

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
November 12, 2019

The Edgerton Planning Commission (the Commission) met in regular session with Chair John Daley calling the meeting to order at 7:21 p.m.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were Chair John Daley, Commissioner Jeremy Little, and Commissioner Charlie Crooks. Commissioner Josh Beem and Vice Chair Tim Berger were absent from the meeting. Also present were City Administrator Beth Linn, Mayor Donald Roberts, Development Services Director Katy Crow, City Attorney Lee Hendricks, 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 October 8, 2019 were considered.

REVISED FINAL SITE PLAN – APPLICATION FS2019-06

The approval of application FS2019-06, revisions to Final Site Plan FS2019-03, was considered.

Mr. Crooks motioned to approve the consent agenda, Mr. Little seconded the motion. The consent agenda was approved, 3-0.

OLD BUSINESS

PUBLIC HEARING – PRELIMINARY PLAT FOR LONE STAR DEVELOPMENT – APPLICATION PP2019-04 – CONTINUED FROM OCTOBER 8, 2019 PLANNING COMMISSION MEETING

Chair Daley introduced Application PP2019-04 as a Preliminary Plat for the Lone Star Development on the Southwest corner of 199th Street and Homestead Lane.

Mr. Doug Hutchinson, agent for applicant D&J Development, came before the Commission and stated they are looking to develop the parcel at that location. He stated there were a few bumps in the road that delayed the project. He explained the developer was negotiating with a client to construct multi-family housing that moved to another city and the client with the travel plaza has backed out. He stated the developer has been in talks with other clients and would like to move forward with the project and solve any issues that neighbors and City Staff might have with the project.

Ms. Katy Crow, Development Services Director, reviewed the Staff report, listing items which require corrections. In addition to a few typos on the plat, Ms. Crow pointed out the applicant will need to address the right-of-way width being dimensioned, the easements not having been shown and/or labeled properly, a Lot used for stormwater detention and conveyance must be labeled as a Tract, Lot

4 may not be viable once the floodway and floodplain is shown, and curve information needs to be provided on the street centerlines of all proposed streets.

She explained all public infrastructure plans need to be submitted and approved by the City Engineer and the right-of-way should be dedicated as 80 feet for a 2-lane roadway, 100 feet for a 3-lane roadway, and 60 feet off the section line for 199th Street. Additionally, the streets should not be aligned over the existing sanitary sewer. Ms. Crow informed the Commission the sanitary sewer does not extend to each proposed lot and connection of the service lines to the interceptor sewer will not be allowed, the stormwater collection system is not indicated on the plat, and the streets must have sidewalk on both sides. She explained there are discrepancies regarding the acreage between the application and the preliminary plat document. She explained the contours show a slope that exceeds the maximum allowed 3:1 slope and proposed retaining walls have not been indicated. While the contours appear to be incorrect in the creek area, they do not match the proposed improvements in Lot 4.

Ms. Crow said there are access restrictions along Homestead Lane imposed by Kansas Department of Transportation that needs to be shown on the plat and any restrictive covenants need to be listed as well. She explained all public and private easements that are to be dedicated need to be labeled properly, the floodplain and floodway need to be shown, along with information on how existing wetlands on the site will be handled. The City has established the location of the Homestead Lane interchange and that also needs to be corrected on the plat.

Mr. Lee Hendricks, City Attorney, presented two emails that were sent to Mayor Donald Roberts and Mr. Chris Clinton, Planning and Zoning Coordinator. He recommended the emails be attached to the minutes of the meeting. He stated Ms. Jane Scaro, 19913 Pepper Tree Road, addresses four matters: air quality, water retention, traffic safety, and area lighting. Those topics would be addressed at the Site Plan stage if this development continues to move forward. Mr. Hendricks explained the plat is for the division of the land only and not what is to be built there. He also explained the public hearing is a format for neighbors and citizens to voice their opinions and concerns regarding the project and not a back and forth discussion with the applicant.

Chairman Daley agreed the public hearing is best for comments and not necessarily time for a discussion. He reminded the public the application is for a Preliminary Plat to where the details that were brought up last meeting and in Ms. Scaro's letter will be worked out later on a Site Plan application. He stated the Commissioners will take notes on what is asked and said by neighbors to make sure answers are provided either on this application or future applications.

Mr. Lonny Vlieger, 19910 Pepper Tree Road, asked the Planning Commission, City Staff, and the applicant to consider adding a barrier wall along the property line that would allow for sound protection. He stated this would be a nice safety feature for the neighbors.

