

**EDGERTON PLANNING COMMISSION  
MEETING AGENDA  
EDGERTON CITY HALL - 404 EAST NELSON STREET  
April 11, 2023  
7:00 P.M.**

The City of Edgerton encourages public participation in local governance issues. To facilitate an efficient and effective meeting, persons wishing to address the Planning Commission must sign-up before the meeting begins. During public hearings, comments must be limited to three (3) minutes per speaker. The maximum time limit for all speakers during each public hearing will be one (1) hour.

The chair may modify these provisions, as necessary. Speakers should state their name and address and then make comments that pertain to the public hearing item.

The chair may limit any unnecessary, off-topic, or redundant comments or presentations. Speakers should address their comments to Planning Commission members only and should not speak to fellow audience members. 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. Disruptive conduct may result in removal from the meeting.

**Call to Order**

1. **Roll Call** \_\_\_\_ Daley \_\_\_\_ Draskovich \_\_\_\_ Crooks \_\_\_\_ Little \_\_\_\_ Mueller
2. **Welcome**
3. **Pledge of Allegiance**

**Consent Agenda** *(Consent Agenda items will be acted upon by one motion unless a Planning Commissioner requests an item be removed for discussion and separate action.)*

4. Approve Minutes from the March 14, 2023 Planning Commission Meeting.
5. Approve Final Plat application FP2023-02 for Inland Port IX located at 30700 and 20400 W. 183<sup>rd</sup> Street.

**Regular Agenda**

6. **Declaration.** At this time Planning Commission members may declare any conflict or communication they have had that might influence their ability to impartially consider the agenda items.

**Business Requiring Action**

**New Business**

7. **TU2023-01: TEMPORARY CONSTRUCTION USE FOR A ROCK CRUSHING OPERATION FOR TSL EDGERTON LOCATED 31115 W. 191<sup>ST</sup> STREET**  
Applicant: Chris Stara, Agent – Hastings Family Holdings, LLC, Property Owner

a. Consideration of TU2023-01

8. **ZA2023-02: REZONING APPLICATION TO REZONE 37.39 ACRES FROM COUNTY RURAL (CTY RUR) TO L-P (LOGISTICS PARK) AND C-2 (HEAVY SERVICE COMMERCIAL) FOR WHIMSY EDGERTON, LLC LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF W. 199<sup>TH</sup> STREET AND HOMESTEAD LANE**

Applicant: Clayton Rule, Agent – Whimsy Edgerton, LLC, Property Owner

a. Public Hearing for ZA2013-02

b. Consideration of ZA2023-02

9. **PP2023-02: PRELIMINARY PLAT APPLICATION FOR WHIMSY EDGERTON, LLC LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF W. 199<sup>TH</sup> STREET AND HOMESTEAD LANE**

Applicant: Clayton Rule, Agent – Whimsy Edgerton, LLC, Property Owner

a. Public Hearing for PP2013-02

b. Consideration of PP2023-02

10. **CU2023-01: CONDITIONAL USE PERMIT APPLICATION FOR A CARGO CONTAINER STORAGE, REPAIR OR MAINTENANCE FACILITY FOR WHIMSY EDGERTON, LLC LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF W. 199<sup>TH</sup> STREET AND HOMESTEAD LANE**

Applicant: Clayton Rule, Agent – Whimsy Edgerton, LLC, Property Owner

a. Public Hearing for CU2013-01

b. Consideration of CU2023-01

11. **Future Meeting Reminders**

- May 9, 2023 at 7:00 – Regular Session
- June 13, 2023 at 7:00 PM – Regular Session
- July 11, 2023 at 7:00 PM – Regular Session

12. **Adjourn**

## **PLANNING COMMISSION MEETING**

### **March 14, 2023**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on March 14, 2023. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

#### **1. ROLL CALL**

Jeremy Little	absent
Charlie Crooks	present
Adam Draskovich	present
John Daley	present
Jordyn Mueller	present

With a quorum present, the meeting commenced.

Staff in attendance: Chris Clinton, Planning and Zoning Coordinator/Deputy City Clerk  
Zachary Moore, Development Services Director

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

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

#### **CONSENT AGENDA**

4. Approve Minutes from the February 14, 2023 Planning Commission Meeting.

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

#### **REGULAR AGENDA**

#### **5. DECLARATION**

Chairperson Daley asked the Commissioners to declare any correspondence they have received or communication they have had regarding the matters on the agenda. If they have received correspondence or have had any communication, he asked if it may influence their ability to impartially consider the agenda items.

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

#### **BUSINESS REQUIRING ACTION**

#### **NEW BUSINESS**

6. **UDCA2023-01: AMENDMENTS TO ARTICLE 8 (ADMINISTRATIVE AUTHORITIES, DUTIES AND PROCEDURES) AND 11 (PERMITTED CHANGES AND DOWNZONINGS) OF THE UNIFIED DEVELOPMENT CODE**

Chairperson Daley opened the public hearing. There were no public comments made. Commissioner Crooks moved to close the public hearing. Commissioner Draskovich seconded the motion. The public hearing was closed, 4-0.

Mr. Zachary Moore, Development Services Director, addressed the Commission. He explained in his review of the Unified Development Code (UDC), there are two (2) sections that need to be updated. The first is Article 8, Section 8.1.F.2 which outlines the order of a public hearing. He said that procedure is not appropriate to be in the UDC as they are already in the bylaws of the Commission. No changes to the current procedures that the City has established are proposed, removing those procedures from the UDC would allow greater flexibility in the procedures in the future, if needed.

Mr. Moore stated the second section is Article 11. This Article allows the Commission to make changes to a zoning request for a more restrictive district than requested. The change can be done during the meeting without renotification of the public. He said the City Attorney recommended that if the Commission wanted to recommend a more restrictive zoning designation, they would table the application and renotify the public for a new public hearing. He explained City staff recommends deleting Article 11 of the UDC and have it be reserved for future use.

Commissioner Draskovich stated by removing Article 11 it would make it more restrictive on the Commission as they would no longer be able to make changes to an application during the first meeting it is presented to them. Mr. Moore answered that is correct. He explained if an application came forward for a district, the public could look into those requirements for the requested zoning and not have any qualms with that district. But if the Commission changes the request to a different district, the public would not know that change is occurring prior to the meeting and not have time to research the new district. Mr. Moore explained it would be increasing the transparency of the Commission. Commissioner Draskovich stated some people might not like that the City is deleting an entire Article of the UDC without realizing the change is more restrictive to the Commission. He inquired if a reason can be added in the UDC as to why the removal of the Article was needed. Mr. Moore explained a proposed redlined draft was not provided to the Commission but will be presented to the Governing Body. He added the City could do research to see if other municipalities have reasons why codes have been changed listed in their codes. Mayor Donald Roberts stated he believes the UDC should be black and white and having a reason as to why a code has been amended makes it grey. He stated the public may be supportive of one rezoning, but if the Commission sees a less intense rezoning district would be better, renotification is not currently required but it should be. Mr. Moore said adding a justification into the UDC could be seen as an over justification and if anyone requested as to why the UDC was amended, he would direct them to the minutes to show what was discussed.

Chairperson Daley inquired as to why the change is needed in Article 8. Mr. Moore replied that the section that outlines the conduct of meetings is what is being proposed to be removed. He stated that Mr. Chris Clinton, Planning and Zoning Coordinator/Deputy City



Clerk, researched other Johnson County municipalities and Edgerton is the only one with these procedures outlined in the UDC. The procedure is in the bylaws and states the same thing as this section of the UDC. Chairperson Daley asked if this was a housekeeping item and no changes would be made to the Commission meetings. Mr. Moore answered that is correct and verified no changes would be made to the procedures of the Commission meetings.

Commissioner Crooks moved to recommend approval of Application UDCA2023-01, amendments to Article 8 and 11 of the UDC. Commissioner Draskovich seconded the motion. UDCA2023-01 was recommended for approval, 4-0.

#### **7. FUTURE MEETING REMINDERS**

Chairperson Daley stated the next Planning Commission meetings are scheduled for April 11, May 9, and June 13, 2023.

#### **8. ADJOURN**

Commissioner Crooks moved to adjourn the meeting. Commissioner Draskovich seconded the motion. The meeting was adjourned at 7:11 PM, 3-0.

## LOGISTICS PARK KANSAS CITY PHASE VI – THIRD PLAT

Application FP2023-02  
30700 and 30500 W. 183<sup>rd</sup> Street

### QUICK FACTS

#### PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval of a Final Plat 30700 and 30500 W. 183<sup>rd</sup> Street.

#### Owner and Applicant

Edgerton Land Holding Company, LLC, property owner, represented by Brody Sherar, Agent.

#### Zoning and Land Use

L-P (Logistics Park) with no current development.

#### Parcel Size

79.8 acres

#### Staff Report Prepared by

Chris Clinton



## BACKGROUND

### *Subject Site*

The parcel is located within the Bull Creek watershed and was annexed into the City of Edgerton on March 25, 2010.

Utilities and service providers:

- a. Water Provider - Johnson County Rural Water District #7.
- b. Sanitary Sewer - City of Edgerton.
- c. Electrical Service - Evergy.
- d. Gas Service – Kansas Gas Service.
- e. Police Protection - City of Edgerton through the Johnson County Sheriff's Office.
- f. Fire Protection - Johnson County Fire District #1.

