

**EDGERTON CITY HALL
PLANNING COMMISSION MEETING
December 14, 2021**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on December 14, 2021. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	absent
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
 Beth Linn, City Administrator

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 November 9, 2021 Planning Commission Meeting.

Commissioner Lebakken moved to approve the consent agenda. Commissioner Crooks seconded the motion. The consent agenda was approved, 3-0.

REGULAR AGENDA

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

BUSINESS REQUIRING ACTION

Chairman Daley stated during the remainder of this meeting, there will be four public hearings for new items and an opportunity to hear public comment and concerns regarding that specific item. He stated the applicant will be allowed to present their information in order for this commission to either approve that item or make a recommendation to the Governing Body, if so warranted.

He stated anyone wanting to speak during the public comments portion of tonight's meeting will be able to do so. He stated persons will be asked to sign in and provide their name and address for the record, speakers will be limited to 3 minutes each.

He stated comments must pertain to the specific item in which the public hearing is being held.

He stated as the chairman of this body, he reserves the right to modify these procedures as needed to conduct an orderly and efficient meeting.

NEW BUSINESS

6. HOLD A PUBLIC HEARING TO CONSIDER APPLICATION PP2021-05 FOR A PRELIMINARY PLAT FOR JB HUNT TRANSPORT, INC. LOCATED AT 30650 W. 191ST STREET (NORTHEAST CORNER OF 191ST STREET AND MONTROSE STREET)

Chairman Daley opened the Public Hearing at 7:01 PM.

Ms. Katy Crow, Development Services Director, presented the application using information from the Staff Report provided in the Planning Commission packet. The applicant has been provided with the Staff Report comments and stipulations required for approval. She stated Zach Fletcher is present to represent the applicant.

With no comments made from the applicant or persons in the audience, Chairman Daley then closed the Public Hearing at 7:06 PM.

7. CONSIDER APPLICATION PP2021-05 FOR A PRELIMINARY PLAT FOR JB HUNT TRANSPORT, INC. LOCATED AT 30650 W. 191ST STREET (NORTHEAST CORNER OF 191ST STREET AND MONTROSE STREET)

Chairman Daley stated with the conclusion of the discussion on this item, the Commission will now vote on Application PP2021-05, Preliminary Plat for JB Hunt Transport, Inc.

He asked for a motion to recommend approval, denial, or the continuance of PP2021-05.

Commissioner Crooks made motion to approve the application, seconded by Commissioner Lebakken. The Application was approved, 3-0.

8. CONSIDER APPLICATION FP2021-04 FOR A FINAL PLAT FOR JB HUNT TRANSPORT, INC. LOCATED AT THE 30650 W. 191ST STREET (NORTHEAST CORNER OF 191ST STREET AND MONTROSE STREET)

Ms. Crow presented the information for FP2021-04, using information from the Staff Report provided in the Planning Commission packet.

There were no questions or comments from the Commissioners.

Commissioner Crooks made motion to approve the application, seconded by Commissioner Lebakken. The Application was approved, 3-0.

9. HOLD A PUBLIC HEARING TO CONSIDER APPLICATION PP2021-04 FOR A PRELIMINARY PLAT FOR LOGISTICS PARK KANSAS CITY FIFTH PLAT LOCATED NORTH OF 187TH STREET BETWEEN KILL CREEK ROAD AND WAVERLY ROAD

Chairman Daley opened the Public Hearing at 7:12 PM.

Ms. Crow presented the application using the Staff Report information provided in the Planning Commission packet. She stated Aaron Burks and Melissa DeGonia from NorthPoint, were in attendance

to represent the applicant. Upon conclusion of Ms. Crow's presentation, Mr. Burks stated that this parcel is the triangle shaped piece of ground as shown on the map, south and directly adjacent to the BNSF Intermodal Maintenance Facility in the heart of LPKC.

Commissioner Lebakken asked what restrictive covenant is.

Ms. Crow responded that it is a stipulation that runs with the ground and thus must be shown on the Plat document. It is most commonly seen in residential developments which have an HOA in place. It can also be seen in commercial strip malls pertaining to common area maintenance. There will be none on this property.

Commissioner Crooks asked if the containers will be stacked on the ground.

Chairman Daley stated that those details will be discussed during review of the Site Plan.

With no further questions or comments, Chairman Daley closed the Public Hearing at 7:17 PM.

