

**PLANNING COMMISSION
December 12, 2023 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 December 12, 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	absent

With a quorum present, the meeting commenced.

Staff in attendance:	Beth Linn, City Administrator
	Zachary Moore, Development Services Director
	David Hamby, City Engineer
	Chris Clinton, Planning and Zoning Coordinator/Deputy City Clerk
	Ann Myles, Customer Service Representative II

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

CONSENT AGENDA

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

Commissioner Crooks moved to approve the Consent Agenda. The motion was seconded by Commissioner Draskovich. The Consent Agenda was approved, 3-0.

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.

Commissioner Draskovich stated he did have a concerned citizen approach him and voice their concern about the drainage of stormwater on the site.

Chairperson Daley stated he does have a daughter who does attend Johnson County Community College (JCCC) but that will not influence his decision.

BUSINESS REQUIRING ACTION

NEW BUSINESS

6. **PP2023-0100: PRELIMINARY PLAT APPLICATION FOR JOHNSON COUNTY COMMUNITY COLLEGE COMMERCIAL DRIVER'S LICENSE TRAINING FACILITY NOTHEAST OF THE INTERSECTION OF MONTROSE STREET AND W. 191ST STREET**

Mr. Evan Fox, JE Dunn, addressed the Commission. He explained that JE Dunn is the firm hired by JCCC to design and construct the Commercial Driver's License (CDL) Training Facility. He introduced the team involved with the project. Mr. Fox said the site is located on the north side of 191st Street just off Interstate 35 and is zoned L-P. The site is across the street from the Walmart and Amazon distribution centers, which are to the south. To the west is a low-density residential parcel, and he stated that the parcels to the north and east are commercially zoned parcels. The address will be finalized when the Final Plat is recorded. Mr. Fox stated the legal description was provided with the application and JCCC is the property owner. The proposal is to plat the two (2) parcels into a single lot with easements and right-of-way. The site is 9.14 acres and is currently zoned L-P with no request for rezoning. The parcels have not been platted previously and platting the parcel is required to proceed with development. There is a drainage easement proposed in the southeast corner of the property. Mr. Fox explained there were previous wetland designations in areas of the southeast corner, but JCCC applied for and got the designation removed. The documents for the removal of the wetland designation were submitted to the City. There is a 20-foot landscape buffer around perimeter of the property. An additional utility easement is proposed along the south property line. The site is relatively flat but the plan is to have the site flow from the northwest to the southeast to the drainage easement.

Commissioner Crooks asked if the southeast corner is still considered wetlands . Mr. Fox replied it is not anymore as the property owner had them removed by the Army Corps of Engineers. Chairperson Daley inquired as to why the designation was removed. Mr. Fox answered the designation would restrict any development, but the area that was wetlands will be an open space for stormwater detention. Commissioner Crooks asked if the detention area will hold water. Mr. Brenton Sells, project engineer, replied that the drainage easement is for temporary storm detention that will not hold water. Commissioner Draskovich stated he is not familiar with the history of the property and inquired if the entire property was designated as wetlands. Mr. Fox answered there were two (2) areas that were wetlands, but the designations have been removed. He added the Final Site Plan will show the regrading of the site and that without removing the wetland designation they would not be able to complete this project. Commissioner Crooks stated it used to be farmland that had a pond.

Chairperson Daley opened the public hearing. There were no comments made at this time. Commissioner Crooks moved to close the public hearing. The motion was seconded by Commissioner Draskovich. The public hearing was closed, 3-0.

Mr. Zachary Moore, Development Services Director, spoke before the Commission. He stated the request is for a Preliminary Plat for one (1) lot that is just east of the intersection of 191st Street and Montrose Road. The subject property was annexed in June of 2021 and rezoned to L-P (Logistics Park) in September of 2021 and has remained undeveloped since. The Preliminary Plat is proposed to accommodate the development of a CDL training facility and a Final Plat and Final Site Plan are also on this agenda. The Unified Development Code (UDC) requires a Preliminary Plat be approved prior to a Final Plat. The applicant is proposing of combining two (2) parcels into one (1) 9.14 acre lot with the remainder as dedicated right-of-way. The Preliminary Plat also indicates the location of proposed utility and drainage easements. There are minor clerical revisions needed on the Preliminary Plat.

Mr. Moore stated the revisions are included as stipulations of staff's recommendation of approval.

Commissioner Crooks asked who the property owner is to the north of the subject property. Mr. Moore answered that JB Hunt owns that property. Commissioner Crooks verified that JB Hunt is not landlocked. Mr. Moore replied that is correct and JB Hunt is finishing construction on their expansion.

