

PLANNING COMMISSION
May 12, 2026 Minutes

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Street, Edgerton, Kansas on February 10, 2026. The meeting was convened when Chair Tina Mathos called the meeting to order at 7:02 PM.

1. ROLL CALL

Jeremy Little	present
Tina Mathos	present
Adam Draskovich	present via videoconference
Ray Soemer	present
Jordyn Mueller	absent

With a quorum present, the meeting commenced.

Staff in attendance: Zachary Moore, Development Services Director
Chris Clinton, Planning and Zoning Coordinator
Hailey Vaughn, Customer Service Representative II
Beth Linn, City Administrator
Todd Luckman, City Attorney
David Hamby, City Engineer
Dan Merkh, Public Works Director
Kara Banks, Assistant to the City Administrator
Trey Whitaker, Assistant to the City Administrator
Joe Kmetz, City Building Code Official

Elected Officials in attendance: Mayor Donald Roberts

2. **WELCOME** Chairperson Mathos welcomed all in attendance to the meeting.
3. **PLEDGE OF ALLEGIANCE** All present participated in the Pledge of Allegiance.

Chairperson Mathos informed all present that the meeting will be conducted with dignity and respect for all attendees and participants. She stated it is important that the Commission has the ability to conduct business as provided on the agenda.

CONSENT AGENDA

4. Minutes from March 10, 2026, Planning Commission Meeting.

Commissioner Little moved to approve the Consent Agenda. The motion was seconded by Commissioner Soemer. The Consent Agenda was approved, 4-0.

Regular Agenda

5. **Declaration.** Chairperson Mathos requested that the Commissioners declare any correspondence that they have received or any communication they have had regarding the matters on the agenda. She asked them to state if any correspondence or communication might influence their ability to impartially consider the items on the agenda.

The Commissioners did not have anything to declare.

Business Requiring Action

6. **PP2026-0001: PRELIMINARY PLAT FOR EDGERTON PROJECT LOCATED AT 31800 W. 196TH STREET**

Chairperson Mathos requested Mr. Todd Luckman, City Attorney, explain what a Preliminary Plat application is and what the application does as part of the overall development process.

Mr. Luckman explained the application before the Commission is for a Preliminary Plat. A Preliminary Plat is a requirement of the Unified Development Code (UDC) and is not about zoning. In the past the Commission has considered rezoning cases which take into account the Golden Factors and quasi-judicial finding. The Preliminary Plat is not about zoning and does not require review pertaining to the Golden Factors. Mr. Luckman explained that a plat is a map of a property in horizontal form. The map can be separated into different tracts and may have dedications to the City or public for utilities and other things. The plat is to be reviewed under the requirements listed in the UDC. This application does not take into consideration any tax or zoning implications. He stated the Commission will have three (3) options for the application; approve, deny, or table with instructions which is sending the application back to the applicant for more information. Mr. Luckman said in the Kansas Court of Appeals case Rodrock Enterprises versus the City of Olathe in 2001, The Court ruled that approval of a plat is improperly denied if a plat conforms to all zoning subdivision regulations and Planning Commission standards. He continued that denial must be based on a violation of regulations and standards which are within the authority enabling legislation, which is the UDC. The UDC requires a reason for denial of a plat. This is set upon the idea that the requirements in the UDC are met or not. If a Commissioner wishes to deny the plat, the code sections that are not met must be provided.

Chairperson Mathos asked the applicant to present their request.

Ms. Chelsea Kulhanek, Director of Development with DAMAC Digital, spoke before the Commission. She explained that the application is for an adaptive reuse project. They intend to take a vacant industrial building in Logistics Park Kansas City (LPKC) and bring it back into use in accordance with the standards previously approved by the City. She said they are not requesting a rezoning, Comprehensive Plan amendment, or variance of any kind. The property is zoned for the proposed use and complies with all development standards. She explained that City staff does recommend approval of plat and site plan after their review. Ms. Kulhanek said DAMAC Digital is a privately held global developer that was founded in 1982 and headquartered internationally. DAMAC Digital has built data centers all over the world. Edgerton would be a piece of their United States portfolio and will represent a long-term capital investment in the City. Their engagement with City staff, leaders and the community does not end after the meeting. The applicant understands there is interest and questions

beyond the scope of the applications being presented to the Commission. This is why they held an Open House prior to the meeting. She closed by saying that DAMAC Digital is here to present their application for a plat and site plan and consistent with City staff's recommendation, they request approval of those applications as submitted.

Mr. Jeff Skidmore, Civil Engineer from Schlagel and Associates, addressed the Commission regarding the Preliminary Plat. He stated the location is 31800 W. 196th Street. The proposal is made of three (3) parcels, and this would be a replat of the existing lot with two (2) parcels to the north. The parcels extend to W. 191st Street. This would be incorporating all three (3) parcels into one (1) lot under single ownership, which will be the developer. This Preliminary Plat supports the proposed site plan to be presented to the Commission later during this meeting. All existing easements are platted and indicated on the Preliminary Plat. There is a tributary of Bull Creek that divides the parcels on the north, and the City has requested that the floodplain be in a drainage easement, which will be done.

Chairperson Mathos requested City staff present the staff report and review of the application.

Mr. Zachary Moore, Development Services Director, addressed the Commission. He explained City staff's role when considering a Preliminary Plat. City staff receives an application from the property owner or their representative and reviews the application against UDC and any other applicable documents, studies, master plans adopted by the Governing Body. Based on that review, City staff makes a recommendation that is found in the Staff Report.

Mr. Moore stated the application is for a Preliminary Plat for 53.79 acres located at 31800 W. 196th Street. He said there is a previously developed lot that has an existing warehouse on it. That portion of the subject property was annexed into the City of Edgerton in March of 2014 and was later rezoned to the Logistics Park (L-P) zoning district in December of 2017. A Final Plat was approved in 2016 and recorded in 2017 that also included lots to the east. The property is currently developed under a Final Site Plan that was approved in April of 2016 with a 378,038 square foot warehouse. The other two (2) parcels indicated on the Preliminary Plat are north of the developed parcel and were annexed into the City of Edgerton in August of 2018, then rezoned to L-P in October of 2018. Mr. Moore said the Preliminary Plat proposes the property be on one (1) lot comprised of 53.79 acres. There are no privately owned common tracts proposed, nor are there any dedicated rights-of-way. There is a section of floodway that will need to be in either a drainage area or a privately owned common tract, which is listed as a stipulation as part of City staff's recommendation. He explained the Preliminary Plat does propose a 50-foot building setback along the south property line, and 25-foot setbacks along the east, west and north property lines. Those proposed setbacks do meet the requirements of the UDC for the L-P zoning district. Mr. Moore said the UDC does require a public hearing for Preliminary Plat applications. In accordance with the prerequisites of the UDC, the applicant posted signs and sent mailers via certified mail. He stated City staff recommends approval of Application PP2026-0001 with the following stipulations:

1. The commencement of any improvements cannot 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, sanitary sewers, and water mains contained within the Final Plat.

2. The applicant must meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC, and all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
3. The 100-year floodway and floodplain must be shown in a drainage easement of tract on the Final Plat.

Chairperson Mathos explained that a public hearing is required for this application. She said that during the public hearing, comments must be limited to three (3) minutes per speaker, with the maximum time limit for all speakers during each public hearing being one (1) hour. Speakers must state their name and address before making comments that pertain to the public hearing item. Speakers must address their comments to the Commission members only and should not speak to fellow audience members during their public comment. Commission members will not engage in a dialogue or debate with speakers. Speakers and audience members should conduct themselves in a civil and respectful manner. She warned that disruptive conduct may result in removal from the meeting.

Chairperson Mathos opened the public hearing at 7:15 PM. She stated that prior to calling the first speaker up, City staff will read the names and addresses of written comments submitted to the City preceding the meeting. City staff will indicate if the comments were in support, opposition, or neutral in nature.

Ms. Hailey Vaughn, Customer Service Representative II, read the names, addresses, and nature of the comments. All of the correspondence received prior to the meeting are attached to these minutes.

Chairperson Mathos explained the procedure for those who wish to speak and requested the first speaker be called.

Mr. James Oltman, ElevateEdgerton! President, approached the Commission. He stated he is here in support of the Preliminary Plat. He believes this is the type of development that the City has spent years preparing for. The City recently went through a two (2) year process to update the Comprehensive Plan and Future Land Use Map. During that time, the City received a lot of feedback from Edgerton residents and the surrounding areas for maintaining industrial development within LPKC and away from residential neighborhoods. He stated that this proposal does exactly that. The property is within LPKC and is zoned for industrial uses. This is a permitted use under the property's zoning regulations. The project is aligned with the vision, planning, and zoning framework that the City and the Commission has established. Mr. Oltman explained there are about a dozen other facilities in the area that have been in operation for years. There have been no substantial instances where there have been complaints about noise, water issues, lighting issues, or anything of that nature. The City has received feedback about traffic and roadway safety in LPKC, and this project has less truck traffic on local and regional roads compared to traditional warehouses and distribution operations. This would lead to less congestion, fewer trucks and fewer impacts on the surrounding transportation infrastructure in Edgerton and the surrounding community. Mr. Oltman said this project may not produce the same quantity of jobs as other warehouse operations, the jobs that are created are high quality and high paying jobs across a wide variety of technical, operational, maintenance and professional fields. These jobs will be available for current Edgerton residents and will help attract future residents. He stated this

project represents a substantial investment in Edgerton and will generate significant tax revenues that will help support important community infrastructure projects. Those projects include streets, utilities, and wastewater improvements. The tax revenues will help lessen the impact on current residents while supporting the growth of the community. This project reflects many priorities the community identified during the Comprehensive Plan process: keeping industrial development in LPKC, reducing truck traffic impact, supporting quality jobs, and generating revenue for community infrastructure. Mr. Oltman encouraged the Commission to support this project.

