

**EDGERTON CITY HALL  
PLANNING COMMISSION MEETING  
August 10, 2021**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on August 10, 2021. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

**1. ROLL CALL**

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

With a quorum present, the meeting commenced.

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

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

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

**CONSENT AGENDA**

**4.** Approve Minutes from the July 13, 2021 Planning Commission Meeting.

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

**REGULAR AGENDA**

**5. DECLARATION**

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

Ms. Katy Crow, Development Services Director, stated that last month there was a public hearing for Article 5 of the Unified Development Code so that is Old Business but for the flow of the meeting it was best to have it paired with the proposed amendments for Article 12 of the Unified Development Code which is Item 10 on the agenda.

**BUSINESS REQUIRING ACTION**

**NEW BUSINESS**

Chairperson Daley stated during the remainder of the meeting, there will be two public hearings for new items and an opportunity to hear public comment and concerns regarding those specific items. He explained the applicant will be allowed to present their information in order for the Planning

Commission (the Commission) to either approve or make a recommendation to the Governing Body. Anyone wanting to speak during the public comments portion of the meeting will be able to do so. The speaker is requested to sign in and provide their name and address and will be limited to three (3) minutes each. Chairperson Daley said comments must pertain to the item for which the public hearing is being held. He stated as the chair of the Commission, he reserves the right to modify the procedures as needed to conduct an orderly and effective meeting.

Chairperson Daley reminded all in attendance that the role of the Commission in the rezoning process is that of a recommending body. The Governing Body will make the final decision and take formal action on the application at a future City of Edgerton City Council meeting.

**6. HOLD A PUBLIC HEARING TO CONSIDER APPLICATION ZA2021-07 FOR REZONING OF 9.88 ACRES AND APPLICATION ZA2021-08 FOR REZONING OF 9.89 ACRES GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF 191<sup>ST</sup> STREET AND MONTROSE STREET FROM JOHNSON COUNTY RURAL (RUR) TO CITY OF EDGERTON LOGISTICS PARK (L-P)**

Chairperson Daley introduced Application ZA2021-07 for rezoning of 9.88 acres and Application ZA2021-08 for rezoning of 9.89 acres generally located northeast of the intersection of 191<sup>st</sup> Street and Montrose Street from Johnson County Rural (RUR) to City of Edgerton Logistics Park (L-P). He stated public comment is only allowed during the public hearing. Once the public hearing has been closed, the time for comment has passed and no further comments from the audience will be taken. He reminded everyone that speakers are limited to 3 minutes. He explained rezoning is about the change in use of the land. Anything related to the development of the land like the roads, or what the building looks like, or the stormwater plan will be discussed at a later meeting. He stated that each application will have its own action after the public hearing.

Chairperson Daley opened the public hearing for Applications ZA2021-07 and ZA2021-08. He requested City Staff present their findings.

Ms. Crow stated these parcels are generally located one third (1/3) of a mile east of the intersection of 191<sup>st</sup> Street and Waverly Road. The applicant is Dennis Cohlma who is an agent of Cohlma, LLC who owns the property. The request is to rezone the parcels from Johnson County RUR to City of Edgerton L-P. She explained the property was annexed into the City of Edgerton on June 10, 2021. The parcels do not have any improvements and both parcels are just under ten (10) acres in size. Utilities and service providers, police, and fire protection are the standard providers for the City of Edgerton and Johnson County. Access to the properties would be from 191<sup>st</sup> Street.

Ms. Crow explained the parcel that Application ZA2021-07 is pertaining too, is surrounded by Johnson County RUR and City of Edgerton L-P zoned parcels. The Application ZA2021-08 parcel borders Johnson County RUR, City of Gardner AG, City of Gardner Multi-Family Residential, and City of Edgerton L-P zoned parcel. She stated there is a map on the second page of each Staff Report showing the zoning designations. She said the request for rezoning is for future intermodal related development. Permitted uses within the L-P District include warehousing/distribution centers; motor freight transportation terminals; light manufacturing, processing, fabrication or assembly of commodities, and other uses.

Ms. Crow said City Staff has reviewed the rezoning applications with respect to the Edgerton Unified Development Code (UDC), the laws of Kansas, and the Golden Criteria" as established by the Supreme Court of Kansas in 1978. The eighteen (18) criteria were each examined with respect to each rezoning application and the full list is provided in the Staff Reports. She explained she will inform the Commission on key points from the Staff Reports.