Mr. Cliff Cole, 19911 Pepper Tree Road, asked where the information is that is provided to the Planning Commission. Chairman Daley replied all the information is in the packets that are uploaded on the City's website. Mr. Cole asked if neighbors can be informed when new applications are submitted. Ms. Crow answered a public hearing will be required for a Site Plan and explained there will be notices sent to the newspaper and to neighboring properties. Mr. Cole asked if the Site Plan or other applications can be viewed before the meeting. Ms. Crow replied all the documents in the packet are available on

the website the Friday before the Planning Commission Meeting. Ms. Beth Linn, City Administrator, showed where to view the agenda and packet on the website.

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

Chairman Daley asked when a berm or sound barrier would be discussed. Ms. Crow replied the plat is about the division of land and the Site Plan would discuss those type of features.

Mr. Crooks inquired when street studies would be completed. Ms. Crow answered those would be done at the Site Plan phase as well.

Mr. Crooks motioned to approve Preliminary Plat Application PP2019-04 with the following stipulations:

1. All Preliminary Plat requirements of the City mentioned earlier shall be met or addressed,
2. All infrastructure requirements of the City shall be met,
3. All City Engineer Comments related to the Stormwater Management Plan must be addressed,
4. The Preliminary Plat shall be approved for a one-year period and shall be extended for an additional year upon the approval of a Final Plat for the same parcel of land or any part thereof. If a Final Plat is not approved for a portion or all of the land covered under the Preliminary Plat within one year, the Preliminary Plat shall be ruled null and void. The Planning Commission upon submittal and approval of a written request may grant a one-year extension on the approval of the Preliminary Plat.

Mr. Little seconded to approve Application PP2019-04 with stipulations. Preliminary Plat PP2019-04 was approved with stipulations, 3-0.

Chairman Daley informed the public what is being built, including building materials and appearance, will be considered during the Site Plan phase, as well as the concerns raised by neighboring property owners.

PUBLIC HEARING – UNIFIED DEVELOPMENT CODE AMENDMENTS – APPLICATION UDCA 2019-03 – CONTINUED FROM OCTOBER 8, 2019 PLANNING COMMISSION MEETING

Chairman Daley introduced Application UDCA2019-03 as amendments to the City of Edgerton Unified Development Code (UDC), Articles 3 and 10. Ms. Crow stated the amendments to Article 10 were recommended for approval to the Governing Body and Article 3 was provided to the Planning Commission for feedback last meeting and the discussion of the amendments will continue during this meeting.

Chairman Daley continued the public hearing. There were no comments made by the public.

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

Mr. Crooks asked if a lot width had been decided. Ms. Crow stated the current update requires a 70-foot lot width. She stated there would also be sidewalks on both sides of new streets to allow access to pedestrians. Ms. Crow explained City Staff discussed having a total side yard setback and allow

developers decide where the house lays on the plot. She gave the example of a total side yard setback of 18-feet and a developer could have it in the middle of the lot with 9 feet on each side or move the house over to have 5 feet on one side and 13 feet on the other. This would allow for more spacing between houses if it is consistent between lots.

Mr. Crooks inquired what the setback from the street would be and if that would set the driveway length. Ms. Crow answered the driveway length and house setback from the property would match. She noted that larger trucks and vehicles are prevalent in this area so a 35-foot setback might not be enough for 2 of those types of vehicles to be parked in the driveway and not block a portion of the sidewalk but it is enough for at least one large vehicle. Chairman Daley stated he believes 2 vehicles should be able to park in a driveway with minimal blockage of the sidewalk. He said he believes the garage should also count as a parking space. Mr. Crooks asked if the setback was from the back of the curb or the center line of the street. Ms. Crow answered it is from the property line which is typically a few feet from the back of curb. She explained that the property line varies from street to street as the right-of-way may differ between streets. Ms. Linn pulled up a map and showed the property line on a lot. It showed that the property line does not extend to the road as the rest of that lot is right-of-way. Mayor Roberts stated that the particular area being shown on the map is an older area of town where the lots are not uniform in size but there are newer developed areas of the City that do have uniformity in lot size. Mr. Hendricks pointed out that the sidewalk is typically located in the right-of-way, but it is still the property owner's responsibility to maintain the right-of-way.

Mr. Crooks asked if the front setback is then from that property line shown on the map. Ms. Crow stated that is correct. Ms. Crow asked if Mr. Little if his vehicles can be parked in his driveway without impeding pedestrians on the sidewalk. Ms. Linn showed Mr. Little's property on the map and measured the distance from the property line to the front face of the house on the lot. Ms. Crow stated is 40 feet from the property line. Mr. Little explained it is close, but his truck and trailer can fit in his driveway with minimal overhang into the sidewalk.