10. CONSIDER APPLICATION PP2021-04 FOR A PRELIMINARY PLAT FOR LOGISTICS PARK KANSAS CITY FIFTH PLAT LOCATED NORTH OF 187TH STREET BETWEEN KILL CREEK ROAD AND WAVERLY ROAD

Chairman Daley stated with the conclusion of the discussion on this item, the commission will now vote on Application PP2021-04, Preliminary Plat for LPKC Fifth Plat.

He asked for a motion to recommend approval, denial, or the continuance of PP2021-04.

Commissioner Lebakken made motion to approve the application with stipulations as listed in the Planning Commission packet, seconded by Commissioner Crooks. The Application was approved, 3-0.

11. CONSIDER APPLICATION FP2021-03 FOR A FINAL PLAT FOR LOGISTICS PARK KANSAS CITY FIFTH PLAT LOCATED NORTH OF 187TH STREET BETWEEN KILL CREEK ROAD AND WAVERLY ROAD

Ms. Crow presented the application using information from the Staff Report provided in the Planning Commission packet. She reminded the Commission that while the date indicated in the Staff Report for the item to be heard at the City Council meeting is January 13, 2022, the actual date can vary based upon the timeliness of the applicant's response to stipulations required on the submittal.

There were no comments made by the applicant.

There were no questions or comments made by the Commissioners.

Commissioner Crooks made motion to approve the application with stipulations as listed in the Planning Commission packet, seconded by Commissioner Lebakken. The Application was approved, 3-0.

12. HOLD A PUBLIC HEARING TO CONSIDER APPLICATION FS2021-11 FOR A FINAL SITE PLAN FOR LOGISTICS PARK KANSAS CITY FIFTH PLAT LOCATED NORTH OF 187TH

STREET BETWEEN KILL CREEK ROAD AND WAVERLY ROAD

Chairman Daley opened the Public Hearing at 7:25 PM.

Ms. Katy Crow presented the application using information from the Staff Report provided in the Planning Commission packet.

She stated the proposed use of the facility will be a cargo container storage lot. There will be a proposed maintenance facility near the southeast corner of the parcel and just to the west of the maintenance facility, is a 'pre-tripping' area where containers will be rinsed and prepped for the storage yard.

Ms. Crow referenced the packet, noting Article 10, Section 10.1, of the Unified Development Code (UDC) related to contents of Site Plan drawings. The City Engineer has indicated that the proposed access points will require reconstruction of the existing sidewalks. She also noted that the applicant has stated a photometric plan will be provided when available. She stated this submittal will be required prior to issuance of a building permit, once received, city staff will review the plan to ensure it complies with the UDC. She noted additional easements will be needed for the proposed public sanitary sewer line, these are being reviewed.

Ms. Crow also referenced Article 5, Section 5.2 of the UDC related to Logistics Park zoning designations. She noted it is required that all rooftop units must be completely screened from view, typically handled with fencing of some kind. This includes HVAC units. All operations must be fully screened from view including trash enclosures. The applicant has noted the project will include vinyl coated chain link fencing around the perimeter of the project with solid vinyl fencing around the 'pre-tripping' area to fully screen it from view. The building is in compliance with the UDC and the applicant is required to move the landscaping to the top of the berms. There are shrubs missing from the landscape plan but the applicant has agreed to add them.

Ms. Crow stated staff recommends approval of this application with the stipulations as listed in the packet.

Mr. Burks with NorthPoint Development stated that the applicant agrees to comply with all stipulations listed. He noted that operations on this parcel will have 5 main functions - to the east, container storage, to the west, wheeled container storage, a 'pre-tripping' area and maintenance area for the containers, and it will also include a space for a shop with an office and a specific inspection station with canopy.

Commissioner Crooks asked why they want to locate the facility here.

Mr. Burks stated because of the general need of container storage in the Logistics Park. When containers arrive on the trains, they have to be unloaded and moved out of the BNSF facility. More storage area for containers is needed as containers are a by-product of intermodal operations. He stated roughly 200 containers a week are needed to ship agricultural products and they must have a place to store the empty containers. This location is ideal due to it being surrounded by industrial development.

Commissioner Crooks asked if there would be traffic going out of the intermodal.

Mr. Burks stated there will still be traffic. He stated it is possible that in the long term it may be possible to access BNSF property directly, and an option for this has been taken into consideration in the plan submitted. He stated NorthPoint executed this exact plan in Alliance, TX, and it does take a long time to work out the details with BNSF.

Chairman Daley asked about plans for a detention basin. Mr. Burks stated there is an existing detention basin for IP5 and can be adjusted in their design to meet City Engineer requirements.