### *Site History and Past Approvals*

The subject property was rezoned from the *A-G, Agriculture* District to *L-P, Logistics Park* District on January 26, 2017 (ZA2016-03). The Planning Commission (the Commission) approved Preliminary Plat PP2017-03 on July 11, 2017, which included two (2) lots and three (3) tracts. A Final Plat, FP2017-03, accompanied the Preliminary Plat application and was approved by the Commission on the same date and was approved by the City Council on August 24, 2017. The previously approved Final Plat (FP2017-03) included an Access Easement (A/E) and Utility Easements (U/E) that bisect the property, running north to south, which must first be vacated prior to issuance of a building permit. The requirement for this easement to be vacated is included as a stipulation of staff's recommendation.

Also, during the July 11, 2017 meeting, the Commission approved a Preliminary Site Plan (PS2017-03) on the subject property, which identified two (2) buildings, with one (1) on each of the lots. The first building was proposed as Inland Port IX and be 492,283 square feet and the second was proposed as Inland Port X and be 682,500 square feet. A Final Site Plan (FS2017-02) was approved for Inland Port IX on July 11, 2017, however, a building permit was not issued within one year and therefore, that Final Site Plan has expired. A Final Site Plan was never presented for Inland Port X.

At the February 14, 2023 meeting, a new Final Site Plan (FS2023-01) was presented to the Commission. The Commission heard testimony from the applicant and neighboring property owners, and the Final Site Plan (FS2023-01) was approved with stipulations by the Commission during that meeting. That Final Site Plan included a 1,000,000 square foot warehouse which will run parallel with the rear property line along the railroad tracks, therefore the building will run southwest to northeast.

### *Proposal*

This Final Plat request is to replat two (2) lots and three (3) tracts into one (1) lot and two (2) tracts. The building approved with FS2023-01 was proposed to cross over existing lot lines therefore, the property must be replatted prior to issuance of a building permit. The two (2) tracts proposed are intended to be used for stormwater and drainage purposes and will be owned by the Logistics Park Kansas City Owners' Association. Drainage Easements (D/E) will also be dedicated in each of the two (2) tracts.

## FINAL PLAT REVIEW

Staff has reviewed the Final Plat submittal for compliance with the requirements in Section 13.3.G of Article 13 of the Edgerton Unified Development Code (UDC). Review comments are as follows:

### **Section 13.3.G Final Plat. Required Contents**

1. The instrument of survey which shows the point of beginning, corner, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pin, monuments found or set. All P.I.'s corners, boundaries must be monumental with a 2" x 24" metal bar.
  - a. *The legend indicates that solid dots are "Found Monument as Noted" but there are no notes provided on those monuments.*
  - b. *The right-of-way widths for the south portion of 183<sup>rd</sup> Street is incorrect.*

***Update Final Plat.***

2. All easements with widths, and roads with curve data.
  - a. *Additional utility easements may be necessary, and the plat should be reviewed by all utility companies.*

***Update Final Plat as needed.***

### **Section 13.3.G Final Plat. Required Contents**

1. All resubdivision plats shall contain the title RESUBDIVISION or REPLAT followed by the original title of the plat and, if applicable, the lot(s) that are to be divided: ie, A Replat of Lots 1 and 2 of \_\_\_\_\_ Subdivision.

***Update Final Plat as needed.***

## NOTICE OF CITY CODES AND PERMITS

The Applicant is subject to all applicable City codes – whether specifically stated in this report or not – including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The Applicant is also subject to all applicable local, State, and Federal laws.

Various permits may be required in order to complete this project. Please contact the Building Codes Division of the Community Development Department for more information about City permits. The project may also be subject to obtaining permits and/or approvals from other local, County, State, or Federal agencies.

## DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
Application	Application for FS2023-02	12/23/2022
1	Final Plat	3/20/2023

## STAFF RECOMMENDATION

City Staff recommends approval of Final Site Plan **Application FP2023-02** *Inland Port IX*, subject to the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat.
2. The Access and Utility Easements that are down the center of the proposed lot and recorded on Book 201808, Page 005903 will need to be removed and properly vacated.
3. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code (UDC).
4. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
5. All City Engineer comments related to the Stormwater Management Plan must be addressed prior to issuance of a building permit.
6. All Final Plat requirements of the City listed on page 3 shall be met or addressed prior to recording of the Plat.
7. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the Final Plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plats.

***Note: For Application FP2023-02 the Planning Commission will be the approving authority for the application. However, the Governing Body must accept all dedication of land for public use, and the Final Plat will be presented to the Governing Body on April 27, 2023.***





# FINAL PLAT

## LOGISTICS PARK KANSAS CITY PHASE VI - THIRD PLAT

PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 14 SOUTH, RANGE 22 EAST,  
IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS

### LEGAL DESCRIPTION:

All of LOGISTICS PARK KANSAS CITY PHASE VI - SECOND PLAT, a subdivision in the City of Edgerton, Johnson County, Kansas.

### DEDICATION:

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "LOGISTICS PARK KANSAS CITY PHASE VI - THIRD PLAT".

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over and through those areas outlined and designated on this plat as "Drainage Easement" or "DCE" is hereby granted to the City of Edgerton, Kansas. Drainage easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities.

### RESTRICTIONS:

Tracts "A", and "B" are intended to be used for stormwater detention and open space and shall be owned and maintained by Logistics Park Kansas City Owners' Association, its successors and assigns.

No Access will be permitted to Waverly Road from Tract A.

### CONSENT TO LEVY:

The undersigned proprietor of the above described tract of land hereby consents and agrees that the Board of County Commissioners and the City of Edgerton, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall become and remain a lien on this land fronting and abutting on such dedicated public way or thoroughfare.

### EXECUTION:

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ELHC IX, LLC

Nathaniel Hagdom, Managing Member

STATE OF \_\_\_\_\_ SS

COUNTY OF \_\_\_\_\_

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me a Notary Public in and for said County and State, came Nathaniel Hagdom, Manager of ELHC IX, LLC, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said corporation, and he duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

Notary Public \_\_\_\_\_ My Appointment Expires \_\_\_\_\_

### APPROVALS:

APPROVED by the Planning Commission of the City of Edgerton, Johnson County, Kansas, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

John Daley, Chairman

Charles Cooks, Secretary

APPROVED by the Governing Body of the City of Edgerton, Johnson County, Kansas, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Donald Roberts, Mayor

Alex Cluser, City Clerk

APPROVED by the Zoning Administrator on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Zachary Moore, Zoning Administrator

I hereby certify that during January 2023, this field survey was completed on the ground by me or under my direct supervision, and that said survey meets or exceeds the current "Kansas Minimum Standards For Boundary Surveys" as established by the Kansas Board of Technical Professions.

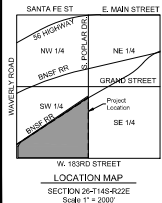
PRELIMINARY  
UNDER REVIEW

Roger B. Dill, Kansas PS-1408  
RBC KS CLS-224  
rbd@rbc-consult.com

### NOTES:

1. Basis of Bearings: LOGISTICS PARK KANSAS CITY PHASE VI - SECOND PLAT
2. Error of Closure: 1 part in: 731347.191"
3. All bearings and distances shown on this plat are plotted and measured unless otherwise noted.
4. Flood Plain Note: According to the F.E.M.A. Flood Insurance Rate Map Number 2009 (2011K) revised August 3, 2009, this tract graphically lies in OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain.
5. 1/2" x 24" Rebar's with caps will be set on interior lot corners upon completions of construction.

- LEGEND:
- FOUND MONUMENT AS NOTED
  - FOUND 1/2" REBAR WITH RBC MOULDED 1000072 MOULDED CAP
  - FOUND CHISELED "X"
  - FOUND 1/2" x 24" REBAR WITH RBC MOULDED 1000072 MOULDED CAP
  - A/E ACCESS EASEMENT
  - B/E BUILDING SETBACK LINE
  - P/E PARKING SETBACK LINE
  - D/E DRAINAGE EASEMENT
  - G/E GAS LINE EASEMENT
  - L/E LANDSCAPE EASEMENT
  - P/E PUBLIC UTILITY EASEMENT
  - U/E UTILITY EASEMENT
  - R/E RESTRICTED ACCESS



LOT NO.	LOT AREA	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	BUILDING ENVELOPE
1	2,904,005 S.F., 66.667 Ac.	25'	100' (RESIDENTIAL) 0' (TRACT A & B)	25'	2,650,040 S.F.
TRACT A	384,176 S.F., 8.819 Ac.	25'	50' (STREET) 0' (LOT 1)	50'	Stormwater Detention
TRACT B	186,873 S.F., 4.290 Ac.	N/A	100' (RESIDENTIAL) 0' (LOT 1)	25'	Stormwater Detention
TOTALS	3,475,054 S.F., 79.776 Ac.	N/A	N/A	N/A	N/A



### LOGISTICS PARK KANSAS CITY PHASE VI - THIRD PLAT

Prepared For:  
Brody Shear  
NorthPoint Development, LLC  
3315 N. Oak Trailway  
Kansas City, MO 64116

Date of Preparation: February 2, 2023  
Revised: March 20, 2023

**Renaissance**  
Infrastructure  
Consulting

132 Abbe Avenue  
Kansas City, Kansas 66103  
913.317.9500  
www.ric-consult.com

## TEMPORARY CONSTRUCTION USE – ROCK CRUSHING FOR TSL EDGERTON

Application TU2023-01  
31115 W. 191<sup>st</sup> Street

### QUICK FACTS

#### PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval of a Temporary Construction Use – Rock Crushing located at 31115 W. 191<sup>st</sup> Street.

