

**PLANNING COMMISSION**  
**September 12, 2023**

A special session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Street, Edgerton, Kansas on September 12, 2023. The meeting convened when Chair John Daley called the meeting to order at 7:00 PM.

**1. ROLL CALL**

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

With a quorum present, the meeting commenced.

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

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

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

**CONSENT AGENDA**

**4.** Approve Minutes from the July 11, 2023 Planning Commission Meeting.

Commissioner Little moved to approve the Consent Agenda. The motion was seconded by Commissioner Draskovich. 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. **CU2023-03: RENEWAL OF A CONDITIONAL USE PERMIT APPLICATION FOR A CARGO CONTAINER STORAGE, REPAIR OR MAINTENANCE FACILITY FOR US MMG PROPERTIES E LOT, LLC LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF W. 191<sup>ST</sup> STREET AND WAVERLY ROAD**

Mr. Greg Watson, McClure Engineering, spoke before the Commission. He stated the property owner, US MMG Properties E Lot, LLC is requesting a renewal of the existing Conditional Use Permit (CUP) located at 30830 W. 191<sup>st</sup> Street. The property is currently zoned L-P, Logistics Park, and the neighboring properties are zoned L-P except the property to the north is zoned Johnson County RUR, Rural. The first CUP was approved in 2013 but not by the current property owners. The property was purchased in August of 2022. The use has not changed nor are there any intentions to change the use of the property. Mr. Watson explained City staff pointed out a few existing issues with the property, but they worked with the property owner and addressed the items. The landscaping has been corrected to match the approved Site Plan and the fuel tank and dumpster that were onsite have been removed. He is there on behalf of the property owner requesting the CUP be renewed under the same conditions as previous for another ten (10) years. The property owner agrees to the stipulations and conditions required by the Unified Development Code (UDC) and outlined by City staff in the Staff Report.

Chairperson Daley opened the public hearing. There were no public comments made. Commissioner Little moved to close the public hearing. The motion was seconded by Commissioner Mueller and the public hearing was closed, 3-0.

Mr. Zachary Moore, Development Services Director, addressed the Commission. He reiterated that this application is a request for a CUP extension. The subject property is just over 22 acres in size and zoned L-P. A CUP is required for a cargo container storage lot, which is the current use of the property. The property was annexed, rezoned, and the original CUP was approved in 2013 for 10 years and is now set to expire. Mr. Moore explained the applicant does not want to expand the operations now but might in the future. Mr. Moore explained that while the applicant is not the original developer, the CUP addresses the use of the land and not the owner.

City staff reviewed the application for the CUP renewal against the regulations set forth in Section 7 of the UDC, which outlines the requirements for CUPs. There are a number of criteria that need to be met for a cargo container storage lot and the criteria for the CUP are similar to that of the Golden Criteria for rezoning applications. Those criteria have been met. There were some existing site conditions that did not meet the UDC requirements. Those were the above ground fuel tank, unscreened dumpster, and the installed landscaping did not match the approved Final Site Plan. The fuel tank and dumpster were removed from the site and the landscaping was being addressed earlier today. Mr. Moore stated City staff recommends the CUP renewal with the following stipulations:

1. The CUP for 'Cargo Container Storage, Repair, or Maintenance' is valid for a period of 10 years following the date of Governing Body approval.
2. The following conditions of UDC, Article 7.2.G.7 apply to the CUP:

- a. 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.
- b. Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved.
- c. Facilities shall have a minimum lot size of 20 acres.
- d. Noise from the facility shall not exceed 60 dB(A) in any adjacent residential district and 70 dB(A) in any adjacent commercial or industrial district or property.
- e. All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For the purposes of this stipulation:
  - 1. Paving shall mean concrete or asphalt; and
  - 2. Dust-free shall mean that all interior driveways and storage surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.
- f. The facility 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.
- g. Cargo containers shall not be stacked more than five (5) in number.
- h. Stacked chassis shall not be stacked more than 5 in number.
- i. All signage must meet the requirements of UDC, Article 12 related to signage. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer, or chassis.
- j. 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 this permit or the use of the property by the applicant/landowner.

