

**EDGERTON CITY HALL
PLANNING COMMISSION MEETING
April 13, 2021**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on April 13, 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	present
Deb Lebakken	present
John Daley	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- Development Services Director Katy Crow
- Planning and Zoning Coordinator Chris Clinton
- Marketing and Communications Director Kara Banks
- City Clerk Alex Clower

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

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

CONSENT AGENDA

4. Approve Minutes from the March 9, 2021 Planning Commission Meeting.

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

REGULAR AGENDA

5. DECLARATION Commissioner Berger stated he has received letters in mail, emails, and phone calls. Commissioner Lebakken stated she has received mailings, emails, and some letters at her dais this evening. Commissioner Crooks stated he too has received items.

BUSINESS REQUIRING ACTION

OLD BUSINESS

6. REZONING APPLICATIONS ZA2020-02 THROUGH ZA2020-08

a. **ZA2020-02 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST 199TH STREET AND SOUTH GARDNER**

- ROAD.** Applicant: Wellsville Farms, LLC; Agent: Brett Powell, NPD Management, LLC
- b. **ZA2020-03 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD.** Applicant: Hillsdale Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC
 - c. **ZA2020-04 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD.** Applicant: Hillsdale Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC
 - d. **ZA2020-05 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD.** Applicant: Hillsdale Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC
 - e. **ZA2020-06 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD.** Applicant: Hillsdale Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC
 - f. **ZA2020-07 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD.** Applicant: East Kansas Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC
 - g. **ZA2020-08 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 215TH STREET AND SOUTH GARDNER ROAD.** Applicant: South JOCO Farms, LLC; Agent: Brett Powell, NPD Management, LLC

Chairperson Daley stated the rezoning applications have been sent back to the Commission from the Governing Body. He said the first item under the Old Business are Items 6A through 6G, rezoning applications ZA2020-02 through ZA2020-08. Chairperson Daley explained the role of the Planning Commission in the rezoning process is that of a recommending body. The action that the Commission takes this evening on any rezoning items is not final as it is a recommendation to the Governing Body, who will make the final decision at a future City of Edgerton City Council meeting.

Chairperson Daley said on January 12, 2021, the Commission held a public hearing related to Rezoning Applications ZA2020-02 through ZA2020-08. The public hearing for those items was opened and closed that evening. Following discussion, Commissioner Berger made separate motions to continue Applications ZA2020-02 through ZA2020-08 to the February 9, 2021 Planning Commission meeting and requested City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning. All of Commissioner Berger's motions carried.

Chairperson Daley explained that on February 9, 2021, City Staff presented the economic impact information requested for these seven (7) applications. Upon the conclusion of the City Staff presentation, individual action was taken on each application. The Commission voted to recommend denial of the rezoning request to the Governing Body for Applications ZA2020-02 through ZA2020-08. He stated at the March 11, 2021 City of Edgerton City Council meeting the Governing Body reviewed these rezoning applications. Typically for any rezoning applications, also known as zoning amendments, presented to the City Council for consideration, the City Attorney would prepare a draft ordinance based on findings presented in the Commission staff report and any additional discussions held by the Commission. For these applications, the recommendation for denial from the Commission did not include any specific findings or

information to provide the context for recommendation for denial. Chairperson Daley explained this information is a critical and necessary component for the City Council to properly consider the recommendation of the Planning Commission. They must know the rationale for the Commission's decisions.

Chairperson Daley said the Governing Body determined that it was necessary to return the recommendation to the Commission for study, without any additional public hearing, to provide the findings and context for recommendation for denial. He explained the Commission will reconsider the applications.

Chairperson Daley explained the public hearing for these applications has been closed. He opened the floor for discussion among the Commissioners.

Commissioner Crooks stated truck traffic is an issue for this area. Chairperson Daley agreed and stated it always is with Logistics Park Kansas City (LPKC), but the City has upgraded the roads that it can. He understands the trucks are coming from other roads that do not support the truck traffic, however, regardless of where the warehouses are, the trucks will end up at LPKC.

Commissioner Berger said none of the factors address what he sees as a major factor in his vote, which is the land available for these uses. Chairperson Daley agreed. Commissioner Lebakken said key issue for her vote was the proximity of Nike Elementary to the parcels requesting to be rezoned. She explained she is concerned about the truck traffic at the elementary school. Chairperson Daley said a map of Edgerton was provided to the Commission and it shows the land that is annexed into Edgerton. He explained LPKC has to expand somewhere, and it is not going to be north of 56 Highway as that would require an extremely expensive bridge. Commissioner Berger said no context was brought up on the space available for the original submittal. He said each parcel was submitted as separate requests and it is difficult for the Commission to view each parcel individually and not as a group. Chairperson Daley said the parcels being combined would be addressed at the platting stage.

Commissioner Berger stated he is concerned about the different property owners, whether the existing land for this use is occupied or not, and if this location was the best option. Commissioner Berger asked what the reason was to leap some parcels and be annexed. He understands that any time commercial development approaches residential, there is a concern. The residential portion of Edgerton has Big Bull Creek Park between them and LPKC as a buffer, but without the park, the residents would be more concerned. LPKC will grow, but that growth needs to be deliberate and controlled. He said the applications were submitted on December 17, 2020 and the Commission had to make quick decisions. He said he requested additional data and analyses. Once a rezoning is approved, it is hard to reverse and there are emotions on both sides. Commissioner Berger asked if this large leap that was requested is needed if all the land was already developed.

Chairperson Daley said ElevateEdgerton! did a presentation during the previous meeting that showed maps of what is developed already. He said the land that has been annexed is what NorthPoint owns. Chairperson Daley explained it is harder to build on the smaller parcels. He stated the City needs to be good neighbors, but the Commission's primary concern are the residents of Edgerton. He said there have been a few residents of Edgerton who spoke during

the public hearings but most of the comments on social media and during the public hearings are from people who live outside of the City.

Commissioner Berger added it is also concerning when people come up to his door to discuss the rezoning. Chairperson Daley asked if it was a resident from Edgerton or elsewhere. Commissioner Berger said it does not matter as there is an avenue for them to have their opinions heard. He said one of the arguments that has been proposed is if people want to see stars, then those people should move. Commissioner Berger stated that is a bad argument to convince him to vote to approve the rezonings. He explained the Commission is to stick with the parameters of rezoning then those arguments are not valid.

Chairperson Daley said just because the parcel is being rezoned does not mean a building will be constructed tomorrow. Commissioner Berger replied most of his questions and concerns were addressed at the last Commission meeting per the minutes. He explained there is no room for another warehouse north of Interstate 35 (I-35) and there is a case to expand LPKC. Commissioner Berger still wonders why the applications were filed under different property owners. He said this is not factoring other issues such as long-term growth and being good neighbors to businesses and residents. He knows there is history on those properties as many property owners are long term residents of the area or property that has been in families for generations. Chairperson Daley agrees neighbors and neighboring cities need to be considered and there are going to be homes that are affected.

Ms. Beth Linn, City Administrator, requested that she be able to answer about the property owners. Chairperson Daley requested Ms. Linn to do so. Ms. Linn stated parcels must be applied for rezoning individually and each parcel in this instance has a different landowner. The Commission is required take a motion on each parcel of land and not all properties at once. Mr. Lee Hendricks, City Attorney, stated that is correct. Commissioner Berger stated the different applicant names threw him off. Ms. Linn said a contextual map should have been provided.

Commissioner Little said the property was annexed on December 17, 2020 then the Commission is hearing the rezoning applications shortly thereafter. He asked why the rezonings needed to happen at that time. The only answer provided to the Commission is that there were potential tenants. He knows LPKC is going to expand, but at what costs. He said when there are buildings being constructed quickly, things can go wrong. He felt the rezonings were being rammed and jammed on the Commission. This is an issue that the Commission should not be willing to jump into. He said it was best to know more information before voting. Chairperson Daley said the Commission can always continue an item and the applicants have followed the law. As a homeowner if you follow the code and if somebody does not like the look of it, it is difficult to challenge as the homeowner followed the code. Commissioner Berger said the Commission did ask for time and City Staff did provide additional information that was requested.

