

**PLANNING COMMISSION MEETING**  
**February 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 February 14, 2023. The meeting convened when Vice Chair Jeremy Little called the meeting to order at 7:00 PM.

**1. ROLL CALL**

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

With a quorum present, the meeting commenced.

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

**2. WELCOME** Vice Chair Little 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 December 13, 2022 Planning Commission Meeting.

Commissioner Crooks moved to approve the consent agenda. Commissioner Mueller seconded the motion. The consent agenda was approved, 3-0.

**REGULAR AGENDA**

**5. DECLARATION**

Vice Chair Little 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. **FS2023-01: FINAL SITE PLAN FOR INLAND PORT IX LOCATED AT 30700 AND 30500 W 183<sup>RD</sup> STREET**

Vice Chair Little requested City Staff introduce the project.

Mr. Zachary Moore, Development Services Director, introduced himself and stated this is his first Planning Commission since joining the City of Edgerton in late December. He explained the Final Site Plan is for a 1,000,000 square foot warehouse on 79.8 acres. The subject property was annexed into the City on March 25, 2010 and was rezoned from A-G, Agriculture, to L-P, Logistics Park, on January 26, 2017. At that same meeting as the rezoning, the Commission approved a Preliminary Plat and a Final Plat. The Final Plat was then approved by the City Council on August 24, 2017. At the July 11, 2017 Commission meeting, a Preliminary Site Plan was approved. That Preliminary Site Plan showed two (2) buildings, one on each lot set by the Final Plat. A Final Site Plan for one (1) of the buildings was also approved during that meeting. However, no building permit was issued within 1 year, so the Final Site Plan expired. Mr. Moore requested the applicant make a presentation regarding the project.

Mr. Brody Sherar, NorthPoint Development, approached the Commission. He stated the property was rezoned in 2017 and a Final Site Plan was approved for 2 buildings. The buildings have been combined into 1 now. The expired Final Site Plan had the eastern building closer to the residences than the currently proposed building. The building is proposed to be at an angle, so it is shifted away from the residences to the east adding more of a buffer between them and the warehouse.

Vice Chair Little opened the public hearing.

Ms. LaDonna Gee, 461 W. Hawthorn Street, Gardner, KS 66030, spoke before the Commission. She stated she is the president of the Bluehawk Townhomes' Homeowners Association (HOA). She explained the townhomes are just east of the proposed warehouse. The HOA's biggest concern is regarding the berms. They want to know if there will be more berms than there currently is. She also requested a proposed construction timeline from when work will start to when it will be completed. Ms. Gee requested information as to who the tenant will be and if there are other buildings that the tenant could go into or if the warehouse will be constructed then marketed for a tenant. She explained that there is a natural drainage area with half of it being in the City of Gardner and the other half in the City of Edgerton. That area allows for natural drainage from the townhomes. She wanted to know who is going to maintain the drainage area. She stated that whoever is maintaining the berms now, only does it part of the time. She does not know who currently is doing it, but the grass needs to be kept low to keep varmints out. The HOA wants to know what will be done to keep that area maintained. Ms. Gee also asked what will be done on the property line. She asked if a fence or anything else will be erected on that property line. She explained ten (10) feet east from the current berms is the city limits of Edgerton. The Townhomes maintain from that point east. She requested clarification of where the HOA's jurisdiction is.

Mr. Ken Prettyman, 868 S. Poplar Street, Gardner, KS 66030, addressed the Commission. He stated this proposed development is in his backyard. He wants to know what he will be

looking at. He asked if it would be the building or the tractor trailers. He requested that the applicant and Commission picture themselves looking at tractor trailers out their back door. He wants that to be taken into consideration. When the proposal first came along, Mr. Prettyman stated he was told it would be an office building and now it is a warehouse. He is concerned that the property values will decrease because of what will be seen from the rear yard. He stated he understands the applicant can do what they want on their property, but requested they orientate the building to where the townhomes do not have to look at tractor trailers. When he walks through the logistics park, all he sees are the trailers. He also asked if the berm will be increased and how this proposed development will affect the drainage of the area. Mr. Prettyman also requested information as to what landscaping will be installed at the property lines and if it would be mature trees or not.