Ms. Crow stated based upon available aerial photography, these parcels were agricultural use in unincorporated Johnson County, prior to their annexation into the City of Edgerton. The existing RUR zoning is considered a hold designation when an annexation occurs.

Ms. Crow explained the applicant has requested the proposed change in order to allow construction of project similar to other project containing a L-P zoning designation. Construction of warehousing, distribution, limited manufacturing, and related facilities near the BNSF intermodal facility allows 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. She said given the proximity of the parcel to LPKC Phase I, the BNSF facility, Interstate 35 (I-35) and the Homestead Lane interchange, an L-P zoning designation is the most compatible for these uses. The magnitude of the change is not considered extreme or rare when property is being developed for its planned end use, intermodal related development and the proposed zoning is compatible with the existing adjacent uses of neighboring properties to the west and south. Ms. Crow explained the 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, and vibration. If the rezoning is approved, a separate Site Plan review and approval will be required before building permits can be issued. She stated part of that review will include attention to buffering and setbacks, stormwater management and transition of uses between adjoining uses and any proposed industrial use. This Site Plan review will help mitigate impacts that might occur to adjacent properties.

Ms. Crow said 191<sup>st</sup> Street is designated as a Heavyweight Corridor and provides access to Homestead Lane, which is 1.3 miles to the west of the parcels. She explained the City will follow the 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, etcetera, will be addressed as part of the Site Plan review process.

Ms. Crow stated uses allowed in the L-P District have the potential to benefit the residents and community in a positive way by providing jobs, economic opportunities, and tax revenues to respective jurisdictions. She said there would be little relative gain, if any, to the public health, safety, and welfare from the denial of this zoning application. However, the City would be adversely impacted due to the lost opportunities for jobs, economic activity, and tax revenue if the anticipated logistics park uses are facilities were to locate in another community.

Ms. Crow said City Staff recommends approval of the proposed rezoning of the subject parcels from Johnson County RUR to City of Edgerton L-P with 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.

Ms. Crow stated these two parcels are very similar with there being only minor differences in the zoning designations of the parcels which border them.

Ms. Crow introduced the applicant's representative, Mr. Lynn Boyd, JB Hunt Transport, so that he may provide any additional information. Mr. Boyd added nothing further and thanked the Commission for their consideration of these applications.

Chairperson Daley asked City Staff if any written testimony was provided. Mr. Chris Clinton, Planning and Zoning Coordinator, stated there was none and stated nobody has signed up to speak during the public hearing.

Commissioner Lebakken moved to close the public hearing. Commissioner Little seconded the motion. The public hearing was closed, 3-0.

**7. CONSIDER APPLICATION ZA2021-07 FOR REZONING OF 9.88 ACRES GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF 191<sup>ST</sup> STREET AND MONTROSE STREET FROM JOHNSON COUNTY RURAL (RUR) TO CITY OF EDGERTON LOGISTICS PARK (L-P)**

Chairperson Daley stated these parcels are close to other warehouses. Ms. Crow stated that pursuant to the code requirements, notification letters for tonight's hearing were sent to the required adjacent landowners. City staff received an affidavit was received stating those letters were sent. Chairperson Daley asked if there was residential nearby. Ms. Crow replied that there is a multi-family residential corner to corner for Application ZA2021-08 and there are some parcels which contain Johnson County and City of Gardner rural residential and agriculture. Ms. Crow reminded the Commissioner to provide their rationale for their decision when formulating their motion.

Commissioner Crooks moved to recommend approval of Application ZA2021-07 for rezoning of 9.88 acres generally located northeast of the intersection of 191<sup>st</sup> Street and Montrose Street from Johnson County RUR to City of Edgerton L-P with the stipulations outlined by City Staff and based upon the information regarding the Golden Criteria in the Staff Report. Commissioner Lebakken seconded the motion. Application ZA2021-07 was recommended for approval, 3-0.

