

**EDGERTON CITY HALL
PLANNING COMMISSION MEETING
November 9, 2021**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on November 9, 2021. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	present
Charlie Crooks	present
Tim Berger	absent
Deb Lebakken	present
John Daley	present

With a quorum present, the meeting commenced.

Staff in attendance: Katy Crow, Development Services Director
Chris Clinton, Planning and Zoning Coordinator

2. WELCOME Chairperson Daley welcomed all in attendance to the meeting.

3. PLEDGE OF ALLEGIANCE All present participated in the Pledge of Allegiance.

CONSENT AGENDA

4. Approve Minutes from the September 14, 2021 Planning Commission Meeting.

Commissioner Crooks moved to approve the consent agenda. Commissioner Lebakken seconded the motion. The consent agenda was approved, 4-0.

REGULAR AGENDA

5. DECLARATION

The Commissioners did not have anything to declare at this time.

BUSINESS REQUIRING ACTION

NEW BUSINESS

6. HOLD A PUBLIC HEARING TO CONSIDER APPLICATION PP2021-03 FOR A PRELIMINARY PLAT FOR EDGERTON CROSSING LOCATED AT THE SOUTHWEST CORNER OF 199TH STREET AND HOMESTEAD LANE

Chairperson Daley explained public comment is only allowed during the public hearing. Once the hearing has been closed, the time for comment has passed and no further comments from the audience will be taken. He stated each individual is limited to three (3) minutes.

Chairperson Daley opened the public hearing. He requested City Staff present their findings.

Ms. Katy Crow, Development Services Director, spoke before the Commission. She stated this application is for a Preliminary Plat for a parcel of land located at the southwest corner of 199th Street and Homestead Lane. She said that this is the next step in the development process. This application is just strictly about the preliminary division of the land. This does not include any vertical construction. The owner of the property is the applicant as well, Mr. Shannon McMurdo of Woodstone Properties, LLC. She added the parcel is located within the Bull Creek watershed and was annexed into the City on February 24, 2011. The utility providers are the standard providers for Edgerton.

Ms. Crow explained the parcel was rezoned from Johnson County Rural, RUR, to City of Edgerton, C-2, Heavy Service Commercial on July 14, 2011. The parcel had a previously approved Preliminary Plat Application, PP2019-04, which was approved by the Commission on October 8, 2019. However, Preliminary Play PP2019-04 has expired as a Final Plat application was never approved for any portion of the land covered in Preliminary Plat PP2019-04.

Ms. Crow stated the applicant has proposed diving the parcel into nine (9) lots and two (2) tracts which will connected through the construction of 3 internal roadways. The Preliminary Plat is being requested in preparation for commercial development which would serve the residents of Edgerton, the patrons, and employees of Logistics Park Kansas City (LPKC), and travelers along the I-35 corridor. She said access to the site is from Homestead Lane via a full access intersection at 200th Street. The applicant has also proposed full access to the development from 199th Street using proposed Street C. Access further south into the development would be from proposed Street A. She said the names of the streets will be done by Johnson County if and when the project gets to that point.

Ms. Crow said the application was submitted to the City on September 21, 2021 and public hearing notices were mailed and published in the City newspaper on October 20, 2021 with the letters going to thirty-four (34) properties.

Ms. Crow informed the Commission that City Staff has reviewed the Preliminary Plat submittal for compliance with the requirements in Section 13.3 of Article 13 of the Edgerton Unified Development Code (UDC). The following items were noted:

- Tracts A and B need labels to designate what the tracts will be used for.
- The width of the right-of-way will be reviewed with public improvement plans as additional right-of-way or pedestrian easement width may be needed for Street B for sidewalk construction.
- All comments regarding the stormwater study need to be addressed.
- The access points to the truck stop need to be labeled as the actual widths may not exceed City standards.
- The applicant will need to confirm with Water 7 that a dedicated water easement is not needed for their water line.
- Regardless of what the posted speed is, the design speed of the roads needs to be thirty-five (35) miles per hour (MPH).
- 200th Street will need to accommodate two lanes in from northbound Homestead Lane.

- Public Utilities will be reviewed in detail in public improvement plans.
- The applicant has acknowledged the requirement of listing any restrictive covenants on the Final Plat.
- The existing floodplain and floodway boundaries along with base flood elevations need to be shown.
- The City is currently reviewing the Traffic Impact Study. Any comments that arise from that review will also need to be resolved.

Ms. Crow stated the applicant is subject to all applicable City codes, whether specifically stated in this report or not, including, but not limited to, Zoning, Buildings and Constructions, Subdivisions, and Sign Code. The applicant is also subject to all applicable local, State, and Federal laws. Various permits may be required in order to complete this project. She requested the applicant contact the Building Codes Division of the Community Development Department for more information about City permits. The project may also be subject to obtaining permits and/or approvals from other local, State, or Federal agencies.