Commissioner Berger said he does still have some reservations about the issues brought forth by the public. Chairperson Daley reminded the Commission the applications are only regarding the rezoning of the land and not what would be built. There will be other public hearings in the future about the buildings. Chairperson Daley said he believes the benefits outweigh the negatives. He knows people will be affected by the rezoning.

Chairperson Daley reminded the audience that the Commission is a recommending body, and the Governing Body sent the applications back to the Commission. He reminded the Commissioners that when a motion is made, a rationale needs to be provided as to why the motion is being made no matter if the motion is to recommend denial, approval or continue the applications. Chairperson Daley said he will only vote if there is a tie, and he is unable to make the motion. The Commission will need to provide a reason for recommending approval or denial using the Golden Criteria.

Commissioner Lebakken explained expansion is going to happen as the population is growing. This will lead to people needing jobs and houses. She said towns and cities in this are expanding. The expansion will happen to this area regardless of what the Commission does with these applications. Chairperson Daley agreed and said he has heard Gardner has approved a major project to that side of town. Commissioner Lebakken said change is coming to Edgerton and that area of the City.

Commissioner Crooks inquired if an additional requirement could be added to have the City work with other jurisdictions regarding truck traffic. Mr. Hendricks replied that if a motion was made for approval based on the City Staff recommendations regarding the Golden Criteria one could add additional stipulations above and beyond those recommendations. Ms. Linn showed the stipulations listed in the Staff Report for the rezonings. She agreed with Mr. Hendricks and said stipulations can be added in a motion.

Commissioner Berger said City Staff did provide an economic impact study, the land currently zoned L-P has been maximized, which was explained last month as best as possible, and the roads are addressed by the County and is planned to be upgraded by the County Arterial Road Network Plan (CARNP). He inquired if there has been any discussion on rerouting current truck traffic. Ms. Linn replied City Staff continues to have discussions on routing trucks on approved truck routes and continues to work on a regional plan for truck routes with other jurisdictions. She explained there is a memo that was presented to the City Council when the applications were remanded back to the Commission. She said the roads in Edgerton related to logistics park development have been upgraded at the time a project is built and not beforehand.

Chairperson Daley said since the discussion has concluded, each Rezoning Application will be voted on. He reminded the Commissioners that when making the motion, the findings and context needs to be included.

Commissioner Crooks moved to recommend approval of rezoning Application ZA2020-02 based on City Staff's recommendation regarding the Golden Criteria and the following stipulations:

1. All infrastructure requirements of the City shall be met.
2. All platting requirements of the City shall be met.
3. All Site Plan application requirements of the City shall be met.
4. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Lebakken seconded the motion. Application ZA2020-02 was recommended for approval based on City

Staff's recommendation of the Golden Criteria and the stipulations, 4-0.

Commissioner Crooks moved to recommend approval of rezoning Application ZA2020-03 based on City Staff's recommendation regarding the Golden Criteria and the following stipulations:

1. All infrastructure requirements of the City shall be met.
2. All platting requirements of the City shall be met.
3. All Site Plan application requirements of the City shall be met.
4. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Berger seconded the motion. Application ZA2020-03 was recommended for approval based on City Staff's recommendation of the Golden Criteria and the stipulations, 4-0.

Commissioner Crooks moved to recommend approval of rezoning Application ZA2020-04 based on City Staff's recommendation regarding the Golden Criteria and the following stipulations:

1. All infrastructure requirements of the City shall be met.
2. All platting requirements of the City shall be met.
3. All Site Plan application requirements of the City shall be met.
4. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Lebakken seconded the motion. Application ZA2020-04 was recommended for approval based on City Staff's recommendation of the Golden Criteria and the stipulations, 4-0.

Commissioner Crooks motioned to recommend approval of rezoning Application ZA2020-05 based on City Staff's recommendation of the Golden Criteria and the following stipulations:

1. All infrastructure requirements of the City shall be met.
2. All platting requirements of the City shall be met.
3. All Site Plan application requirements of the City shall be met.
4. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Berger seconded the motion. Application ZA2020-05 was recommended for approval based on City Staff's recommendation of the Golden Criteria and the stipulations, 4-0.

Commissioner Crooks moved to recommend approval of rezoning Application ZA2020-06 based on City Staff's recommendation regarding the Golden Criteria and the following stipulations:

1. All infrastructure requirements of the City shall be met.
2. All platting requirements of the City shall be met.
3. All Site Plan application requirements of the City shall be met.
4. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Berger seconded

the motion. Application ZA2020-06 was recommended for approval based on City Staff's recommendation of the Golden Criteria and the stipulations, 4-0.

Commissioner Crooks moved to recommend approval of rezoning Application ZA2020-07 based on City Staff's recommendation regarding the Golden Criteria and the following stipulations:

1. All infrastructure requirements of the City shall be met.
2. All platting requirements of the City shall be met.
3. All Site Plan application requirements of the City shall be met.
4. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Lebakken seconded the motion. Application ZA2020-07 was recommended for approval based on City Staff's recommendation of the Golden Criteria and the stipulations, 4-0.

Commissioner Crooks moved to recommend approval of rezoning Application ZA2020-08 based on City Staff's recommendation regarding the Golden Criteria and the following stipulations:

1. All infrastructure requirements of the City shall be met.
2. All platting requirements of the City shall be met.
3. All Site Plan application requirements of the City shall be met.
4. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Berger seconded the motion. Application ZA2020-08 was recommended for approval based on City Staff's recommendation of the Golden Criteria and the stipulations, 4-0.

Chairperson Daley said any recommendations made by the Commission related to Rezoning Application ZA2020-02 through ZA2020-08 will be heard by the Governing Body at the April 22, 2021 City Council meeting.

Chairperson Daley stated that concludes the action to be taken on Rezoning Applications ZA2020-02 through ZA2020-08. He explained the Commission has further business to discuss and requested those who wish to leave to do so quietly so the Commission can continue on the business agenda.

NEW BUSINESS

Chairperson Daley said during the remainder of the meeting, there will be several public hearings for new items and an opportunity to hear public comment and concerns. The applicant will be allowed to present their information in order for this Commission to make a recommendation to the Governing Body. He explained anyone wanting to speak during the public comments portion of tonight's meeting will be able to do so. Speakers have been asked to sign in and provide their name, address, and phone number. Each speaker will be limited to three (3) minutes each. He said due to Covid-19 and the social distancing constraints placed upon the space, an overflow area is available at the Edgerton Library across the street where live audio of the meeting is provided. Any members of the public waiting in that space will be contacted to come to City Hall to make their comments.

7. PUBLIC HEARING TO CONSIDER APPLICATION ZA2021-06 FOR REZONING OF 29.39 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET FROM JOHNSON COUNTY RUR (RURAL DISTRICT) TO CITY OF EDGERTON L-P (LOGISTICS PARK).

Chairperson Daley stated the applicant is Joshua Cooley, an agent of CY Edgerton, LLC. He said he will open the public hearing regarding Rezoning Application ZA2021-06. City Staff will review the application. If the applicant is present, they will be given the opportunity to speak in support of their application. At the conclusion of the applicant's presentation, the floor will be open for public comment. City Staff will keep a list of questions from the public and he will provide the applicant the opportunity to respond at the end of the comments. He stated public comments are only allowed during the public hearing. Once the hearing has been concluded, the time for comment has passed and no further comments from the audience will be taken. Chairperson Daley reiterated each speaker will be allotted 3 minutes. He reminded everyone that the public hearing is strictly regarding the application for rezoning and nothing further. Rezoning is about the proposed change in use of the land. Anything related to the development of the land like roads, the construction of any buildings or a prospective stormwater plan, will be discussed during the site plan public hearing, should the process be approved and continue. The hearing at hand is solely to discuss the land use.