**8. CONSIDER APPLICATION ZA2021-08 FOR REZONING OF 9.89 ACRES GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF 191<sup>ST</sup> STREET AND MONTROSE STREET FROM JOHNSON COUNTY RURAL (RUR) TO CITY OF EDGERTON LOGISTICS PARK (L-P)**

Commissioner Crooks moved to recommend approval of Application ZA2021-08 for rezoning of 9.89 acres generally located northeast of the intersection of 191<sup>st</sup> Street and Montrose Street from Johnson County RUR to City of Edgerton L-P with the stipulations outlined by City Staff based on the

information regarding the Golden Criteria in the Staff Report. Commissioner Little seconded the motion. Application ZA2021-08 was recommended for approval, 3-0.

Ms. Crow stated Applications ZA2021-07 and ZA2021-08 will be presented to the Governing Body on September 9, 2021.

Mr. Boyd thanked the Commission and informed the Commission that JB Hunt will be developing part of the acreage that is being rezoned. The development will be presented to the Commission in the near future as they plan to upgrade and expand the facility, including the removal of the triple wide trailer currently in use.

**9. HOLD A PUBLIC HEARING TO CONSIDER UDC AMENDMENTS APPLICATION UDCA2021-02 FOR AMENDMENTS TO ARTICLE 12 – SIGN REGULATIONS OF THE EDGERTON UNIFIED DEVELOPMENT CODE**

Chairperson Daley introduced this application. He opened the public hearing for Application UDCA2021-02.

Ms. Crow stated at the July 13, 2021 Commission meeting, a public hearing was held related to Application UDCA2021-01 for amendments to City of Edgerton's UDC – Article 5, Section 5.2(P) – Logistics Park District Signage. City Staff recommended that the signage section of Article 5 be incorporated into Article 12 so that it is consistent with all other zoning districts. Additionally, City Staff presented information regarding portions of the current Article 5 sign code where clarification is needed due to conflicts within the current code content. City Staff recommended updates to the L-P sign code related to temporary signs, internal and external directional signage, and yard signs.

Ms. Crow stated Application UDCA2021-02 reflects the changes the Commission requested City Staff bring back, incorporated into Article 12, along with sample photos of the sign types which need to be further defined and clarified in the sign code. She said included with the packet is the following information:

- Article 12 – Sign Regulations. City Staff has incorporated Article 5, Section 5.2 content into Article 12. For the most part, the information from Section 5.2 was already included in Article 12 when that Article went through a major revision in 2019. If there was relevant information in Section 5.2 that was not included in Article 12, it has been added to the L-P District or to the overall sign code in general. Incorporated information is included in red. Information in Table 12-4 that is noted in blue, is information that was updated as the result of discussions held during the July 13, 2021 public hearing regarding Section 5.2. She went through all of the updates made to Article 12.
- Sign Examples. During the public hearing on July 13, the Commission requested clarification on what internal and external directional signage might look like. City Staff has included photos of signage which has been approved to date in the L-P District. Additionally, City Staff has included samples of what constitutes as a yard sign per the definition provided in Article 12.

Ms. Crow said City Staff would ask the Commission to discuss the proposed updated to Article 12 of the UDC which incorporate Article 5, Section 5.2 and the discussions held during the public hearing last month. Upon review and recommendation by the Commission, the final form of Article 12

would go to the City Attorney for review and then the Governing Body for approval and adoption.

Commissioner Little asked why the voltage requirement was forty-eight (48) volts. Ms. Crow stated she does not know and asked if Mayor Donald Roberts knew. Mayor Roberts said it might be from usage of older lines or telephone lines. Commissioner Little said most telephone lines are at thirty-two (32) volts. Mayor Roberts recommend the Commission change it to stay away from any overhead line. Ms. Crow updated the UDC to read as such and the Commission agreed on the change.

Commissioner Crooks asked about political signs being driven deep and hitting a utility. Ms. Crow answered those are protected by State statute and cannot be regulated by the City. Commissioner Lebakken inquired about garage sale signs. Ms. Crow replied those have not been addressed at this time as those are primarily in residentially zoned areas.

Chairperson Daley asked for clarification on the 'changeable message signs' noted in Table 12-4 as it says they can be unlimited height or size. Ms. Crow stated that is correct currently and these are more of a component of a sign. She explained these are the time and temperature sign that many banks have. Mayor Roberts asked about digital billboards and wondered if an applicant could argue that it is a changeable message sign. Chairperson Daley stated the section should be removed as many companies use these as components of a different type of sign. The Commission agreed the changeable message sign should be removed. Commissioner Crooks stated if a company does not want to meet the code, they would have to get a variance from the Board of Zoning Appeals. Ms. Crow stated that is correct.