#### Property Owner and Applicant

Hastings Family Holdings,  
LLC represented by Chris  
Stara, Agent

#### Zoning and Land Use

Currently zoned L-P (Logistics Park). The northern part of the subject property has current operations of a cargo container storage/maintenance facility. The operations proposed in this application will take place on the vacant portion of the property.

#### Parcel Size

44.34 acres

#### Staff Report Prepared by

Chris Clinton





## BACKGROUND

Article 9, Section 9.6E of the Unified Development Code of the City of Edgerton, Kansas states that the Planning Commission is authorized to review and approve the use of property during times of construction, reconstruction, or adaptation to permit temporary living quarters for construction personnel, offices, buildings for storage, outdoor storage, machinery yards, portable concrete or asphalt mixing plants, sanitary facilities, and similar uses.

On previous occasions, the Edgerton Planning Commission has approved the use of certain property for construction-related activities associated with Logistic Park Kansas City (LPKC) subject to stipulations and the approval of City Staff.

### **Subject Site and Previous Approvals**

The subject property currently holds an Edgerton *L-P, Logistics Park*, zoning designation as it was rezoned from Johnson County *RUR* on November 14, 2013 for the current operation site and October 25, 2018 for the currently vacant land. On April 9, 2019, the City of Edgerton Planning Commission approved Final Site Plan FS2019-02, the Final Site Plan for TSL Edgerton to expand their operations to the south. The property owner has had extensions of the Final Site Plan approved by the Planning Commission from 2020 to 2022. They now wish to move forward with the expansion as outlined in Final Site Plan FS2019-02.

### **Applicant Request**

Hastings Family Holdings, LLC, property owner, has submitted an application for rock crushing operations to the City for the Planning Commission to consider. In the application, Patrick Cassity of Renaissance Infrastructure Consulting, project engineer, states that the rock crushing operations are to start upon approval of the operations. A Kleemann Mobirex MR 130i EVO2 is to be used for this operation, and the applicant provided specifications of the equipment which is a mobile impact crusher to be used onsite. The mobility of the crusher allows the operator to relocate on the site to ensure efficiency of the process. The use of the onsite crusher also reduces or removes the need to have rock delivered to the site for grading. There is approximately 14,000 cubic yards of material on site to be crushed and used for construction activities. The rock crushing operations will produce dust, however, the equipment does have a water system installed to aid in dust mitigation. The operations are estimated to be completed by October 1, 2023 and will occur Monday through Sunday from 7:00 AM to 6:00 PM. The applicant states if this request is to be denied, the material will need to be hauled in which would increase the traffic and impact City maintained roads.

## NOTICE OF CITY CODES AND PERMITS

The Applicant is subject to all applicable City codes – whether specifically stated in this report or not – including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The Applicant is also subject to all applicable local, State, and Federal laws.

Various permits may be required in order to complete this project. Please contact the Building Codes Division of the Community Development Department for more information about City permits. The project may also be subject to obtaining permits and/or approvals from other local, County, State, or Federal agencies.

## DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
Application	Application for TU2023-01	08/16/2022
1	Request Letter	03/07/2023
2	Equipment Specification	
5	C02 General Layout	02/02/2023
6	C03 Grading Plan	02/02/2023

## STAFF RECOMMENDATION

Staff recommends **approval** of batch plant Application **TU2023-01** for 31115 W. 191<sup>st</sup> Street for construction-related activities pursuant to Article 9, Section 9.6E of the Unified Development Code, by Hastings Family Holdings, LLC for rock crushing operations for TSL Edgerton subject to the following stipulations:

1. The rock crushing operations must be completed prior to October 1, 2023. If the rock crushing operations needs to be extended, another Temporary Construction Use permit must be obtained through the approval of the Planning Commission.
2. Offsite impacts from onsite construction-related activities shall be minimized to the extent possible. This shall include compliance with all City regulations and policies related to the tracking of debris onto public streets.
3. Applicant and any subcontractors agree to address any issues that affect offsite properties or public rights-of-way or easements in a reasonable time period.
4. Hours of operation shall be limited to from 7:00 AM to 6:00 PM.

☒ New/Expired Permit (\$500)☐ Amended Application (\$250)Project Name: TSL Edgerton Phase IILocation or Address of Subject Property: 31115 W. 191st St.(please attach legal description) All of Lot 1, TSL Edgerton, Edgerton, Johnson County, KansasCurrent Zoning on Subject Property: L-P Current Land Use: VacantTotal Area: 44.3 AcresApplicant Name(s): Agent: Christopher Stara Phone: 531-444-4820Company: Hastings Family Holdings LLC Email: chris.stara@4tsl.comMailing Address: 10001 South 152nd St. Omaha NE 68138  
Street City State ZipProperty Owner Name(s): Same as Owner Phone: \_\_\_\_\_

Company: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street City State ZipExplain construction activities: Application for on site rock crushing activities.*NOTE: Application must be submitted 28 days prior to regularly scheduled Planning Commission meeting*Signature of owner or agent:  Date: 3/2/2022**FOR OFFICE USE ONLY**Application No: TU2023-01 Application Fee Paid: \$ 500 Date Paid: 4/4/2023Cashier Code: TEMPCON Receipt #: 00003911 Planning Commission Meeting Date: April 11, 2023Received By: Christopher Clinton Date: 3/6/2023

March 7<sup>th</sup>, 2023

City of Edgerton, Kansas  
404 East Nelson St.  
Edgerton, KS 66021

Hastings Family Holdings, LLC (property owner) requests to complete rock crushing operations at 31115 W. 191<sup>st</sup> St., Edgerton, KS in support of the construction of Phase II of TSL Edgerton. Described below are the parameters of the proposed rock crushing operation:

- (1) Kleemann Mobirex MR 130i EVO2
- Crushing will commence April 1<sup>st</sup>, 2023 and finish by October 1<sup>st</sup>, 2023
- Rock crushing activities will be performed Monday-Saturday
- Operating hours will range from 7 AM-6 PM
- Crushing equipment is mobile. Crusher will be relocated throughout the site to ensure efficiency of the crushing process.
- Crushed rock will be utilized on site for construction applications.
- Water application will be used on site to control dust.
- The denial of this permit will change the overall scope of the project; including a larger quantity of import material resulting in increased vehicle traffic on City maintained roads.

Please contact me with any questions.

Respectfully,

Patrick Cassity



Technical Information

# MOBIREX MR 130i EVO2



## **Track-mounted impact crusher**

For use in natural stone and recycling

## **MOBIREX EVO2**

Series

### **HIGHLIGHTS**

- > Optimised material flow as a result of increasing system widths
- > Hydraulic gap setting
- > Simple and intuitive SPECTIVE control concept
- > Efficient and powerful D-DRIVE diesel-direct drive
- > High-performance post screening unit with oversize grain return (option)

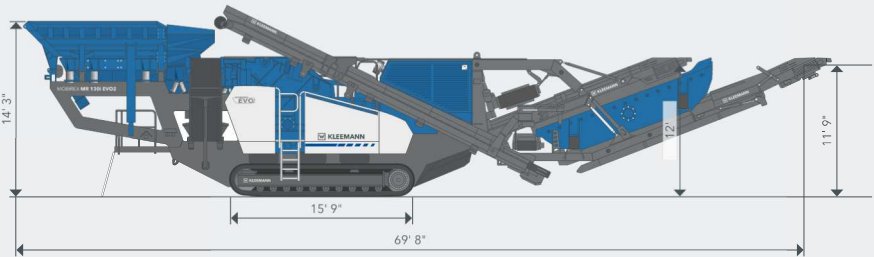
MOBIREX MR 130i EVO2 mobile impact crusher

The MOBIREX MR 130i EVO2 mobile impact crusher can be deployed universally and produces first-class final product quality. With a crusher inlet width of 52" it achieves a production that was previously only associated with considerably larger crushing plants. Excellent efficiency and performance are achieved through a variety of technical highlights. Thanks to its compact design, the plant is easy to transport and quick to assemble and disassemble.

