

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
October 8, 2019

The Edgerton Planning Commission met in regular session with Vice Chair Tim Berger 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 Vice Chair Tim Berger, Commissioner Jeremy Little, and Commissioner Charlie Crooks. Chair John Daley and Commissioner Josh Beem were absent from the meeting. Also present were City Administrator Beth Linn, Mayor Donald Roberts, Development Services Director Katy Crow, and Planning and Zoning Coordinator Chris Clinton.

The Planning and Zoning Coordinator announced a quorum was present.

CONSENT AGENDA

MINUTES

The approval of the minutes from the Regular Session held on September 10, 2019 were considered.

REVISED FINAL SITE PLAN – APPLICATION FS2019-05

The approval of application FS2019-05, revisions to Final Site Plan FS2016-06, was considered.

EXTENSION OF FINAL SITE PLAN EXPIRATION DATE FOR FS2018-07

The approval of a request to extend the expiration date for Final Site Plan FS2018-07 was considered.

Mr. Little motioned to approve the items as presented in the Consent Agenda, Mr. Crooks seconded. The consent agenda was approved, 3-0.

NEW BUSINESS

PUBLIC HEARING – PRELIMINARY PLAT FOR LONE STAR DEVELOPMENT – APPLICATION PP2019-04

Vice Chair Berger stated the applicant has requested this application to be continued to the November 12, 2019 meeting. He stated the public hearing will be opened so members of the public that are present may address the proposed application.

Vice Chair Berger opened the public hearing.

Ms. Linn informed the public there is no representative from applicant present but all comments will be taken and added to the record.

Mr. Cliff Cole, 19911 Pepper Tree Road, came before the Planning Commission. He stated nobody wants this development to come but understands it will. He wants to make sure all the details are looked at. He believes the Planning Commission and City Council has held applicants accountable for

their developments. He is concerned about public safety with 100 or more trucks parking and stopping nearby. Mr. Cole expressed his concern about trash and other pollutants, and he wants to know how they will be handled. The odors that will come from this development are another concern of his. Mr. Cole stated the traffic along 199th Street is already a nuisance and he is concerned about adding more truck traffic. He said an independent traffic study should be conducted to ensure all travelers in the area are safe. Mr. Cole is extremely concerned about the lack of water detention shown on the Preliminary Plat. He explained the water that will run off this site is water that runs into a tributary that feeds Big Bull Creek and the drinking water that people in Edgerton use. He cautioned there is a lot of water that will go off this development due to the high amount of impervious surface. Mr. Cole stated the developers are not considering the effect of their actions has and will continue to have on the residence nearby. He stated he had to alert City Staff to the fact that a silt fence was not installed as the land was disturbed and soil run off had already affected the neighbors. Mr. Cole stated there are no buffers from the development to the residence and he does not want to look out at a hotel that is proposed per the Preliminary Plat. The residence has received no communication from the developers. Mr. Cole concluded by stating the residences were established before this development and he wants to make sure that the developers are held accountable.

Mr. Don Scaro, 19913 Pepper Tree Road, approach the Planning Commission. He stated he has lived in this area for 20 years, he hunts in Hillsdale, Kansas and has seen all the rapid changes. He said he too is concerned about the water runoff. He informed the Planning Commission that 5.4 million gallons of water is generated by 4 inches of rain and close to 11 million gallons of water makes an 8-inch rain. He is worried about all that water flooding Big Bull Creek. He explained a recent 7-inch rain flooded his neighbors' basement. He stated this rain with all the pollution will enter the drinking water and this needs to be studied very carefully.

Lonny Vlieger, 19910 Pepper Tree Road, spoke to the Planning Commission. He wants safety and protection of his and the neighbors' property rights. He understands this development can be a huge attraction for Edgerton, he asks that the residential area be protected even with the development coming in.