Mr. William LaFalce, 516 W. 4th Street, Edgerton, KS, addressed the Commission. He stated that he is a 30-year resident of Edgerton, and he is present to voice his opposition of what he believes is the toxic triangle that the outsiders are trying to bring in. He believes DAMAC personnel are not being truthful based on what is happening around the country. He stated there will be massive water consumption, air and noise pollution, especially with the backup generators. There are public health risks from data centers, particularly ones powered by fossil fuels, and electromagnetic radiation. He said there will be high energy demand, impacting other customers. Mr. LaFalce stated that a data center in Georgia illegally used 30,000,000 gallons of water, which resulted in water shortages where people couldn't flush their toilets. He added this will also impact emergency services because without water pressure, there can be no fire department. He said there needs to be oversight and it is not needed in the community. He stated that the data centers need to be regulated by guard rails, binding, large load tariffs, to ensure that the data center is required to pay for any services and rate allocations to ensure they pay their own share. There needs to be federal, state, and local oversight on how much power the data centers draw. He stated a certain amount of power must be renewable and that they pay their own share. Mr. LaFalce stated that to fight the battle, he has enlisted the aid of the Sierra Club, and they will fight with legislation and litigation and hold each and every person who supports the data center accountable. He said that there has to be openness. He inquired if anyone has signed nondisclosure agreements (NDAs) and if so, who are they and what are those NDAs. He said they have the right to know. He wanted to know what company is behind the data center, is there any community benefit, and are they going to be paying their portion of local taxes or are the residents going to carry the burden. He asked if the data center fails and the building is abandoned, will the City be stuck with a Love Canal, Flint, MI, or an Environmental Protection Agency (EPA) supersite that cannot be cleaned up. He stated that recently the Panasonic battery plant to the north had thermal events and he does not think the emergency services are equipped to handle a data center sucking up the water, polluting the air, impacting livestock and personal health, and ruining the water.

Mr. John Van Hercke, 301 W. McDonald Street, Edgerton, KS, spoke before the Commission. He stated he moved to Edgerton in 2020, and his water bill was \$40 per month and now it is up to \$150 per month. He claimed this increase is caused by the warehouses not paying their fair share. He said he is tired of his taxes, water bill, and electrical bills go up because the City is not making people pay their responsibilities and shifting it onto the residents. Mr. Van Hercke said that data centers represent a profound misallocation of our most precious resources; land, water, energy, community well-being, in service to an industry that prioritizes endless digital expansion over human and environmental health. He said they are not neutral infrastructure, and they are industrial-scale users that externalize massive cost onto ordinary people while delivering concentrated benefits to a few tech giants. Data centers are voracious

with a single large facility consuming the same amount of energy as 100,000 households. He asked how many households there were in Edgerton. He said projections showing US data center electricity use reaching 12% of the national total by 2028. Artificial Intelligence (AI) driven demand is accelerating this trend and running models contribute already tens of millions of tons carbon dioxide (CO₂) annually. Forecasts show 24-44 million metric tons more per year by 2030 from AI centers alone. Mr. Van Hercke said that it is equivalent to adding 1,000,000 cars to the road. The water use is equally shocking, with mid-to-large data centers gulp up one (1) to five (5) million gallons of water daily for cooling. He said that it is comparable to a small town's entire water supply. He said a Google facility averages 450,000 gallons of water per day. In water stressed areas, this strains supplies, raises bills, and competes with agriculture and drinking water. He said there is still agriculture near Edgerton, and he wants to see them get watered. Energy production for them adds further water and emission burdens.

Ms. Jill McCarthy, Kansas City Area Development Council, approached the Commission. She stated she has the privilege to work with cities on either side of the state line to help bring in new businesses, create jobs, and capital investment into the region. She said she has worked with data centers for more than 25 years with clients like Liberty Mutual, the United States Department of Agriculture (USDA), State Farm, Mastercard, and the Marine Corps Information Technology Center that services the Marine Corps around the world. She explained data centers service things that people use daily, like emails and social media. Data centers are also the backbone of the industrial society. She explained that the nation's defense system and military all around the world rely on data centers to get information they need in a timely manner. Every financial transaction that is made goes through a data center. Educational presentation, research and medical research need data centers. Ms. McCarthy stated that when a patient goes into a hospital, doctors have access to their medical records due to data centers. There are things that happen in data centers that people don't recognize about daily lives. She said we are in a critical time as this is the next wave of opportunity of the haves and have-nots globally and the ability to have commerce and innovation in the community. There is a data center that the USDA and others use for AI that is able to identify crops with illnesses prior to naked eye and provide corrective action. She said she is in support of this proposal.

Mr. Shane Mizer, 505 W. Edgewood Drive, Edgerton, KS, spoke before the Commission. He said this month marks 25 years since he moved to Edgerton. In that time, there has been a lot of positive growth as well as just growth. He stated the intermodal facility has brought a lot of positive growth, but he does not see a data center as a positive thing. A speaker earlier said there would be no extra truck traffic and that is because there are no jobs. He stated that Edgerton does not have the power to support a data center. He inquired to how many transmission lines Evergy will have to put in and to the location of the lines. He asked if private property would be condemned for the power lines, if they would be going through schools, or through people's backyards. He asked who is going to pay for that infrastructure and he believes Evergy is going to distribute that cost to everyone who signed up for it. He claimed that DAMAC will not pay for it. In April of 2025, the state of Kansas approved a tax abatement of 20 years. He asked if that was going to be offered to this project to where the residents will not see any benefit from the project. He stated residents are not seeing jobs or benefits, just more data there. In terms of watershed, they will be pumping off of Hillsdale Lake, which is a 4,500-acre reservoir. He said in 2022, 56,000 people in four (4) counties were sharing

that water. Also in 2022, it was estimated that by 2050, 156,000 residents using water from Hillsdale Lake. He said he does not know the megawatts this data center will be, but it can use two (2) to five (5) million gallons of water a day. Mr. Mizer wonders how long Hillsdale Lake can support that usage and will new facilities be needed now. Those are questions that need to be answered. He also wants to know what will happen to the water that enters the cooling towers. He said there will be chemicals going in and out of the water and it has to be filtered.

Ms. Courtney Crawford, 30842 Indianapolis Road, Paola, KS, addressed the Commission. She stated she is running for Kansas House of Representative, District 5 and has been to several City Council meetings across District 5 and this isn't the first data center proposed in the District. She requested the Commission consider a one (1) year moratorium on data centers as we do not know what the impacts are on the community and resources. She stated the question was raised of why Kansas, why Edgerton, and why not Dubai where the owners of DAMAC are. The reason she was given was that there are resources available here. She stated that those are the community's resources and not theirs. Studies need to be done, and a one (1) year moratorium needs to be in place to do those studies.

Ms. Kailey Dressler, 217 W. Colleen Drive, Gardner, KS, approached the Commission. She said she wants to bring to light numerous red flags in the literature provided on the website. The water-cooling system may be closed loop for now, but that leaves the door open so that the system will be water cooled later. She stated in March of 2026, Amazon settled for \$20,500,000 in northeast Oregon for contaminating the ground water for no admission of guilt to avoid additional litigation. In Georgia, 30,000,000 gallons of water was used and not disclosed. Ms. Dressler inquired as to how the dedicated power will be generated, if the applicant will create their own power and if they will be using gas turbines. She said gas turbines emit smog forming pollution, fine particulate matter, and chemicals like formaldehyde that travel for miles and will affect many surrounding communities. There are more than 6,500 young children within a five (5) mile radius from the proposed site that are at a heightened risk for complications from such pollution. The diesel generators will be claimed to be used as backup power only but will have monthly testing and use is not held to any time limits, provided that the operator logs the number of hours and the emergency. The generators will emit harmful noxious fumes, such as nitrous oxide, fine particulate matter, sulfur dioxide. This will lead to health issues such as asthma, respiratory infections, cardiovascular disease, and increased cancer risks. She said there are currently lawsuits being filed on account of those affects in Mississippi. Ms. Dressler wants to know what site-specific items are being proposed to mitigate the noise. She stated noise pollution is not adequately controlled by acoustic engineering and has massive health implications for those within miles of a data center such as headaches, vertigo, nausea, sleep disruption, ear pain and high blood pressure. Monthly testing will be done on the generators, and that alone can reach 105 decibels (dB), which is the equivalent to a jet engine. She showed a photo that is supposed to be five (5) miles from a data center and said that the lighting is not controlled. Ms. Dressler said the last statement on the website is that there will be ongoing engagement with local organizations, transparent communication, and investment in Edgerton's long-term growth. Those are vague statements and can easily be refuted on their base with available information on existing data centers and is a stark disconnect between empty promises and the harsh realities communities that are home to data centers are currently facing. She quoted a question from the Frequently Asked Questions in the packet about living next to a data center.