Ms. Paula Johnson, 844 S. Poplar Street, Gardner, KS 66030, spoke to the Commission. She stated the neighborhood is just now hearing about this proposed building and it is already at the Final Site Plan stage that is most likely to be approved. The location of being on the city limits is unfortunate. She inquired if the applicant, Commission, or City staff has talked to the City of Gardner about this project. She explained W. 183<sup>rd</sup> Street does not allow truck traffic. She read the proposed number of parking stalls and stated that is a lot of traffic. She stated the building is massive and asked what an inland port was. She requested the traffic counts that the project is expecting. Ms. Johnson claimed there will be hundreds of trucks daily. She wants to know if the proposed drive on the plan will be used by trucks or employees of the warehouse. She stated the road runs parallel with the property line and the neighbors are going to hear the trucks and smell the diesel fuel exhaust. She said the orientation of the building on the lot is why the access road is proposed. Ms. Johnson explained the berm height is inconsistent as it goes up in elevation and back down closer to grade along the property line. She inquired if the fence is going to be on the berm. She also inquired if a tax abatement is being offered and if the school district was getting their share of the taxes. She argued that the applicant should not receive any tax breaks for this project. Ms. Johnson stated the berm creates a wind tunnel between it and the townhomes, and the addition of the fence will increase the wind in that area.

Mr. Bret Astleford, 718 S. Poplar Street, Gardner, KS 66030, approached the Commission. He explained Poplar Street runs north and south and there are already issues with stormwater. He is concerned about the stormwater running towards his property if there is a taller berm. He stated that on 1 acre of land, 1 inch of rain is equivalent to over 27,000 gallons of water. Mr. Astleford is also worried about light pollution and noise from the property. He said he is concerned about the increase of traffic 183<sup>rd</sup> Street. The subject parcel is a nice spot to see different wildlife like coyotes, foxes and birds. This is also a good place for people to take their dogs and let them run. He also requested a timeline for construction of the proposed building.

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

Vice Chair Little requested Mr. Moore present City staff's finding.

Mr. Moore stated the Final Site Plan proposes a 1 million square foot warehouse on close to eighty (80) acres that was zoned L-P in 2017, which a warehouse is a permitted use by

right. The subject parcel was annexed into the City of Edgerton in 2010 and has adequate utilities nearby for the proposed development. He explained the Commission approved a Preliminary Plat and a Final Site Plan in 2017. That original Final Site Plan had a building orientated east to west and a building going north and south and the 2 buildings totaled 1.4 million square feet. There were no building permits pulled or applied for, so the Final Site Plan expired. The building that is proposed does go over previously platted property lines, so a replat of the site will be needed. The applicant is aware of that requirement and will apply for a replat at a later date.

Mr. Moore explained City staff reviewed the Final Site Plan under the guidelines set in the Unified Development Code (UDC). City staff did note a few revisions that are needed. A review of the photometric plan will be needed, and the requirements will need to be met prior to the Zoning Administrator signing the document into record. The applicant has requested deviations to the architecture requirements, specifically pertaining to the articulation of the building. These deviations are seen in previously approved Logistics Park Kansas City (LPKC) buildings and are consistent with existing architecture. All of the other architecture requirements have been met or exceeded. He stated that the spirit and intent of the Code has been met. Mr. Prettyman inquired as to what that met. Mr. Moore replied that the applicant has proposed a design that does not meet the exact requirements of the UDC, but the design meets the intent of the code by breaking up a large expanse of a façade.