Chairman Daley asked how many containers would be stored at the facility. Mr. Burks stated that the exact number of containers that will be located at this project is unknown. Ms. Crow stated that for cargo container storage operations it is really about setbacks discussed in conditional use permit which limit the storage area. Stacking is limited in height as well.

Ms. Crow also stated that it has not yet been determined if the pre-tripping area drainage will be connected to the sanitary or stormwater system. Ms. DeGonia stated that NorthPoint is still working with KDHE to determine what will be allowed. The plan is for a drain to be installed that would trap anything that floats from entering the system. Mr. Burks stated that the 'pre-tripping' area will only be for refrigerated containers not standard, regular containers. The proposed tenant has strict policies for 'pre-tripping' inspections.

Chairman Daley stated he would assume there will be no gravel. Ms. Crow confirmed that all surfaces will be paved. Mr. Burks stated internal roadways are connected with asphalt.

Commissioner Crooks asked if the lifts are diesel or electric, is there an underground tank.

Mr. Burks stated yes, there is an underground fuel tank. He stated it is diesel for the hausler (yard) trucks. He stated he's pretty sure the container lifts are also diesel.

Chairman Daley asked if UPS had hidden their pumps. Ms. Crow stated UPS has an above ground tank fueling operations but regulations now require all tanks to be underground.

Chairman Daley asked what the plans are for the southwest corner. Mr. Burks stated currently, no work is planned for the parcel, but will still be combined. It will be left as grass area.

With no further questions or comments, Chairman Daley then closed the Public Hearing at 7:50 PM.

13. CONSIDER APPLICATION FS2021-11 FOR A FINAL SITE PLAN FOR LOGISTICS PARK KANSAS CITY FIFTH PLAT LOCATED NORTH OF 187TH STREET BETWEEN KILL CREEK ROAD AND WAVERLY ROAD

Chairman Daley stated with the conclusion of the discussion on this item, the commission will now vote on Application FS2021-11, Final Site Plan for LPKC Fifth Plat.

He asked for a motion to recommend approval, denial, or the continuance of FS2021-11.

Commissioner Crooks made motion to approve the application with stipulations as listed in the Planning Commission packet, seconded by Commissioner Lebakken. The Application was approved, 3-0.

14. HOLD A PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT APPLICATION CU2021-04 FOR LOGISTICS PARK KANSAS CITY FIFTH PLAT CARGO CONTAINER STORAGE LOT LOCATED NORTH OF 187TH STREET BETWEEN KILL CREEK ROAD AND WAVERLY ROAD

Chairman Daley opened the Public Hearing at 7:52 PM.

Ms. Crow presented the application using information from the Staff Report provided in the Planning Commission packet.

Mr. Burks stated the applicant has no comment on this item other than that they are in agreement with all comments and stipulations provided by staff.

There were no public comments made.

Commissioner Lebakken asked if any traffic from the project will be using Waverly Road to 56 Highway. Mayor Roberts stated he has the same concern and has had numerous conversations with Johnson County about that particular roadway. Commissioner Lebakken asked if the road was in the county. Mayor stated that from the mainline (train tracks) to 56 is in the County. Chairman Daley asked if trucks still drive on it. Ms. Linn stated that there is infrastructure in place for trucks to use in the Logistics Park. Mayor Roberts stated the intent is to get rail served development in the area.

With no further questions or comments, Chairman Daley closed the Public Hearing at 8:05 PM.

15. CONSIDER CONDITIONAL USE PERMIT APPLICATION CU2021-04 FOR LOGISTICS PARK KANSAS CITY FIFTH PLAT CARGO CONTAINER STORAGE LOT LOCATED NORTH OF 187TH STREET BETWEEN KILL CREEK ROAD AND WAVERLY ROAD

Chairman Daley stated with the conclusion of the discussion on this item, the commission will now vote on Application CU2021-04, Conditional Use Permit for LPKC Fifth Plat Cargo Container Storage Lot.

He asked for a motion to recommend approval, denial, or the continuance of CU2021-04.

Commissioner Lebakken made motion to approve the application with stipulations as listed in the Planning Commission packet, seconded by Commissioner Crooks. The Application was approved, 3-0.

16. FUTURE MEETING

Chairman Daley stated having no further items on the agenda, please note that the next regular session of the Planning Commission is scheduled for January 11, 2022 at 7:00 PM.

17. ADJOURNMENT

Chairman Daley asked for a motion to adjourn the meeting.

Commissioner Lebakken motioned to adjourn the meeting. Commissioner Crooks seconded the motion. The motion was approved, 3-0. The meeting was adjourned at 8:07 PM.

Submitted by Beth Linn, City Administrator.