Mr. Crooks stated he thinks it is best to keep the streets free of cars parked so police and fire can easily get through the street. Mayor Roberts stated there is an area in town where the streets are not wide enough. Johnson County Fire District Number 1 Division Chief Jerry Holly stated the fire department needs 18 feet for a fire truck get through a street. Ms. Linn stated the minimum standard should be set then if a developer wants to go beyond that minimum, they can. Mr. Little did state he does block a good portion of the road if he parks his truck in the street and not in his driveway. Mayor Roberts stated a 28-foot back of curb to back of curb is a standard width for a residential street, which is what Mr. Little's street is. Ms. Linn stated that parking directly across from another car in the street is dangerous but requiring the street to be wider would just make the cost to the developer increase, and therefore increase the cost of the houses being built.

Mr. Crooks said he has heard complaints that the cost of a building permit is too high. Mayor Roberts replied they are within range of neighboring cities.

Mr. Crooks stated he is concerned about another development coming in a being similar to the neighborhood of West Martin Street and West McDonald Street with narrow lots and streets. Ms. Linn agreed with the lots and street widths are not up to the standards set forth in the UDC, but those standards were not in place when that development occurred. She stated the City has learned each development that has occurred will present new challenges and the City will learn how to deal with them when they arise. Mayor Roberts commented side yard setbacks would help alleviate many issues

that are found in that area of the City and allowing the developer to shift the house on the lot would be beneficial to the City and the developer. He stated City Council and Planning Commission did agree to require a driveway that fits 4 cars, with 2 being in the garage but people don't use their garages for the cars anymore and ultimately vehicles end up in the driveway or parked in the street.

Mr. Crooks asked if the minimums could be set and allow leeway in what is to be built. Ms. Linn stated that is correct and the developer will decide how to lay out the lots. She stated there is always the possibility of a Planned Unit Development (PUD) where an agreement could be met. An example of a PUD agreement would be for the City to allow for smaller lots, but the developer sets aside space for a City Park. Mayor Roberts agreed a developer could always make the lots larger than what is set by the UDC, but smaller lots would have to be in a PUD agreement.

Mr. Crooks asked the Commissioners if the front setback should be left at 35 feet or move back to 40 feet. Mr. Little stated it would allow for more room and increase the greenspace in front of the house. Mr. Crooks commented the increased front setback would also allow more room for cars to be off the streets and clear of the sidewalk. Ms. Crow cautioned there would be the added cost of more concrete for the driveway. Mayor Roberts also informed the Commission of the added cost for waterline, sewer line, electrical and other utilities as the connection to the house would be move back 5 more feet. Mr. Little wondered if these added costs would really dissuade a serious developer. Mayor Roberts asked each Commissioner what they would like to see the front setback at. Mr. Crooks answered 40 feet. Mr. Little answered 40 feet as well. Chairman Daley stated 35 feet. After a brief discussion, the Planning Commission reached a consensus that a 40-foot front yard setback would be best.

Mayor Roberts pointed out another factor that makes a huge difference in appearance is the addition of street trees. Ms. Crow said requiring trees in the yard is another aspect to consider. Mayor Roberts agreed and stated developments with street trees won't necessarily have other trees in the yard but developments without street trees will have yard trees. Ms. Crow stated the updated article does have requirements regarding street trees and how they should be spaced and maintained. She asked if the width of the greenspace between back of the curb to the sidewalk needs to be increased. Ms. Linn answered it is measured from the end of the right-of-way, not the back of curb, and this space is adequate and is vital as it is where snow is piled up once plowed and there must be enough space for turf to take root.

Ms. Linn stated it is best to set minimum standards and design guidelines that outline different elements that can be added to make the houses look different. She clarified the City does not want to dictate what the house looks like and allow variety. This is to prevent the City being filled with houses that all look the same. She stated City Staff still needs to research building materials but elements such as front porches and the placement of the garage can be changed to add character to each house. She reassured the Commissioners that decisions on these topics don't need to be made tonight, as there is still a lot of work still to be done in this article. Ms. Linn asked if the Planning Commission would allow City Staff to continue to investigate different codes and ideas to allow variety in homes. Mr. Crooks answered it is best to have variety in styles of houses and not to have cookie-cutter homes. The Planning Commission agreed to allow City Staff to continue their research.

Ms. Linn said there is new language that discusses connecting to streets and fencing materials. Mr. Crooks commented that driveway approaches are a big benefit as well. He also said that a third car driveway could be utilized. Ms. Linn explained there should be a limit of the width of the driveway at the right-of-way line, but the developer could add a wing out to a third car garage to the driveway.