Mr. Moore said the landscaping proposed is on the east side of the berm and City staff will require the applicant to plant it on top of the berm to provide better screening from the residences. This proposed landscaping is made up of evergreen trees and shrubs as well as deciduous trees and other shrubs and it extends the entire eastern property line. He explained the building is orientated to where it runs southwest to northeast. This makes for a part of the building being approximately 275 feet to the townhomes which increases to over 500 feet quickly. There are 2 access points off of 183<sup>rd</sup> Street and to the east of this property is a median on 183<sup>rd</sup> Street and is signed as no trucks. There are proposed 194 dock doors facing northwest and southeast. There is a proposed greenspace between a parking lot and the building that could be used for trailer parking in the future.

Mr. Moore stated regarding the stormwater, the applicant is required to collect all stormwater on their property, and it cannot dissipate from their property any faster than it is today. Detention to ensure that is met is proposed on the north side of the property. He showed the lines of sight drawings and explained these drawings show that the residents will not see headlights of passenger cars or other vehicles. He said the line-of-sight drawings show how far the buildings are setback from the residences. Mr. Prettyman asked where the line-of-sight was showing someone standing at. Mr. Moore answered they are shown from the point of view of someone standing in the back yard of a townhome.

Commissioner Crooks asked what the estimated timeframe is for construction. Mr. Sherar replied mass grading is planned for March with the construction of the building starting in April and be substantially completed by the end of 2023.

Mr. Moore showed the line-of-sight drawings that are close to Mr. Prettyman's townhome on the projector. Mr. Prettyman asked about the size of landscaping to be installed. Mr. Moore

replied that the UDC requires a caliper of tree to be a minimum of two and a half (2.5) inches and the shrubs will have to be at least 2 feet in height upon installation. The shrubs must achieve the minimum height of three (3) feet within 3 growing seasons and the trees will grow quickly as well. Mr. Astleford inquired if the height of the berm will be increased. Mr. Moore answered that the berm is not proposed to be raised. Commissioner Crooks asked if the building will be at a lower grade than the townhome. Mr. Moore stated that is correct. Mr. Moore added that the City Engineer is reviewing the stormwater management plans and they will need to meet or exceed City and State requirements. A member of the audience asked where the stormwater will be retained at. Mr. Moore replied the stormwater retention will have to be kept onsite. Mr. Sherar said they will retain the stormwater that is on their property and this development will not change how stormwater is drained now. Ms. Beth Linn, City Administrator, reminded the Commissioners that the public hearing has closed.

Commissioner Crooks asked if there is an overview of the ditch and asked if the rocks were shown. Mr. Moore stated the ditch will be shown on the grading plan as a change in the elevation.

Commissioner Crooks inquired to the height of the lights. Mr. Moore replied that the applicant will have to meet the requirement of twenty-five (25) feet tall. Ms. Linn added there is a difference between light spilling onto a neighboring property versus seeing the luminaire itself. There will be lights on the building that might be seen, but the UDC limits how much light can spill onto neighboring properties. She stated there was another question was about who the tenant will be and as of right now, to the City's knowledge, it will be a speculative build as there is no tenant planned at this moment in time. Commissioner Crooks asked to who is taking care of a rocky area nearby. Ms. Linn answered that if it is on NorthPoint property then they are maintaining it. Mr. Moore showed the grading plan and stated the berms are on NorthPoint's property.

Commissioner Crooks moved to approve Final Site Plan FS2023-01 with the stipulations outlined in the Staff Report. Commissioner Mueller seconded the motion. Final Site Plan FS2023-01 was approved with the stipulations, 3-0.

Mr. Prettyman requested written responses to their concerns. Mr. Sherar replied he would like to hold a meeting between the residences to discuss and address their concerns. Mayor Roberts recommended they use the Learning and Career Center at LPKC. There were discussions regarding the previous Final Site Plan that was approved and where to further discussions can take place between Mr. Sherar and the audience. Ms. Linn explained the previously approved building was a lot closer and this new proposed one is. Mr. Prettyman stated that there is no view showing the distance between the building and the townhomes and he believes NorthPoint is hiding something. Ms. Gee stated it does show the location of the building related to the property line and town homes. Vice Chair Little said that is shown on Sheet C13 of the plans and it was displayed on the projector. Ms. Gee explained some of the challenges of the different floorplans of the townhomes. Discussions between the applicant and the audience continued on how to make the development work for both parties.