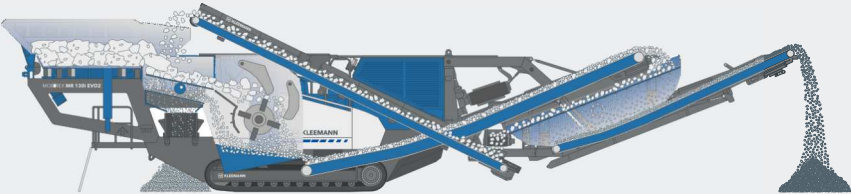


TECHNICAL DATA MR 130i EVO2	
Feeding unit	
Feed capacity up to approx. (US t/h)	496 <sup>1)</sup>
Max. feed size	41" x 26"
Feed height (with extension)	14' 3" (15' 5")
Hopper volume (with extension) (yd³)	6.5 (11.8)
Width x length (with extension)	7' 5" x 12' 2" (9' 10" x 12' 2")
Vibrating feeder	
Width x length	40" x 8' 7"
Prescreening	
Type	Double-deck heavy-duty screen
Width x length	48" x 7' 7"
Side discharge conveyor rigid (optional)	
Width x length (extended)	26" x 13' 1" (19' 8")
Discharge height approx. (extended)	9' 6" (12')
Crusher	
Impact crusher type	SHB 130-090
Crusher inlet width x height	52" x 36"
Crusher weight approx. (lbs)	36,450
Rotor diameter	47"
Crusher drive type, approx. (hp)	direct, 416
Type of impact toggle adjustment	infinitely variable, fully hydraulic
Crushing capacity with demolished concrete up to approx. (US t/h)	331 <sup>2)</sup>
Crushing capacity with rubble up to approx. (US t/h)	331 <sup>2)</sup>
Crushing capacity with demolished asphalt up to approx. (US t/h)	287 <sup>3)</sup>
Crushing capacity with limestone up to approx. (US t/h)	375 <sup>2)</sup>
Discharge chute	
Width x length	56" x 8' 10"
Crusher discharge conveyor	
Width x length	56" x 31' 10"
Discharge height approx.	12'
Power supply unit	
Drive concept	diesel-direct <sup>4)</sup>
Scania (Tier 4f/Stage IV) (hp)	493 (1,800 rpm)
Generator (kVA)	135
Post screening unit (optional)	
Type	single-deck post screen
Width x length	61" x 14' 11"
Oversize grain return conveyor (wider)	20" x 32' (26" x 32')
Discharge height of fine grain discharge conveyor approx.	11' 9"
Transport	
Transport dimensions without options	
> Transport height	12' 4"
> Transport length approx.	60' 4"
> Max. transport width	9' 10"
Transport dimensions with post screening unit	
Transport length with screening unit	70' 11"
> Transport width with screening unit	10' 4"
Transport weight	
> Transport weight screening unit (lbs)	14,340
> Transport weight of basic plant - max. configuration (lbs)	132,300 - 140,550

OPERATING POSITION



MATERIAL FLOW



Optimum material flow is guaranteed: the MOBIREX MR 130i EVO2's system widths have been increased over the entire plant in the direction of material flow. The material flow is therefore not narrowed and material bridging can also be effectively prevented. Thanks to the fully hydraulic adjustment of the crushing gap, the plant

can adapt quickly to the material or the desired final grain size.

Operation is intuitive thanks to the SPECTIVE and SPECTIVE CONNECT operating concept.

<sup>1)</sup> Depending on type and composition of feed material, feed size, prescreening as well as target final grain size

<sup>2)</sup> With final grain size 0" - 1.8" with approx. 10 - 15 % oversize grain

<sup>3)</sup> With final grain size 0" - 1.3" with approx. 10 - 15 % oversize grain

<sup>4)</sup> All electric ancillary drives

## STANDARD EQUIPMENT

- > Hydraulically folding feed hopper, can be operated from ground
- > Frequency-controlled vibrating feeder
- > Frequency-controlled prescreen
- > Prescreen covering with slotted grate or punched plate (upper deck) and wire cloth (lower deck)
- > Extended side discharge conveyor 19' 8", rigid: can be mounted on left or right, discharge height approx. 12', must be dismantled for transport, inc. spray system
- > Quick Track for setting machine operating mode quickly and easily, operation via radio remote control
- > Impact crusher with rotor ledge set made of martensitic
- > Continuous feed system (CFS) for optimum crusher loading
- > Automatic crusher gap adjustment
- > Integrated overload protection
- > Rotor lock & turn device: system for securely turning and locking the rotor for maintenance tasks or clearing blockages
- > Permanent magnetic separator, magnet preparation
- > Post screening unit, in convenient container dimensions, hook-lift compatible, available with 20" and 26" wide oversize grain return conveyor
- > Swivel arm for changing rotor ledges
- > SPECTIVE control concept: menu-guided user interface, 12-inch control panel; telematics system WITOS FleetView for efficient fleet and service management
- > Lockable control cabinet, dust and vibration protected
- > LED lighting
- > Water spray system for dust reduction

## OPTIONS

- > Hopper extension: hydraulically folding
- > Side discharge conveyor 13' 1", rigid: can be mounted on left or right, discharge height 9' 6", must be dismantled for transport, inc. spray system
- > Side discharge conveyor belt cover (sheet metal) in connection with rigid side discharge conveyor
- > Side discharge conveyor, hydraulically folding, can be mounted on both sides, discharge height 9' 6", remains on machine during transport, inc. spray system
- > Climate packages: hot climate or cold climate package
- > Ergonomic power pack enclosure for insulating noise sources
- > Electromagnetic separator
- > Belt scales, available for crusher discharge conveyor and fine grain conveyor (secondary screening unit)
- > Air classifier for cleaning oversize grain from foreign matter and lightweight matter through 15 hp blower with air outlet under transfer conveyor. Only available in connection with secondary screening unit option.
- > Trackpads for crawler chassis for protection of ground
- > Premium lighting

### WIRTGEN AMERICA

6030 Dana Way  
Antioch, TN 37013  
USA

T: +1 615 501 0600  
M: info.america@wirtgen-group.com

> [www.wirtgen-group.com/america](http://www.wirtgen-group.com/america)











## WHIMSY TRUCKING

**Application ZA2023-02**

**Northwest corner of the intersection of Homestead Lane and 199<sup>th</sup> Street**

### QUICK FACTS

#### PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval to rezone two (2) parcels of land located at the northwest corner of the intersection of Homestead Lane and 199<sup>th</sup> Street from Johnson County RUR (Rural) to City of Edgerton L-P (Logistics Park) west of the creek and C-2 (Heavy Service Commercial) east of the creek.

**A Public Hearing is required.**

#### Owner and Applicant

Clayton Rule, Agent of Whimsy Edgerton, LLC

#### Existing Zoning and Land Use

Currently Johnson County RUR (Rural) with 1 single family residence on the western portion of the subject property.

#### Parcel Size

37.39 acres

#### Staff Report Prepared by

Chris Clinton



## BACKGROUND

### **Subject Site**

The 37.39-acre subject property is located within the Bull Creek watershed. The western 19.57 acres of the property were annexed on December 28, 2017 (Ordinance 1070) and the eastern 18.17 acres of the property were annexed on June 9, 2022 (Ordinance 2110).

Utilities and service providers:

- a. Water Provider – Johnson County Rural Water District #7.
- b. Sanitary Sewer – City of Edgerton.
- c. Electrical Service – Evergy.
- d. Gas Service – Kansas Gas Service.
- e. Police protection – City of Edgerton through the Johnson County Sheriff's Office.
- f. Fire protection – Johnson County Fire District #1.

### **Site History and Past Approvals**

The western parcel contains a single-family home that was constructed in 2000. The eastern parcel was previously improved with single-family residential structures, but those were removed in 2014, and the property has remained vacant since then. Staff has not received previous applications for development on the subject property. The applicant has also submitted a Conditional Use Permit application (CU2023-01) and a Preliminary Plat application (PP2023-02) which are also on this agenda.