Mayor Roberts stated it is a rarity to allow a 30-foot drive access at the street. Mr. Crooks thinks it would be best to leave the width of the whole driveway up to the developer. Mayor Roberts replied if there is a waterline break under the approach, the City replaces the approach if they have to dig under it. Ms. Linn also pointed out the approaches are replaced by the City during street reconstruction, so the width does matter to the City in terms of cost.

Chairman Daley said he is concerned about the UDC being too stringent and limiting and the amount of regulations that are being placed are too high. He has helped build new houses that this updated UDC would not allow. Mayor Roberts asked him to consider the price point of those houses. Chairman Daley requested the average price of new homes in other cities that are building many houses. Ms. Crow stated City Staff will work on comprising a list for the Planning Commission to review. Mayor Roberts mentioned the price of the land must be right for development to occur and the cheaper land will require infrastructure to be built out to it, which costs.

Ms. Linn informed the Commission the area of West Martin Street and West McDonald Street has a lot width of 60 feet and a 30-foot front setback. She wants the Commissioner to use this as an example for visualization of the size of the lots. She is a firm believer in the idea of allowing the developer to add diversity in the style of houses, but she understands that others may have a differing opinion.

Ms. Crow said fence material was discussed in September but needs to be reviewed as well. Mr. Crooks questioned why chain link isn't allowed to be utilized as fencing material. Ms. Crow answered chain link can be used for a fence in the rear, but not in the front or on corner lot side yards. Mr. Crooks asked why chain link isn't allowed in the front yard. Ms. Crow replied it is for aesthetics purposes to not allow chain link in a front yard and it is not very common in newly developed areas. Mr. Crooks stated it is possible for chain link to comeback in popularity and the black vinyl coated chain link in Logistics Park Kansas City looks nice. Mayor Roberts replied while it does look nice it is expensive and not commonly used in residential areas. He also pointed out the fact that if somebody needs to do something that is not in agreement with the UDC, they can apply for a variance. Mr. Crooks stated he does not want any fence in the front yard. Ms. Linn clarified the UDC would need to state that the fence must be on private property and can't be in the right-of-way. Mayor Roberts stated that wrought iron fences look good in front yards but there is a safety issue with some styles as there are styles of wrought iron that have tops that could impale somebody falling onto them.

Ms. Crow wants the Planning Commission to read the article presented carefully and come back to City Staff with thoughts and ideas. Mayor Roberts agreed the Planning Commission needs to consider these items carefully. He explained there are two trains of thoughts with Development Codes. There are no requirements or there are many. Developers want consistency throughout the development, and they do not want another builder coming in and constructing a completely different house next to theirs. There can be variations, but nothing drastic.

Ms. Crow told the Planning Commission City Staff will review what has been discussed and present a new update in January as there is a lot of things for both the Commissioners and City Staff to consider.

NEW BUSINESS

PUBLIC HEARING – UNIFIED DEVELOPMENT CODE AMENDMENTS – APPLICATION UDCA2019-04

Chairman Daley introduced Application UDCA2019-04 as amendments to Articles 7 and 12 of the Edgerton Unified Development Code.

Chairman Daley opened the public hearing.

Ms. Crow explained the sections of these articles are regarding the signage and conditional uses for the residential zoning district that is being amended by Application UDCA2019-03. She recommended that the Planning Commission close this public hearing, and another can be held once Application UDCA2019-03 is approved.

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

FUTURE MEETING

The next meeting is scheduled for December 10, 2019 at 7:00 p.m.

ADJOURNMENT

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

The meeting adjourned at 8:58 p.m.

Submitted by: Chris Clinton, Planning and Zoning Coordinator

Chris Clinton

From: Jane Scaro <janescaro@yahoo.com>
Sent: Thursday, November 07, 2019 2:42 PM
To: Donald Roberts; Chris Clinton
Subject: Truck Plaza Projects at Homestead Lane and 199th Street

My name is Jane Scaro, I live at 19913 Pepper Tree Road, Edgerton, Kansas. I'm addressing the Mayor, the City Council and the City Planning Commission with my concerns regarding the proposed development around the Homestead Lane and 199th Street area. Please include this letter in the public comments of your next meetings.

Air Quality

Please consider restricting the amount of time trucks and buses may idle their engines while inside Edgerton city limits. The Kansas City, Missouri area (including Clay, Platte and Jackson counties) limits idling to no more than 5 minutes in any 60 minute time period.