Ms. Crow said City Staff recommends approval of Preliminary Plat Application PP2021-03 for Edgerton Crossing, subject to the following stipulations:

1. All Preliminary Plat requirements of the City stated earlier shall be met or addressed.
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 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.

Chairperson Daley inquired if the applicant had anything to add.

Mr. Shannon McMurdo, Woodstone Properties, LLC, said he would be happy to answer any questions.

Chairperson Daley said the Commission will now accept public comment.

Chairperson Daley stated that members of the public who have signed up to speak where asked to sign in and provide their name and address for the record. Chairperson Daley reminded the audience that each speaker is allotted 3 minutes of speaking time.

Mr. Tim Gates, 9312 W 83rd Terrace, Overland Park, Kansas 66212, approached the Commission. He stated he represented the previous owners of the property and aided in getting this parcel rezoned to C-2. When that occurred, there was an agreement to construct access to the property to the south owned by the Alsup family. They have not had any communication with the property owner until this evening and the Johnson County mapping system online, AIMS, indicated the ownership of the parcel has not changed. Mr. Gates stated he believes there is a narrow point for access for the southern property and the road cannot alter a whole lot from what the Preliminary Plat shows.

He stated the Alsups want the right-of-way dedicated to them or the City so a road can be built to City standards and it should include specifications for access to the Alsup property to the south of the subject parcel. He said they will contact Water 7 regarding any additional easements needed along this road as well.

Ms. Crow stated the reason why it is not updated in AIMS is because the County does pause updates to AIMS for three months while work on tax bills is completed. The City has received a warranty deed showing Woodstone Properties as the property owner. She also said the road is to be designed at 35 MPH, but the posted speed will most likely be 25 MPH.

Mr. Lonny Vlieger, 19910 Pepper Tree Lane, spoke before the Commission. He said he is speaking for himself and for his neighbors. They have met with the Johnson County Sheriff, and they will be starting a neighborhood watch program. There was already an armed robbery at the current truck stop and they want to be able to protect their property. He said what and how the City of Edgerton has done development to this point has been nice and his neighbors would like to see the development progress in the same way. They would like a fence between development and their properties. He said a sound barrier would be nicer than a fence, but any unclimbable fence would suffice for the neighborhood.

Mr. Cliff Cole, 19911 Pepper Tree Lane, addressed the Commission. He stated he and his neighbors know development is coming to the parcel, but they want to make sure it is safe. He said his home affected the most as it is the closest to the site. Mr. Cole said he was able to have a productive conversation with Mr. McMurdo. He stated when the site was being considered for rezoning, Paul Greeley, the Deputy Director of Planning and Zoning for Johnson County stated the site is more compatible with mixed uses. They were told then that development is best to occur within a City. The rezoning ordinance did require a 200-foot setback from his house. He explained the setbacks were put in place to protect his home. He has discussed trees and fencing to protect his property with Mr. McMurdo. Mr. Cole said they are trying to sell their house, but the potential buyer backed out because they don't want to look at a hotel. Mr. Cole stated he was told by the developer that there will be landscaping and screening put in place so that Mr. Cole is not looking at the development. He wants the fence as well and it needs to be addressed as the project moves forward.

Mr. Michael Hume, 19903 Pepper Tree Lane, spoke before the Commission. He said the previous speakers have addressed his main concerns but wants somebody to be careful with the water. He and his neighbors have had flooding from other projects in the area. He has had issues with his bridge washing out during big rains. Mr. Hume also stated having a full access point at 199th Street could be dangerous. He requested the Commissioners stand on his property and listen to the noise the trucks that pass by make. He has owned his property for fifteen (15) to sixteen (16) years and now there is flooding due to the development in the area. His neighbor had his pond wall washed out. Mr. Hume reiterated that the turn in between the corner and the bridge along 199th Street is concerning. He would like to see people go in and out off of Homestead Lane only. The residences were promised a right in and right out only there at Homestead Lane and that has changed. He requested the Commissioners take a minute to consider those who bought houses in this area.

Ms. Jane Scaro, 19913 Pepper Tree Lane, addressed the Commission. She said she too has some of the same concerns. She stated the addition of paved areas has led to more water run-off from

rainfall. She explained a four (4) inch rainfall on fifty (50) acres drops 5.4 million gallons of water. In recent years there have been six (6) to eight (8) inch rainfalls in the spring and fall which has increased flooding. She has lost railings of their bridge which has been underwater a few times. She is also concerned about the access point on 199th Street. She believes it should be eliminated as there is an adequate access point at Homestead Lane. The proposed access point on 199th Street is too close to the intersection at Homestead Lane to be safe. She requested that all area lighting be down directed to reduce unnecessary lighting on neighboring properties. Ms. Scaro said another issue with this development that needs to be considered is the air quality and idling times. She said the City should consider limiting the amount of time trucks and buses may idle while inside City limits. Kansas City, Missouri limits idling to no more than five (5) minutes in any one-hour time period. The idling is costly to the driver, fleet owner and the environment. She explained Idle Reduction Technology exists to allow long-haul drivers to be comfortable while resting in their trucks. She recommended they be installed at the development.