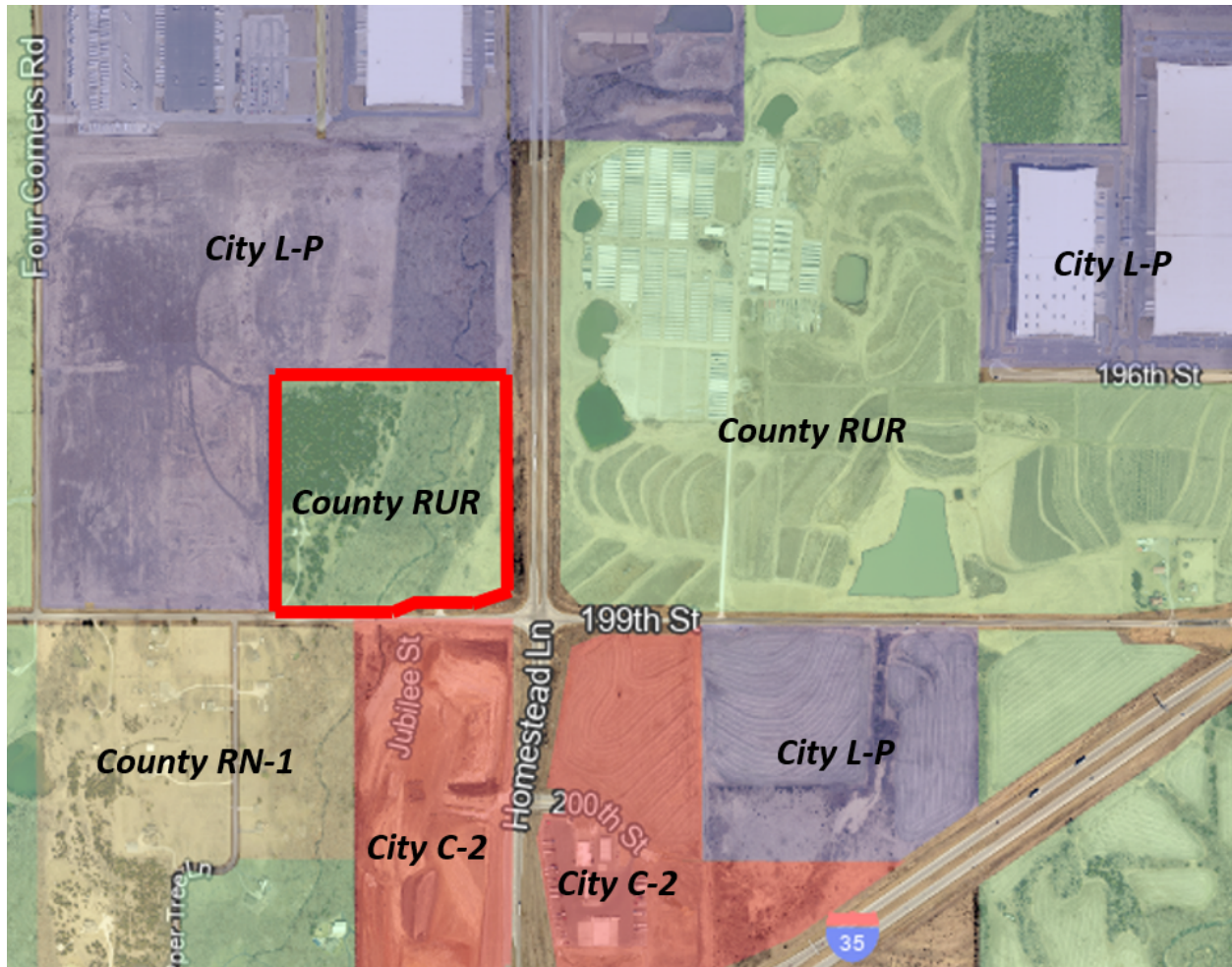
### **Proposal**

The applicant is requesting to rezone the subject property from the Johnson County Rural (CTY RUR) District to the City of Edgerton Logistics Park (L-P) District and the Heavy Service Commercial (C-2) District, to accommodate future commercial development on the eastern portion of the property and a cargo container storage lot on the western portion of the property. Cargo container storage requires a Conditional Use Permit in the L-P District, per Articles 5 & 7 of the City's Unified Development Code (UDC), and the applicant has submitted a related Conditional Use Permit request, which is also on this agenda. Details of the proposed developments will be shown on Final Site Plans when those are applied for.



## REZONING REVIEW

**Figure 1** below shows the current zoning of the neighboring properties:



**Figure 1 – Subject Property Outlined in Red**

### Zoning Analysis

Staff has reviewed the rezoning application with respect to the Edgerton UDC, the laws of Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. Review comments are listed below.

1. **The extent to which there is a need in the community for the uses allowed in the proposed zoning** – The applicant is requesting to rezone the subject property to L-P (Logistics Park) and C-2 (Heavy Service Commercial). Uses permitted in the L-P District include but are not limited to warehousing/distribution centers, limited manufacturing, processing, fabrication, cargo container storage, and assembly of commodities. These uses help aid in the supply chain needs throughout the nation and area. The proposed C-2 District allows uses including but not limited to, fueling stations, motels/hotels, grocery

stores, and restaurants. Commercial uses of this nature will serve to support the users of the nearby Logistics Park to the north and east, where this support is very limited today.

2. **The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space** – The properties to the north and west are vacant, unplatted, and are zoned City of Edgerton L-P (Logistics Park), while the property to the east is zoned County Rural (CTY RUR) and is partially developed with a commercial nursery. The land to the south is zoned County RN-1 (Residential Neighborhood 1) west of the creek and City C-2 (Heavy Service Commercial) east of the creek. The residentially zoned property is developed with homes on large lots at a low density and high amounts of open space. The commercially zoned property east of the creek is planned for future development of a commercial center known as Edgerton Crossing. Infrastructure is being installed for this future development however, no buildings have been constructed at this time.
3. **Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties** – The proposed L-P District west of the creek is compatible with the existing L-P zoned properties to the north and west of the subject property. The proposed C-2 District on the east side of the creek is compatible with the existing C-2 zoning to the south and southeast and will provide services that users of surrounding L-P zoned properties can utilize.
4. **Suitability of the uses to which the property has been restricted under its existing zoning** – The current zoning of RUR would not allow for any development as the property would need to be rezoned to a City of Edgerton zoning designation.
5. **Length of time the subject property has remained vacant under the current zoning designation** – The subject property has been zoned CTY RUR (County Rural) since the 1990s. The eastern portion of the property has been vacant since 2014, and the existing home and accessory structure on the western portion of the property have remained on-site since their construction in 2000.
6. **The extent to which the zoning amendment may detrimentally affect nearby property** – Development of the site following the change to the proposed zoning districts will have an increase in vehicular traffic. A Final Site Plan will need to be submitted and will be presented to the Planning Commission. The Site Plan will address the vehicular traffic flow around the site. Any other possible effects will be addressed by the Final Site Plan submittal.
7. **Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage** – This is not a request for a PUD.
8. **The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services** – Infrastructure for all required utilities are onsite or are on adjacent parcels and will be used by future development on the property.
9. **The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property** – As stated above, the uses in L-P and C-2 zoning districts will increase the amount of traffic in this area. Future development will be required to provide staff with a Traffic Impact Study that will analyze the level of service and any necessary improvements for the surrounding road

network. Parking for each use will be provided on site at the time of development in accordance with UDC requirements.

10. **The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm** – The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Any construction that occurs on site will be required to get an NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan (SWPPP) that is reviewed by the City and the State. A full stormwater study of the site is also required and will be reviewed by the City Engineer prior to the issuance of a Land Disturbance Permit.
11. **The economic impact on the community from the uses allowed in the proposed zoning** – The uses permitted in the C-2 zoning district would generate increased property taxes and sales taxes for the City of Edgerton, which would be a significant positive impact on the community. The L-P District permits development that would increase the property tax compared to a single-family residential building that is currently on the subject property.
12. **The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial** – There would be no relative gain, if any, to the public health, safety, and welfare from the denial of these zoning applications.
13. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** –The subject property is designated as Business Park/Industrial on the future land use map of the City's Comprehensive Plan, which the L-P and C-2 District align with. The proposed zoning is also consistent with several goals of the Comprehensive Plan, including, but not limited to the following:
  - a. Promote a balanced and sustainable community by providing a mix of different types development.
  - b. Create employment opportunities and promote a diversified economic base.
14. **The recommendation of professional staff** – Staff recommendation provided below.

#### DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
Application	Application for ZA2023-02	
1	Future Land Use Map	03/10/2011

#### STAFF RECOMMENDATION

City Staff recommends approval of Rezoning **Application ZA2023-02**, *Whimsy Trucking* with no stipulations.

***Note: For Application ZA2023-02 the Planning Commission is the recommending body for the application to the Governing Body. The Application will be presented to the Governing Body on May 11, 2023.***

LOCATION OR ADDRESS OF SUBJECT PROPERTY: \_\_\_\_\_

PURPOSE FOR REZONING: \_\_\_\_\_

REQUESTED REZONING CHANGE: FROM \_\_\_\_\_ TO \_\_\_\_\_  
(Current Zoning) (Proposed Zoning)

LEGAL DESCRIPTION: \_\_\_\_\_

CURRENT LAND USE: \_\_\_\_\_

PROPERTY OWNER'S NAME(S): \_\_\_\_\_ PHONE: \_\_\_\_\_

COMPANY: \_\_\_\_\_ FAX: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
Street City State Zip

APPLICANT/AGENTS NAME(S): \_\_\_\_\_ PHONE: \_\_\_\_\_

COMPANY: \_\_\_\_\_ FAX: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
Street City State Zip

ENGINEER/ARCHITECT'S NAME(S): \_\_\_\_\_ PHONE: \_\_\_\_\_

COMPANY: \_\_\_\_\_ FAX: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
Street City State ZipSIGNATURE OF OWNER OR AGENT: Clayton Rule  
If not signed by owner, authorization of agent must accompany this application.**FOR OFFICE USE ONLY**Case No.: ~~PZ~~ **ZA2023-02** Amount of Fee Paid: \$ **250** Date Fee Paid: **3/31/2023** Receipt # **00003785**Cashier Code: REZONE Received By: Christopher Clinton Date of Hearing: **April 11, 2023****REZONING INSTRUCTIONS**

**CERTIFIED LETTERS:** The applicant will be responsible for mailing notices (see attached Property Owner Notification Letter) of the public hearing for the requested rezoning by certified mail, return receipt requested, to all owners of land within the notification area: two hundred (200) feet within the city limit, one thousand (1,000) feet in the unincorporated area of the subject property. These notices must be sent a minimum of twenty (20) days prior to the public hearing. Information regarding ownership of the land within the notification area can be obtained from the Johnson County Department of Records and Tax Administration, or through a title insurance company (preferred method). A list of property owners within the notification area

vs. 6.1.22







## WHIMSY TRUCKING

**Application PP2023-02**

**Northwest corner of the intersection of Homestead Lane and 199<sup>th</sup> Street**

### QUICK FACTS

#### PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval of a Preliminary Plat located at the northwest corner of the intersection of Homestead Lane and 199<sup>th</sup> Street.

**A Public Hearing is required.**

#### Owner and Applicant

Clayton Rule, Agent of  
Whimsy Edgerton, LLC

#### Existing Zoning and Land Use

Currently Johnson County RUR (Rural) with 1 single family residence on the western portion of the subject property. There is a request to rezone the property to City of Edgerton L-P (Logistics Park) and C-2 (Heavy Service Commercial) District also on this agenda (ZA2023-02).

#### Parcel Size

37.39 acres

#### Staff Report Prepared by

Chris Clinton



## BACKGROUND

### *Subject Site*

The 37.39-acre subject property is located within the Bull Creek watershed. The western 19.57 acres of the property were annexed on December 28, 2017 (Ordinance 1070) and the eastern 18.17 acres of the property were annexed on June 9, 2022 (Ordinance 2110).