The answer stated that data centers are among the quietest and least disruptive types of commercial development a community can host. She asked if 105 dB quiet and do not forget the 24/7/365 persistent low frequency hum and buzz that is audible for miles that is driven by cooling systems; heating, ventilation and air conditioning (HVAC) units; and server fans.

Mr. Dalton Van Houtan, resident of Gardner, KS, spoke before the Commission. He said he has been in the Gardner-Edgerton area since 2007. He said it is interesting how many lawyers and corporate sponsors have shown up to the meeting, it is almost as if they are desperate to pass it through. He begged the Commissioners to read between the lines and see them for what they are. He explained emotion is fueling his speech, but he will present only facts. If some of the facts have been presented before, he finds them worth repeating. He stated the closed-loop cooling is misnomer and myth. The total amount of water needed for the initial filling is still undisclosed. There will also be flushing for regular changes every five (5) to ten (10) years. The daily water usage, what the applicant refers to as domestic use for kitchens and bathrooms, will total 15,000 to 20,000 gallons of water. This will be taken from residents' water supply and 90-95% of it will be returned as wastewater to be treated. Multiple sources across the country are experiencing contaminated water containing treated chemicals such as biocides, anticorrosion agents, concentrated minerals like scale and heavy metals picked up from the system. If the wastewater is not managed properly it can pollute local waterways and over burden wastewater treatment plans. Mr. Van Houtan stated that hyperscale data centers use large generators scaling about the size of a mobile home. While these are not the main power source, they will be used during any outages. They will also be allowed to do weekly, monthly, and annual tests on the generators. The weekly tests can take between 30 to 60 minutes, and because this is a hyperscale data center, there will be anywhere between 30 to 400 of the generators running at one time. The generators will pump out numerous forms of pollution such as nitrogen oxides, fine particulate matter, and carbon dioxide burning hundreds of gallons of diesel fuel per generator per hour. These fumes and pollution will impact people, animals, and plants within a few miles of the facility but can travel hundreds of miles up in the air current. He said data centers create light pollution as well. Hyperscale facilities require all-night lighting that will disrupt natural circadian rhythms of the body including melatonin production and sleep-wake cycles. Light pollution is also disrupting migration patterns and habitat development for birds, butterflies, bats, cats and turtles. The long-term impacts of both noise and light pollution include hearing loss, stress, insomnia, and decreased quality of life.

Ms. Laura Seifert, 204 W. Nelson Street, Edgerton, KS, addressed the Commission. She urged the Commission not to allow a data center for multiple reasons. She stated data centers are ravenous consumers of resources like water. Her water pressure is low on a daily basis and she is not interested in it becoming a trickle due to a data center taking away from an already weak resource. Data centers jeopardize health of both people and nature. Chemical gasses emitted from a data center in Georgia were exceeded by a diagnosis of pulmonary issues such as Chronic Obstructive Pulmonary Disease (COPD) and bronchitis in residents with no prior history of those issues. Edgerton residents deserve the peace of clean, quiet air that comes from the breath of God alone. Ms. Seifert said that a study of infrasound, sound that is imperceptible to the human ear, in data centers from around the country showed high numbers of people feeling the effects of the infrasound. Some of those side effects are nausea, dizziness, anxiety, irritability, gastrointestinal (GI) problems, and other issues. Edgerton residents deserve to be free from the hidden problems and mysterious health issues

that are more than likely to sprout up with the implementation of a data center. She is worried about environmental impacts a data center will have to the native ecosystem. She has noticed Monarch butterflies in the last few years. She said her husband is a beekeeper who enjoys watching the bees build and forage. She also enjoys seeing the foxes bound in the fields behind her house and the feral cats hunting. She does not want to think what the pollutants from a data center would have on the pollinators and local wildlife.

Ms. Kelly Johnson, 216 E. Westhoff Place, Gardner, KS, approached the Commission. She stated she is a current City of Gardner City Council member; however, she is not representing the City of Gardner, nor any other councilmember, at this meeting. She said the City of Gardner has received an application for a data center which has led her to research the issue, reviewing public materials, and listening to residents of the area. She urged Edgerton to exercise substantial caution before approving a data center project. It is clear that many Edgerton and nearby residents have serious concerns about these projects. She said public opposition alone should not govern policy; she believes that local governments do have a responsibility to give substantial weight to community concerns when considering development that may permanently determine the character, infrastructure demand, resident health, and long-term economic direction of a region. She said it should be carefully evaluated if a data center is the highest and best long-term use of strategically, valuable, industrial areas. Industrial zoning alone should not automatically justify approval of every industrial use; particularly when the long-term impacts remain uncertain. Ms. Johnson said data centers typically require a substantial amount of space, electrical capacity, and infrastructure investment while producing relatively few permanent jobs compared to many other industrial or commercial developments. Once land is committed to a project of this scale, it may remain tied for that single use for decades potentially eliminating future economic flexibility and diversification. She said she believes there should be careful consideration of the proper infrastructure implications associated with these facilities, including regional electrical demand, transmission capacity, water usage, backup power systems, and long-term utility impacts. These are not concerns isolated to a single municipality as neighboring communities often feel the effects of large-scale industrial development. She is concerned about the lack of clearly independent, peer-reviewed research regarding long-term environmental, health, and community impacts of data centers located near growing residential areas. She said that during her own research, she found that many articles, studies, and position papers can be traced back to organizations, companies, advocacy groups, and individuals with a direct financial or political interest to either support or oppose these projects. She was unable to find neutral, long-term, peer-reviewed research that addresses the concerns raised by many of the residents. In the absence of strong, independent data, she believes that municipalities should use exercise caution before approving projects with a potentially significant, and potentially irreversible regional impact. Local governments are often asked to make decisions whose consequences will go far beyond current council and committee terms. Caution is warranted as the long-term effects remain uncertain. She said independent studies and regional analysis are warranted.

Ms. Kim Twente, 705 W. Meriwood Lane, Edgerton, KS, spoke before the Commission. She said she is opposed to the data center for many of the reasons that have been said, but it needs to be said as many times as possible, so it is heard. She said that there are not enough studies on the long-term impacts of data centers because they have become an overnight, throbbing of being put everywhere. There have been enough recent studies that have shown

that they are not beneficial to communities. She said in an article by Tao and Gao, they call for empirical research because data centers are so terrible for environments with noise levels reaching well above the 85 dB threshold to be considered harmful to hearing. The persistent noise adversely affects data center staff, nearby communities, and local wildlife, which is something residents pride themselves on. Ms. Twente said that air pollution is one of the most acute concerns with the diesel backup generators emitting hazardous pollutants and fine particulate matter, increasing the rate of respiratory diseases, cardiovascular conditions, and elevating the cancer risk in nearby communities. She said a recent model indicated that the data centers in the US, in 2030 could lead to 1,300 deaths annually resulting in a public health burden of more than \$20 billion. The water used for cooling from water supplies, creating additional challenges, taking water from potable sources and creating water scarcity. She said those in support of data centers state it will bring economic benefit, which is true to a very select few, but to general population and community that is affected by the data center, there is no economic benefit. Unless data can be shown there is an economic benefit for everyone that goes along with the harm to them and their children, she cannot support it.

Ms. Aimee Morris, 26170 W. 199th Street, Gardner, KS, address the Commission. She said this conversation was just had in Spring Hill and Gardner, and now the residents are coming to Edgerton to speak. She believes that Edgerton as a whole knows that the warehouses are being used for warehouse purposes, so changing the use of the plat to a data center is disingenuous to the community saying this was going to happen. Within five (5) miles of this data center, there are ten (10) schools, 6,200 students with 3,100 under the age of 12. Many people have mentioned the health effects on those students. She said with the closed-loop cooling system, there are chemicals that will enter the air and the water in those systems does not stay in the closed-loop. She said she has passed those studies onto the Commission. She claimed that the water does not get recovered once poisoned and gets put into the drinking water. That is one of the reasons why she is there, she does not want that in her drinking water, nor does she want her kids bathing in it. Ms. Morris said she has heard the proposal for a drainage easement. She asked why a drainage easement would be needed if they were not draining the water. She proposes a third-party environmental study saying where the forever-chemicals that are meant to keep the closed-loop pipes clean are going and show what the environmental effects it will have. Ms. Morris stated that it was brought up as to how much water was going to be used daily. The area is set for drought in 2026, so if we want to use our water moving forward want to keep data centers cool instead of keeping citizens able to drink and water their gardens, then put in a data center, but she is not for it. Ms. Morris said the closed-loop systems provide a heat island within five (5) to ten (10) miles of them, meaning people will have increased electrical bills because the air conditioning will have to work harder. She wanted to know if the applicant will be subsidizing their own substation or if they will be straining everyone else's grid, both financially and practically by increasing bills or rolling blackouts and will electrical allotments be dulled out by AI or by humans. She said the parent company of DAMAC is in Dubai and is in international litigation and asked if they want to sell their property to them.

