

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
June 9, 2020

The Edgerton Planning Commission met in regular session with Chair John Daley calling the meeting to order at 7:01 PM.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were Commissioner Jeremy Little, Commissioner Deb Lebakken, Commissioner Charlie Crooks and Chair John Daley. Absent from the meeting was Commissioner Tim Berger. Also present were City Administrator Beth Linn, Mayor Donald Roberts, Development Services Director Katy Crow, and Planning and Zoning Coordinator/City Clerk Chris Clinton.

The Planning and Zoning Coordinator/City Clerk announced a quorum was present.

CONSENT AGENDA

MINUTES

The approval of the minutes from the Regular Session held on April 14, 2020 were considered.

Commissioner Lebakken motioned to approve the consent agenda; Commissioner Little seconded the motion. The consent agenda was approved, 4-0.

NEW BUSINESS

ELECTION OF PLANNING COMMISSION OFFICERS

Chairman Daley stated pursuant to the Bylaws of the Planning Commission outlined in the Unified Development Code (UDC) the annual meeting in June of each year, the Planning Commission Chair, Vice Chair and Secretary elections are to be held. Ms. Katy Crow, Development Services Director, stated Chairman Daley is the sitting Chair, Commissioner Berger is the sitting Vice Chair, and Commissioner Little is the sitting Secretary. Commissioner Little stated he is happy to maintain his position as the Secretary. Commissioner Lebakken nominated Commissioner Berger to maintain his seat as the Vice Chair. Chairman Daley said he can maintain his seat as the Chair. Commissioner Crooks motioned to keep the positions the same as stated, Commissioner Lebakken seconded the motion. The motion to retain the current Planning Commission Officers passed 4-0.

Commissioner Little inquired if it would have been a conflict of interest for him to have made the motion to approve the Officer positions since he was listed on the ballot. Mayor Roberts answered state statutes dictates a conflict of interest is present if there is monetary gain for the individual.

PUBLIC HEARING – PRELIMINARY PLAT FOR DELONG TRUCKING – APPLICATION PP2020-01

Chairman Daley opened the Public Hearing. Ms. Crow informed the Planning Commission (the Commission) a public hearing is needed for a preliminary plat application to obtain any public comment regarding the division or joining of land. She said the DeLong Company is wanting to expand their

operations to the east. In order to do this, the parcels have to be platted. The property was originally part of a lot split. The DeLong Company is platting both parcels that they currently own. Ms. Crow stated the City is listed as the owner of the property due to a state statute that had this requirement when DeLong was first established in 2013. A special comment is included on the plat stating this and the City will sign the plat.

Ms. Crow stated there are some City Staff comments that need to be corrected on the preliminary plat. There is an existing sanitary sewer easement in the northeast corner that the book and page number will need to be added. There are no restrictive covenants are proposed for this plat. Ms. Crow stated Mr. Caleb Flake, McClure Engineering, Ms. Perla Diosdado, McClure Engineering, and Mr. Sam Hanni, DeLong Company, are present and available for questions. Mr. Hanni introduced himself and thanked the Commission for hearing their project this evening. He stated the DeLong Company wants to combine the properties, one that currently houses their operations, and the other that was purchased in 2017 or 2018. Mr. Flake stated he has seen the comments and agrees to them.

Commissioner Lebakken motioned to close the Public Hearing, Mr. Little seconded the motion. The Public Hearing was closed, 4-0.

Commissioner Lebakken motioned to approve Application PP2020-01 Preliminary Plat for DeLong Trucking to the following stipulations:

1. All Preliminary Plat requirements of the City listed above shall be met.
2. All infrastructure requirements of the City shall be met.
3. All City Engineer comments related to Stormwater Management Plan must be addressed.
4. 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 nay party 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.

Commissioner Crooks seconded the motion to approve. Application PP2020-01 was approved with the stipulations, 4-0.

FINAL PLAT FOR DELONG TRUCKING – APPLICATION FP2020-01

Ms. Crow stated this Final Plat is regarding the same parcels as the Preliminary Plat just heard by the Commission. She stated City Staff does have some comments that need to be addressed. After the Plat has been recorded with Johnson County Records and Tax Administration, confirmation of the monuments will be needed, and the book and page will be added at that time. There is a signature line missing from the Plat that needs to be included. The book and page need to be added for the existing sanitary sewer easement as well. Ms. Crow stated the applicant will have the Final Plat signed and sealed upon approval of all governmental bodies. Ms. Crow said this Plat will go before the Governing Body at the June 25, 2020 meeting.