Chairperson Daley inquired if City staff routinely monitors sites for violations. Mr. Moore answered City staff does monitor sites and when a new developer or development comes forward, City staff will make sure the site is in compliance prior to the Commission meeting.

Commissioner Draskovich moved to recommend approval with the stipulations outlined by City staff. The motion was seconded by Commissioner Little. CUP application CU2023-03 was recommended for approval with the stipulations, 3-0.

**7. PP2023-03: PRELIMINARY PLAT APPLICATION FOR NORTHPOINT DEVELOPMENT LOCATED SOUTHEAST OF THE INTERSECTION OF W. 191<sup>ST</sup> STREET AND KILL CREEK ROAD**

Mr. Moore explained the applicant has withdrawn the application and since the public hearing was published previously, City staff wanted to inform readers of the agenda and packet of the withdrawal, so a note was made on the agenda and packet. No action is needed by the Commission.

**8. FS2023-06: FINAL SITE PLAN APPLICATION FOR NORTHPOINT DEVELOPMENT LOCATED SOUTHEAST OF THE INTERSECTION OF W. 191<sup>ST</sup> STREET AND KILL CREEK ROAD**

Mr. Moore explained the applicant has withdrawn the application and no action is needed by the Commission.

9. **CU2023-01: CONDITIONAL USE PERMIT APPLICATION FOR A CARGO CONTAIN 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**

Mr. Pete Heaven, (Spencer Fane LLP) the attorney representing property owner, addressed the Commission. He explained this application is for a CUP to be used in conjunction with the facility the property owner proposes to be constructed. He stated the property was rezoned to L-P earlier in 2023, the adjacent property to the west is zoned L-P, adjacent to the east is wetland property with a creek and C-2 zoned parcels, and the south parcels are low density residential parcels. The proposed use is a less intense use than what could be allowed in this zoning designation.

Mr. Heaven said a storage, repair or maintenance facility is needed as this type of use is needed to aid in the operations of other tenants in Logistics Park Kansas City (LPKC) and one facility was just renewed. The nature of the property owner's business is to store cargo containers. He explained there is a single-family home built in 2000 and no other development on the property.

He stated there would be no detrimental effects by the proposed use nor would there be any significant traffic impacts. The applicant is in agreement with the City regarding the improvements of 199<sup>th</sup> Street to a three (3) lane road with a center left turn lane from Homestead Lane to the western property line.

There would be no downstream effect in terms of stormwater. The applicant will retain stormwater on the property and will not increase the flow of stormwater to neighboring properties.

Mr. Heaven stated the applicant is also currently testing electric trucks that have zero emissions. The property owner is currently using electric trucks in Joliet, Illinois.

This development would bring an increase property tax to benefit the City and halo effect is the need for commercial. He states there would be no adverse effects to the public health, safety, and welfare and it is a less intense use than what is permitted by right.

Mr. Heaven said the applicant is proposing extensive screening with expansive setbacks that either meet or exceed the requirements set forth by the UDC. The applicant is requesting a CUP that is valid for 10 years and they do agree to the stipulations outlined by City staff.

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

Mr. Moore spoke before the Commission. He stated the request is for a new CUP for a cargo container storage, repair or maintenance facility. The subject is 20.14 acres, which meets the

parcel size requirement. He stated the property was annexed into the City of Edgerton in 2017 and rezoned to L-P in May of 2023. City staff reviewed the application against the criteria outlined in Article 7 of the UDC. The details of the development will be discussed during Final Site Plan application FS2023-07, which will be presented later in the meeting. Mr. Moore said there is a demand of businesses in LPKC to have cargo container storage lots. This is a business model that supports other businesses. City staff found that there is a need for this type of use and the neighborhood is compatible with this use. There is future nonresidential development to the east across the creek and to the southeast. There are also L-P zoned parcels to the west and to the north. Mr. Moore said a cargo container storage, repair or maintenance facility is a suitable use for this property. The property is vacant apart from the single-family dwelling, which will be removed. City staff does not see any long-term detrimental effects. He explained ingress and egress of the development will be discussed on the Final Site Plan application, but there is adequate spacing for access between the proposed access point and other existing streets and access points. Mr. Moore said the proposed use will not impact the capacity or safety of road network, there will be no negative impact to the stormwater system with no increase of runoff to neighboring property. The development is consistent with the Comprehensive Plan and will increase the property tax of the property. City staff recommends approval with the following stipulations:

1. The CUP for 'Cargo Container Storage, Repair, or Maintenance' is valid for a period of 10 years following the date of Governing Body approval.
2. The following conditions of UDC, Article 7.2.G.7 apply to the CUP:
  - a. The maximum height of cargo container stacking along the west property line is 30 feet.
  - b. 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.
  - c. A lighting plan is to be submitted showing adequate onsite lighting.
  - d. Noise from the facility shall not exceed 60 dB(A) in any adjacent residential district and 70 dB(A) in any adjacent commercial or industrial district or property.
  - e. 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.
  - f. 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.
  - g. Cargo containers shall not be stacked more than five (5) in number.
  - h. Stacked chassis shall not be stacked more than five (5) in number.
  - i. 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.
  - j. All signage must comply with Article 12 of the UDC.
  - k. All site plan requirements in Article 10 and all site requirements in Section 5.2 must be met.

Commissioner Draskovich asked with the transition to electric trucks if the electrical lines will need to be improved. Mr. Dan Finn, Phelps Engineering and project engineer, replied that is still to be determined. Chairperson Daley inquired if there is space for chargers and where

the future residential development would be. Mr. Moore answered that there is no proposed residential use and that the current residential structure will be removed.

Chairperson Daley asked about the improvements of 199<sup>th</sup> Street and how they will be paid for. Mr. Moore replied that development agreements will have the details of who pays for and when those improvements are made but will be made by the City Council.

Commissioner Draskovich moved to recommend approval of CUP application CU2023-01 with the stipulations outlined by City staff. Commissioner Mueller seconded the motion. CUP application was recommended for approval with the stipulations, 3-0.

Mr. Moore stated the application will be presented to the Governing Body on September 28, 2023.

**10. 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**

Mr. Finn addressed the Commission. He stated this Preliminary Plat application was presented earlier this year. The Preliminary Plat is for the west and east side of the creek. CUP application CU2023-01 for Whimsy is Lot 1 on the Preliminary Plat and Lot 2 will be future commercial development. Mr. Finn explained the easements and right-of-way proposed on the Preliminary Plat and stated they agree with the stipulations outlined by City staff.

Mr. Moore stated the property is 37.39 acres and the application is being presented in preparation of a container storage, repair or maintenance facility and future commercial development. The west side of the creek was annexed in December of 2017 and the east side of the creek was annexed in June of 2022. There is currently a single-family home on the western property and will be removed prior to development. The western property was rezoned in May of 2023 to the L-P District and the east side was rezoned to the C-2 District at the same time. Mr. Moore explained there are a few items that need to be updated prior to the certification of the Preliminary Plat by the Zoning Administrator and recording of the final plat. City staff recommends approval with the following stipulations:

1. All Preliminary Plat requirements of the City listed below shall be met or addressed prior to Certification by the Zoning Administrator:
  - a. The current zoning of the property listed on the Preliminary Plat needs to be corrected.
  - b. The signature block and date for review of the Zoning Administrator needs to be added.
  - c. The signature block and date for review of the City Engineer needs to be added.
  - d. The signature block and date for review of the Chair of Planning Commission needs to be added.
  - e. The signature block and date for review of the Mayor needs to be added.
  - f. The floodplain can be left out of a tract or drainage easement provided the applicant obtains the appropriate permits for development.
  - g. The proposed and current access restrictions on Homestead Lane and 199<sup>th</sup> Street need to be shown.
  - h. All existing easements on the parcel need to be shown and labeled.

- i. The "Sanitary Sewer Easement to City of Gardner, KS" has two (2) grantees and that need to be reflected on the document.
  - j. Additional easements may be required.
  - k. Any restrictive covenants will need to be submitted with the Final Plat.
2. All infrastructure requirements of the City shall be met throughout development.
  3. All City Engineer comments related to the 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.