Chairperson stated the public hearing for Application ZA2021-06 is now open.

Ms. Katy Crow, Development Services Director, stated Application ZA2021-06 is a request to rezone a parcel of land generally located at the southeast corner of Homestead Lane and 191st Street from Johnson County Rural (RUR) to City of Edgerton Logistics Park (L-P). The rezoning is being requested for future intermodal-related, logistics park development. The property was annexed into the City of Edgerton on December 12, 2013 as part of Phase I of Logistics Park Kansas City (LPKC). LPKC is a 2,300-acre master-planned distribution and warehouse development anchored by the Burlington Northern Santa Fe Railway (BNSF) intermodal facility, which opened in late 2013 and is located approximately 800 feet west of the subject site. Due to the adjacency to the intermodal facility, companies located within LPKC benefit from significant transportation savings. Ms. Crow showed maps of the location of the subject parcel and nearby zoning designations.

Ms. Crow stated access to the parcel is currently available from 191st Street by one private access point. Water will be supplied by Johnson County Water District #7 and sanitary sewer will be provided by the City of Edgerton. Everygy will be the electrical service provider and gas will be supplied by Kansas Gas Service. Police and Fire protection will be provided by the Johnson County Sheriff's Office and Johnson County Fire District #1. Ms. Crow explained the property is located within the Bull Creek watershed. She said the parcel was in unincorporated Johnson County prior to annexation and remains zoned RUR.

Ms. Crow explained the applicant has requested that the parcel be rezoned to L-P from RUR. The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for modern type industrial uses or industrial park to support activities related to trade, rail, and other transport services. Limitations are placed on the uses in the district to significantly restrict the outside activities and outside storage of materials,

noise, vibrations, and other nuisances. The UDC also states manufacturing uses should be conducted within a totally enclosed building. The conduction of outdoor activities and outdoor storage is not allowed. External effects such as excessive noise or odor should not extend beyond property lines. She explained permitted uses within the L-P District include warehouses or distribution centers; motor freight transportation terminals; manufacturing, processing, fabrication, or assembly of commodity – limited; along with other permitted uses. Ms. Crow stated City Staff has reviewed the rezoning application with respect to the UDC, the laws of Kansas, and the “Golden Criteria” as established by the Supreme Court of Kansas in 1978.

Ms. Crow read City Staff’s review:

1. Need for the Proposed Change – When this parcel was annexed into Edgerton, it contained a Johnson County RUR zoning designation as assigned by the County. That zoning designation only allows for an agricultural or residential use and it is considered a holding designation post annexation. Prior to any development occurring on the parcel, rezoning to a City of Edgerton zoning designation is required. The applicant has requested that this parcel be rezoned to L-P to allow for the expansion of an existing cargo container storage facility (CY Edgerton, LLC). Given the stated request to expand an existing L-P conditional use, the parcel’s proximity to Logistics Park Kansas City, the BNSF Railway intermodal facility, and the I-35/Homestead interchange, L-P District zoning is the appropriate designation.
2. Magnitude of the Change – This parcel is located within the first phase of LPKC and is located adjacent to an existing cargo container lot. The nearby properties are also zoned L-P. Given the parcel’s proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial development.
3. Whether or not the change will bring harm to established property rights - The subject property is surrounded industrial uses. While there is a tree farm to the immediate south of the subject parcel, the L-P zoning designations require significant berming and landscaping to mitigate any impact to adjacent properties. If rezoned L-P, as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Part of a Site Plan review would include attention to buffering and setbacks, stormwater management and the appropriate transition between adjoining properties and any proposed industrial use.
4. Effective use of Land - L-P District permitted uses at this location are an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the I-35 interstate system.
5. The extent to which there is a need in the community for the uses allowed in the proposed zoning - Construction of warehousing, distribution, limited manufacturing, and related uses near the intermodal facility allow an inland port for goods in transit, by reducing truck traffic in the surrounding area and allowing for more efficient use of the supply chain.
6. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space – This parcel is located near the BNSF Railway Intermodal Facility. Continued development of the area includes intermodal related uses. While there are some parcels nearby which contain a Johnson County RUR zoning designation, there is not a current residential use on those parcels. As noted previously, the Site Plan review process can mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.

7. Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties - The proposed zoning is compatible the existing zoning and existing use of nearby parcels. The City's Unified Development Code (UDC) states that the purpose of the L-P District is to create a limited multimodal industrial zone which provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc. The Site Plan review process is designed to mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.
8. Suitability of the uses to which the property has been restricted under its existing zoning - The existing Johnson County RUR zoning of the applicant property is viewed as a holding designation related to the annexation of the parcel. Johnson County RUR zoning is primarily for agricultural and low-density residential use. An industrial use on a property zoned for agriculture would not be a permitted use therefore, a rezoning to the L-P District is the most appropriate designation for the proposed use indicated by the applicant.
9. Length of time the subject property has remained vacant under the current zoning designation - Based upon available aerial photography, the property has been used for agricultural purposes in unincorporated Johnson County dating back to at least 2006.
10. The extent to which the zoning amendment may detrimentally affect nearby property - The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc. This parcel is located in the middle of Logistics Park Kansas City and several adjoining parcels already contain an L-P zoning designation. The Site Plan review process can mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.
11. Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage - This is not a request for a PUD.
12. The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services - Sanitary sewer, electric, and gas utilities are located in the right-of-way adjacent to this property. Water service is currently provided to the adjacent parcel to the east where current operations exist. The developer of the property will be responsible for any extension of any needed utility to the parcel.
13. The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property - Homestead Lane and 191st Street have been constructed to accommodate the traffic that will accompany any development on this parcel. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.
14. The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise

pollution, excessive nighttime lighting or other environmental harm - The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan that is reviewed by the City and the State. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process.

15. The economic impact on the community from the uses allowed in the proposed zoning - Uses allowed in the L-P District, have the potential to benefit the residents and the community in a positive way by providing jobs, economic opportunities, and tax revenues to respective jurisdictions. During the Covid-19 pandemic, supply chain logistics were instrumental to delivering food and supplies to areas across the United States. This type of commercial industry continues to be an important contributor to the economy of this area.
16. The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial - There would be little relative gain, if any, to the public health, safety, and welfare from the denial of these zoning applications. However, the City and community would be adversely impacted due to the lost opportunities for jobs, economic activity, and tax revenue if the anticipated logistics park uses and facilities were to locate in another community.
17. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton - The Comprehensive Plan for the City of Edgerton has the area which the property is in designated as appropriate for zoning and uses associated with business park and industrial zoning. City Staff believes that the requested rezoning is compatible with the spirit and intent of future development outlined in the Comprehensive Plan and Future Land Use Map.
18. The recommendation of professional staff – Based on factors one (1) through seventeen (17), City Staff recommends approval of proposed rezoning Application ZA2021-06 from Johnson County RUR to City of Edgerton L-P with the following stipulations:
 - a. All infrastructure requirements of the City for a property located in the “L-P” Logistics Park District shall be met.
 - b. All platting requirements of the City for a property located in the “L-P” Logistics Park District shall be met.
 - c. All Site Plan application requirements of the City for a property located in the “L-P” Logistics Park District shall be met.
 - d. Prior to issuance of building permits, the property shall have a Site Plan which has been reviewed and approved by the City.

Chairperson Daley stated the applicant will make their presentation.

The applicant stated they do not have anything to add for this item.

Chairperson Daley said public comment will now be accepted. He asked City Staff if any written testimony for the public comment. Chris Clinton, Planning and Zoning Coordinator, stated no written testimony has been received for this public hearing and there is nobody signed up to speak for this item.

There were no public comments made at this time. Chairperson Daley closed the public hearing.

