 p.m., Monday through Saturday, unless otherwise approved by staff.
- 11) Staff retains the ability to establish reasonable requirements for the operation.
- 12) Property owner and/or general contractors shall provide City and emergency response agencies an updated copy of the site-specific Safety Action Plan.
- 13) Property owner and/or general contractors shall provide an updated Construction Management Plan to the City.
- 14) All activities will be performed in compliance with Kansas Department of Health and Environment (KDHE) and the requirements of the KDHE Bureau of Air.
- 15) Operator will insure that haul loads do not exceed legal limits for truck weight.
- 16) Off-site impacts from on-site construction-related activities shall be minimized to the extent possible. This shall include compliances with City Regulations and Policies regarding the tracking of debris onto public streets.
- 17) Best Management Practices may be required where protentional impacts to stormwater conveyance facilities occur (i.e., silt fencing, berming, creation of a construction entrance, etc.).
- 18) Permission for temporary construction activities is granted for a period ending May 1, 2020.

Mr. Daley asked if this application was to clear the site. Ms. Crow replied that is correct and the pile is made of the spoils from other projects in Logistics Park Kansas City (LPKC) and needs to be cleared should the parcel ever be developed.

Mr. Crooks motioned to approve application TCU2019-06 with the stipulations noted by staff, Mr. Berger seconded. Temporary construction use, TCU2019-06 approved, 4-0.

UDCA2018-01– AMENDMENTS TO THE UNIFIED DEVELOPMENT CODE

Ms. Crow introduced application UDCA2018-01, regarding revisions to Articles 4 (Commercial Zoning Districts), 10 (Site Plans and Design Standards), and 16 (Parking and Loading Regulations) of the City of Edgerton's UDC. Ms. Crow explained the Planning Commission recommended adoption of Articles 10 and 16 to the City Council at the May 14, 2019 Planning Commission meeting. Staff provided those articles to the City Attorney to review and he did have recommendations for edits prior to the Articles moving forward to the City Council.

Ms. Crow informed the Planning Commission the City Attorney has also reviewed the Article 4 Sections provided to them tonight - Section 4.1 (C-D Downtown Commercial District), Section 4.2 (C-1 General Commercial District), Section 4.3 (C-2 Heavy Service Commercial District) and Section 4.4 (C-3 Highway Service Commercial). Ms. Crow stated there were two new sections that were created by staff after review of Article 4. Those sections are Section 4.6 - Awnings and Fencing and Section 4.7 - Fuel Stations, Convenience Stores and/or Drive-Throughs. The new sections were created to keep the other sections shorter as these topics were frequently brought up in other sections. Ms. Crow said staff would request these Articles be recommended for approval to the Governing Body if approved by the Planning Commission.

Ms. Crow stated the changes in Article 10 are mostly grammatical and semantic edits, with few if any changes to content. The first page of Article 10 contains addition of wording that make the UDC easier to read. One key addition was providing the Planning Commission the ability to have the final decision on whether a Preliminary Site Plan is required from an applicant. At several points in Articles 10 and 16 the City Attorney made note that he had not cross-checked Article references listed. A phrase was added by the City Attorney stating that it shall be the Zoning Administrator's opinion which determines whether or not a revised Site Plan contains significant enough changes to require a new Public Hearing. On the final page of Article 10, wording of an expiration period of one year for an approved Site Plan was added.

Mr. Berger motioned to approve the changes and recommend adoption of Article 10 to the Governing Body, Mr. Little seconded. Motion was approved, 4-0.

Ms. Crow brought forth Article 16 to the Planning Commission by stating the changes in blue were made by the City Attorney and the changes in red are changes made by staff in conjunction with the City Attorney. On the first page of Article 16, a statement was added that requires new structures to adhere to the regulations outline in this article. The definition of a vehicle was expanded to state what can and cannot be stored in parking spaces. The final change on the first page was to inform the property owner that a change in use will require the Site Plan to account for any additional parking that might be required. Ms. Crow gave the example of a lot changing from a bank which per Article 16 requires one parking space for each 300 square feet of gross floor area to a retail convenience store which requires one space for each 200 square feet of gross floor area. On the third page there was verbiage added to ADA requirements that will allow any amendments to the American with Disabilities Act, Accessibility Guidelines be applied without any changes to the UDC. The rest of the changes to Article 16 are grammatical changes and not changing content.

Mr. Berger motioned to approve the changes and recommend adoption of Article 16 to the Governing Body, Mr. Crooks seconded. Motion was approved, 4-0.

Ms. Crow reminded the Planning Commission that Article 4 was provided to them last month to review. She explained the City Attorney has already reviewed the articles before the Planning Commission, and tonight they are seeing a final copy with no blue or red changes. The main change from the copies handed out last month to the copy before them, is the alphabetizing of permitted uses and some minor grammatical changes.

Ms. Crow stated staff added Sections 4.6 and 4.7 regarding awnings and fences and fuel stations, convenience stores and/or drive-throughs respectively. These sections were added because the regulations outlined in Section 4.6 were being referenced in many of the other sections in Article 4, so for continuity and brevity, the section was added. Section 4.7 was added because staff felt it necessary to outline more requirements than the general zoning district required. References to the new sections are made in the proper locations in the zoning districts' design guidelines.

Ms. Crow informed the Planning Commission that when staff was using the new draft of Article 4 to review a project, they discovered there was no right-of-way buffer requirements for landscaping in Article 4. Ms. Crow explained a landscape buffer should be added to this article similar to the requirements for the Logistics Park L-P District. Ms. Linn stated that if the Planning Commission approves, staff can use the landscaping requirements that is in other zoning districts of the UDC to add similar language to Article 4.

Ms. Linn acknowledged the Planning Commission's time spent on working through the UDC update process. It is staff's hope to have just one major amendment to the UDC and work on small sections that need to be updated in the future.

Ms. Crow stated that more sections, including Section 4.0 - Office District and Section 4.5 – Transitional District are both forthcoming at a future meeting.

Mr. Little motioned to approve the current staff updates, allow staff to update the landscaping requirements and other minor changes, and recommend adoption to Governing Body, Mr. Berger seconded. The motion carried, 4-0.

Ms. Crow said the edits will be made and the Governing Body will receive copies to review at the June 13th meeting and the application will go before the City Council for approval at the June 27th meeting.

FUTURE MEETING

The next meeting is scheduled for July 9, 2019. Ms. Crow informed the Planning Commission that there will be an application before the Board of Zoning Appeals at 6:30 before the regular scheduled meeting. Mr. Berger stated that he will not be in attendance. Mr. Daley asked if a quorum will need to be present. Ms. Crow answered a quorum will be needed and staff will verify a quorum will be present beforehand.

ADJOURNMENT

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

The meeting adjourned at 7:35 p.m.

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Submitted by: Chris Clinton, Planning and Zoning Coordinator