Commissioner Mueller moved to approve Preliminary Plat application PP2023-02 with the stipulations. Commissioner Draskovich seconded the motion. Preliminary Plat application PP2023-02 was approved, 3-0.

**11. FP2023-04: FINAL PLAT APPLICATION FOR WHIMSY EDGERTON, LLC LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF W. 199<sup>TH</sup> STREET AND HOMESTEAD LANE**

Mr. Finn spoke to the Commission. He stated the floodplain does not encroach on Lot 1 and is only on Lot 2. There is a new sanitary sewer easement along the south property line of Lot 1. This easement will allow sewer service to the Whimsy facility and any future development to the west. The applicant agrees to the stipulations.

Mr. Moore stated the Final Plat encompasses 21.92 acres on the northwest corner of Homestead Lane and 199th Street. The property was rezoned to L-P in May of 2023 and the applicant is proposing a cargo container storage, repair or maintenance facility. Platting the property is required prior to any development. The plat does dedicate some land for public use. The request meets all requirements in UDC and City staff recommends approval with the following stipulations:

1. Prior to the recording of the Final Plat, an agreement on the ownership, maintenance, and responsibility for the sanitary sewer extension and required upgrades to 199<sup>th</sup> Street must be reached between the City and developer must be reached.
2. 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 plan for all streets, sidewalks, stormwater sewers, sanitary sewer, and water mains contained within the Final Plat.
3. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton 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 below must be addressed prior to the recording of the Final Plat:
  - a. Confirm section corner reports have been submitted.
  - b. There are proposed easements outside of the boundary of this plat. These cannot be dedicated with this plat. Provide easement documentation to the City for dedication of these easements. Remove non-existing easements outside the boundaries of this plat.
  - c. Additional utility easements may be necessary. Plat should be reviewed by utility companies.
  - d. Provide locations for the utility easement (U/E).
  - e. The plat must meet the Johnson County Subdivision Plat requirements.
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 reapproval and Governing Body reacceptance is required for expired Final Plats.

Chairperson Daley clarified this application is for the division of the land and not what could be built on the property.

Commissioner Draskovich moved to recommend approval of Final Plat application FP2023-04 with the stipulations outlined by City staff. Commissioner Little seconded the motion. Final Plat application FP2023-04 was recommended for approval with the stipulations, 3-0.

12. **FS2023-07: FINAL SITE PLAN APPLICATION FOR WHIMSY, EDGERTON, LLC LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF 199<sup>TH</sup> STREET AND HOMESTEAD LANE**

Mr. Finn spoke before the Commission. He stated the property owner, Whimsy Edgerton, LLC, does have a representative present. Mr. Finn explained that Whimsy stores cargo containers and own their own fleet of trucks. They are proposing one single access point along 199<sup>th</sup> Street that is approximately 370 feet east of the intersection of 199<sup>th</sup> Street and Pepper Tree Lane. The proposed access drive will be approximately 350 feet long from 199<sup>th</sup> Street to a gate. A detention pond is planned at the southeast corner of the development.

Mr. Finn said a thirty (30) foot minimum buffer will be kept along the west and north property line to keep the existing trees for screening. The proposed stacking will be closer to the rear and some along the east property lines. This means the stacking will be around 400 to 600 feet from the right-of-way. Employee parking will be along the building with some trailer parking on the north of the building. The dock doors and drive-up doors will be on the north side of the building. The grading is proposed to be done in a way that no retaining walls will be needed onsite.

Mr. Finn stated that the inclusion of the stormwater detention will reduce the runoff from the property. The sanitary sewer will run east to west with a public main extension from Homestead Lane to the west property line. Water from Water 7 will run from 199<sup>th</sup> Street to the building and will also provide fire suppression. Electric power is proposed to go to the northwest corner of the building and will be screened. The sanitary sewer is the only utility that will need to be extended.



There are areas of existing vegetation that will remain. Along the south property line and 199<sup>th</sup> Street, the applicant will install a new berm with trees and shrubs to provide screening. The building will be concrete tilt-up with some Trex product. The elevation facing 199<sup>th</sup> Street will look more like a storefront with no dock doors.