8. **CONSIDER APPLICATION ZA2021-06 FOR REZONING OF 29.39 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET FROM JOHNSON COUNT RUR (RURAL DISTRICT) TO CITY OF EDGERTON L-P (LOGISTICS PARK).**

Chairperson Daley requested the map of the parcel be brought back up for this parcel. Ms. Linn displayed the map located in the Staff Report. Commissioner Crooks stated this is where the rock stockpile is right now. Commissioner Little inquired as to why Golden Criteria number nine (9) always lists the year as 2006 for the pictures of the site. Ms. Crow replied that is what is available on Johnson County's mapping system. Mr. Clinton agreed.

Commissioner Berger moved to recommend approval of rezoning Application ZA2021-06 based on City Staff's recommendation regarding the Golden Criteria and with the following stipulations:

1. All infrastructure requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
2. All platting requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
3. All Site Plan application requirements of the City for a property located in the "L-P" Logistics Park District shall be met.
4. Prior to issuance of building permits, the property shall have a Site Plan which has been reviewed and approved by the City.

Commissioner Little seconded the motion. Application ZA2021-06 was recommended for approval with the stipulations, 4-0.

9. **PUBLIC HEARING TO CONSIDER APPLICATION PP2021-02 FOR ARROWHEAD PHASE III GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.**

Chairperson Daley stated the public hearing is now open for Application PP2021-02.

Ms. Crow stated this is the next step of development. The rezoning is regarding the use of land and the plat is regarding the division or unification of land. She said this is a preliminary plat requesting combining two (2) parcels in the City of Edgerton located near 32355 W 191st Street into one (1) lot. The current parcels are 31.11 and 29.39 acres, respectively. The proposed new lot will be 60.50 acres. These parcels are being platted into one lot in preparation of an expansion of cargo container storage operation on the eastern parcel.

Ms. Crow said the current access to the parcels is from one access point along 191st Street and the utilities are the same as outlined in Application ZA2021-06.

Ms. Crow said there are some errors City Staff noted that need to be corrected on the signature blocks of the preliminary plat. The City Engineer has requested all easements be shown, both proposed and existing. There is a trail and drainage easement that needs to be continued from the east parcel to the west. She explained the City Engineer also noted a walkway needs to be added from the building to the future sidewalk once it is constructed along 191st Street and an agreement

not to protest the creation of a benefit district for the construction of the sidewalk along 191st Street. The setbacks need to be shown on the preliminary plat as well. Ms. Crow said City Staff recommends approval of Application PP2021-02 with the following stipulations:

1. All Preliminary Plat requirements of the City listed shall be met or addressed.
2. 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 requested the applicant make their presentation.

Mr. Josh Cooley, owner of Arrowhead Intermodal Services (Arrowhead), approached the Commission. He said this facility was opened in December of 2014 and has been a great expansion for the company. Arrowhead is the largest supplier of cargo container, chassis, and services of refrigerated and regular trucks maintenance. He explained Edgerton is the largest growing location. When this facility opened, there were eight (8) employees and now eighty-five (85) people are employed by Arrowhead. This expansion will create thirty-five (35) to forty (40) more jobs that are more mechanically inclined and are some of the highest paying jobs in LPKC. Arrowhead likes to hire local, and a good percentage of their staff is from this area. Mr. Cooley explained Arrowhead is a privately, family-owned business that has been in business since 1973 and they like to keep it family-owned.

Chairperson Daley said public comment will now be received. He asked if City Staff has received any written comment regarding this application. Mr. Clinton stated City Staff has not and there is nobody signed up to speak regarding this item.

Chairperson Daley asked if the stipulations would carry over to a new owner if the property owner changed. Ms. Linn stated they would stay with the land and not the owner.

No public comment was made at this time and Chairperson Daley closed the public hearing.

10. CONSIDER PERLIMINARY PLAT APPLICATION PP2021-02 FOR ARROWHEAD PHASE III GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.

Commissioner Berger moved to approve Application PP2021-02 subject to the stipulations outlined by City Staff. The motion was seconded by Commissioner Crooks. Application PP2021-02 was approved with the stipulations, 4-0.

11. CONSIDER FINAL PLAT APPLICATION FP2021-02 FOR ARROWHEAD PHASE III GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.

Chairperson Daley requested City Staff present their findings regarding the final plat.

Ms. Crow stated this item will also go to the Governing Body because of the easements being included on the plat. She explained the owners of the parcel need to be reflected on the map as the sale of the land is contingent on the project being approved. She said the City Engineer has requested the monuments be shown as well as other comments regarding to the survey of the property. There is a table that needs to be included on the plat. All of the easements proposed and existing need to be included on the plat. Ms. Crow noted some typing errors in the dedication portion of the plat. The signature blocks need to be updated on the plat as well. Ms. Crow stated City Staff does recommend approval with the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, stormwater sewers, sanitary sewers, and water mains contained within the Final Plat. 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 submitted Final Plat.
2. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC.
3. The applicant shall meet all requirement of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
4. All City Engineer comments related to the Stormwater Management Plan must be addressed.
5. All Final Plat requirements of the City listed earlier shall be met or addressed prior to the recording of the Plat.
6. 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.

There were no additional comments made by the applicant.

Commissioner Berger inquired what the time frame was to have the items noted corrected. Ms. Crow replied if the plat has not been recorded with the County within one (1) after the Governing Body accepts the plat, it will expire. She added that prior to the final plat being presented to the Governing Body, all corrections must be made. Once corrections are received the Final Plat would go to the council for acceptance at the next available meeting.

Commissioner Berger moved to recommend approval of Application FP2021-02 subject to the stipulations outlined by City Staff. Commissioner Crooks seconded the motion. Application FP2021 was recommended for approval, 4-0.

12. HOLD A PUBLIC HEARING TO CONSIDER FINAL SITE PLAN APPLICATION FS2021-05 FOR ARROWHEAD PHASE III GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.

Chairperson Daley opened the public hearing for Application FS2021-05.

Ms. Crow stated the Site Plan is where the vertical construction, roads, stormwater, and other items that affect people are discussed. She said the owners of the parcel need to be updated, the zoning of surrounding properties needs to be added, a table that outlines the setbacks and building

envelope needs to be added, and the comments about the sidewalk are the same as the Preliminary Plat. Ms. Crow explained the applicant will be required to construct an auxiliary lane on the south side of 191st Street to handle the stacking of trucks entering the site. This auxiliary lane will lead to the one access point the applicant is allowed on 191st Street. She said if the applicant does not want to install the auxiliary lane, a traffic study will need to be completed and submitted to City Staff for review. She said City Staff will monitor the site to ensure all equipment is screened from view.

Ms. Crow stated the applicant has indicated there will be a guard shack onsite and has proposed an entrance canopy over the guard shack and the onsite in and outbound lanes. She said all accessory structure surfaces must be finished with the approved building materials outlined in Section 5.2(J)(3) of the UDC. Elevations have not been provided to show the façade and supporting structure of either accessory use. She explained City Staff is unable to determine if the structures meet the requirements in the UDC. City Staff has discussed this with the applicant, and they are aware of what is needed for City Staff to review.

Ms. Crow explained the horizontal articulation requirements of the UDC on the main office and service building has been met on the north, east, and west façades. The building may be visible from the public trail system and adjacent property to the south and additional articulation is needed on the south façade. She continued to say the north façade does meet the requirements in the UDC for vertical articulation. The south façade does not include parapets. The parapets will be needed to screen any roof-top units from the Johnson County RUR and trail to the south of the building. She explained the east and west façades will also need additional articulation due to facing public right-of-way on the west and the Johnson County RUR parcel on the east. Ms. Crow explained this has been discussed and the applicant will be revising the site plan.