Mr. Jason Sowers, 19911 Pepper Tree Lane, Edgerton, KS, stood before the Commission. He said he agrees with many of the comments that have been made, specifically the moratorium to study data centers and their effects along with studies on wastewater. He said the applicant is claiming the closed-loop cooling system will have near zero usage. This phrase is narrow and potentially misleading as there are regular blowdowns in closed-loop systems to remove

water with concentrated minerals, scale, and buildup by electrical growth. He wondered if a chemical analysis of what this proposed well done water has been provided to the City's wastewater treatment. They cannot risk the introduction of chemically treated discharge into the local infrastructure or ground water under the guise of a sustainable system. The other area of concern for him is electrical rates. Data centers are among most energy intensive structures on earth. While DAMAC is funding the switching station, the sheer magnitude of their regional draw will require infrastructure upgrades by Evergy. Mr. Sowers said that Evergy claims that data centers will pay 20% more than an existing customer. However, there has been no mention of whether they are going to hold firm on the base rate that 20% increase will be applied to. He said that history has shown that the costs are passed on to general rate payer. He said the most concerning is the economic tradeoff. This facility has a massive footprint and consumes many public resources, but in his experience, it will yield 20 long-term jobs. He said traditional logistics and manufacturing hubs provide hundreds of opportunities in the workforce; data centers are essentially a dark building with a collection of servers, a skeleton crew of security and minimal Information Technology (IT) staff. This results in greater than 50% profit margins for the companies. DAMAC is asking the City to facilitate a project that will offer millions in profit for their company while offering a few dozen jobs. He said the neighbors are taking all of the environmental risks, while they take all of the profits. Tax abatements and other incentives exacerbate this problem, as that is money that should be going to schools, fire stations, municipalities, and others while most go out of state or out of the country. He wants to know what the maximum buildout in terms of megawatts is and what other buildings is are they looking to add.

Ms. Robyn Harris, 34117 W. 263rd Street, Paola, KS, addressed the Commission. She inquired as to where Mayor Donald Roberts was. She said that he is smarter than Gardner by taking the intermodal. She explained that she lives just west of Hillsdale Lake and has done her research. She said that we need to ask ourselves why all of these hyper data centers are needed. She inquired if the data centers will be used for surveillance and control. The United States has the most with 4,000 to 5,000. She said she found an article that said Meta is going to cut ten percent (10%) of their workforce in an AI push. She said layoffs from one company is not good for anybody. She said if anyone who states a data center is bringing jobs in is lying. The layoffs effects 8,000 employees and Meta is to close 6,000 open roles as they focus on AI. She said her daughter will be losing her job and that can't be the only one. She said the decisions we make affect a lot of people. She said she understands that the City needs money, but when you want a business to come in, the jobs it brings in should be considered too. That brings in income and people buying homes.

Chairperson Mathos requested a motion to close the public hearing. A gentleman in the audience asked if the full time had elapsed and stated there were people who entered the meeting after him that had a chance to speak while he did not. Ms. Beth Linn, City Administrator, stated there are two (2) public hearings and this was the first one. The gentleman interjected by stating he was handed a signup list by a City employee. Ms. Vaughn stated that is all that who signed up to speak during the public hearing for the Preliminary Plat and there are people signed up for the Final Site Plan, which the public hearing has not happened for yet. The gentleman stated he does not know which one he signed up for. Ms. Linn stated that they can check the list of names to ensure if he is concerned about it. The gentleman stated his concern is that he was told he would be able to speak and he has not been given that opportunity. Ms. Linn explained there is a second public hearing this evening

that he will be able to speak at. The gentleman understood and thanked Ms. Linn for her explanation.

Commissioner Soemer moved to close the public hearing. The motion was seconded by Commissioner Little. The public hearing for Application PP2026-0001, Preliminary Plat for Edgerton Project was closed at 8:04, 4-0.

Chairperson Mathos requested that the applicant address the public comments.

Mr. Skidmore addressed the Commission. He said with the Preliminary Plat they are proposing to combine the three (3) lots into one (1) and have no additional responses at this time.

Chairperson Mathos asked City staff to respond to the public comments.

Mr. Moore stated that a moratorium would need to be action by the Governing Body. The Commission cannot enact one in their roles when considering a Preliminary Plat or Final Site Plan application. The use of the property can be contemplated during a Preliminary Plat. As identified in the Staff Report, the proposed use of a data center is permitted use by right in the L-P District which this Preliminary Plat does not change. Mr. Moore said there was a comment regarding the drainage easement. He explained that the drainage easement is intended for existing stormwater runoff from the site and not for detention. It is not intended for any new offsite flow from any water discharge on this property. Any water that is collected on the site will be diverted to a private stormwater sewer system that would not be included in the drainage easement. Mr. Moore explained any questions related to the number of buildings and noise mitigation will be addressed in the Final Site Plan.

Commissioner Soemer stated his questions will wait for the Final Site Plan.

Commissioner Little said he has no questions about the Preliminary Plat.

Commissioner Draskovich said the applicant is requesting all three (3) lots become one (1) and understands the request.

Commissioner Draskovich moved to approve with the stipulations outlined by City staff Application PP2026-0001, Preliminary Plat for Edgerton Project located at 31800 W. 196th Street. Commissioner Soemer seconded the motion. Application PP2026-0001 was approved, 4-0.

7. FSP2026-0002: FINAL SITE PLAN FOR EDGERTON PROJECT LOCATED AT 31800 W. 196TH STREET

Chairperson Mathos requested Mr. Luckman explain what a Final Site Plan application is and what the application does as part of the overall development process.

Mr. Luckman stated this item is similar to the previous item as it is not zoning decision with the Golden criteria or other factors. He explained this application is for a Site Plan and there are no statutory requirements for Site Plans generally, so this application is controlled by the City code and UDC. The restrictions are only towards reasonableness of their decisions. This

means the Commissioners have to have a basis one way or the other and express that reason. The Commissioners should have reviewed the UDC which has specific requirements for Site Plans that the application must be compliant with. The Commission can review those and determine whether or not those standards have been met. This is not an opportunity for zoning concerns to come up, but if there are specific things about the Site Plan, those items can be addressed. Mr. Luckman said that a reason for denial must be provided per the UDC and the Commissioner will need to establish their reasons.

Chairperson Mathos asked the applicant to present their application.

Mr. Skidmore stood before the Commission. He stated there are a few items with the proposed development plan that he wanted to cover. He said it is an existing building and per the previous agenda item, they will be combining with other parcels to be under one ownership. The building is roughly 380,000 square feet and is located at 31800 W. 196th Street.

Mr. Skidmore wanted to discuss the site access and circulation within the site. There are two (2) access points currently. One (1) in southwest corner of the property, at the west end of the cul-de-sac, and one (1) shared access point on the southeast corner that is shared with property to the east. The proposal is to maintain those access points with no additional or closure of access points. The entrances will be gated and secured. The main entrance will be the western access point. Deliveries and anyone entering the site will go through a security check point and proceed along the south side of the building along W. 196th Street. The site circulation will be in a counterclockwise direction around the building and leave through the same access point on the southwest corner of the site.

Mr. Skidmore explained there are several changes to the building that are proposed. There are currently dock doors on the east and west façades of the building that were part of the previous use. Many of the dock doors will be closed off with compatible materials to match the building. Generator pods will be added to the northeast, southeast, southwest, and northwest corners along the east and west façades of the building. The pods will be screened with a wall that will be architecturally compatible with the existing building. Two (2) additional electrical intake buildings on northeast and northwest corners are proposed. Each building is just over 2,000 square feet. A new guard house would be constructed on the southwest corner near the secure entrance with the footprint being less than 1,000 square feet. Overall, there is less than 5,000 square feet of new buildings proposed.

Mr. Skidmore said the landscaping will be brought up to the current standards in the UDC. Buffering will be included along the west frontage of the property that is adjacent to the Johnson County Rural (RUR) zoned parcel. Buffers will be provided along each side of the electrical infrastructure in the substation and switching station with evergreen trees. He explained the site will be surrounded by a ten (10) foot high, steel, impact security fence. Gates will also be at both entrances with controlled access through security operations.

Mr. Skidmore stated the existing development drainage has been accommodated by using a regional detention basin that is northeast of the subject property. The proposed redevelopment of the property is accommodated by that basin as well. The electrical substation and switching station will require additional drainage. A basin will be installed to the north of that area prior to the water entering the tributary to meet the City's guidelines.

He explained the current public water and sanitary sewer utilities onsite are adequate to service the facility. No public improvement or upgrades are needed for water or sanitary sewer. There are electrical infrastructure upgrades that are being brought in and paid for by the developer in agreement with Evergy to supply adequate power to the facility.

Mr. Skidmore said there will be exterior lighting at the facility. A photometric plan was submitted, and they are working with City staff to bring that into compliance with the UDC. This will include a footcandle reading of zero at the property lines. This will eliminate any lighting spilling onto adjacent properties. He said the L-P bulk zoning regulations are being met. All of the requirements of building setbacks, coverage, height, separations, and site coverage are being met and there are no deviations from the bulk regulations associated with the L-P District proposed.