Mr. Eugene Billick, 33415 W 199th Street asked a few questions. He stated in the letter he received there were two boundaries listed, 199th Street and Homestead Lane. He inquired to what the other two boundaries are. He also stated there are hills along 199th Street that blind drivers pulling onto 199th Street from driveways.

Mr. Richard Soetaert, 33295 W 199th Street, agreed and said Kansas Department of Transportation (KDOT) did not flatten the hills to where drivers exiting a driveway without any danger.

Mr. Billick requested the Commission attempt to leave his property at 3:00 PM to understand the danger.

Mr. Soetaert stated all of the concrete does not leave a place for the water to go as well.

Mr. Hume stated when he is accessing 199th Street from Pepper Tree Lane, there are cars coming eastbound at a high rate of speed where he needs to accelerate quickly, even if he is hauling a trailer. He told a story about when he was passed on the left by a motorcyclist. He believes another access point would make 199th Street more dangerous. A traffic light would not do any good either as trucks don't stop for the light if it is close to being red. There is an increase of drivers using 199th Street and not Sunflower Road.

Mr. Billick requested an answer to his first question regarding the boundaries of the parcel.

Chairperson Daley stated many of the questions will not be answered tonight as this application is a preliminary division of the land.

Ms. Crow pulled up a map of the parcel in the Staff Report and explained the boundaries. Mr. Billick inquired if the documents were available online. Ms. Crow answered that planning commission packets are always available on the City's website. She explained all of the questions regarding stormwater will be discussed during the Site Plan phase of the development. There are comments regarding the stormwater, but they are preliminary, and all of the comments need to be addressed during the Site Plan application process. She said a traffic study is currently being reviewed by City staff and will be resolved during Site Plan phase as well.

Chairperson Daley asked what the setbacks are for these proposed lots. Ms. Crow responded that City Staff reviews each Final Site Plan for the setbacks set forth by the Unified Development Code and determined by the zoning for the parcel. As noted by Mr. Cole, there is a zoning ordinance for the parcel which stipulates additional requirements when development occurs. Staff has a copy of that ordinance and will ensure those requirements are met when the Site Plan is reviewed.

Chairperson Daley said the lighting and the air quality issues will be addressed later at the Site Plan phase as well. The application before the Commission is just for the preliminary division of the land.

Ms. Crow reminded the Commission of the recent review and update to the Unified Development Code related to commercial development. When staff reviews the Site Plan application, it will be required to comply with these code requirements. Mr. Cole stated if the requirements are held the same as other recent projects, then there would be no issues raised by the neighbors.

Mr. Vlieger inquired if this would be the best time for questions regarding fencing. Ms. Crow answered the Site Plan phase would be best for those questions. She explained that rezoning is the first step of development. Then comes the division of the land, known as platting. The last step is Site Plan, which addresses any vertical construction concerns and outlines what the site will actually look like.

Mr. McMurdo stated he wants to be a good neighbor and wants to work together with the neighbors to have a successful project. He understands not everybody is going to be happy about the project but wants to work with the neighborhood.

Chairperson Daley closed the public hearing.

7. **CONSIDER APPLICATION PP2021-03 FOR A PRELIMINARY PLAT FOR EDGERTON CROSSING LOCATED AT THE SOUTHWEST CORNER OF 199TH STREET AND HOMESTEAD LANE**

Chairperson Daley said this application is for the possible layout of the division of the land. Commissioner Crooks stated a berm and fence should be added. Chairperson Daley reminded the Commission items like that will be discussed during the Final Site Plan. Commissioners Lebakken and Little stated the questions and comments they have will be addressed then.

Commissioner Lebakken moved to approve Preliminary Plat Application PP2021-03 with the stipulations outlined by City Staff. Commissioner Crooks seconded the motion. Preliminary Plat Application PP2021-03 was approved, 4-0.

8. **FUTURE MEETING**

The next regularly scheduled Planning Commission meetings are scheduled for December 14, 2021.

9. **ADJOURNMENT**

Commissioner Crooks moved to adjourn the meeting. Commissioner Little seconded the motion. The motion was approved, 4-0. The meeting was adjourned at 7:40 PM.

Submitted by Chris Clinton, Planning and Zoning Coordinator