Ms. Crow explained that today, flag poles are not addressed in the L-P sign code but City staff has received two requests for flag poles. She stated that she had added it to this section so that it could be regulated and used the exact specifications outlined in the Commercial sign code. Mayor Roberts asked what the height of a flagpole would be. Ms. Crow stated that it would be thirty-five (35) feet. Mayor Roberts asked would it be possible for a company to come in and fly a huge American flag. Ms. Crow stated that in the code amendment included, the maximum flag size is 40 sq ft. Mayor Roberts noted that in the L-P District, the maximum building height is 110 feet and flag poles should be allowed to go that tall. Mayor Roberts stated he remembers what the City of Gardner went through when a company wanted to have a large flag. Chairperson Daley confirmed that flag content cannot be dictated. Ms. Crow stated the setback should be the length of the flagpole so if it falls, it falls on the same property. Chairperson Daley recommended the height be limited at 110 feet, the size of the flag be removed, set the limit at five (5) flags, with the setback being the height of the pole, and keep the lighting of all of the flags. The Commission agreed with the changes.

Commissioner Crooks inquired why a metal wrapped wood post would be allowed for directional signs. Ms. Crow stated that it could help with the stability of the sign. Mayor Roberts added it also could make it a break away sign.

Ms. Crow asked the Commission if scoreboards, municipal golf course tee signs, sports field, fencing and park signs should be removed from the L-P sign code. Commissioner Little stated Garmin does have a soccer field between their buildings for their employees. Ms. Crow asked if it has a scoreboard. Commissioner Little stated it does not. Ms. Crow stated these are not permitted

uses in the L-P District. The Commissioners agreed it should be removed.

Mayor Roberts asked if a yard sign has to be on the premises of the property it is advertising. Ms. Crow stated today the overall sign code does not allow off-premise signage. Mayor Roberts stated that could be dictating content as a company could get the approval of the property owner to advertise their business on a different lot. Ms. Crow stated it has been reviewed by the City Attorney, but City Staff will confer with the City Attorney to get clarification on this. Chairperson Daley asked if an applicant for a yard sign permit could split up the number of signs and have them out for a longer period of time. Ms. Crow replied that each request is treated as 1 request, regardless of the number of signs that are placed. Each request would be limited to a maximum of four (4) signs for fourteen (14) days, with a maximum of 4 requests annually.

Mayor Roberts stated that the Commission has reviewed signage code a lot in the recent past and he does not think they are done yet. Commissioner Little asked if it would be by the end of the year. Mayor Roberts said do not be surprised if it is not before then. Commissioner Lebakken stated cemetery signage would be another sign that should be considered. Ms. Crow stated residential signage has not been addressed yet.

Commissioner Crooks moved to close the public hearing. Commissioner Lebakken seconded the motion. The public hearing was closed, 3-0.

**10. CONSIDER UNIFIED DEVELOPMENT CODE AMENDMENTS APPLICATION UDCA2021-01 FOR AMENDMENTS TO ARTICLE 5, SECTION 5.2(P) – L-P LOGISTICS PARK DISTRICT – SIGNAGE, CONTINUED FROM JULY 13, 2021, AND UNIFIED DEVELOPMENT CODE AMENDMENTS APPLICATION UDCA2021-02 FOR AMENDMENTS TO ARTICLE 12 – SIGN REGULATIONS OF THE EDGERTON UNIFIED DEVELOPMENT CODE**

Commissioner Crooks moved to recommend approval of the amendments to the UDC outlined in Application UDCA2021-01 and Application UDCA2021-02 and as discussed during the public hearings to be reviewed by the City Attorney. Commissioner Lebakken seconded the motion. Applications UDCA2021-01 and UDCA2021-02 were recommended for approval, 4-0.

**11. FUTURE MEETING**

The next Planning Commission meetings are scheduled for September 14, 2021 and October 12, 2021 at 7:00 PM.

**12. ADJOURNMENT**

Mayor Roberts and Ms. Crow discussed the code changes in Johnson County development code regarding large scale solar panel farms in the unincorporated County.

Commissioner Crooks moved to adjourn the meeting. Commissioner Lebakken seconded the motion. The motion was approved, 4-0. The meeting was adjourned at 8:36 PM.

Submitted by Chris Clinton, Planning and Zoning Coordinator