Mayor Roberts stated the stormwater that exits the site cannot be greater than what it is today, and it will not enter the wetlands to the north. He explained that the railroad is between the proposed development and the wetlands.

7. **ZA2023-01: REZONING FOR EDGERTON GREENSPACE LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF NELSON STREET AND 3<sup>RD</sup> STREET**

Mr. Moore stated this request is to rezone 1.46 acres to C-D, Commercial Downtown. Some of the parcels of the subject property are zoned R-1, Single Family Residential, and some are already zoned C-D.

Ms. Linn addressed the Commission as the applicant for this application and the other applications regarding this project. She stated the City is proposing a community gathering space that will be known as the Greenspace. Along Nelson Street, there are parcels zoned C-D and the parcels to the south along Martin Street will be used for parking, which is scarce in Downtown Edgerton. She said Mr. Josh Conrad, incite Design Studio (iDS) and Mr. Lee Ryherd, Civil Engineer with SMH Consultants, are available for questions as well.

Vice Chair Little opened the public hearing.

Mayor Roberts stated very few cities actually follow this process of development. He and City staff that it felt necessary to lead by example for other development and developers.

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

Mr. Moore explained the subject property was a part of the original City plat recorded in 1870. The parcels along Nelson Street currently have a house constructed in 1900 and an accessory building built in 1902 on them. Both uses are permitted by right in the R-1 and C-D zoning districts. The rezoning request is for more design guideline flexibility and allow the use of the parking area along Martin Street. He stated there are more applications to be presented during the same Planning Commission meeting.

Mr. Moore stated the zoning of the parcels across Nelson Street to the north is C-D, the parcels to the west and south are currently zoned R-1. City staff finds the proposed zoning is compatible with the current area and the Future Land Use Map. Mr. Moore said City staff reviewed the rezoning request under the Golden Criteria as required by Kansas State Statute. He stated the request meets the City's planning documents, such as the Downtown Plan approved in 2018 and the Comprehensive Plan. He explained the proposed use is allowed in R-1, but the C-D zoning designation has more design guidelines and does not have as restrictive development standards for this type of use. Nelson Street is fully constructed and can handle the traffic the proposed building would generate.

Commissioner Crooks moved to recommend approval of the rezoning request. The motion was seconded by Commissioner Mueller. Rezoning Application ZA2023-01 was recommended for approval, 3-0.

Mr. Moore stated the rezoning request will be presented to the Governing Body on March 9, 2023.

8. **PP2023-01: PRELIMINARY PLAT FOR EDGERTON GREENSPACE LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF NELSON STREET AND 3<sup>RD</sup> STREET**

Mr. Moore explained this Preliminary Plat request is for the Greenspace project that is the same subject property of 1.46 acres as the rezoning request. He stated the Preliminary Plat identifies the property lines and possible future infrastructure and is required prior to a Final Plat, which is to be presented later during the same meeting.

Vice Chair Little opened the public hearing. There were no public comments made at this time. Commissioner Crooks moved to close the public hearing. Commissioner Mueller seconded the motion. The public hearing was closed, 3-0.

Mr. Moore stated there are minor labeling errors that need to be corrected prior to the Preliminary Plat being filed. He said there are eleven (11) lots being combined into 2 lots with a rededicated alley right-of-way between the lots to make it a contiguous plat.

Commissioner Crooks moved to approved Preliminary Plat PP2023-01 with the stipulations outlined in the Staff Report. The motion was seconded by Commissioner Mueller. Preliminary Plat PP2023-01 was approved with the stipulations, 3-0.