Chairman Daley reminded the Commission the Plat is for the division of land and not what is could be built on the land. Commissioner Little motioned to approve Application FP2020-01 Final Plat for DeLong Trucking with the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat and the submittal to and approval of construction plans for all streets, sidewalks, stormwater sewers, sanitary sewers, and water mains contained within the Final Plat by the Governing Body. The property owner and/or developer shall work with City Staff to determine the best possible placement for a stormwater easement and shall dedicate said stormwater easement on the Final Plat.
2. A Public Improvement Inspection Fee, established by the Fee Schedule for the UDC, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
3. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the UDC, including payment of excise tax.
4. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the UDC.
5. All City Engineer comments related to the Stormwater Management Plan, provided to the applicant, must be addressed.
6. All Final Plat requirements of the City listed in the Staff Report shall be met or addressed prior to recording of the Plat.
7. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the Plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plats.

Commissioner Lebakken seconded the motion for approval. Application FP2020-01 was approved, 4-0.

PUBLIC HEARING – FINAL SITE PLAN FOR DELONG TRUCKING – APPLICATION FS2020-04

Chairman Daley opened the Public Hearing. Ms. Crow stated this Final Site Plan is to expand the current DeLong Company operations to the east onto a currently vacant parcel. The existing operations were approved by the Planning Commission on February 12, 2013 as Final Site Plan S-23-21-12. The Preliminary and Final Plats that were presented to the Planning Commission during this meeting include the parcel that the expansion will be on.

Ms. Crow explained the landscaping on the current operation is heavier due to the metal buildings. She explained the landscaping is used to screen the chassis of the trailer. The landscaping proposed on the expansion does meet the requirements for the Logistics Park district that City Staff used for the basis of the review as the project is near Logistics Park Kansas City (LPKC). City Staff recommends the proposed shrubbery be more spread out along the south property line and to relocate the northern most cluster of shrubs along the west property line to the south property line to better screen the chassis along West 191st Street. She stated the size requirement will also need to be met as the proposed tree and plant sizes listed on the landscape plan do not meet the requirements in the UDC. Ms. Crow informed the Commission the berm along West 191st Street does not fully extend the length between the access points due to a fire hydrant that the applicant does not want to disturb. There is also a water easement in the location of the berm. Ms. Crow said the applicant needs to meet with Water 7 regarding landscaping in the easement. Should it be determined that the plantings may not be in the easement or the berm height is not acceptable to Water 7, the applicant will need to shift everything north to stay out of the easement. This may result in the applicant having to change their striping as shown on the proposed site plan.

Ms. Crow said the City Engineer is requesting some additional information regarding the curbing and curb cuts along the first phase as it cannot be determined if the stormwater drainage will impact the neighboring property or not. She also outlined some further comments regarding the stormwater report provided by the City Engineer. Mr. Flake stated he understand what the City Engineer is requesting. There is an existing access point along West 191st Street that will be made into an exit only once the eastern access point is constructed. The eastern access point will be constructed in an access easement that was approved by previous property owners.

Ms. Crow explained the applicant has proposed luminary fixtures sixty (60) feet in height and the UDC allows a maximum height of twenty-five (25) feet. Per the submitted photometric plan, there are also foot candle readings that exceed the maximum allowed per the UDC at the parcel lines. The applicant has indicated they will be applying for a variance from this section of the UDC. Ms. Crow stated if the variance is not approved by the Board of Zoning Appeals (BZA), then the requirements set forth in the UDC must be adhered to and the final site plan will need to be revised. The final comment City Staff had regarding this Final Site Plan is the infrastructure improvements on West 191st Street are governed by the tri-party agreement with the City, Burlington Northern Santa Fe (BNSF) Railway and Edgerton Land Holding Company along with the DeLong Company's Development Agreement.

Mr. Hanni stated a traffic flow was provided to give the Commission an idea of what traffic could look like during the harvest season, which is when the facility is at its busiest. He explained grain trucks would enter from the eastern most entrance. The trucks would then queue in the expanded operations area (eastern parcel). Trucks would then enter the current operations to get weighed and emptied. After the trucks are empty, they will exit either on Intermodal Parkway or the exit only access point (western most drive) on to West 191st Street. Mr. Hanni stated during the harvest season, the 150 parking spots in the first phase of the expansion, will be full of grain trucks. Until that time, DeLong Company allows other companies to rent a parking stall and park cargo containers on chassis. If the expansion continues to phase two, then an additional 300 spots would be constructed.