Long-duration idling is costly to the driver, the fleet owner and the environment. Idle reduction technology (IRT) exists that allows long-haul drivers to remain comfortable in their vehicles while resting. These IRT devices allow engine operators to reduce long-duration idling of the main propulsion engine by using an alternative energy source. An IRT device may be installed on the vehicle or at a specific location, reduces main engine idling and/or provides services (heating, A/C and electricity) that would otherwise require the operation of the main drive engine while the vehicle is temporarily parked or remains stationary. There are five types of IRT's the EPA has found to reduce emissions on long-haul trucks:

1. Auxiliary Power Units and Generator Sets
2. Fuel Operated Heaters and Direct Fired Heaters
3. Battery Air Conditioning Systems
4. Thermal Storage Systems
5. Electrified Parking Spaces or Truck Stop Electrification

Water Retention

Please ensure the water retention basins, screening ponds and berms are designed to prevent an increase in water run-off to adjacent land. The addition of paved areas leads to more water run-off from rain fall. A four inch rain on fifty acres drops 5.4 million gallons of water. In recent years it's not unusual to have several six to eight inch rain falls in the spring and in the fall leading to the flooding of the creek to the west of Homestead Lane.

Traffic Safety

Please eliminate the proposed access points (drive ways) to 199th Street. Access points from either truck plaza directly on to 199th Street are far too close to the existing intersection of Homestead Lane and 199th Street (which is stop-light controlled) to be safe. The KDOT traffic study is projected to give both truck plazas full access to Homestead Lane for traffic coming from the north or the south. The addition of the left and right turning lanes from Homestead Lane provide the necessary safe access points to the new truck plazas.

Area Lighting

Please allow only down lighted street lights with low intensity that provide enough lighting for safety and do not unnecessarily light up the neighboring homes.

Thank you for your time and consideration of my comments which apply to the Lone Star project and On The Go Travel Center.

Sincerely,

Jane Scaro

Chris Clinton

From: Eric Kirkendall <kirkendall1@gmail.com>
Sent: Monday, November 11, 2019 4:46 PM
To: Donald Roberts; Chris Clinton
Cc: Don Scaro; To: Matt Nichols; Amber Nichols; Don Scaro (dscaro@benefitsdesigngrp.cc); 'janescaro@yahoo.com'; Steve Holtgraver; Pamela Sanders (pcoukoulis1@embarqmail.com); TOM KREISER (jhawkgrad@embarqmail.com); Mike Hume (MDHUME@EMBARQMAIL.COM); Lonny Vlieger (lonny.vlieger@sial.com); Jenny Vlieger; marshall WOLF (marshallwolfe@embarqmail.com); Judy Wolfe (judywolfe@embarqmail.com); Cliff Cole; Colleen Cole
Subject: Diesel exhaust and health effects of the proposed truck stop near residents

Hi Don and Chris,

I used to live just outside of Gardner, and know Don and Jane Scaro. I care about their health, so encourage you not to allow construction of a truck stop so near their home and others.

My understanding is that the property line of this truck stop would be 50 feet from a nearby resident's front door, and that, frankly, is unthinkable. Some reputable truck stop operators (e.g., Love Travel Stops) will not build within 500 feet of a residential area, which is still an unhealthy distance.

Diesel exhaust is a known carcinogen, and exposure can also cause cardiovascular and respiratory problems. Traffic pollution, including diesel exhaust, has been linked to many other health problems, including low birth weight and a wide variety of neurological problems in children and adults, including dementia.

Here are a few articles with more information:

[Living Near Highways and Air Pollution](#), American Lung Association

[Neighbors concerned about effects of new truck stop](#), Dayton Daily News

[More Evidence Links Air Pollution to Dementia](#), Medscape

[Dementia Risk Rises With Proximity to Major Roads](#), Medscape

[Diesel exhaust may raise risk of neurological disease](#), Medical News

[How diesel fumes could cause 'flare up' of respiratory symptoms](#), Science Daily

Traffic air pollution has the most pronounced health effects on those who live within 300 yards of a roadway or polluting facility (e.g., a truck stop) so I encourage you NOT to approve a truck stop within 300 yards of residential areas.

One other factor you should consider is how much it will change the character of Edgerton and the cost of policing. As reported in the [Dayton Daily News](#), concerning one truck stop:

“...police had received more than 2,400 complaints to the truck stop, including almost 600 complaints of prostitution and more than 400 complaints of “serious crimes” including thefts, drugs and criminal damaging since the truck stop opened in 1999.”

Regards,

Eric Kirkendall
CleanAirNow
785-550-3408