Mr. Finn stated the Traffic Impact Study (TIS) estimated thirty-two (32) Vehicles Per Hour (VPH) during the peak hours. The TIS estimated that 156 Average Daily Trips (ADT) will be generated by this development.

The applicant has agreed to the stipulations.

Chairperson Daley opened the public hearing.

Mr. Lonny Vlieger, 19910 Pepper Tree Lane, approached the Commission. He stated during the previous Commission meet where some of this project was considered, he and other residents asked for a TIS to be done on 199<sup>th</sup> Street. He inquired if the TIS was completed. Mr. Moore replied that it was completed and provided in the packet. Mr. Vlieger asked what was going to be done to 199<sup>th</sup> Street and if the elevation of the road was going to change. He commented that everything else on the site looks good.

Commissioner Little 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 stated this application is for a cargo container storage, maintenance, or repair facility to be located near the northeast corner of 199<sup>th</sup> Street and Homestead Lane. The subject property annexed in 2017 and later rezoned to L-P in May of 2023. The Commission recommended approval of a CUP and Final Plat as well as approved a Preliminary Plat for this property earlier in the meeting.

City staff reviewed the Final Site Plan under the requirements of UDC Article 5, L-P District Requirements and Article 10, Site Plan Requirements. Mr. Moore explained that the applicant did meet or exceed the UDC requirements in the L-P development standards. The Floor Area Ratio proposed is far less than what is allowed. The building coverage allowed is 50% and the proposed building would be only 3.65% of coverage. The location of the proposed building is setback significantly from 199<sup>th</sup> Street, approximately 534 feet, and over 100 feet from the west and almost 250 feet from the east property line. The rear setback required is 25 feet and the building will be approximately 611 feet from the rear property line. The maximum building height in the L-P district is 110 feet, and the proposed building has a maximum height of 41 feet. The building separation requirement is met as there would only be one (1) structure constructed.

Mr. Moore explained that the L-P District does have specific architecture design criteria. The applicant either meets or exceeds the requirements in the UDC. The color palette of the proposed building does meet the requirements as well. The planned passenger parking is 150% of the required; the applicant will provide 47 stalls and the minimum required is 32. Mr. Moore stated the UDC requires all maneuvering of vehicles to take place be on site or within a mutual access easement. The applicant does propose enough space to provide truck and passenger vehicle maneuvering. The applicant is providing approximately 350 feet of

stacking from 199<sup>th</sup> Street to an automatic gate that would allow traffic onto the site. The UDC requires at least (one) 1 loading space and the applicant will be providing 10.

Mr. Moore said there are significant buffers, including a berm, adjacent to the residential parcels to the south. The buffers are to include trees and shrubs. The buffer along the west, north and east property lines exceeds the UDC requirements by ten fold. The provided landscaping along 199<sup>th</sup> Street exceeds the UDC requirements as well. The applicant wishes to use the existing vegetation to screen the property to the east. Prior to certification by the Zoning Administrator, the applicant will need to submit a landscape survey to ensure that the existing vegetation meets the requirements.

Mr. Moore explained access to the subject property will be on the north side of 199<sup>th</sup> Street. The County Arterial Road Network Plan (CARNP) has 199<sup>th</sup> Street to eventually be a Type III roadway with four (4) lanes and 150 to 200 feet of right-of-way. Currently, 199<sup>th</sup> Street functions as a Type II roadway with 2 lanes, based on traffic counts. The Whimsy Edgerton, LLC development and the commercial development to the east are allowed an access point on 199<sup>th</sup> Street since both parcels have frontage on 199<sup>th</sup> Street that is at least 660 feet. The access point for the Whimsy site is 370 feet to the west from the intersection of Pepper Tree Lane and 199<sup>th</sup> Street. That separation meets the Kansas Department of Transport (KDOT) access management policy. The TIS states the intersection site distance, which is based on the American Association of State Highway and Transport Officials (AASHTO) *Policy on Geometric Design of Highways and Streets 7<sup>th</sup> Edition*, is sufficient for trucks and passenger cars with 199<sup>th</sup> Street being constructed to a 3-lane roadway with a center left-turn lane. City staff has recommended the 3-lane roadway be constructed from Homestead Lane to the west property line of the subject property. Mr. Moore said the TIS identified the proposed trips generation. It is estimated that the development would add 156 ADT to the road network, including 32 VPH in both the morning, 6:30 to 9:00, and afternoon, 4:00 to 6:00, peak hours. The TIS also estimated that only 10% of both inbound and outbound traffic during the peak hours travel inbound from the west.