Ms. Crow said a photometric plan has been provided but it did not meet the UDC requirements. The applicant was informed of this and the applicant has informed City Staff a revised photometric plan will be submitted that meets the UDC. She said the landscaping and buffering did not meet the UDC requirements either, but the applicant has submitted revisions that staff has not had an opportunity to review at this time. Mr. Alex Bruggen, ARCO National Construction, stated he will make a presentation that includes information on the updates. Ms. Linn stated the applicant will present after City Staff has presented their findings. Ms. Crow continued and stated dumpsters are to be screened from view. She said during the initial approval process for the current operations, the applicant requested to use 1" vinyl coated mesh fencing with 3 strand barbed wire on top. This request for a deviation was made in order to meet U.S. Customs and Border Control requirements and was approved by the Planning Commission on June 9, 2015. At a minimum, fencing around the expanded operation should match those provided on the first Phase as noted earlier. If a deviation is requested for the addition of barbed wire atop the vinyl coated mesh fencing, a formal request should be made by the applicant.

Ms. Crow said the diesel emission requirements will need to be met and the applicant has acknowledged the comments and will adjust the site if needed. She explained there is a note that needs to be removed from the Site Plan and there is a force main for the sanitary sewer that the applicant is aware of. Grading may not exceed 3 feet over the force main. There are comments made by the City Engineer regarding the stormwater management report that need to be addressed. Ms. Crow stated the final comment addresses the Conditional Use Permit, CU2021-02,

that accompanies the site plan. There are requirements that the Conditional Use Permit have that have to be addressed on the site plan.

Ms. Crow explained City Staff does recommend approval of Final Site Plan FS2021-05 with the following stipulations:

1. The City Staff recommendations and comments noted earlier related to infrastructure, landscaping, the stormwater plan and all else discussed as included in the Staff Report are included as stipulations as part of approval of the Final Site Plan. The landscaping plans provided must meet or exceed UDC requirements.
2. No signage is proposed with the application. Signage proposed later shall receive separate approval according to the provisions of the UDC.
3. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City. 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.
4. Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking area, 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 notation contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein.

Mr. Bruggen approached the Commission. He explained ARCO has been hired by the applicant to design the buildings and site plan for the project. He stated they have revised the landscaping on the project. Along 191st Street, the existing six (6) foot tall berm is to be extended west towards Homestead Lane to screen the exposed container yard and will contain a Type 1 right-of-way buffer that is outlined in the UDC. The fencing to be added along the right-of-way is to be black vinyl to match the existing fencing. He said switchgrass and reed grass will be planted every forty-eight (48) inches with oak trees and spruces planted every fifty (50) feet. He showed pictures of the grasses and trees to the Commission.

Mr. Bruggen explained the same type of buffer is to be used along Homestead Lane. The installation of a 6' berm can't be installed due to the current grade of the property. The fencing along the right-of-way will match the existing fence. He explained the different grasses, evergreen shrubs, and trees to be planted. He showed pictures of the proposed landscaping to show what it would look like once fully grown. Mr. Bruggen explained a Type 4 right-of-way buffer will be utilized along the south side of the property. He explained this will provide cover for the chassis on trucks. He explained and showed what landscaping is to be planted along this buffer.

Mr. Bruggen said there is a lot of screening that needs to be done as this project is a seventeen (17) acre truck yard. He presented line of sight drawings that have vantage points along Homestead Lane and the trail easement to the south of the truck yard. He said the proposed landscape and grade would block the view of trucks. The tree line would be placed on top of the current grade. Ms. Linn stated the addition of a berm would be difficult due to the current grade of the site. Chairperson Daley inquired if the planted switchgrasses would be cut. Mr. Bruggen replied the lawn would be maintained, but the ornamental grasses would not be cut unless the landscapers

felt it was needed. Ms. Linn explained these types of grasses are planted elsewhere in LPKC and could be cut during the spring, but the grasses are typically tall.

With there being no further public comments, Chairperson Daley closed the public hearing.

13. CONSIDER FINAL SITE PLAN APPLICATION FS2021-05 FOR ARROWHEAD PHASE III GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.

Commissioner Crooks inquired if there is to be 1 access point for both parcels. Ms. Linn answered that is correct. Chairperson Daley asked if this will be the existing entryway. Ms. Crow replied it is. Mr. Bruggen said the existing entrance will be used and vehicle stacking will occur on site and not along 191st Street. There will be two (2) fifty (50) foot double leaf fence gates before the guard house and the auxiliary lane off of 191st Street. Ms. Linn explained there is not as much onsite stacking space now as there will be in future. Commissioner Crooks asked if there would be 1 entry lane and 1 exit lane. Ms. Linn explained the current location of the access point does allow driver to make a left or right out of the facility so the lanes would accommodate turning. Chairperson Daley asked how many trucks would be able to stack. Mr. David Hamby, City Engineer, replied the details are still being considered and it will increase the flow of traffic at this intersection. Mr. Bruggen said six (6) can stack currently. Mr. Cooley explained this expansion would allow up to eighteen (18) trucks to queue before entering the storage area.

Commissioner Berger moved to approve Final Site Plan FS2021-05 subject to the stipulations outlined by City Staff. The motion was seconded by Commissioner Crooks. Final Site Plan FS2021-05 was approved, 4-0.

14. HOLD A PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT APPLICATION CU2021-02 FOR ARROWHEAD PHASE III CARGO CONTAINER STORAGE LOT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.

Chairperson Daley opened the public hearing for Application CU2021-02.

Ms. Crow explained a Conditional Use Permit (CUP) is needed for cargo container storage as it is a heavier use than what is allowed by right in L-P zoned parcels. The applicant is expanding their operations and wish to have one CUP for the entire operation under the newly approved plat, FP2021-02 and site plan FS2021-05. She explained the purpose of a CUP and the process an applicant has to go through to obtain a CUP.

Ms. Crow said there are criteria the Commission and the Governing Body has to determine whether the proposed use is found to be generally compatible with the surrounding development and is in the best interest of the City. She said for each criterion, City Staff has made a determination on how they feel the project meets the criteria and how it will affect the City. The criteria are as follows:

1. The extent to which there is a need in the community for the proposed use. Demand for businesses to store and maintain cargo containers and chassis, such as the facility proposed here, is a by-product of the activity in and around the intermodal facility. LPKC's primary

function is to transport and redistribute containers and the products they contain. The proposed use would fill a need for this type of support services in LPKC. Staff determination: *Positive*

2. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space. The neighborhood is established as a transportation and logistics hub. The Burlington Northern Santa Fe (BNSF) Intermodal Facility is just across 191st Street from the subject parcels. The applicant has also requested the proper rezoning to expand the current operations. The site would be wholly contained within Application FS2021-05 as submitted for Planning Commission review. Staff determination: *Positive*
3. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening. The requested rezoning of L-P and the adjacency to similar uses supports the need for this kind of use. Application FS2021-05 was reviewed to ensure compliance with the UDC regarding L-P zoned parcels. Staff determination: *Positive*
4. Suitability of the uses of the property without the proposed conditional use permit. Cargo container and chassis storage are an important function to serve LPKC. This important support service continues to be a much-needed use within LPKC, and the existing cargo container storage facilities are seeing an increased demand for such services. Staff determination: *Positive*
5. Length of time the subject property has remained vacant without the proposed conditional use permit. Per the Johnson County AIMS system, the parcel has been used as stockpile storage of dirt and rock since at least 2014. The development of this parcel as a cargo container storage and maintenance facility serves a need in the logistics park and develops a parcel currently used for stockpile storage into a viable use. Staff determination: *Positive*
6. The extent to which the proposed use may detrimentally affect nearby property. No long-term detrimental effects are expected for the use of the property as the use requested is not extraordinary at LPKC. There are currently three (3) other cargo container storage facilities in operation at LPKC and the approval to expand to the west on a vacant lot will be beneficial to the LPKC. Staff determination: *Positive*
7. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions. During the approval process of Application FS2021-05 for this project, City Staff has informed the applicant there can be only one access point from 191st Street. Onsite stacking and the addition of an auxiliary lane along 191st Street will aid in traffic flow to the site. Staff determination: *Positive*
8. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services. Utilities are currently installed on the eastern parcel and can be easily extended to the western parcel from there. Staff determination: *Positive*
9. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property. The addition of onsite stacking lanes and an auxiliary lane along 191st Street should alleviate the current traffic issues which occur on 191st Street and extend onto

Homestead Lane. Additionally, 191st Street is designated as a heavyweight corridor and the roadway is designed to carry the truck traffic that would be generated by the expanded use.