9. **FP2023-01: FINAL PLAT FOR EDGERTON GREENSPACE LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF NELSON STREET AND 3<sup>RD</sup> STREET**

Mr. Moore explained this is the Final Plat for the Greenspace, which is the same subject property as Preliminary Plat PP2023-01 and Rezoning ZA2023-01. The Final Plat is needed prior to any building permits being issued. The Final Plat will set the property lines and dedicate public easements or rights-of-way.

Ms. Linn stated this will confirm the lots. There is to be 1 lot to the north and 1 to the south with ten (10) feet of right-of-way between them.

Mr. Moore said the subject property of 1.46 acres that was a part of the original City plat recorded in 1870. The applicant is proposing of consolidating 11 lots into 2 with an alleyway between the lots. This application was filed in connection with Final Site Plan Application FS2023-02. There are minor clerical errors that need to be addressed on the plat. All other UDC requirements have been met or exceeded. Mr. Moore showed the plat document on the projector.

Commissioner Crooks moved to recommend approval with the stipulations outlined in the Staff Report. The motion was seconded by Commissioner Mueller. Final Plat FP2023-01 was recommended for approval with the stipulations, 3-0.

**10. FS2023-02: FINAL SITE PLAN FOR EDGERTON GREENSPACE LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF NELSON STREET AND 3<sup>RD</sup> STREET**

Vice Chair Little opened the public hearing.

Mr. Donald Roberts, 201 E. 5<sup>th</sup> Street, Edgerton, KS 66021, addressed the Commission. He stated this is a significant investment by the City. He stated this will be the first new construction in downtown in fifty (50) years and the first new public building in 125 years. Due to the work done by previous City Councils and Planning Commissions, this is the first building to enforce the new regulations of the C-D district. He stated this is historic for Edgerton. He explained the first Frontier Days event was hosted in the greenspace area, and this building will honor that by being dubbed the Greenspace. The City is putting the concept to work in this historic and exciting opportunity for the community.

Ms. Linn spoke before the Commission. She stated that the building is just over 13,000 square feet. She explained how the site will be laid out. There is a proposed lawn area that is the current greenspace between the library and the buildings City staff uses for storage and office space. A splash pad with fountains that has an activate button is proposed outside of the building. A sidewalk will surround the lot to allow for safe walking. Ms. Linn said a one-way entrance from E. 4<sup>th</sup> Street can be accessed into enter the parking lot to the south of the building. The existing structures at E. 3<sup>rd</sup> Street and Nelson Street will be removed to make way for the building. Nelson Street will be widened to allow for parallel parking on the south with a bid alternate to do the same on the north side of Nelson Street. She explained three (3) mature trees in lawn area will remain and the western most tree will be removed. Additional trees will be planted along E. 3<sup>rd</sup> Street and the parking area. Ms. Linn said a lot of landscaping is proposed along the lawn area and the driveway and parking area to make a clear line showing the public that they are leaving the lawn and entering a traffic area. Commissioner Crooks asked if there will be berming of the site. Ms. Linn answer there is no berming proposed.

Ms. Linn explained the floor plan to the Commission. She stated there would be a community room that is a little smaller than the current community room. That community room will share a wall with a warming or catering kitchen. There will be a window that allows services from the kitchen into the community room. Restroom access will be provided during community events, even at night, so the City will no longer need to rent portable restrooms during small events. She stated there will be a storm shelter included that will automatically unlock when the outdoor warning sirens sound. This storm shelter should hold between forty (40) and fifty (50) people. While the shelter will not be rated by the International Code Council, it will still meet all the requirements. It is possible that the storm shelter will house fitness equipment for the public to use. Ms. Linn explained the gym will be two stories tall and has an elementary school sized basketball court with a 2-lane walking track. The court can also be used for pickleball. She stated there will be staff offices and another small community room inside.