Ms. Crow inquired if all of the cargo containers will be on chassis. Mr. Hanni answered they would be and asked what would be required to allow the containers to be stored on the ground. Ms. Crow replied a Conditional Use Permit would be required and it comes with additional stipulations. Commissioner Crooks asked how long trucks might be sitting in the parking lot. Mr. Hanni answered another DeLong facility in Illinois rents the spots on a monthly basis for their neighboring warehouses. Commissioner Crooks asked if broken down trucks or trailers would be parked on the lot. Mr. Hanni said BNSF gives the owner of the cargo container a short amount of time for the container to be removed before they charge for storage and the expansion lot would act as a staging area for the warehouses in LPKC. He stated they cargo containers usually rotate every one or two days. Chairman Daley inquired if the cargo containers would be stacked on top of one another. Mr. Hanni replied they would not be.

Ms. Beth Linn, City Administrator, said these operations is a good use for other tenants in LPKC as it allows the trailer to be filled before it is sent elsewhere. She stated during the harvest season, the DeLong facility is busy, and the area would be used solely by DeLong. Mr. Hanni agreed and said the containers are all coming into LPKC anyway and it is a huge service for their neighbors and a great way to save some funds as they do not charge as much as BNSF for storage. Ms. Linn stated it is important for this lot to be an accessory use to the current use. Commissioner Lebakken asked if there would be tractors parked as well. Mr. Hanni answered there might be a few, but it will not be like a truck stop and there will not be any drivers sleeping in cabs.

Chairman Daley stated no line of sight drawings were provided. Ms. Crow stated that is correct, but the site will have a berm with landscaping so only the top of cargo containers will be seen. Mayor Roberts said line of sight drawings are typically provided when there are nearby residences, which this project does not have any. Commissioner Crooks asked when the lighting situation will be addressed. Ms. Crow stated the BZA will meet and hold a public hearing on July 14, 2020. Ms. Linn stated the stipulation of the Staff Report that if the variance is not granted, then the requirements in the UDC will need to be met. Chairman Daley inquired if parking stalls would be lost due to realignment with the water easement. Ms. Crow answered some parking stalls could be lost if a realignment to keep the fifteen-foot easement clear of landscaping was necessary. Ms. Linn said this situation has happened before with projects when the applicant did not realize the berm was over the water easement and changes had to be made quickly. Ms. Crow stated Water 7 does not typically allow plantings in their easements to protect their infrastructure.

Mr. Flake thanked the Commission and City Staff for their assistance and time on the project. He stated the engineering team is working through the comments and making sure Edgerton gets a good project and product. Mr. Hanni stated DeLong is doing project across the nation and this has been the best place to work with. Mayor Roberts said the DeLong Company is a huge asset to LPKC and they are part of the Edgerton community. DeLong has helped fund Frontier Days and the Mayor's Christmas Tree Fund as well. Commissioner Crooks motioned to close the Public Hearing; Commissioner Little seconded the motion. The Public Hearing was closed, 4-0.

Chairman Daley asked if more lights would be needed if the variance is not approved. Ms. Linn stated that may have to occur. Mr. Flake asked if he could address the Commission regarding the lighting variance. Mayor Roberts said there is a member of the BZA missing so it would be best to wait until the BZA meeting to discuss the lighting situation any further. Chairman Daley said his concerns about stormwater drainage are addressed by the City Engineer.

Commissioner Lebakken motioned to approve Application FS2020-04 Final Site Plan for DeLong Trucking with the following stipulations:

1. The City Staff recommendations and comments noted related to the screening discussed in the Staff Report are included as stipulations as part of approval of the Final Site Plan.
2. Applicant/Owner Obligation. The Site Plan, scale map of proposed buildings, structures, parking areas, easements, roads and other City requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations in the Site Plan instrument.
3. The owner, prior to the issuance of any development permit, shall sign all Site Plans and submit full size renderings to the City for any sheets which have been revised by this application FS2020-04. A Final Site Plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein and be signed by the owner.
4. All landscaping, on both the initial development site and the expansion site, is to be planted to the plan approved by the Planning Commission and maintained. This includes the replacement of any trees and shrubs that die.

Commissioner Little seconded the motion. Application FS2020-04 was approved with the stipulations, 4-0.

FUTURE MEETING

The Board of Zoning Appeals will meet on July 14, 2020 at 6:30 PM. The next Planning Commission meeting is scheduled for July 14, 2020 at 7:00 PM.

ADJOURNMENT

Motion by Commissioner Little to adjourn the meeting, Commissioner Crooks seconded. Motion was approved, 4-0. The meeting was adjourned at 7:41 PM.

Submitted by Chris Clinton, Planning and Zoning Coordinator/City Clerk