Chairperson Mathos requested City staff present the staff report and review of the application.

Mr. Zachary Moore, Development Services Director, addressed the Commission. He explained that City staff receives the application for a Final Site Plan from the property owner or their applicant and reviews the submitted documents against all applicable City codes. He said for this Final Site Plan application, Section 5.2, which has the zoning requirements for the L-P District, and Article 10, which outlines the requirements for all Site Plans, are used to review the application. City staff will also look at additional plans, studies, and documents approved by the Governing Body that will have an impact on the application. Based on the review of the documents against all codes, studies, and documents, City staff will make a recommendation on the application. The recommendation is found inside the published packet.

Mr. Moore stated that this application is for a Final Site Plan for 53.79 acres to be in one (1) lot located at 31800 W. 196th Street. He explained the application is to refit an existing 378,038 square foot warehouse for use of data center, which is a use that is permitted by right in the L-P zoning district. The proposed Final Site Plan does include two (2) new medium voltage intake buildings, each being just over 2,000 square feet in size, a new guard shack, an electrical substation and an Evergy switching station. Generators, transformers, and other mechanical and electrical equipment that is proposed to be in four (4) pods with two (2) being on the east and two (2) being on the west sides of the building. The pods will all be behind concrete, screening walls with louvers.

Mr. Moore explained that the property is currently three (3) parcels. The currently developed parcel was annexed into the City in March of 2014 and was later rezoned to the L-P District in December of 2017. He said the Final Plat for the parcel was approved in 2016 and recorded in 2017, along with two (2) parcels to the east. In April of 2016, a Final Site Plan was approved, and the parcel is currently developed under that Final Site Plan with the existing warehouse. The two (2) parcels to the north of the currently developed parcel were both annexed in August of 2018 and rezoned to the L-P District in October of 2018.

Mr. Moore stated the proposed use of a new data center is a use permitted by right. The proposal either meets or exceeds the L-P District regulations that are governed by the City's UDC. That includes the bulk regulations such as the minimum open space, which is 50% for

L-P zoned properties. With all of the proposed property combined, the applicant would have just over 67% open space, exceeding the requirement. The maximum building height in the L-P District is 110 feet, and the applicant is compliant with that requirement as the existing warehouse, which is the tallest at 46 feet in height. He said the UDC requires a Floor Area Ratio (FAR) of three (3) to one (1). The applicant has a proposed FAR of 0.16 to one (1), which is less than the maximum allowed. The UDC allows for a maximum building coverage of 50% and the applicant proposes total building coverage of 16.34%, meeting the requirement. Mr. Moore stated the setbacks for the L-P District are 50 feet for the front yard, and 25 feet for the sides and rear yard setbacks. The closest building to the front yard setback is the guard shack, which is approximately 95 feet from the property line. The buildings will be 45 feet from the eastern property line and 110 feet from the west side of the property. The final bulk regulation is building separation. The UDC requires a minimum of 20 feet between buildings. The closest buildings to one another and the existing warehouse and the medium voltage intake buildings which are about 38 feet apart. The proposal is compliant with the bulk regulations as presented.

Mr. Moore stated that there are no proposed changes to the existing warehouse in terms of architectural design. The warehouse may remain as it was approved under the previously approved Final Site Plan. The three (3) new proposed buildings are smaller in size than what the UDC requires for vertical or horizontal articulation, so none is needed for those buildings. The new buildings are compliant with the color palette and building materials as outlined in the UDC. He explained that the UDC does require that all rooftop mounted equipment be screened from public view by the building parapet or other architectural designs. This will also be included as a stipulation for any new rooftop mounted equipment.

Mr. Moore highlighted that the existing access points are to remain and will be gated. There is an access point on the southwest corner of the property and a cross access to the property to the east with a gate. The applicant is proposing a private drive from the existing developed area to the substation and switching station to the north. An access drive is also proposed from W. 191st Street where there is an existing curb cut to the parcels with the new substation and switching station. The applicant would be required to build the private drive from W. 191st Street to that area. Mr. Moore said the applicant is proposing a reduction in the parking from 316 passenger vehicle spaces to 153 total parking spaces. The applicant has indicated that there would be a maximum of 30 employees at one given time with minimal visits from the public. City staff finds that the reduction in the parking spaces is sufficient for the proposed use. A loading dock will remain on the west side of the building and that will meet the requirements of loading dock areas for buildings of this size. He said there is sufficient queuing space for vehicles as any vehicles that need access to the site will be pre-authorized.

Mr. Moore informed the Commission that gravel is proposed for the substation and switching station area. While the City typically requires a finished surface, City staff consulted third-party reviewers who informed staff that gravel is the industry standard for these types of areas for safety reasons. Therefore, City staff is supportive of the use of gravel in the substation and switching station yards.

Mr. Moore stated the proposed landscaping plan shows the removal of 50 existing trees and the installation of 79 new trees on the property. The new trees are primarily shown on the western property line, where 24 deciduous trees and 200 new shrubs are proposed to fulfill

the UDC requirements. Additionally, 55 new evergreen trees are proposed on the east and west sides of the substation and switching station areas to provide screening of the electrical equipment. The existing vegetation to the north of the electrical equipment will remain, which will provide adequate screening as well. A decorative fence that is ten (10) feet in height is included on the Final Site Plan for security. The fence does meet the UDC requirements for height and material.

Mr. Moore said the applicant anticipates approximately 20 passenger vehicle trips per day with no customer-facing traffic. He said a stormwater management study and plan has been submitted and reviewed by the City Engineer. There are comments that still need to be addressed, and the applicant is aware that prior to the issuance of a building permit, all comments must be addressed. This is included as a stipulation of City staff recommendation. The future access road from W. 191st Street would cross the floodway area and will require a bridge. Specifications of the bridge must be provided for review, a floodplain development permit, with a no-rise certification, will be required, as will state and federal permits. The applicant is aware of those requirements as well.

Mr. Moore explained that the UDC requires footcandle reading, as measured five (5) feet above grade, to be 0.0 when adjacent to residential properties and 0.2 footcandles when adjacent to nonresidential properties. The submitted photometric plan for existing warehouse meets these requirements. A second photometric plan for the substation and switching yards has been provided but is not compliant with the UDC. City staff has included the stipulation that the second photometric plan must be in compliance with the UDC prior to the issuance of a building permit. The applicant is aware of that stipulation and is in agreement with it.

Mr. Moore stated the UDC requires all ground or roof mounted equipment to be screened from public view, which is defined as view from public right-of-way or adjacent property. The applicant shows four (4) areas of ground mounted equipment, two (2) on the east and two (2) on the west side of the building. Each area is proposed to consist of 15 generators with the related equipment for those generators to remain functional. The equipment will sit behind a screen wall that must be the same height as the equipment at a minimum and must remain screened at all times. If any portion of the equipment can be viewed as outlined in the UDC, then the applicant must address it.

Mr. Moore said that City staff recommends approval of Final Site Plan Application FSP2026-0002, Final Site Plan Application for Edgerton Data Center with the following stipulations:

1. 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.
2. Prior to the certification of the Final Site Plan by the Zoning Administrator and the issuance of a building permit for exterior site improvements on the subject property, the following must occur:

- a. A photometric plan for the substation must be submitted and approved by the Zoning Administrator.
 - b. The stormwater management report must be revised by the Applicant and approved by the City Engineer.
 - c. The proper floodplain and floodway permits must be obtained from all applicable jurisdictions and the details for the required bridge must be provided.
3. All outdoor mechanical equipment must be fully screened from public view as defined in the UDC. If, following construction of the improvements indicated on the Final Site Plan, it is found in the built environment that mechanical equipment is not adequately screened upon inspection by the Zoning Administrator or their designee, the Applicant will be required to adequately screen said equipment.

Chairperson Mathos reiterated the rules and requirements of the public hearing.

Chairperson Mathos opened the public hearing at 8:33 PM. She stated that prior to calling the first speaker up, City staff will read the names and addresses of written comments submitted to the City preceding the meeting. City staff will indicate if the comments were in support, opposition, or neutral in nature.

Ms. Vaughn explained that it is the same list read prior to the previous public hearing.