Ms. Jane Scaro, 19913 Pepper Tree Road, came before the Planning Commission. She stated she lives in a residential neighborhood that backs up commercial property. She is requesting a safe and good project even though this is not something the residents had hoped would ever happen. Ms. Scaro stated she is concerned about the diesel trucks idling. She wants idling restrictions to be put in place. She stated there are ways for truckers to plug in and run electricity which is cheaper for them to use. She is concerned about an access point onto 199th street.

Mr. Eric Kirkendall with CleanAirNow, approached the Planning Commission. He explained diesel exhaust is extremely toxic as 30 to 40 different enter the lungs. The toxins then enter the bloodstream and travel to the brain and cause strokes and cancers throughout the body. Diesel exhaust has been linked to many brain abnormalities and harms every organ in body. Mr. Kirkendall stated 1000 yards is the typical area that can be contaminated and the people living next to a truck stop could be exposed to high level that can affect an unborn and the elderly. He insisted on the strongest amount of pollution control the Planning Commission can put into place. He stated ways to control pollution can be units for trucker to plug into or air filters that can be used by the trucks. He supplied informational handouts to the Planning Commission.

There were no further comments.

Mr. Little motioned to continue the public hearing to the November 12, 2019 Planning Commission meeting. Mr. Crooks seconded the motion. The public hearing regarding Preliminary Plat Application PP2019-12 was continued to November 12, 2019, 3-0.

Ms. Linn stated that the applicants' proposed concept plan or layout has not been through any kind of review by the City.

Mr. Vlieger requested a timeframe for a final plat for this project. Ms. Linn replied this Preliminary Plat has been continued to November 12, 2019 and no final plat applications have been submitted. She demonstrated how to view the Planning Commission packet on the City's website.

TEMPORARY CONSTRUCTION USE FOR BATCH PLANT FOR INLAND PORT VII – APPLICATION TU2019-08

Vice Chair Berger introduced Application TU2019-08 as a temporary construction use to use the concrete batch plant for Inland Port (IP) VII. Ms. Crow stated the applicant is present and they foresee this project to be done in 6 months. Ms. Linn showed the proposed route highlighted on the screen. Ms. Crow stated all the roads proposed along the haul route are heavy haul roads. Ms. Linn corrected that, stating that 207th Street has not been designated as a heavy haul road by the Governing Body but has been designed to handle the capacity required. The question was raised on who maintains roads. Ms. Linn stated if there is any damage or debris in a public roadway then the applicant is responsible to correct the issue.

Mr. Crooks motioned to approve Application TU2019-08 with the following stipulations:

1. Temporary living quarters are not permitted on-site unless prior authorization has been provided by the Planning Commission;
2. All occupied buildings shall have access to potable water from an approved water source;
3. All signage shall be placed pursuant to applicable sign regulations for the City of Edgerton, including traffic control signage;
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. Contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or any other applicable chapter of City Code;
7. 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 in regard to the tracking of debris onto public streets. Applicant agrees to not trail concrete onto paved roadways used for haul route and will clean up any spillage due to the improper use/cleaning of equipment;
8. Any damage cause to any public infrastructure along the haul route due to concrete operations is the responsibility of the applicant to repair;
9. Dump trucks cannot be used to transport wet concrete and all possible precautions must be taken to ensure that concrete is not dribbled onto public roadways by mixer or agitator trucks;
10. No trucks of any kind, including delivery of materials, may use Waverly Road north of the site to travel to 199th Street.

11. On-site Stormwater Management Plan shall be approved by City prior to the disturbance of land;
12. 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;
13. Holding tanks shall be used in lieu of sanitary sewer service, and shall be permitted and inspected pursuant to the Johnson County Environmental Sanitary Code;
14. Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan;
15. Property owner and/or general contractors shall provide a Construction Management Plan to the City;
16. Applicant and any subcontractors agree to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable time period;
17. Hours of operation shall be limited to from 6:00 AM to 5:00 PM unless otherwise approved by staff for special weather dependent hours;
18. Applicant shall maintain a valid City of Edgerton Business License;
19. Upon removal of the batch plant when permit expires, the property must be restored to a planted condition and no debris, equipment, concrete, etc. may be left behind; and
20. Permission for temporary construction activities is granted for a period ending April 30, 2020 in conjunction with the expiration of the applicant's KDHE permit.