Utilities and service providers:

- a. Water Provider – Water 7.
- b. Sanitary Sewer – City of Edgerton.
- c. Electrical Service – Evergy.
- d. Gas Service – Kansas Gas Service.
- e. Police Protection – City of Edgerton through the Johnson County Sheriff's Office.
- f. Fire protection – Johnson County Fire District #1.

### *Site History and Past Approvals*

The western parcel currently contains a single-family residential. The structure has been on this site since 2000 when it was constructed. The eastern parcel is vacant with no development and has been that way since 2006 per Johnson County AIMS. There have not been any other applications regarding this property prior to the April 11, 2023 Planning Commission meeting. The applicant has also submitted a rezoning application (ZA2023-02) and Conditional Use Permit application (CU2023-01) that will be presented to the Planning Commission during the same meeting.

### *Proposal*

This Preliminary Plat request is being made in preparation for development of a cargo container storage lot on the west side of the creek and commercial development to the east of the creek. The structures would be demolished to clear the land for the proposed development. Prior to the construction of any developments, the applicant is requesting to redivide the lots. This would be done on a Final Plat, but the Unified Development Code (UDC), requires a Preliminary Plat be approved prior to consideration of a Final Plat. Development requirements and details of the any proposed buildings will be provided when Final Site Plans are applied for.

## PRELIMINARY PLAT REVIEW

Staff has reviewed the Preliminary Plat submittal for compliance with the requirements in Section 13.3.C of Article 13 of the Edgerton UDC. Review comments are listed below.

### **Content of Preliminary Plat**

1. Names of: Applicant, Subdivision & Streets.
  - a. *The subdivision name appears to be misspelled at the top of the sheet.*  
**Update Preliminary Plat.**
2. Complete outline drawing of all boundaries, lots, and streets, together with courses, distances and areas. Boundaries must be shown as solid lines and all easements as dashed lines.
  - a. *The City Engineer recommends that the 100-year floodplain be in a tract or drainage easement.*
    - i. *The applicant wishes to keep the tract as shown on the plat to reserve lot depth on the east side of the creek. The applicant is aware that depending on the type of commercial development, a floodplain development permit would be required.*  
**City staff is agreeable to leaving the floodplain out of a tract or drainage easement provided the applicant obtains the appropriate permits for development.**
3. Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities, walkways, access, and other purposes.
  - a. *The proposed and current access restrictions on Homestead Lane and 199<sup>th</sup> Street need to be shown.*
  - b. *All existing easements on the parcel need to be shown and labeled.*
  - c. *The "Sanitary Sewer Easement to City of Gardner, KS" has two grantees and that needs to be reflected on the document.*
  - d. *Additional easements may be required.*  
**Update Preliminary Plat.**
4. A copy of the proposed restrictive covenants.
  - a. *No restrictive covenants have been shown.*  
**Any restrictive covenants will need to be shown on the Final Plat.**

### **General Comments**

1. The signature block of the Planning Commission Secretary is not needed and needs to be removed.  
**Update Preliminary Plat.**

## NOTICE OF CITY CODES AND PERMITS

The Applicant is subject to all applicable City codes – whether specifically stated in this report or not – including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The Applicant is also subject to all applicable local, State, and Federal laws.

Various permits may be required in order to complete this project. Please contact the Building Codes Division of the Community Development Department for more information about City permits. The project may also be subject to obtaining permits and/or approvals from other local, County, State, or Federal agencies.

## DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
Application	Application for PP2023-02	2/21/2023
1	Preliminary Plat	3/28/2023

## STAFF RECOMMENDATION

City Staff recommends approval of Preliminary Plat **Application PP2023-02** *Whimsy Trucking*, subject to the following stipulations:

1. All Preliminary Plat requirements of the City listed on page 3 shall be met or addressed prior to Certification by the Zoning Administrator.
2. All infrastructure requirements of the City shall be met throughout development.
3. All City Engineer comments related to Stormwater Management Plan must be addressed throughout development.
4. The preliminary plat shall be approved for a one-year period and shall be extended for an additional year upon the approval of a final plat for the same parcel of land or any part thereof. If a final plat is not approved for a portion or all of the land covered under the preliminary plat within one year, the preliminary plat shall be ruled null and void. The Planning Commission upon submittal and approval of a written request may grant a one-year extension on the approval of the preliminary plat.

***Note: For Application PP2023-02 the Planning Commission is the final authority for approval.***





PRELIMINARY PLAT OF  
**WHISMY EDGERTON**

A SUBDIVISION IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER  
OF SECTION 4, TOWNSHIP 15, RANGE 22, IN THE CITY OF EDGERTON,  
JOHNSON COUNTY, KANSAS

**SURVEYOR'S SUGGESTED LEGAL DESCRIPTION:**

ALL OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 22 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN JOHNSON COUNTY, KANSAS, SUBJECT TO THAT PART IN STREETS AND ROADS.

**LOT AREA TABULATION - FIRST PLAT**

LOT NO.	AREA (SQ.FT.)	ACRES
1	873,154 SQ.FT.	20.044 ACRES
ROW	17,376 SQ.FT.	0.404 ACRES
TOTAL	890,532 SQ.FT.	20.448 ACRES

**LOT AREA TABULATION - FUTURE PLATING**

LOT NO.	AREA (SQ.FT.)	ACRES
TRACT A	408,735 SQ.FT.	9.384 ACRES
2	102,181 SQ.FT.	2.354 ACRES
3	70,577 SQ.FT.	1.624 ACRES
4	69,769 SQ.FT.	1.604 ACRES
5	87,121 SQ.FT.	2.004 ACRES
TOTAL	738,382 SQ.FT.	16.954 ACRES

**TOTAL AREA (ALL PHASES)**

AREA (SQ.FT.)	ACRES
1,628,914 SQ.FT.	37.394 ACRES

**PROJECT NOTE:**

1. THE TOPOGRAPHY WAS SUPPLIED BY A.L.M.S. (AUTOMATED INFORMATION MAPPING SYSTEM) BASED ON NAVD83 DATUM.  
2. ALL TRACTS AS SHOWN HEREON SHALL BE DEDICATED AS PRIVATE OPEN SPACE, COMMON AREAS AND MAY INCLUDE BUT NOT LIMITED TO LANDSCAPING, FENCING, SUBDIVISION MONUMENTS, STORM WATER DETENTION AND AMENITIES AND WILL BE OWNED AND MAINTAINED BY THE SUBDIVISION ASSOCIATION.

**FLOOD NOTE:**

A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE, DEFINED AS SPECIAL FLOOD HAZARD AREAS (SFHA) SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE FLOOD.

A PORTION OF THIS PROPERTY LIES WITHIN ZONE VE (VEHICULAR) DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH SHALLOW AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

THE REMAINDER OF THE PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR JOHNSON COUNTY, KANSAS, PANEL NO. 220901K3140, AND DATED AUGUST 3, 2009.

**APPROVED BY:**

Approved by the Planning Commission of the City of Edgerton, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Chairman: John E. Doley

Secretary: Erik Erozo

Approved by the Governing Body of the City of Edgerton, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Mayer: Donald Roberts

Attest: City Clerk: Alexandria Clower

APPROVED BY the Zoning Administrator of the City of Edgerton, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Zoning Administrator: Zachary Moore

APPROVED BY the City Engineer of the City of Edgerton, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

City Engineer: David Hamby



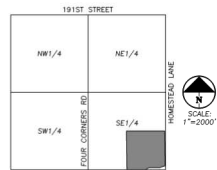
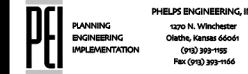
I, ROBERT O. CHISHOLM, HEREBY CERTIFY THAT IN OCTOBER 2022, I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.

**OWNER/DEVELOPER:**

WHISMY EDGERTON, LLC  
1301 N. BRIDGE ROAD  
MOUNT PROSPECT, ILLINOIS 60056  
(619) 415-5846

**ENGINEER:**

PHILIPS ENGINEERING, INC.  
12210 N. WINCHESTER  
OLATH, KANSAS 66061  
(913) 399-1155  
Fax: (913) 399-1166



**VICINITY MAP**  
SEC. 4-15S-22E



SCALE: 1"=100'

BEARING: BASED: KANSAS STATE PLANE  
1983 NORTH ZONE #100

- LEGEND**
- FOUND SURVEY MONUMENT (ORIGIN UNKNOWN UNLESS DESCRIBED)
  - SET 1/2" DIA. REBAR WITH THREADED PLASTIC CAP
  - AIR CONDITIONING UNIT
  - FIBER OPTIC MARKER
  - BENCHMARK
  - CLEAN OUT
  - ELECTRIC METER
  - ELECTRIC TRANSFORMER
  - CITY WIRE
  - LIGHT POLE
  - MAIL BOX
  - POWER POLE
  - POWER POLE WITH TRANSFORMER(S)
  - PVC RISER
  - ROOF DRAIN
  - RIGHT OF WAY MARKER
  - STREET SIGN
  - SANITARY SENDER MANHOLE
  - STORM SENDER MANHOLE
  - TELEPHONE RISER
  - TELEVISION RISER
  - WATER SHOOT
  - WATER VALVE
  - CURB INLET
  - FINISH FLOOR
  - RIGHT-OF-WAY
  - PLATTED
  - DECEDED
  - MEASURED
  - APPARENT ENCROACHMENT
  - BURIED TELEPHONE LINE
  - CABLE TELEVISION LINE
  - FIBER OPTIC LINE
  - WATER LINE
  - GAS LINE
  - BURIED ELECTRIC LINE
  - OVERHEAD POWER LINE
  - PROPERTY LINE
  - RIGHT OF WAY LINE
  - SANITARY SENDER LINE
  - STORM SENDER LINE
  - FENCE LINE
  - TREE LINE
  - QUARD RAIL
  - FEMA FLOODWAY
  - FLOODWAY ZONE AE
  - FLOODWAY ZONE X
  - PROPERTY LINE
  - LOT LINE
  - RIGHT-OF-WAY
  - BUILD LINE
  - LANDSCAPE SETBACK
  - SANITARY EASEMENT

## WHIMSY TRUCKING

**Application CU2023-01**

**Northwest corner of the intersection of Homestead Lane and 199<sup>th</sup> Street**

### QUICK FACTS

#### PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval of a Conditional Use Permit for a cargo container storage/maintenance facility located at the northwest corner of the intersection of Homestead Lane and 199<sup>th</sup> Street.