Mr. Oltman approached the Commission. He said he is speaking in support of the Final Site Plan for the project that is looking to locate within LPKC. He requested that the Commissioners separate the facts from the fiction. He said that it is fiction that the project will use millions of gallons of water and drain the water supply. There have been technological advances at a rapid pace for cooling systems in the last 24 months. The project will use a closed-loop cooling system that will require a small fill at the beginning of use then will not need substantial ongoing access to water. Once the facility is operational, the water use will be less than a standard warehouse. He claimed that it is fiction that electrical bills will go sky-high and regular customers are going to have to pay for the upgrades. He said the fact is in 2025 the Kansas Corporation Commission, which is the agency that regulates utility and energy services in Kansas, approved a new large-load service agreement specifically designed to protect regular electrical customers from new massive electrical customers. This agreement specifically states the new high-load customers must pay for upgrades needed for their project, they must sign long-term contracts, pay for a minimum threshold of power even if it is not being used, and pay up to 20% more than standard rates for regular customers specifically protecting regular customers from increased rates and upgrades charges from these types of projects. Mr. Oltman said it is fiction that this project will not create any jobs. He contended that the facility would create high paying, quality jobs that will be available to the residents of Edgerton and surrounding communities. He continued by stating that these jobs will have higher wages than typically seen at normal warehouse environments with most positions averaging over six (6) figures a year. The facility will provide no benefit for the Edgerton community - fiction. He stated the fact is the facility will provide considerable benefits to the Edgerton community. In addition to the high paying jobs mentioned, this facility will generate a significant amount of sales tax revenue for the Edgerton community. With the recent passage of the new community sales tax dedicated solely to street and stormwater projects, those dollars will accelerate much needed projects in areas specifically

like the horseshoe. He hoped the Commissioners could objectively consider the request before them this evening and accept the facts and reject the fictional narrative being established.

As the audience began to jeer, Chairperson Mathos requested that members of the audience act with civility and respect towards all speakers. A gentleman asked that he be allowed to speak when Mr. Oltman had been allowed to speak twice. Ms. Linn stated that everyone was offered a chance to speak during either public hearing or both if they wish.

Mr. LaFalce addressed the Commission. He said he is a 30-year resident of Edgerton. He said gets the perception based on their body language that they have already made a decision. He said that Christ was sold out for 30 pieces and he wants to know what their pass was. He said they are there to represent the community and that if they pursue this project then they need to resign in mass right now. He said they will be removed from office through a recall. He stated he will have his friends at the Department of Justice to follow the money.

Ms. Shaunacee Wilkinson, 105 E. McDonald Street, Edgerton, KS, spoke before the Commission. She said she was born and raised in Edgerton and now her daughter goes to Edgerton Elementary and Ms. Wilkinson serves on the advisory committee as the school district reworks the district's boundaries. Her current role is to encourage people to come to Edgerton. There is push back on students who don't want to come to Edgerton. Her role is to show that Edgerton is safe, clean, and a place to be proud of. She said Edgerton has had an edge of the County reputation and it is not seen as being in Johnson County. She has had to fight that reputation having grown up here. They have been changing that reputation with the projects at the playground, Big Bull Creek Park, new sidewalks, and Greenspace building are making the area more welcoming, more walkable and a place they can be proud of. She said the new sidewalk and curb on 2nd Street are her new joy. She stated she is concerned about the data center as it feels misaligned with the direction they are wanting to go. While the project does fill a current vacant building, it brings a different impact than what was there before. Ms. Wilkinson shared she had a chance to speak with members of the project team. She stated many of them grew up and currently live in larger metropolitan areas such as New York, Long Island, and Atlanta. She said they don't understand how connected a small community is and why they are potentially upset with this change. She requested the development team provide comparable communities where data centers had been built. Several members of the team had no comment while Chelsea provided two (2) communities. Ms. Wilkinson recommended that research be done as to how Red Oak, Texas and Midlothian, Texas are doing after the data center arrived. She said it is not just about development but the long-term impact as the facilities run 24/7, have continuous noise, use lots of energy, and significant water use. The long-term impacts on the environment and health are not fully understood. They already know that chronic industrial noise and infrastructure strain can sleep, stress, and overall quality of life. She said her parents live near the train tracks and closer to the quarry than most, and have had the firsthand effect on their sleep, noise pollution, and infrastructure challenges. She does not believe small towns like Edgerton and the community should not take any more risks and once it is done it can't be undone.

Mr. Don Vestal, 612 W. Hulett Street, Edgerton, KS approached the Commission. He apologized for his outbursts earlier; he just wanted to make sure he was given the chance to speak. He said he is 72 years old and has lived in Edgerton for the last 25 years. He moved to Edgerton to retire in peace. He was an IBEW electrician for 42 years and he might not have

worked at a data center; he has worked on all of the equipment that is in a data center. Unless the applicant is willing to pay for the entire cost for the power distribution improvements, he is against it because it will fall back on normal customers with rate increases. He is not sure on the estimated water usage, but they say it is a closed-loop system and that is a lie. The water has to be cooled and is done by industrial chillers. The chillers require that chemicals be injected into the water to prevent rust and corrosion. Those chemicals cannot be treated by a common wastewater facility and have to be handled as hazardous waste. He has experience with industrial chillers and had to do it when he worked on the railroad. If the Commission does not believe him, then they need to watch the movie, Erin Brockovich. He said he was raised for the first 20 years of his life in a town 13 miles from Hinkley, California. That town, 40 years later, is a complete dead zone because the civic, gas, and electric companies released these anticorrosive, rust preventative chemicals into a cooling can and was absorbed into the water system. This turned the entire town and surrounding areas into a dead zone. Mr. Vestal stated the last item he wants to address is taxes. He said he always pays his taxes, and he wants their full bill paid without any abatements or deferments. He claimed that the tax money belongs to us and not them. He said they can bring their company in as he is not against improvement or advancements, but he is against people who don't want to do their own fair share. He said the Commissioners stood up and said the Pledge of Allegiance to the Flag, which made his heart happy. He said the best thing about this county is that if the representatives don't represent the people, you can get rid of them. He said you can cut off the head of the snake and get a new group of people in.

Ms. Olivia Baken, 217 W. McDonald Street, Edgerton, KS, spoke before the Commission. She said she moved to Edgerton in 2021 and loves this town and loved that it was a small town with no facilities using all of their water. She said her water bill has gone up and it is concerning. She said she has done some research, and it showed that in five (5) years, water bills will increase 24% on average in cities with data centers. She said she is highly concerned that this topic was brought before the Commission when it has been in the works since November. She said they had a lot of time to plan everything, what was going to be happening and how to present it. The town was not able to seek out a moratorium to find out more information. She said they do not want a data center in their community. Ms. Baken said their salaries are paid through their taxes. She said the Commission works for the residents and the residents do not work for the Commission. She said that they are the people that speak and what the Commission is to do is act on what they request. She said it is clear that the town does not want the data center and she has not spoken to one person who wants it. She wants to know why it is so easy for the Commission to not oppose the idea. She wants to know all of the closed-door deals. She said this project came to Edgerton after Gardner refused any incentives. She inquired about what incentives are being offered. The applicant came to speak as to how great the data center will be and how unharmed it will be. She said her research shows that there are pollutants in the water and forever chemicals that leak into the water source and into the soil which poses long-term environmental risks.

Commissioner Soemer moved to close the public hearing. The motion was seconded by Commissioner Little. The public hearing for Application FSP2026-0002, Final Site Plan for Edgerton Project was closed at 8:49, 4-0.

Chairperson Mathos requested that the applicant address the public comments.

Mr. Skidmore stood before the Commission. He said in regard to the Site Plan approval process that is being considered, he emphasized that they are meeting the bulk regulations of the L-P District. The public water supply and sanitary sewer is in place that serves the existing building and adequate to service the purposed facility. The additional electrical components are being brought in as part of the development.

Ms. Kulhanek thanked the Commission and stated that this project is not affiliated with other developments in other cities.

Chairperson Mathos requested City staff respond to the public comments.

Ms. Linn stated there are a few points of clarification that need to be made. She explained this project is not associated with other projects. This is not the company that had a proposal in Gardner and is not the company that had a proposal in Spring Hill. In anticipation of questions about data centers that are not typically handled during the Site Plan phase of development as explained by the City Attorney and the City's role in the application, a lot of information was included in the published packet. It included information from other sources from Evergy, the DAMAC Digital Team, she would recommend those materials be referenced. Questions like energy usage and things like that are outside the City's role for review. She recognizes there are other questions out there.

Commissioner Draskovich inquired if a decibel reading could be provided as to what the equipment will put out and what could be heard nearby. He also wanted to know how far the noise would travel. Ms. Kulhanek replied that they will be in compliance with the zoning code and their data is based on industry data and specifications from the manufacturers' equipment. Commissioner Draskovich asked if any numerical data would be provided at this time. Chairperson Mathos stated Ms. Kulhanek stated that is correct to ensure Commissioner Draskovich heard the response. Commissioner Draskovich said that no actual data was going to be provided. He said that the applicant is not providing a number, so he asked how will be compliant with the code and inquired if they knew what the code required. The applicant stated that they are continuing to work with acousticians on applying the requirements of the code and not only meeting those requirements, but also exceeding those numbers, but it is a process. Commissioner Draskovich stated that his question was not answered and he is requesting a set number because the applicant should have some sort of reading as it pertains to noise pollution and they need to provide data. He said the applicant needs to understand that they are on the back end and trying to dig themselves out of a hole and bringing actual data would be a good thing. If they are unable to provide a number, then he has all of the information that he needs. The applicant responded that they have reviewed the code as it relates to noise emanation and it is essentially protected based on distance to residential properties and the impact of any industrial noise on the noise level within the city. They continued that they are confident they will be lower than what the code allows and stated that the code does not provide a number. The audience demanded they provide a number. Commissioner Draskovich requested civility so they can get the information. He said they are providing information on residential, and he asked if they were aware of the requirements for commercial properties. The applicant responded that they are confident that they will be under the way the code addresses noise emanation in both residential and commercial and how it relates to impact on residential areas. He said the nearest residence is over 1,000 feet away. A member of the audience asked if the noise level will be met at all times. The applicant

responded in the affirmative. Commissioner Draskovich stated that the nearest commercial property is 134 feet away. The applicant stated that is understood. Commissioner Draskovich said that there will be people working in nearby areas that will be impacted by the noise level. The applicant said they have evaluated the code and with respect to everything else that is being done, they will follow the City's requirements and is confident that the project will be under the noise ordinance allowance.