Commissioner Crooks moved to approve Preliminary Plat application PP2023-0100 for JCCC CDL Training Facility with the following stipulations:

1. The Stormwater Management Plan must be approved by the City Engineer.
2. The lot information table must show the setbacks, lot area, and the building envelope.
3. The correct name of the current Secretary of the Planning Commission must be added to the signature block.
4. The legal description must contain the surveyor's information who prepared it along with the date of preparation.
5. The Preliminary Plat must be signed and sealed.

Commissioner Draskovich seconded the motion. Preliminary Plat application PP2023-0100 was approved with the stipulations, 3-0.

7. **FP2023-0016: FINAL PLAT APPLICATION FOR JOHNSON COUNTY COMMUNITY COLLEGE COMMERCIAL DRIVER'S LICENSE TRAINING FACILITY NOtheast OF THE INTERSECTION OF MONTROSE STREET AND W. 191ST STREET**

Mr. Fox approached the Commission. He said the only difference between the Final and Preliminary Plat is that the Final Plat shows all the final metrics. There are no design or measurement changes between the two (2) applications.

Mr. Moore spoke to the Commission. He stated this application is very similar to Preliminary Plat (PP2023-0100) that was just approved. The Final Plat shows one (1) lot and dedicates public easements and public rights-of-way. The subject property is east of the intersection 191st Street and Montrose Road and was annexed in June of 2021 then rezoned to L-P (Logistics Park) in September of 2021. The Final Plat will set the easements and lot lines of the property. The shown 25-foot setback on the north, east, and west property lines meet the requirements set by the UDC, and the 50-foot building setback on the south property

meets the requirements. He stated staff recommends approval of this application with the following stipulations:

1. The legal description must be revised to contain the surveyor's information and the date the legal description was prepared.
2. The signature block of the property owner must be updated to include the name of the signee on behalf of JCCC.
3. The signature block for the Planning Commission must be revised to remove the City Engineer from the block, add the Planning Commission Chair, and the correct name of the Secretary needs to be added.
4. Section corner reports must be provided.
5. The lot information table must be revised to include the setbacks and building envelope.

Commissioner Draskovich moved to recommend approval of Final Plat application FP2023-0016 for JCCC CDL Training Facility with the stipulations to the Governing Body. Commissioner Crooks seconded the motion. Final Plat application FP2023-0016 was recommended for approval with the stipulations to the Governing Body.

8. **FSP2023-0100: FINAL SITE PLAN APPLICATION FOR JOHNSON COUNTY COMMUNITY COLLEGE COMMERCIAL DRIVER'S LICENSE TRAINING FACILITY NOTHEAST OF THE INTERSECTION OF MONTROSE STREET AND W. 191ST STREET**

Mr. Fox addressed the Commission. He stated the site includes a proposed 3,000 square foot building to be used for a new CDL training facility for Johnson County Community College with classroom space, restrooms, offices, 30 parking spaces, nine (9) instructional and testing pads with supporting paving and site improvements. The anticipated occupancy is 24 students and five (5) faculty and staff members. Mr. Fox showed the location of the training pads on the site. He identified the pads on the site plan and stated they will be asphalt with striping painted for training and testing purposes. There are some future pads shown on the site plan for possible expansion in the future. One (1) concrete pad closest to the building that will also be used for storage of equipment. The pad will be concrete so it will hold up better than the asphalt pads. Access to the site will be from 191st Street with a manual swing gate on the access drive. The gate will be locked with a pad lock and a Knox box will be provided for emergency services to access the site if the gate is closed. A landscape buffer will be provided around the entire site to help provide screening.

Commissioner Crooks inquired as to why asphalt was being used for the training pads and not concrete. Mr. Fox answered the cost of concrete would make the project unfeasible and cementitious subgrade will be used to help the asphalt hold up. Commissioner Crooks asked how long the asphalt pads will last. Mr. Fox replied that their best estimates around 20 years of use before the asphalt pads will need to be replaced. Mr. Sells explained the subgrade and how it will help the asphalt maintenance. He said the challenge of this site is to meet the grades to help with stormwater drainage and the cementitious subgrade will help with that. Commissioner Crooks stated he does not believe the asphalt will last 20 years. Mr. Fox stated they will be using the best subgrade possible to help the asphalt last that long.