Mr. Little seconded to approve with stipulations. Temporary Construction Use TU2019-08 was approved with stipulations, 3-0.

TEMPORARY CONSTRUCTION USE REVISION FOR THE 207TH STREET EAST OF WAVERLY ROAD EXPANSION – APPLICATION TU2019-07

Vice Chair Berger introduced Application TU2019-07 as a revision for the expansion of 207th Street east of Waverly Road. Ms. Crow stated the applicant is present. She explained this revision is to revise the previously approved haul route for the 207th Street expansion east of Waverly Road. A different route needs to be utilized due to project constraints. Ms. Crow stated there are stipulations that Staff has indicated in the report. They are as followed:

1. Temporary living quarters are not permitted on-site unless prior authorization has been provided by the Planning Commission;
2. All occupied buildings shall have access to potable water from an approved water source;
3. All signage shall be placed pursuant to applicable sign regulations for the City of Edgerton, including traffic control signage;
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. Contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or any other applicable chapter of City Code;
7. 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 in regard to the tracking of debris onto public streets. Applicant agrees to not trail concrete onto paved roadways used for haul route and will clean up any spillage due to the improper use/cleaning of equipment;

8. Any damage cause to any City of Edgerton roadway due to concrete operations is the responsibility of the applicant to repair;
9. Only agitator and mixer trucks are allowed to be used for this project. Dump trucks will not be allowed to haul concrete;
10. The newly approved route may only be used for transporting concrete for Phase II of the 207th Street rebuild. This route is not approved for any other operations CSI may have;
11. No trucks of any kind, including delivery of materials, may use Waverly Road north of the site to travel to 199th Street.
12. On-site Stormwater Management Plan shall be approved by City prior to the disturbance of land;
13. 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;
14. Holding tanks shall be used in lieu of sanitary sewer service, and shall be permitted and inspected pursuant to the Johnson County Environmental Sanitary Code;
15. Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan;
16. Property owner and/or general contractors shall provide a Construction Management Plan to the City;
17. Applicant and any subcontractors agree to address any issues that affect off-site properties or public rights-of- way or easements in a reasonable time period;
18. Hours of operation shall be limited to from 6:00 AM to 5:00 PM unless otherwise approved by staff for special use weather dependent hours;
19. Applicant shall maintain a valid City of Edgerton Business License;
20. Upon removal of the batch plant when permit expires, the property must be restored to a planted condition and no debris, equipment, concrete, etc. may be left behind; and
21. Permission for temporary construction activities is granted for a period ending upon final acceptance of the 207th Street Phase II Project by the Edgerton City Council.

Ms. Crow stated the project will finish upon final acceptance of the road and she does not have a projected timeline at this time. She stated the applicant's KDHE permit expires in April of 2020 and if the project goes longer than that, then the applicant will have to come back to the Planning Commission.

Mr. Crooks motioned to approve Application TU2019-07 with stipulations, Mr. Little seconded. Temporary Construction Use TU2019-07 was approved, 3-0.

PUBLIC HEARING – UNIFIED DEVELOPMENT CODE AMENDMENTS – APPLICATION UDCA 2019-03

Vice Chair Berger introduced Application UDCA2019-03 as amendments to the Unified Development Code (UDC). Ms. Crow stated there are small updates to Article 10. The requirement of the applicant to provide an electronic copy of the legal description in the form of a Word Document was added. Ms. Crow stated City Staff could retype the legal description to send to the newspaper, but this could cause errors. The other update is to require all site plans to have landscape plans submitted and not just Final Site Plans. This will allow the public to view and comment on the landscaping during public hearings. Vice Chair Berger stated he agrees with these amendments.