Commissioner Draskovich asked if any of the floor drains will be connected to the City sanitary sewer where the data center itself will be located. Mr. Skidmore answered that the floor drains will not be connected to sanitary sewer system. Commissioner Draskovich inquired if there are currently any floor drains that are connected to the City's sanitary sewer. He asks this because the closed-loop system will have a lot of lines and the taxpayers need to be protected from risks. He understands that is not really in the scope of a Final Site Plan, but he has questions about protection for any spills entering the stormwater or sanitary sewer system. Mr. Skidmore responded that there are existing floor drains in the building, but with the repurposing of the building, those will not discharge into the public sanitary sewer system. Commissioner Draskovich asked if they will be closed off. Mr. Skidmore stated that is correct.

Commissioner Draskovich inquired about how many facilities DAMAC has currently in operation that are roughly the size of this proposal. Ms. Kulhanek replied that DAMAC has many centers around the world in southeast Asia and Europe but no current data centers in the US. Commissioner Draskovich asked if any of the existing centers were the same size as this one. Ms. Kulhanek stated that projects vary in size. Commissioner Draskovich asked what kind of cooling system the centers use. Ms. Kulhanek answered that they utilize a variety of cooling technology in different projects, and she does not believe there is an apples-to-apples comparison that could be made. Commissioner Draskovich said if there are closed-loop systems currently being used, the water usage from that facility could be provided to give an estimate as to what this center could use. He said that providing data is important and good when presenting the application and asked if they were willing to provide that information. Ms. Kulhanek replied that is not in the scope of this application.

Commissioner Draskovich if the property owner was planning any expansion in the future. He also asked that if the closed-loop system doesn't work and isn't as efficient, if they would change and go to evaporative cooling. Ms. Kulhanek replied that is not in the scope of this application.

Commissioner Little stated a stormwater survey and study was submitted. The Army of Corps Engineers started a study for the data center impact that was recently withdrawn from Gardner. He said he would like to see that report and what the impacts of a project like this would have as it would be the first in the area. He wants to know what the watershed can handle, especially since he foresees more coming in the future. Ms. Linn stated she is not familiar with that particular study, but she knows the Army Corps of Engineers were working with the water office on a wastewater study. Commissioner Little stated it was a wastewater runoff study. Ms. Linn explained that they study was looking at wastewater and how to handle wastewater in this area and is not related to a particular industry as it is aimed at finding a long-term solution on how to handle wastewater in the watershed.

Commissioner Little inquired as to why a Preliminary Site Plan was not concerned for this project. Mr. Moore replied that the UDC allows applicants to submit a Final Site Plan application without a Preliminary Site Plan application being submitted if all of the applicable information can be provided. This allows for the public hearing to be held at either the Preliminary or Final Site Plan so there is one (1) public hearing for the proposal regardless of the application. Commissioner Little stated that the Commission has considered Preliminary Site Plans in the past while other projects have gone straight to a Final Site Plan. Ms. Linn explained that with an existing building, it is not unusual for an applicant to submit for a Final Site Plan and not go through a Preliminary Site Plan application but still has the requirement of a public hearing being held. She added that as the City Attorney explained, a public hearing at the Site Plan phase of development is not required by the state statute, but the UDC requires the public hearing as a form of transparency.

Chairperson Mathos stated that she is in healthcare and testing of the generators is done. The applicant will be testing their generators. She understands that this will be the first data center in the US for the applicant, but she inquired as to how often the generators are tested. Ms. Kulhanek replied that the generators will be tested monthly and the run time limited by EPA to about one (1) hour per month per generator. Chairperson Mathos asked if the generators will run at the same time or will they be done in succession one at a time. Mr. David Varghese, DAMAC Digital, answered that they will test one (1) line-up at a time and there are typically six (6) generators in a line-up. He added that depending on how the testing is to be done, multiple line-ups can be done at once. He said testing will be done in a way that makes sense for noise regulations to be met. Ms. Kulhanek said the testing would be done during business hours at a scheduled time. Chairperson Mathos stated that the generators are to be screened but there is nothing over the generators. She asked what the air quality is would be like around the generators. Ms. Kulhanek there are certain emissions with diesel gas generators which are typical with industry standards, but they are going to follow EPA standards. There are studies in review of the operational run times and actual emission calculations, so they do not have that information available with them this evening. Chairperson Mathos clarified that the data is in review with the applicant's team. Ms. Kulhanek replied that the EPA has the data. Chairperson Mathos asked if it would be information that could be provided prior to occupying the building. Mr. Varghese stated that is possible and the generators cannot be installed without EPA and state approval. A permit must be provided prior to the installation of the generators and other auxiliary equipment. Ms. Linn stated just like with other applications such as land disturbance, the applicant must submit information to the Kansas Department of Health and Environment (KDHE), and once KDHE has approved the information, then the City can review the documents under our code requirements. She said for generators, the information must be submitted to the EPA, which is administrated by KDHE in the state of Kansas, KDHE reviews the documents and issues a permit. All of that needs to be in hand prior to any Certificate of Occupancy being issued. Mr. Varghese said these permits are not new under the EPA and Clean Air Act, which has been in place since the 1960s and is regulated by the state and EPA. They have to follow those guidelines or they don't get the permits. Chairperson Mathos stated that 60 generators is a lot and wanted to make sure there are other checklists in place.

Commissioner Draskovich stated that it is most likely the generators are generally set. He said they cannot act like they don't have the information and data. The generators are most likely already manufactured and be delivered as a whole unit. He again requested the decibel

readings of those generators put out during testing. Ms. Kulhanek replied that they do have data sheets as it relates to each manufacturing specification, however there are components of site design that will happen during the final phases of the project that will take into account other noise attenuation, positioning, and screening and other components of that design. Mr. Varghese said the reason why they are not providing decibels in this scenario is this is the initial Site Plan submission. They are still finalizing equipment selections and providing those readings to the acoustical engineers to make sure that it is adequate to the community and to the surrounding neighborhoods. They are committed to making it right to the community and that is why they are confident that they will make it work. They still have to go through those equipment selections and finalize it and run it through the studies to ensure it meets the codes and regulations. Commissioner Draskovich stated that if the generators are going to be brought to the table, then actually bring it to the table because the Commission and community cannot come here with hopes and dreams, they are not coming to the table with unicorn farts. If an applicant is going to come before the Commission and request a Final Site Plan, then they should know what equipment they will be installing so they can provide all of the information. Stating they are still finalizing equipment and still finalizing things with acoustical engineers is not ideal when there are concerns about noise pollution.

Chairperson Mathos requested clarification and reiteration as to what they are voting on. Mr. Luckman explained that there are three (3) motions available. They are to approve, deny with reason or table with direction. He said that UDC Subsection 10.1.H has the standards to approval. This section is used for approving or disapproving a site plan. There are eight (8) factors to look at. The best thing to do if they are looking to disapprove the site plan, then list what of those factors has not been met and need to be addressed. Tabling for direction is more open because this is a process, then they can request additional information. Mr. Luckman said the only limitation is that the request has to be reasonable and there has to be a standard that applies that the information will help satisfy. He said for example there is nothing about the rate charged by Evergy, so asking for that information is not within the standards and would not be reasonable.

Mr. Sowers interjected that Mr. Moore had not completely answered his questions. Mr. Moore responded that he thought the questions were answered during the presentation for the Final Site Plan. The questions about maximum number of buildings. The only information City staff has is the number of buildings provided in the application as the existing warehouse and the three (3) proposed buildings. The questions about megawattage would have to be deferred to the applicant.

There was a lot of chatter from the audience and Commissioners. Chairperson Mathos inquired if executive session could be called. Ms. Linn responded that discussion is required to be open to everyone.

Commissioner Draskovich stated that everyone sees where he was going with this. Chairperson Mathos inquired as to where that would fall under those eight (8) factors. Commissioner Draskovich said it will fall under Article 5 in the L-P zoning. Within the warehouse district the purpose is also to limit vibration, noise, smoke, pollution, fire and explosive hazards, glare and yeah, yeah, yeah. That has to be taken into consideration, especially since noise pollution is a pollution that they need to think about. Chairperson Mathos stated that she believes that under Section 5.2, we can ask for additional information if that

is what he is proposing. Commissioner Draskovich said the other thing that they have to consider is that under Conditional Use Permit (CUP) in Article 7, and rock crushing that have been discussed, the reading of 60 decibels in an adjoining residential area or 70 decibels in an adjoining commercial property. The property to the west, just under 135 feet away, will have people working and other people working with people to the east. Chairperson Mathos said this is not a CUP. Commissioner Draskovich stated he understands that.