**A Public Hearing is required.**

#### Owner and Applicant

Clayton Rule, Agent of  
Whimsy Edgerton, LLC

#### Existing Zoning and Land Use

Currently Johnson County RUR (Rural) with one (1) single family residence on the western portion of the subject property. There is a request to rezone the property to City of Edgerton L-P (Logistics Park) and C-2 (Heavy Service Commercial) Districts also on this agenda (ZA2023-02).

#### Parcel Size

20.04 acres

#### Staff Report Prepared by

Chris Clinton



## BACKGROUND

### *Subject Site*

The 20.04-acre subject property is located within the Bull Creek watershed and was annexed into the City of Edgerton on December 28, 2017 (Ordinance 1070).

Utilities and service providers:

- a. Water Provider – Water 7.
- b. Sanitary Sewer – City of Edgerton.
- c. Electrical Service – Evergy.
- d. Gas Service – Kansas Gas Service.
- e. Police Protection – City of Edgerton through the Johnson County Sheriff's Office.
- f. Fire protection – Johnson County Fire District #1.

### *Site History and Past Approvals*

A single-family residential home and an accessory structure currently exist on the subject property that was constructed in 2000. Staff has not received previous applications for development on the subject property. The applicant has also submitted a Rezoning application (ZA2023-02) and a Preliminary Plat application (PP2023-02) which are also on this agenda.

### *Proposal*

This Conditional Use Permit request is being to permit development of a cargo container storage lot on a 20.04-acre lot northwest of the intersection of 199<sup>th</sup> Street and Homestead Lane. The property is currently zoned CTY RUR (County Rural), however, included on this agenda is a zoning request to the L-P District for the subject property (ZA2023-02), which must be approved prior to this Conditional Use Permit. This application would permit use of the cargo container storage and maintenance use alone, but does not permit any site plan details. Details of any proposed development will be shown on the Final Site Plan at the time of application.



## CONDITIONAL USE PERMIT REVIEW

City Staff reviewed the Site Plan under the requirements outlined in Article 7 – *Conditional Uses* of the Unified Development Code (UDC).

The purpose of this article is to provide for certain uses, which because of their unique characteristics cannot be distinctly listed as a permitted use in a particular zoning district. The Planning Commission may recommend approval of conditional uses to the Governing Body after consideration in each case of the impact of such uses upon neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standards are herein established to ensure the use's consistency with the character, uses and activities in the zoning district. Before any conditional use may be approved, the Governing Body shall review the record of the public hearing held by the Planning Commission.

The Planning Commission, in accordance with the procedures and standards of the UDC, may recommend the Governing Body authorize buildings, structures, and uses as conditional uses in specific instances and in particular districts set forth provided that:

- a. the location is appropriate and consistent with the Comprehensive Plan;
- b. that the public health, safety, morals, and general welfare will not be adversely affected;
- c. the necessary safeguards will be provided to surrounding property, persons, and neighborhood values; and
- d. further provide that additional standards of this Article be specified as a condition of approval.

No Conditional Use shall be authorized unless the Planning Commission finds that the establishment, maintenance, or operation of the Conditional Use meets the standards set forth in the UDC. The burden of proof and the burden of persuasion is on the applicant to bring forth the evidence on all questions of fact that are determined by the Planning Commission.

### **Section 7.2.G.7 – Conditional Use Permit Requirements – Cargo Container Storage, Repair or Maintenance**

The following items are required conditions for Conditional Use Permits for Cargo Container Storage, Repair, or Maintenance facilities. Each of these items will be included as a stipulation of staff's recommendation, which can be found on page seven (7) of this report, and these items will be reviewed at the time of Final Site Plan review.

1. **Access** – No cargo containers or semi-trailers (either on or off a chassis), or a chassis, may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings.
2. **Exterior Lighting** – Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.
3. **Minimum Lot Size** – Facilities shall have a minimum lot size of twenty (20) acres.
4. **Noise** – Noise from businesses and facilities shall not exceed 60 dB(A) in any adjacent commercial or industrial district or property.
5. **Paving** – All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For purposes of this stipulation:
  - a. Paving shall mean concrete or asphalt; and
  - b. Dust-free shall mean that all interior driveways and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.

6. **Parking** – Facilities shall comply with the Article 5.2 L-P District Off Street Parking and Loading regulations. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices.
7. **Cargo Container Stacking** – Cargo containers shall not be stacked more than five (5) in number.
8. **Chassis Stacking/Racking** – Empty chassis may be stored on end (racking), or may be stacked. When stacked, chassis shall not be more than five (5) in number.
9. **Screening and Landscaping** – Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping. Screening shall comply with requirements Article 5.2 L-P District Landscape Standard.
10. **Setbacks and Separation Distance** – All buildings, structures, parking and other uses on the property, shall be subject to the setback requirements in Article 5.2 L-P District Setback, Yard, Area Regulations, except, however, the parking or storage of cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked) shall be subject to the following setback standards that may vary depending upon the difference scenarios set forth below:
  - a. When abutting (touching), or across the street from non-residentially zoned property, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked or stacked).
    - i. The applicant has submitted a deviation request, as permitted in Section 7.2.G.7.n of the UDC, from this requirement.
  - b. When abutting (touching) public right-of-way, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked).
  - c. When abutting (touching), or across the street from residentially zoned property, such parking and storage shall be setback a minimum of 250 feet from the nearest property line of the residentially zoned property.
  - d. When abutting (touching), or across the street from, a habitable dwelling, such parking and storage shall be setback a minimum of 300 feet from the nearest dwelling.
  - e. For purposes of Stipulations c and d above, measurements shall be made between the nearest edge of a dwelling, and the nearest cargo container, semi-trailer (either on or off a chassis), or chassis.
11. **Signage** – Business signs shall be allowed according to Article 12 Signs. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis.
12. **Site Plan** – A site plan shall be submitted with the application. The site plan shall be prepared in accordance with the requirements of Article 9.1(B)(3) or these regulations.
13. **Other Rules and Regulations** – All facilities shall abide by any and all governmental rules, regulations, codes and specifications now in effect or hereafter adopted that would be applicable to the permit or the use of the property by the applicant/landowner.
14. **Deviations** – In the event that an applicant desires to deviate from the above performance standards and provisions for certain Conditional Uses, the applicant shall submit written information to the Governing Body indicating the circumstances which are believed to necessitate the need for a deviation(s), and the applicant shall provide a list of alternative materials, designs or methods that are equivalent to the performance

standards and provisions for the L-P Zoning District, Section 5.4, Section G through Q in the regulations. The application may only be approved if findings are made by the Governing Body that 1) due to the circumstances of the application, it would be unnecessary to impose the standard(s) and equivalent alternatives should be allowed, 2) that the spirit and intent of the regulations are being met, 3) that granting the deviation shall not adversely affect adjacent or nearby property, and 4) the application shall otherwise comply with all building code and safety requirements.

- a. The applicant has submitted a request for a deviation from the setback requirements abutting a non-residentially zoned property. They are requesting to lower the setback along the north and west property line to ten (10) feet, while permitting containers to be stacked up to 30 feet high. The letter requesting these deviations has been attached to this Staff Report.
  - i. Staff has reviewed this deviation request, and is supportive of the request to reduce the setback from 30 feet to 10 feet on the north and west property lines, with containers stacked a maximum of 30 feet high, due to the properties to the north and west being zoned for future Logistics Park development and additionally moving the areas of container storage away from the environmentally-sensitive floodzone and creek to the east.