Mr. Fox explained the floor plan of the proposed building. He stated entry would be through a vestibule and there would be a double and a single office for faculty and staff. A breakroom

will house vending machines and an eating area for patrons of the building. The mechanical room will be located on the northeast corner of the building and accessible from the outside and four (4) restrooms will be on the southwest corner of the building. A classroom for 25 students and a professor is proposed in the northwest corner with a training/testing room with a digital simulator will be located next to the classroom. The training/testing room will also service as a storm protection room that will be designed for 165 miles per hour winds, but does not meet FEMA ratings for storm rooms. The storm protection room will be able to hold the entire occupancy of the building.

Mr. Sells explained the utilities for the site. The sanitary sewer is located on the south side of 191st Street and it will be extended under 191st Street. Plans have been submitted to Kansas Department of Health and Environment (KDHE). The water main is located on the south side of 191st Street as well, but is farther west than the sewer main. Over 1,000 linear feet of water main will have to be installed and extended to the site. The crossing to the other side of 191st Street will be coordinated with the fire district for the best location for a fire hydrant. The electric line will be underground and start near the drive for the site. The transformer for electricity will be located just north of the building and be screened by the building and some landscaping.

Mr. Sells discussed the proposed grading of the site. He stated it is a challenge because the site sits lower than the neighboring properties receives stormwater from other properties. JCCC wants the property as flat as possible to make training easier. The stormwater that comes from the west and north will be rerouted around the site. A single high point is at the northwest corner of the pads and will drain away at a 1.8% to the southeast. The consistent slope and the concrete swale around the site will allow all the water to go to the release point. Mr. Sells explained that water will also be routed away from the building. The right-of-way will be graded at 2.0% cross slope in all directions with a 4:1 side slope channel. He stated a good amount of the water will be routed through pipes with little to no inlets and all of the water will be discharged into the detention basin. The current design at the edge of pads is comprised of a section of Kansas Department of Transportation (KDOT) ditch liner. The proposal includes a trench filled with 2 feet of riprap with large rock. This will be between the swale and the asphalt pad. Mr. Sells referenced the use of landscaping and turf reinforcement matting adjacent to the swale. . There will be some allowance for the water to seep into the subgrade but it will still drain away from the pad. The concrete swale with some turf reinforcement mating will be used on the slope to allow some of the water to seep into the ground. The ability to keep the concrete flat will help keep everything dry and create a low maintenance system.

Commissioner Crooks stated he is concerned about the drainage. He does not want standing water on the site and stated all water should be out of drainage pond within 24-48 hours. Mr. Sells agreed and stated that the models show that the water will be out of the drainage area within that timeframe. Holding water at the low side of the pads, will require some sort of drain to the drainage pond and that would alleviate any standing water.

Commissioner Draskovich inquired what will be used for riprap and keep the rock stable. Mr. Sells replied that the riprap will help slow down any moving water. Mr. Sells stated that the proposal is to use six (6) inch D₅₀. Two (2) different diameters will be used to reduce the number of gaps in the rock and since it will be in a trench, the rock will not move. Mr. Sells

stated that they will work with the City Engineer to find a solution. Commissioner Draskovich asked if water would be allowed to seep back under the pads. Commissioner Crooks stated they are trying to save any future problems. Mr. Sells fill will have to be brought in to this site to make it level the proposal is a robust solution. The landscape plan was designed for no irrigation and to prevent vegetation from growing in the pavement. They had to stabilize the strip between the swale and pads somehow, so their solution was riprap.

Mr. Fox stated the landscape plan does meet the requirements and mostly native species are used so there will not be a need for additional irrigation. Mr. Sells stated that the landscape architect has made sure the sight lines for the neighboring properties are screened. He explained some additional matting might be used to help protect landscaping on the slope.

Commissioner Draskovich stated he is concerned with how wet the ground can get in the area and how the 24 inches of riprap will retain water. He stated trying to create flow in a saturated area will be difficult. Mr. Sells stated the riprap will slow down the water running off the pad. Commissioner Draskovich stated it is used as erosion control. Mr. Sells agreed that during large rain events, the riprap will be overtopped. The soil in the area is clay and will take a long time to dry out. All the water comes off the aprons and could drain beneath the subgrade. The riprap will not be flat in the trench and will grade slightly towards the swale. The bottom portion of the trench will be against wet clay and will require a drain to remove the water to the detention area. Mr. Sells stated that six (6) inches of smaller rock with larger rock on the bottom will be used so water does not sit atop the riprap. He said there has been a lot of stormwater discussion with the City. He said this is the challenge with old farmlands, but the water must go somewhere.