Staff determination: *Positive*

10. The environmental impacts that the proposed use would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm. This project will increase the amount of impervious surface. During Site Plan review, the stormwater report is reviewed by the City Engineer to ensure all stormwater stays on site and does not impact nearby properties. The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan that is reviewed by the City and the State. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process. Staff determination: *Neutral*
11. The economic impact of the proposed use on the community. Prior to the development of the BNSF intermodal facility and LPKC, there were few commercial and industrial uses within the City. Warehousing and related uses in the L-P District have the potential to benefit the residents and the community in a positive way by providing needed jobs and tax revenues. This type of use is seen as necessary support for warehousing and other related LPKC uses. Staff determination: *Positive*
12. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial. Application FS2021-05, would meet the requirements of the UDC if approved with the stipulations stated. Due to the nature of the request, there would be little gain to the public health, safety, and welfare of the City of Edgerton and the property owner should this request be denied. Staff determination: *Positive*
13. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community. The Future Land Use Map within the Comprehensive Plan designates the subject property for industrial development. Staff determination: *Positive*
14. In addition to the aforementioned criteria, the recommendation of professional staff is also required per Ordinance 798 (2005). City Staff's recommendation will be addressed shortly.

Ms. Crow explained in addition to the criteria, there are specific district requirements outlined by the UDC for each kind of CUP. City Staff reviewed the application for compliance for these requirements. The applicant has not provided definitively outlined areas on FS2021-05 where the stacking of cargo containers and chassis will occur. That information is needed so City Staff can verify a few of the requirements are met. There are other requirements that will be addressed when the applicant updates the Final Site Plan to meet the requirements outlined for that application. The applicant does meet the requirements of minimum lot size and paving. There are requirements that will be continuously monitored for compliance. Those requirements are for noise, parking, height of cargo container stacking, height of chassis stacking and parking, compliance of governmental rules, and any deviations to be requested.

Ms. Crow said City Staff does recommend approval of CUP CU2021-02 with the following stipulations:

1. The Conditional Use Permit CU2021-02 approval shall be transferable, but it must stay with the ownership of these parcels for which its use is approved (Final Plat application FP2021-02).
2. The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements. The applicant shall comply with height requirements by limiting cargo container stacking to not exceed the maximum of 5 (five) cargo containers. This condition shall be continually met for the duration of the conditional use permit.
3. The property shall be developed in accordance with the Final Site Plan application FS2021-05 and any stipulations, to be approved by the Planning Commission, prior to commencement of the cargo container storage use.
4. Landscaping material shall be continuously maintained and replaced when dead.
5. No other outside storage of equipment or materials shall be allowed on the property.
6. Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a new, revised Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans.
7. This Conditional Use Permit shall be valid for 10 (ten) years from date of approval by the City of Edgerton Governing Body.

Mr. Cooley spoke to the Commission. He explained their stacking plan will be that in manner of a pyramid. There will be 2 containers stacked on the outer board and increase up to the maximum of 5. This will alleviate any issues with containers falling into the setbacks.

With there being no additional public comments, Chairperson Daley closed the public hearing.

15. CONSIDER CONDITIONAL USE PERMIT APPLICATION CU2021-02 FOR ARROWHEAD PHASE III CARGO CONTAINER STORAGE LOT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.

Chairperson Daley stated there is a current CUP for the current operations. Commissioner Lebakken inquired as to who was storing the rock and dirt on the site. Mr. Cooley answered an agreement was reached between the current parcel is owner and BNSF for stockpiling the debris. Commissioner Lebakken asked how the stockpile will be addressed. Ms. Linn replied the next agenda item will discusses that.

Commissioner Berger moved to approved CU2021-02 subject to the stipulations outlined by City Staff. Commissioner Lebakken seconded the motion. CUP CU2021-02 was approved, 4-0.

16. CONSIDER TEMPORARY CONSTRUCTION USE APPLICATION TU2021-05 FOR A ROCK CRUSHING OPERATION FOR ARROWHEAD PHASE III GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.

Ms. Crow stated the applicant has determined not all of the rock onsite will be necessary for the development. It is not unusual to have a rock crushing and hauling operation at the same time. She said the applicant has estimated there was 121,000 tons of rock onsite, and the applicant will use an estimated 45,000. The remaining estimated 76,000 tons of rock will have to be hauled offsite. This equates to an estimated of 9,438 truckloads to be hauled. The applicant has indicated the haul

route will start on 191st Street towards Homestead Lane and south on Homestead Lane to I-35 to leave the City. An estimated seventeen (17) trucks will make eight (8) trips per day for eighty (80) days to remove the existing rock not being used onsite. Ms. Crow said the applicant will sweep the street as needed along the haul route during the hauling period. The applicant has requested to perform rock crushing and hauling Monday through Friday from 7:00 AM to 5:00 PM. She explained dust containment will be provided on the equipment and the Kansas Department of Health and Environment (KDHE) will test the air quality.

Ms. Crow explained City Staff recommends approval of TU2021-05, a rock crushing and hauling operation with the following stipulations:

1. Prior to any work occurring on site, both a KDHE Permit holder and a Land Disturbance Permit must be in place with a copy of the KDHE Permit credentials from the operator being provided to the City.
2. Temporary living quarters are not permitted on-site unless prior authorization has been provided by the Planning Commission.
3. All occupied buildings shall have access to potable water from an approved water source.
4. All signage shall be placed pursuant to applicable sign regulations in Article 12 of the UDC.
5. All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use.
6. 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.
7. Contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or other applicable chapter of City Code.
8. 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 with regards to the tracking of debris onto public streets. Improvements for a construction entrance and the access road shall be required prior to operation and must be continually maintained in good condition.
9. On-site Stormwater Management Plan shall be approved by City prior to the disturbance of land.
10. 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.
11. Contractors agree to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable period of time.
12. Hours of operation shall be limited to from 7:00 AM to 5:00 PM, Monday through Saturday.
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 shall maintain a valid City of Edgerton Business License.
17. Staff retains the ability to establish reasonable requirements for their operation.
18. All activities will be performed in compliance with KDHE and the requirements of the KDHE Bureau of Air.
19. Permission for temporary construction activities is granted for a period ending July 31, 2021.

Mr. Bruggen addressed the Commission. He stated they want to use as much of the material as possible and will minimize exports as much as possible. Chairperson Daley inquired if the hauling

trucks will be grated. Mr. Bruggen answered all equipment will be monitored entering and leaving the site to make sure there is little to no spillage of material.

Commissioner Berger moved to approve TU2021-05 subject to the stipulations outlined by City Staff. The motion was seconded by Commissioner Little. TU2021-05 was approved, 4-0.

17. HOLD A PUBLIC HEARING TO CONSIDER PRELIMINARY PLAT APPLICATION PP2021-01 FOR PARCELS GENERALLY LOCATED AT THE NORTHWEST CORNER OF KILL CREEK ROAD AND 213TH STREET.

Chairperson Daley opened the public hearing for Application PP2021-01.

Ms. Crow said this is an application for a Preliminary Plat for Project Polaris. This is to plat 2 parcels in the City located near 32330 W 213th Street into 1 lot and 3 tracts. The current parcels consist of 57.21 acres and 22.03 acres and the new proposed lot will be 78.615 acres. The tracts will be designed for detention. These parcels are being plated in preparation of new warehouse construction. She said current access is from a private access point located on the northwest corner of 213th Street and Kill Creek Road. The utility service providers are the same as PP2021-02.