Commissioner Draskovich stated that pertaining to Article 5 and Article 2, he motions to deny the request for a data center. Mr. Luckman stated that in Subsection 10.1.H, there is no standard for inserting zoning controls in the decision. If there is a factor in Subsection 10.1.H that is lacking, then it could be made for the motion to deny. Chairperson Mathos inquired if additional information could be requested by using another motion. Mr. Luckman stated that if the Commission believes there is additional information needed, then yes. But the UDC does not allow for a reason to deny based on compliance with zoning requirements. It mentions landscaping, the Comprehensive Plan, and other policies, but not noise specifically. Commissioner Draskovich said that under the current zoning in the L-P District, a CUP would be required for a use that spills 70 decibels of noise onto an adjacent commercial property. He is trying to point out that it would be a potential zoning issue, and the Final Site Plan does not adequately address the potential issue. Mr. Luckman asked if Commissioner Draskovich is saying that the use does not fit within the L-P zoning district. Commissioner Draskovich said that the applicant is not bringing any readings and the only information they are providing is that they will try to do better. The only thing the Commission can fall back on is what the area was zoned for previously, which has a decibel reading in writing in the UDC. He inquired if the zoning does not pertain to the Final Site Plan. Mr. Luckman said it pertains to the application but it is not a test or hearing as to whether or not the Final Site Plan fits within the provisions of the zoning district and the public hearing is on if the Final Site Plan meets the standards of approval outlined in the UDC. Commissioner Draskovich stated he understands that but that is also numbered information that is provided in the UDC. Chairperson Mathos stated that under the UDC, they have met the requirements. Mr. Luckman stated that the motion imports standards that the City does not recognize for site plans. Chairperson Mathos said the provisions are not being discussed, but the actual site plan is. Mr. Luckman said that if the property violates the zoning restrictions after construction, then then it will be a code violation, just like any other property. He gave the example that if someone opens a home business and they do not comply with the regulations, it could be shut down.

Mr. Luckman stated there is a motion on the table. Commissioner Draskovich withdrew the motion.

Commissioner Little moved that Application FSP2026-0002 be tabled until the decibel readings requested by Commissioner Draskovich could be provided. The equipment should have been decided as this is a Final Site Plan application. Commissioner Draskovich seconded the motion.

Commissioner Soemer stated that the request is zoning related and inquired if the motion was legitimate per the UDC. Commissioner Little said the application is for a Final Site Plan while the applicant said it is an initial request, so nobody is on the same page. Chairperson Mathos said that it the request is for a Final Site Plan, not a zoning application. Commissioner Little said they were in the initial stages of getting their equipment. Chairperson Mathos said what

is being requested is zoning information, not Final Site Plan related information and she is not sure if it is a legitimate motion. Mr. Luckman said the motion was general, just like the previous motion, and clarity is needed in the motion. He asked if Commissioner Little was requesting that the construction plans be within the decibel levels of that required in the L-P zoning district. He asked what standard was being used. Ms. Linn stated that the standards that Commissioner Draskovich referenced earlier are for a CUP portion of the L-P zoning district and not a standard in the L-P zoning district. Mr. Luckman inquired if there are any decibel standards. Ms. Linn replied that there is not. Mr. Luckman stated that the request for the decibel level would most likely be outside the purview of the Commission.

Commissioner Soemer introduced himself to the audience. He explained that he is a community volunteer and has been paid in the amount of one (1) t-shirt. He said he is not an attorney but has understood where they would end up for the last two (2) hours. They are all uncomfortable with a lot of things, and yet what is before use, even if they feel backed into a corner, they do not have a statute to lean on to deny or table the application. He said that is their role as a Planning Commission and they are not a Governing Body. There was chatter from the audience. Ms. Linn stated it is not a conversation between the audience and Commission. Commissioner Soemer said he is speaking clearly and loudly so all can hear and is speaking to the other commissioners so they, and the audience, understand the position they are in.

Mr. Luckman said there is a motion and second that has been presented and should be voted on. The Commission requested the motion be repeated. Mr. Chris Clinton, Planning and Zoning Coordinator reread the motion as Commissioner Little moved to table Application FSP2026-0002 be tabled until the decibel readings requested by Commissioner Draskovich could be provided. Mr. Luckman said the motion was seconded and there was no clarification of that because it did not meet a standard. The question is before the Chairperson whether the motion and second can be accepted as it is not set to a standard outlined in the Code. Chairperson Mathos stated the motion and second cannot be accepted as it is not based on a standard. Mr. Luckman stated that the motion has been ruled as out of order and the floor is back open.

Commissioner Soemer stated that the statute has them backed into a corner. Chairperson Mathos said that if there is something in the statute that allows the Commission to request additional information, she would be in support of that motion. Ms. Linn stated that the standards have been shared to Commissioner Draskovich's screen as he is joined via videoconference. Chairperson Mathos stated that the application is for a Final Site Plan and there are three (3) options. The Commission can approve it, deny with cause, or table the application requesting additional information within those standards.

Commissioner Draskovich said they are backed into a corner. The Commission is at a slight impasse.

There was chatter from the audience that the Commission is to find a reason not to approve and must listen to its constituents.

Commissioner Draskovich explained they are in a tougher situation because they are not the City Council.

Mr. Luckman stated this is about the rules that they and the City Council create. The reason why the UDC is published is so that anyone can come in and know what the rules are when they submit and the rug will not be pulled out from under them by having additional requirements added. That is not how the law or the system works. There are clear standards to be met and if those standards are met, then the applicant should get the chance to proceed. That is why they are focusing on the standards of approval, this is what is required, not more and certainly not less. If no reason can be found that the standards have not been met, then the application complies.

Commissioner Soemer moved that in the absence of any statute-based denial or statute-based direction given to City staff that application FSP2026-0002 be approved according to City staff direction. Mr. Luckman requested a point of clarification that there is no state statute governing the application, it is all under the city code. Commissioner Soemer stated that is correct. Mr. Clinton stated that the motion on the table is that in the absence of any code section based on denial, the motion to approve the application with the stipulations outlined by City staff. Mr. Luckman informed the Commission that a Commissioner can second a motion and not have to vote to approve the motion and he stated that the Chair can motion as well.

The audience stated that the motion can just die on the table and that the public was invited and public comment is welcomed. Chairperson Mathos stated that public comments can be made during the public hearings.

Commissioner Draskovich inquired if any of the items will go to the Governing Body. Chairperson Mathos said that the Commission is the deciding body. Commissioner Draskovich asked that nothing will be going before the City Council. Ms. Linn stated that a Final Plat must still be submitted, but for a Final Site Plan the Commission is the deciding body. Commissioner Draskovich requested Ms. Linn repeat herself. Ms. Linn stated that for the Final Site Plan, the Commission is the deciding body, but should this application be approved like the Preliminary Plat, the applicant would need to submit a Final Plat application which would have to come before the Commission and City Council without a public hearing.

Mr. Luckman said there is a motion on the table. Chairperson Mathos said that if there is no second, then it will die on the table. Commissioner Draskovich stated that he does not see a choice but to second the motion. Commissioner Draskovich seconded the motion for approval of Application FSP2026-0002. The motion for approval of Application FSP2026-0002 with the stipulations outlined by City staff failed to pass, 2-2 with Commissioners Little and Draskovich voting no.

Mr. Luckman said that if there is a question of the engineering design of the generators, which could include noise levels, Subsection 10.1.H.5 states that "[t]he plan is consistent with good land planning and site engineering design principles." Site design principles may be wide enough for a Commissioner to request those items to satisfy the original questions posed about the generators. Mr. Luckman reminded the Commission, that based on what the applicant says, there is no ultimate zoning standards to apply, the Commission would be just gathering information for their own purposes.

Commissioner Draskovich said that would at least allow the Commission to get the information. He asked if that would fall under Article 5.2. Mr. Moore stated it would be UDC Section 10.1.H.5. Commissioner Draskovich said that would at least allow time to get the proper information.

Commissioner Draskovich moved to table Application FSP2026-0002, Final Site Plan for Edgerton Project located at 31800 W. 196th Street, in regards to UDC Section 10.1.H.5 for more site engineering design principles related to generators and noise pollution. Commissioner Little seconded the motion. Application FSP2026-0002 was tabled, 4-0.

Chairperson Mathos requested City staff outline the next steps in the development process.

Mr. Moore explained that since the application is tabled, it will come again before the Commission and will be for the Final Site Plan only. Ms. Linn added that since the public hearing was held tonight, there will not be an additional public hearing held, it will just be additional information presented to the Commission.

8. Future Meeting Reminders

Chairperson Mathos stated that the next regular sessions are scheduled for June 9, 2026, at 7:00 PM; July 14, 2026, at 7:00 PM; and August 11, 2026, at 7:00 PM.

9. ANNOUNCEMENTS

There were no announcements made.

10. ADJOURN

Commissioner Little moved to adjourn the meeting. Commissioner Soemer seconded the motion. The meeting was adjourned at 9:49 PM, 4-0.

Submitted by Chris Clinton, Planning and Zoning Coordinator