Ms. Linn showed renderings of the exterior of the building. She explained the exterior of the proposed building will match the existing downtown areas with a brick façade and the

windows are modeled after the Bank of Knowledge. Ms. Linn stated City staff is excited for the flexibility of the space and the fact it allows for everyone to gather in the space.

Commissioner Crooks inquired to what will happen to the building on the northwest corner of E. 4<sup>th</sup> Street and Martin Street. Ms. Linn replied it will house City staff that will be vacating the structures along Nelson Street.

Commissioner Crooks asked what will happen to the Community Hall. Ms. Linn responded that recreational activities will be moved to the Greenspace, and the City will do a space assessment to reevaluate what can be done in that building. She explained the Grange Hall, the formal name of the Community Hall, is on the Register of Historic Buildings in Kansas so it will be difficult to make big changes to the building. Mayor Roberts said it is possible the public meetings will still be held in the same space. Commissioner Crooks said he does not want to see the Community Hall to become run down. Mayor Roberts stated there will most likely be renovations to the building and historic preservation will be the biggest concern of the City when doing those renovations. Those renovations will be expensive due to being on the historic building registration. Ms. Linn explained the library had a lot of brick restoration done and the company the City hired to do that work did a wonderful job. Mayor Roberts added it is expensive, but it benefits the community in having well preserved historic buildings.

Commissioner Crooks inquired as to the construction timeline. Ms. Linn answered that City staff will be relocating in the next thirty (30) to sixty (60) days and demolition is slated for April or May of this year. City staff aims to have a contract for construction of the building to City Council by June and starting construction shortly after Frontier Days and be completed by the end of 2024. She explained that is all depending on any supply chain issues that might come up. Mayor Roberts stated he has considered of having the community involvement in some way with the demolition of the old buildings or construction of the new one. Commissioner Crooks said it would be beneficial to do so. Ms. Linn stated there are still lots of decisions to be made by the City Council about the operations of the building.

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

Mr. Moore stated the proposed use of community gathering space is an approved use by right in both R-1 and C-D. He stated there are adequate utilities currently serving the property. The buildings erected in the early 1900s will be demolished to make way for the proposed building. The properties that are vacant on Martin Street were demolished in between 2009 and 2016. He said there is proposed parking south of the building and along Nelson Street. City staff noted that a photometric plan is needed and minor updates are needed to the Final Site Plan. The City Engineer is currently reviewing the stormwater plans. Mr. Moore explained the building is proposed to be on the north and west property lines, which is allowed in C-D but not R-1. Earlier in this meeting, the Commission did recommend approval of the rezoning to C-D to the City Council. He said sidewalks are proposed on the border of the property. Proper accessibility is provided through the site and to the south parking lot. A parking lot with 19 stalls can be accessed through the alley or from Martin Street. He stated all Final Site Plan requirements have been met or exceeded except those

that are noted in the Staff Report. The design does meet architecture requirements in C-D district and the stone and brick is compatible with the surrounding area.

Commissioner Crooks inquired if there would be a flagpole at the building. Ms. Linn answered the flagpole by the Community Hall will remain.

Commissioner Crooks moved to approve Final Site Plan FS2023-02 with the stipulations noted in the Staff Report. The motion was seconded by Commissioner Mueller. Final Site Plan FS2023-02 was approved with the stipulations, 3-0.

#### **11. FUTURE MEETING REMINDERS**

Vice Chair Little stated the next Planning Commission meetings is scheduled for March 14, 2023.

Mayor Roberts invited the Commission to the State of the City address on February 23, 2023 at 6 PM. Vice Chair Little asked if it would be streamed. Mayor Roberts replied it wouldn't be, but a packet that covers more than what he addresses will be available.

#### **12. ADJOURN**

Commissioner Crooks moved to adjourn the meeting. Commissioner Mueller seconded the motion. The meeting was adjourned at 8:49 PM, 3-0.