Ms. Crow explained there are minor corrections that need to be made to the preliminary plat. Some of the zonings of the parcels shown on Sheet C02 need to be corrected. No new easements have been proposed and the preliminary plat will need to be updated as needed. She said the City Engineer noted the existing right-of-way of Kill Creek Road and 213th Street is not labeled and does not appear to be correct. The City is also requesting a 50-foot by 50-foot square of additional right-of-way to be dedicated at that corner. The applicant will need to work with City Staff to determine the appropriate designation of easements and right-of-way for the access road that has been proposed.

Ms. Crow stated City Staff does recommend approval of Preliminary Plat PP2021-01 with the following stipulations:

1. All Preliminary Plat requirements of the City listed earlier shall be met or addressed.
2. 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. John Petersen, Polsinelli Law Firm, applicant representative, stated the applicant understands the stipulations and comments made in the Staff Report.

Ms. Pat Peer, 32695 W 215th Street, Spring Hill, Kansas 66083, spoke before the Commission. She said the applicant is wanting the Commission to approve the preliminary and final plat at the same meeting. There are many items that need to be addressed just on the preliminary plat. She explained the water quality of the area is threatened by these projects and the watershed goes into Hillsdale Lake. The lake must be protected. She said she did not see any settling pools on the maps, and she said there is no description of wastewater on the documents. There are also no

discharge limitations listed on the documents. She explained those items need to be addressed before the preliminary plat gets approved. Ms. Peer stated they have proposed a road to Project Polaris to go from 207th Street. The road should be built first so all construction traffic can utilize the new road. Currently, trucks will go down Waverly Road to 213th Street. She said Waverly Road is somewhat improved, but 213th Street is extremely narrow and is not improved. She explained there is no room for a car and truck to go down at the same time. Ms. Peer said Johnson County told her that there should be flaggers to control traffic. She said the road needs to be built first as per the County. She said the county will allow them to use Waverly Road and 213th Street for 8 (eight) to ten (10) weeks before the new road is open. She said there should be no concrete trucks along this route as Waverly Road and 213th Street can't handle the weight of those trucks. Ms. Peer said when she started reading the material of what is being proposed, she knew the roads cannot handle those trucks. She does not know where the mix up is but NorthPoint should build the road first. Mr. Hendricks stated Ms. Peer has gone over her allotted 3 minutes. Ms. Peer continued, stating the City of Edgerton's regulations state no commencement of improvements are allowed per the stipulations on the final plat. She said there are big machines onsite now and work has started. She exclaimed what the applicant is doing is wrong and the road needs to be built. They should not be able to take over a country road. They have started building the warehouse before the preliminary plat and the final plat have been approved. The final plat has not even been presented to the Governing Body and work has started.

No further public comments were provided, and Chairperson Daley closed the public hearing.

18. CONSIDER PRELIMINARY PLAT APPLICATION PP2021-01 FOR PARCELS GENERALLY LOCATED AT THE NORTHWEST CORNER OF KILL CREEK ROAD AND 213TH STREET.

Chairperson Daley stated construction of the warehouse has not started as what is being done is grading which is permissible under a land disturbance permit. Ms. Linn agreed and explained there are items that can be reviewed and issued at the staff level and a land disturbance permit is one of those items. She explained the applicant does have a land disturbance permit issued and can be doing grading work. Ms. Linn stated she can address the questions raised about the road if the Chairperson wishes. Chairperson Daley replied those comments will be addressed during the site plan public hearing.

Commissioner Berger moved to approve PP2021-01 subject to the stipulations provided by City Staff. Commissioner Crooks seconded the motion. Preliminary Plat PP2021-01 was approved, 4-0.

19. CONSIDER FINAL PLAT APPLICATION FP2021-01 FOR PARCELS GENERALLY LOCATED AT THE NORTHWEST CORNER OF KILL CREEK ROAD AND 213TH STREET.

Ms. Crow stated this is regarding the parcels addressed in Application PP2021-01. There are two comments on the Staff Report that need to be addressed. She stated the City has requested a 50 foot by 50-foot square of additional right-of-way be dedicated at the corner of Kill Creek Road and 213th Street and the utility providers should review the Final Plat. The other comment is the Johnson County Records and Tax Administration will affix the Book and Page information once the plat has been filed with Johnson County.

Ms. Crow stated City Staff recommends approval of Application FP2021-01 with the following

stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalk, stormwater sewers, and water mains contained within the Final Plat. 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 submitted Final Plat.
2. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC.
3. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
4. All City Engineer comments related to the Stormwater Management Plan must be addressed.
5. All Final Plat requirements of the City listed earlier shall be met or addressed prior to recording of the Plat.
6. 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.

Chairperson Daley asked if the applicant wanted to comment on anything. Mr. Petersen stated the applicant has acknowledged and accepts all the stipulations.

Commissioner Berger moved to recommend approval of Application FP2021-01 subject to the stipulations outlined by City Staff. Commissioner Crooks seconded the motion. Application FP2021-01 was recommended for approval with the stipulations, 4-0.

20. HOLD A PUBLIC HEARING TO CONSIDER FINAL SITE PLAN APPLICATION FS2021-04 FOR PROJECT POLARIS GENERALLY LOCATED AT THE NORTHWEST CORNER OF KILL CREEK ROAD AND 213TH STREET.

Chairperson Daley opened the public hearing for Application FS2021-04.

Ms. Crow explained this application is for the parcels that Applications PP2021-01 and FP2021-01 are regarding. She stated there are few items City Staff noted on their review. She said the zonings on some of the properties on sheet C02 needs to be corrected. City Staff is currently working with the applicant to determine the appropriate placement of a crosswalk on 207th Street and pedestrian connection points. The applicant has acknowledged this and is working toward submitting public improvement plans for 207th Street and the entrance drive. She said the applicant has provided a preliminary photometric plan that does meet the requirements for foot-candle, but the height of the light poles was not provided. The applicant has indicated the pole height will not exceed City specifications. The City Engineer has requested the turnaround bulb on the west needs to be removed and there is a proposed "Entrance for Future Drive" shown on C18 that also needs to be removed. The alignment of the access road and the turnaround need to be reviewed and the City is currently reviewing a traffic study provided by the applicant. Ms. Crow said City Staff will also monitor the site to ensure all equipment is properly screened.

Ms. Crow stated the applicant has shown a tank farm on the west side of the warehouse. She said City Staff has informed the applicant that screening material for the tank farm must be constructed

out of concrete tilt up panels to match the proposed building. City Staff will monitor the site to ensure the tank yard remains screened from public view. She said the applicant has proposed a prefinished composite metal panel canopy. The canopy comprises roughly 745.6 square feet of the building façades. The remaining area will be comprised of concrete tilt up panels. Ms. Crow explained City Staff feels the minor amount of exposed metal as an accent color and design component will enhance the aesthetics of the building and recommend approval of the deviation. She said the applicant has not met the calculations of articulation per the UDC, City Staff feels the articulation provided coupled with the change in paint colors meets the spirit and intent of the UDC and recommends approval of the exception. The applicant has acknowledged the minimum loading space dimensions does not meet the UDC and will restripe the lot if it does not meet the needs of the tenant. She said the landscaping shown meets the UDC, but there is no information on screening the dumpster. The applicant has acknowledged the requirements and will provide a screening plan at the time they submit for the Building Permit of Tenant Finish. The applicant has also acknowledged the diesel emission requirements outlined the UDC and will address as needed. Ms. Crow said the final note is to correct some typographical errors in the Site Plan document.

Ms. Crow said City Staff does recommend approval of FS2021-04, Final Site Plan for Project Polaris, with the following stipulations:

1. The staff recommendations and comments noted related to infrastructure, landscaping, the stormwater plan and all else discussed as stated earlier and in the Staff Report are included as stipulations as part of approval of this Final Site Plan.
2. No signage is proposed with this application. Signage proposed later shall receive separate approval according to the provisions of the UDC.
3. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City. The property owner and/or developer shall work with City staff to determine the best possible placement for a storm water easement and shall dedicate said storm water easement on the Final Plat.
4. Applicant/Owner Obligation. The site plan, a 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 contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein.