Mr. Fox discussed the photometric plan. He explained that the footcandles along the north, east, and west property lines needed to be 0.0. The provided photometric plan met that requirement. There are some footcandle readings along the south property line along the right-of-way that is above 0.0, but the reading meets the requirements of the UDC. Mr. Fox did acknowledge that the luminaires are mounted higher than the allowed height. He stated that it will be revised to meet the UDC and will acknowledge a stipulation regarding the height of the luminaires.

Mr. Fox stated the façade of the building will be comprised of three (3) materials. The masonry component will be a dark grey charcoal brick that makes up most of the southern façade and a wainscot on all the other façades. JCCC will apply for a wall sign in the future to meet the UDC requirements. The main building material will be a cement fiber board and will be white or an off-white color. The required building material percentages do meet the UDC requirements. The building itself will be a prefabricated metal building with materials covering the metal panels. The north façade of the building will be covered with Vee Rib metal panels. Mr. Fox stated City staff informed him and JCCC the use of these metal panels is acceptable as it is not visible from the right-of-way. This is a more cost-effective material for the building. There is a proposed trash enclosure behind the building that will be masonry with swing gates.

Commissioner Crooks inquired to how the trucks will be fueled. Mr. Fox answered fueling will not take place on site.

Commissioner Crooks asked if the access drive to the pads on the east side of the building has curb and gutter. Mr. Sells stated there is curb on the drives. Commissioner Crooks said he recommends using the curb and gutter because people will drive off the pads because it can be difficult to tell where the pavement ends. Mr. Sells stated all of the driveways and parking lots have curb and gutters.

Chairperson Daley opened the public hearing.

Mr. James Oltman, president of ElevateEdgerton!, addressed the Commission. He stated he strongly supports this project. This is a project that ElevateEdgerton! is excited about. The City and JCCC have a history of a working relationship for several years and this facility is a direct result of that. This CDL Training Facility for JCCC is much needed and has a natural home in Edgerton.

Ms. Janie Strack, 16615 Four Corners Road, Gardner, KS 66030, approached the Commission. She stated that Edgerton needs to be good stewards and neighbors. She inquired how other properties in the area would see this as profitable being next to the facility. She does not know what companies would be attracted to an area next to the CDL Training Facility. There are also apartments nearby as well that will be impacted.

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

Mr. Moore addressed the Commission. He said the request is for approval of a Final Site Plan for a JCCC CDL Training Facility to be owned and operated by JCCC. The subject parcels were annexed in June of 2021 then rezoned in December of 2021. The use of a business and trade school is permitted by right per the UDC. There is a proposed 3,000 square foot building that will have a classroom, a couple of offices, a breakroom, restrooms and a testing/simulation room. The proposed number of parking spots meets the minimum requirements of the UDC. The provided elevations showed stucco and not cement fiber board. Mr. Fox stated they will be upgrading to the cement fiber board. Mr. Moore said the material will need to be clarified on the elevation plans. He stated the brick wainscot is shown on the plans. City staff will review the building materials and the percentage of use to ensure compliance to the UDC requirements.

Commissioner Crooks inquired if the stormwater was discussed in the staff report. Mr. Moore answered that will be discussed by the City Engineer and is included as a stipulation.

Mr. Moore explained the proper buffers are being provided, as well an additional two (2) to three (3) foot tall berm will be included on the east side of the drive with the landscaping placed closer to the road. He stated there are some landscaping counts that exceed the UDC requirements of no single species of planting comprising more than 30% of the landscaping. The applicant proposes eulalia grass makes up 36% of the total plantings and blue switch grass makes up 38% of the plantings. The landscape will need to be revised prior to certification by the Zoning Administrator. There is a sidewalk being provided from 191st Street to the building and pads that will meet ADA requirements. The asphalt pads are 60 feet by 300 feet. Mr. Moore stated the photometric and lighting plan will need to be revised to meet the 25-foot height luminary poles.

Mr. Sells stated the drainage plan shows the high point in the northwest corner of the pads with a concrete swale around the perimeter to collect stormwater. The water will be diverted to the drainage area via private pipes with riprap along edges of the training pads.

Mr. Moore said City staff will continue to work with the applicant for a solution around the perimeter of the pads, as the use of riprap is not supported by City staff due to erosion and cracking of pavement due to water seeping under it and no vertical warning to drivers that they are about to exit the pads. He explained trucks can easily drive over riprap and the curb would help avoid maintenance issues. The City has experienced unfavorable results with riprap along the edges of pavement. A stipulation regarding the drainage and stormwater must be approved by City Engineer has been added. The stormwater details and management plan must be finalized by the City Engineer and needs to be agreed upon prior to certification by the Zoning Administrator. Another stipulation is that the applicant must enter an agreement not to protest the creation of a benefit district for the construction of sidewalk along 191st Street. Other property owners along 191st Street had to enter into a similar agreement. This is needed since there is not a single owner of all of the property that abuts 191st Street and to ensure that the entire cost of the sidewalk is not on the City.