Vice Chair Berger opened the public hearing.

No comments were raised.

Mr. Crooks motioned to close the public hearing, Mr. Little seconded. The public hearing was closed, 3-0.

Mr. Crooks motioned to recommend approval of the amendments to Article 10 to the Governing Body, Mr. Little seconded. The Planning Commission recommended approval of the amendments to Article 10 of the UDC, 3-0.

Ms. Crow stated the Planning Commission started discussion regarding residential zoning last month. City Staff received some feedback from a few of the commissioners. Vice Chair Berger stated he feels it is vital for residence to have their mail delivered to each house. He stated the Post Office told him it depends on mailbox locations and possible routes. Ms. Crow stated that any feedback from the Post Office will be needed to aid in this. Ms. Linn stated the City can assist with this, but she is not sure if UDC is the place for this issue. Vice Chair Berger said he has seen community boxes used in some areas, but he would rather each house have their own mailbox. Ms. Linn stated she is not sure if this is in other municipalities' codes, but staff will investigate it.

Vice Chair Berger opened the public hearing.

Nancy Kirk Matthew, local real estate agent, informed the Planning Commission that landscaping that is installed by the developers is a set amount for each property. She stated landscaping does help maintain the value of the subdivision. Ms. Kirk Matthew explained the houses may seem old, but the trees help keep the neighborhood looking nice. She also stated a buffer between the curb and sidewalk aids in that as well. Ms. Crow asked if Ms. Kirk Matthew is referring to street trees and a green space between the curb and sidewalk. Ms. Kirk Matthew replied that she is. Ms. Crow read what a street tree is defined as in the UDC amendment. Ms. Kirk Matthew stated requesting trees in the front yard is not the same as street trees. She recommends landscaping requirements for residential yards to be installed by the developers.

Ms. Crow stated City Staff has done research to find which trees are good for this area, and that is how the list was decided on in the UDC. She stated there is one development in Olathe, Kansas that has a certain kind of tree per each street. She asked the Planning Commission to consider all this information.

Vice Chair Berger stated he has seen similar situations that were described but doesn't want to be too stringent. He would like to have guidelines for developers to work within. Ms. Crow stated a development plan would outline all requirements. Ms. Linn stated that a large-scale development will be a Planned Unit Development (PUD). She explained a PUD allows a whole neighborhood to be approved and not just one plat. Typically, there will be a tradeoff such as smaller lots being allowed if the developer gives the City green space for a trail. Ms. Linn stated the Planning Commission needs to consider all the material that has been presented and they should think about what new neighboring houses should look like as this article will regulate that. She agrees that parameters should be set but cookie cutter homes should be allowed as well.

Ms. Crow stated the red print is all new code content and the amendments are only in A-G and R-1 zoning districts. She stated next month, the signage regulations and conditional uses will be brought forth within these sections. Ms. Linn recommended that this public hearing and topic be continued so

all the information can be absorbed and understood. This would also allow the Planning Commissioners to obtain feedback from their neighbors.

Mr. Little motioned to continue the public hearing regarding Article 3 of the UDC to November 12, 2019, Mr. Crooks seconded. The public hearing was continued, 3-0.

Mr. Crooks asked if the utilities will still be above ground. Ms. Linn replied the UDC already has the requirement for the extension of new utilities to be placed underground. She clarified if the utility is existing above ground, then it does not have to be placed underground.

FUTURE MEETING

The next meeting is scheduled for November 12, 2019 at 7:00 p.m.

ADJOURNMENT

Motion by Mr. Little, seconded by Mr. Crooks, to adjourn. Motion was approved, 3-0.

The meeting adjourned at 7:50 p.m.

Submitted by: Chris Clinton, Planning and Zoning Coordinator