### **Section 7.1 Issuance of Conditional Uses**

1. **Criteria.** In order to recommend approval or disapproval of a proposed conditional use permit, both the Planning Commission and the Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, the Planning Commission and Governing Body may consider all factors they deem relevant to the questions of compatibility and the best interest of the City, including the following:
  - a. The extent to which there is a need in the community for the proposed use.
    - i. *Demand for businesses to store and maintain cargo containers and chassis, such as the facility proposed here, is a by-product of the activity in and around the intermodal facility and Logistics Park Kansas City (LPKC). The primary function of LPKC is to transport and redistribute containers and the products they contain. The proposed use would fill a need for this type of support services in LPKC.*
  - b. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
    - i. *The property to the west and north is zoned to be developed as additional logistic park uses. There is low density residential to the south of the subject property across W. 199<sup>th</sup> Street, and the property is bordered on the east with a creek. The creek on the subject property does have associated flood zone and floodway that will act as a natural open space between the subject property and any development to the east.*
  - c. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening.
    - i. *The proposed use of cargo container storage and maintenance is an ancillary use to the overall LPKC development and is compatible with the L-P zoning designations of properties to the north and west. The proposed C-2 zoning to the east (with application ZA2023-02, also on this agenda), across the creek, will be buffered with the existing tree grove in the floodway area that surrounds the creek. The existing low-density residential development to the south across 199<sup>th</sup> Street is zoned County RN-1, and*

- the cargo container storage use will be setback a significant distance from the roadway, providing a buffer from these residential uses.*
- d. Suitability of the uses of the property without the proposed conditional use permit.
    - i. The proposed rezoning to the L-P District (ZA2023-02) would allow many logistics park uses to be developed on the subject property without a Conditional Use Permit, including, but not limited to, warehousing/distribution centers, auto and truck motor fuel vehicles and repair, and towing/impound yards. The subject parcel is smaller than the typical parcels developed for large warehouses, the location of other ancillary uses of LPKC are suitable for this location.*
  - e. Length of time the subject property has remained vacant without the proposed conditional use permit.
    - i. There is a residential building and accessory buildings on the subject property. Per Johnson County AIMS, these structures were constructed in 2000. Thus, the property has not been vacant for at least twenty-three (23) years.*
  - f. The extent to which the proposed use may detrimentally affect nearby property.
    - i. No long-term detrimental effects are anticipated for the use of the property as a cargo container storage facility. The use requested is not extraordinary at LPKC as there are currently three (3) other cargo container storage facilities in operation at LPKC, that have been harmonious with surrounding development.*
  - g. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions.
    - i. Ingress and egress requirements, traffic requirements, and parking and loading requirements will be reviewed at the time of a Final Site Plan. The Final Site Plan will be required to comply with Unified Development Code (UDC) requirements for each of these items at the time of submittal and review.*
  - h. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services.
    - i. The utilities are either onsite or in the near vicinity for the applicant to expand and connect to. The applicant will be responsible for expanding sanitary sewer to the site and decommissioning of the current septic tank.*
  - i. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property.
    - i. A Traffic Impact Study to show the extent the increase traffic will have on the roads will be required at the time of Final Site Plan submittal. Any necessary improvements to the roadways will be required prior to the development being completed.*
  - j. The environmental impacts that the proposed use would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.
    - i. This project will increase the amount of impervious surface. During Final Site Plan review, the stormwater report is reviewed by the City Engineer to ensure all stormwater stays on site and does not impact nearby properties. The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a*

*stormwater pollution prevention plan that is reviewed by the City and the State. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Final Site Plan review process.*

- k. The economic impact of the proposed use on the community.
  - i. Development of the site as a cargo container storage facility will generate increased property taxes for the City, and will provide another option for container storage to support LPKC as it continues to grow. This type of use is a necessary support for warehousing and other related LPKC uses.*
- l. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial.
  - i. There would be little gain to the public health, safety, and welfare of the City of Edgerton and the property owner should this request be denied.*
- m. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community.
  - i. The Future Land Use Map within the Comprehensive Plan designates the subject property Business Park/Industrial. The proposed cargo container storage facility is a support use for the surrounding LPKC and aligns with the Future Land Use Map designation of Business Park/Industrial.*
- n. In addition to the above criteria, the recommendation of professional staff is also required per Ordinance 798 (2005). Staff recommendation is addressed in the Recommendations Section of this Staff Report.

## DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
Application	Application for CU2023-01	
1	Deviation Request Letter	03/28/2023

## STAFF RECOMMENDATION

City Staff recommends approval of Conditional Use Permit **Application CU2023-01** for *Whimsy Trucking* with the following stipulations:

1. The setback for stacked cargo containers, semi-trailers (either on or off a chassis), and chassis (racked or stacked) will be reduced to 10 feet along the north and west property lines of the subject parcel as outlined in the Deviation Request Letter. The maximum height of cargo container stacking along the north and west property lines is 30 feet.
2. No cargo containers or semi-trailers (either on or off a chassis), or a chassis may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings.
3. A lighting plan is to be submitted showing adequate onsite lighting.
4. Noise from the facility may not exceed 60 dB(A) in any adjacent residential district and 70 dB(A) in any adjacent commercial or industrial district or property.
5. All interior driveways, parking, loading, and storage areas shall be paved with concrete or asphalt and are to be kept free of dust, dirt or other materials.



6. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices.
7. Cargo containers shall not be stacked more than five (5) in number.
8. Stacked chassis shall not be stacked more than five (5) in number.
9. Screening comprised of fencing and landscaping or berming and landscaping will be installed along all property lines in accordance with UDC, Article 5.2 and UDC, Article 7.2.G.7.i.
10. All signage will need to meet Article 12 of the UDC.
11. All site plan requirements in Article 10 and all site requirements in Section 5.2 will need to be met.

***Note: For Application CU2023-01 the Planning Commission is the recommending body for the application to the Governing Body. The Application will be presented to the Governing Body on May 11, 2023.***



Please print or type.

**PROPERTY INFORMATION**

Requesting Conditional Use Permit For: Allow for storage of shipping containers.

Location or Address of Subject Property: NW corner of 199th Street and Homestead Lane

Legal Description: See attached

Zoning on Subject Property: Proposed L-P Current Land Use: Rural - Agricultural  
(single family)

**PROPERTY OWNER INFORMATION**

Property Owner's Name(s): Clayton Rule Phone: 619-415-5846

Company: Whimsy Edgerton, LLC Fax: \_\_\_\_\_

Mailing Address: 1901 S. Busse Road

City: Mount Prospect State: Illinois Zip: 60056

**APPLICANT/AGENT INFORMATION**

Applicant/Agent's Name(s): Same as owner Phone: \_\_\_\_\_

Company: \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**ENGINEER/ARCHITECT INFORMATION**

Engineer/Architect's Name(s): Daniel Finn Phone: 913-393-1155

Company: Phelps Engineering, Inc. Fax: \_\_\_\_\_

Mailing Address: 1270 N Winchseter

City: Olathe State: KS Zip: 66061

**SIGNATURE**

Signature of Owner or Agent: Clayton Rule

NOTE: If not signed by owner, authorization of agent must accompany this application

**FOR OFFICE USE ONLY**

Application No.: CU- 2023-01 Received by: Christopher Unton

Permit Fee Paid: \$ 1,000 Date Fee Paid/Receipt #: 03/31/2023 00003785

Publication Fee Paid: \$ 64.67 Date Fee Paid/Receipt #: 03/31/2023 00003785

Hearing Date April 11, 2023

LEWIS A. HEAVEN, JR.  
DIRECT DIAL: (913) 327-5166  
pheaven@spencerfane.com

March 28, 2023

Governing Body  
City of Edgerton, Kansas

**Re: Whimsy, Inc.  
Rezoning and Conditional Use Permit Request  
Request for Setback Deviation**

Mayor Roberts and Members of the City Council:

Our office represents Whimsy, Inc., owner of the real property located in the northwest corner of 199<sup>th</sup> Street and Homestead Lane. Our client has applied for approval of a change in zoning and conditional use permit to improve the property for an office building, truck parking and freight container storage.

We write to you pursuant to Article 7, Section 7.2.G.7.n of the UDC, which permits deviations from certain performance standards if approved by the Governing Body. Our client would like to request a deviation from the required setbacks along the western, northern and eastern property lines, reducing each to ten (10) feet. In support of this request, we submit the following.

1. **Due to the circumstances of the application, it would be unnecessary to impose the standard(s) and equivalent alternatives should be allowed.** The property is bounded on the west and north with property owned by Edgerton Land Company, a noted industrial developer in the City; both properties are zoned L-P. The reduced setbacks along those common boundary lines would be consistent with setback deviations approved in other industrial developments in the City, primarily for parking and storage. No streets are planned along either boundary that would require the setbacks called for in the UDC. Our client would stipulate that along the north property line, where containers will be stored, the first row would be no higher than ten (10) feet. All surface water on the property will be treated on-site, so any additional impervious surfaces will not affect development on the north or west.

The property to the east is owned by the applicant, and consists primarily of flood plain and floodway, which is undevelopable. Setbacks along that common boundary line are unnecessary to buffer the project from the adjacent property, and trees will be preserved in the requested ten (10) foot setback.

Governing Body  
March 28, 2023  
Page 2

Our client intends to erect heavily fortified fencing along the north and west property lines, which will serve as a partial visual buffer and provide security for the project.

2. **That the spirit and intent of the regulations are being met.** The intent of the L-P District is to promote industrial uses related to rail and other transport services near major truck routes; this project meets that intent, and is located near the BNSF Intermodal Facility, from which the applicant hauls containers. The project will offer needed off-site container storage at competitive rates and parking for applicant's trucks and trailers. The project will also offer facilities for safety and operational training for drivers and crews.
3. **That granting the deviation shall not adversely affect adjacent or nearby property.** The requested deviation will have no impact on adjacent or nearby properties. The use of the reduced setback area will be for driving surfaces and parking and those uses will not produce noise, vibration, smoke, pollution, fire hazard, odor or other impacts that would justify a greater setback.
4. **The application shall otherwise comply with all building codes and safety requirements.** We believe that all building codes and safety requirements of the City have been addressed and the application fully complies with each. The requested reduced setbacks will not result in non-compliance with other City requirements.

Thank you for your consideration of this request, and if you have questions, please do not hesitate to contact me.

Very truly yours,

**SPENCER FANE LLP**



By: Lewis A. Heaven, Jr.

cc: Whimsy, Inc.