Ms. Linn pulled the site up on the map and showed the access point that is available now and where the new access point will be constructed. She said there is a time component that was taken into consideration with the construction of the access point due to there being a creek that requires the applicant to construct a bridge over. City Staff has met with Johnson County Public Works to allow the applicant to utilize Waverly Road and 213th Street for eight (8) to thirteen (13) weeks before the access road is constructed. Johnson County added gravel to the road and graded it. The applicant will be required to pay for the maintenance, which the City and County have an agreement on. She said there will be flagging to safely allow trucks travel along 213th Street. This is to make sure no passenger traffic intermingles with the truck traffic. City Staff attempted to get ahead of this issue before there are any issues.

Ms. Linn said the City is also concerned about the quality of water as the City, like many others,

gets their drinking water from Hillsdale Lake. She explained the City Engineer requires all projects meet the requirements of the National Pollutant Discharge Elimination System (NPDES). The City of Edgerton is part of the Hillsdale Area Watershed Cooperative to make sure the quality of the water stays the same regardless of the projects that are done in Edgerton.

Chairperson Daley inquired about the City paying for the maintenance of the access points. Ms. Linn stated there is an agreement between the applicant, City, and County to where the applicant will pay for the maintenance of the roads. Commissioner Berger inquired when the high traffic times will occur. Mr. Scott Uranich, Clayco, answered that Clayco will be constructing the building and most concrete pours will be overnight during the summer and additional lighting being provided. Chairperson Daley asked if nearby residents will be impacted by the lights. Ms. Linn replied the houses nearby are setback from the road and there are tree lines between the houses and the road. Chairperson Daley asked if the residents would be able to see the lights. Ms. Linn answered she did not believe they will.

Commissioner Crooks inquired when the access road will be constructed. Mr. Uranich replied the time frame has not been set completely but about 8 (eight) to 13 (thirteen) weeks for grading and the temporary road to be constructed. Ms. Linn explained once the temporary access road is constructed, it will be used and access from 213th Street will not to be allowed. Commissioner Crooks asked what will happen if damage is done to the road. Mr. Uranich said that is part of the maintenance agreement between the City and County that they are responsible for maintaining the road. Commissioner Lebakken inquired if the temporary road will become a permanent access point. Ms. Crow answered it will be and it will be the access point for traffic going to and from this warehouse. Chairperson Daley inquired if retention basins are required for this site. Mr. Hamby stated there are 3 detention basins that will be constructed, and the confusion over public comments made during the Preliminary Plat public hearing might be from the phrasing of 'no lagoons' being used.

Chairperson Daley closed the public hearing as no further comments were made.

21. CONSIDER FINAL SITE PLAN APPLICATION FS2021-04 FOR PROJECT POLARIS GENERALLY LOCATED AT THE NORTHWEST CORNER OF KILL CREEK ROAD AND 213TH STREET.

Commissioner Berger moved to approve Final Site Plan FS2021-04 subject to the stipulations outlined by City Staff. Commissioner Lebakken seconded the motion. Final Site Plan FS2021-04 was approved, 4-0.

22. CONSIDER TEMPORARY CONSTRUCTION USE APPLICATION TU2021-04 FOR THE USE OF A BATCH PLANT FOR PROJECT POLARIS LOCATED AT 20520 WAVERLY ROAD.

Ms. Crow stated on March 5, 2021, City Staff received an application from Concrete Strategies Inc. (CSI) to construct a batch plant which would provide concrete for the construction of Project Polaris. She said part of the application required permission from the property owner. CSI provided a letter from NPD on behalf of Wellsville Farms, LLC dated March 23, 2021 allowing CSI to use the property for the batch plant for the construction of Project Polaris. The letter does include a fixed end date of May 24, 2022 and a restriction that the batch plant only be used for projects for which

explicit permission is granted. The owner does retain the right to evict CSI from the property at any time with thirty (30) days advance notice.

Ms. Crow explained the haul route will be south on Waverly Road and west on 213th Street to the site until the access road has been constructed. The access road construction will take roughly nine (9) to ten (10) weeks. Once constructed the trucks will go south on Waverly Road to 207th Street and go west and turn south on the access road to the site. All raw materials will use Homestead Lane to 207th Street east to Waverly Road and turn north to get to the batch plant. The applicant is required to maintain Waverly Road between the batch plant haul route and 207th Street.

Ms. Crow said footing and site work will require one (1) to four (4) trucks per hour. Slab work will require seven (7) to ten (10) trucks per hour. Once work starts on paving and tilt up walls, six (6) to eight (8) trucks will be needed per hour. The applicant is use agitator and mixer trucks as dump trucks are prohibited to transport wet concrete. Trucks will be cleaned onsite during pours and any concrete dribbled onto City roads will be immediately swept and cleaned. All chutes will be hung, and all the trucks will be rinsed before entering City roadways.

Ms. Crow informed the Commission the applicant is required to fully restore the site to the original condition prior to the batch plant operations. This restoration must be completed by the vacation date of May 24, 2022. If the batch plant is to be used for another project, another Temporary Construction Use will need to be applied for.

Ms. Crow stated City Staff recommends approval of batch plant TU2021-04 with the following stipulations:

1. No trucks of any kind, including delivery of materials, may use Waverly Road north of the site to travel to 199th Street.
2. 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.
3. Off-site impacts from on-site construction-related activities shall be minimized to the extent possible. This shall include compliance with all City regulations and policies related 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.
4. Any damage caused to any public infrastructure along the haul route due to concrete operations is the responsibility of the applicant to repair.
5. 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.
6. Hours of operation shall be limited to from 7:00 AM to 5:00 PM unless otherwise approved by staff for special weather dependent hours.
7. Applicant shall maintain a valid City of Edgerton Business License.
8. All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use.
9. 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.
10. Temporary living quarters are not permitted on-site unless prior authorization has been provided by the Planning Commission.
11. All occupied buildings shall have access to potable water from an approved water source.

12. All signage shall be placed pursuant to applicable sign regulations for the City of Edgerton, including traffic control signage.
13. 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.
14. On-site Stormwater Management Plan shall be approved by City prior to the disturbance of land.
15. 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.
16. 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.
17. Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan.
18. Property owner and/or general contractors shall provide a Construction Management Plan to the City.
19. This Temporary Construction Use is only for the construction of Project Polaris. Should any other projects be awarded to the applicant, a new Temporary Construction Use permit must be obtained including the submittal of a new application, a new permission letter from the owner, and a review by the Planning Commission.
20. Permission for temporary construction activities is granted for a period ending May 24, 2022, with permission subject to the revocation before that by the property owner per the attached letter.
21. Additionally, prior to full site vacation on May 24, 2022 the property must be restored to a planted condition and no debris, equipment, concrete, gravel piles, etc. may be left behind. Applicant must contact city staff for an onsite inspection to review site conditions when the property is vacated. Failure to do so may result in disapproval of future activities.

Chairperson Daley stated this would be allowing the use of the current batch plant for Inland Port 52. If this is not approved, the concrete would have to be hauled in.

Commission Berger moved to approve TU2021-04 subject to the stipulations outlined by City Staff. Commissioner Little seconded the motion. TU2021-04 was approved, 4-0.

FUTURE MEETING

The next Planning Commission meeting is scheduled for May 11, 2021 at 7:00 PM. Ms. Crow stated there are no applications received at this time. Chairperson Daley said if the May meeting is cancelled, the next scheduled meeting will be June 8, 2021.

ADJOURNMENT

Motion by Commissioner Lebakken to adjourn the meeting, Commissioner Berger seconded. Motion was approved, 4-0. The meeting was adjourned at 9:28 PM.

Submitted by Chris Clinton, Planning and Zoning Coordinator