Mr. Moore stated City staff recommends approval of Final Site Plan application FSP2023-0100 with the following stipulations:

1. The following comments must be addressed prior to certification by the Zoning Administrator:
 - a. Stucco cannot be used within the first eight (8) above grade on façades that are visible from the public right-of-way or public view per Section 5.2.J.3. The east, west, and south façades must be revised to address this comment.
 - b. No single species of tree or plant material shall comprise more than 30% of the cumulative total of plantings on a site and a revised plan will need to be submitted meeting Section 5.2.O.6.a. The landscape plan must be revised to reduce the percentage of all plantings to be under 30%.
 - c. A SWPPP, KDHE approved NOI and BMP details need to be provided prior to construction.
 - d. The following comments made by the City Engineer regarding the stormwater study need to be addressed:
 - i. Summary Memo
 1. Update the reference to "MDNR" in the Existing Conditions section.
 2. The numbers provided on Page 3 cannot be verified with the information provided in the report. Provide supporting calculations. It appears that calculations have only been provided for the 1% event. Provide information for the 50% and 10% events.
 - ii. Hydrographs
 1. Hydrographs were only provided for the 1% event. Required for the 10% and 50% events also.
 - iii. Detention Pond
 1. Provide stage/discharge curves for each storage area.
 2. Provide sheets showing the discharge structure inputs.

3. The peak outflow from Storage Node 102 is shown as 34.01 cfs in Appendix D but shown as 19.10 cfs in the Summary Memo. Reconcile the difference.
- iv. Sheet C300
 1. It appears that the labels for Line 1 and Line 2 have been switched.
 - e. Revised plans showing the required height of luminaries must be provided.
 - f. The driveway apron should be concrete to the right-of-way line and the applicant needs to provide an area on the driveway apron for a future sidewalk that is ADA compliant and note the crossing on the plans. The crossing must be located at least six (6) feet from the back of the curb of 191st Street.
 - g. The certifications on the plan set must match the certifications provided in Section 10.1.F of the UDC.
2. Details related to stormwater design including but not limited to the grading plan are in ongoing discussion and must be finalized and approved by the City Engineer prior to certification of the Final Site Plan by the Zoning Administrator.
3. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City.
4. Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads, and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein.
5. **An agreement not to protest the creation of a benefit district will need to be on file prior to the issuance of a building permit.**

Commissioner Draskovich requested the City Engineer provide his opinion on the proposal of the riprap. Mr. David Hamby, City Engineer, stated there have been a lot of discussions of the riprap or the use of ribbon curb and/or gutter. He explained asphalt is a flexible material and the edge can be lost when water gets under it. Curb and gutter with curb cuts will allow water to be conveyed to the detention area. He, and City staff, is concerned about how the water is proposed to be handled. Chairperson Daley inquired if he and City staff are still working with the applicant to find an appropriate solution. Mr. Hamby replied that is correct.

Mr. Fox stated there is another proposal that his team has been working on. He explained that after the conversations, they revised the area between the pad and the swale where the concrete was extended, and the riprap is removed. The concrete will not be thick and would not slow down the water, so the risk of erosion is increased. Commission Draskovich stated the swale could be redesigned with a larger slope to help slow the water down. Mr. Fox stated he understands the concerns and they are working towards a solution that appeases all parties.

Commissioner Crooks moved to approve Final Site Plan application FSP2023-0100 with an emphasis on the stipulations. Commissioner Draskovich seconded the motion. Final Site Plan application FSP2023-0100 was approved with the stipulations, 3-0.

9. FUTURE MEETING REMINDERS

Chairperson Daley stated that the next regular sessions are scheduled for January 9, 2024; February 13, 2024; and March 12, 2024.

10. ANNOUNCEMENTS

Mr. Moore thanked Commissioner Crooks for his dedication and service on the Commission. Commissioner Crooks stated he will be stepping down from the Commission after the conclusion of the meeting.

11. ADJOURN

Commissioner Crooks moved to adjourn the meeting. Commissioner Draskovich seconded the motion. The meeting was adjourned at 8:05 PM, 3-0.