Mr. Moore stated the subject property is in the Big Bull Creek watershed and a detention pond is proposed on the southeast corner of the development. The City Engineer has reviewed the stormwater study that has some minor comments that will need to be addressed prior to certification of the zoning administrator.

Mr. Moore said City staff noted some requirements from Section 10.1 of the UDC still need to be met. The applicant will need to submit a photometric plan that meets the requirements. City staff recommended additional queueing lanes be provided to reduce the chances of stacking on 199<sup>th</sup> Street. The applicant states the estimated number of trips from the TIS does not warrant additional lanes and the trucks will not be checked at the gate, but farther into the development.

City staff recommends approval of Final Site Plan application FS2023-07 with following stipulations:

1. Approval of the Final Site Plan application is contingent upon the City Council approval of the related CUP, CUP2023-01. If CU2023-01 is denied by the City Council, this plan will be null and void.

2. Prior to certification of the Final Site Plan by the Zoning Administrator, the following must be completed:
  - a. A photometric plan meeting or exceeding the requirements of the UDC must be submitted and approved.
  - b. The stormwater management plan submitted by the applicant must be approved by the City Engineer.
3. All required off-site easements must be dedicated by separate instrument prior to installation of utilities.
4. An erosion control plan must be submitted and a SWPPP must be provided. A NOI and Edgerton Floodplain Development Permits is required prior to construction.
5. 199<sup>th</sup> Street must be constructed as a 3-lane, concrete roadway, with the center lane allowing left turns in both directions. 199<sup>th</sup> Street must be improved in this nature from Homestead Lane to the west property line with appropriate transition into the existing road section.
6. All signage will be reviewed by City staff and must meet the requirements outlined in Article 12 of the UDC.
7. The staff recommendations and comments noted related to infrastructure, landscaping, the stormwater plan and all else discussed as included in the Staff Report are included as stipulations as part of approval of this Final Site Plan and must be completed prior to the certification by the Zoning Administrator.
8. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City.
9. Applicant/Owner Obligation. This site plan, a scale map of proposed buildings, structures, parking areas, easements, roads, and other city requirements, such as landscaping/berm plats and lighting plat, used in physical development, when approved by the Commission shall create an enforceable obligation to build and develop in accordance with all specification and notation 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.

Mr. David Hamby, City Engineer, approached the Commission. He wanted to highlight some other aspects of the TIS. He said the engineer who completed the TIS studied the recent traffic collisions and noted that they were not road related. Changes or updates to the roadway would not have prevented the collisions. He added the new access point location meets the ASHTO policy since it is far enough away from Pepper Tree Lane that either the access point or roadway will not be impacted by the other. Mr. Hamby said the road improvements will help increase the site distance as well. The TIS addressed any comments and provides more than what is needed for the development.

Chairperson Daley inquired if the 3-lane roadway is required. Mr. Moore replied the TIS does not warrant any upgrades to 199<sup>th</sup> Street at this time. The City follows CARNP for future upgrades to arterial roadways. Even though the TIS does not warrant the upgrades, the applicant has agreed to go above and beyond and upgrade the portion of 199<sup>th</sup> Street from Homestead Lane to their western property line.

Mr. Vlieger asked if the roadway would return to the current 2-lane street. Mr. Moore answered that it will.

Commissioner Draskovich stated the center lane will be for left turns and said that a truck can be up to sixty-five (65) feet in length before additional permits are needed. He asked if the access point and intersection are too close together. Mr. Moore replied that there is approximately 370 between the intersection and the access point. Chairperson Daley stated the City Engineer has reviewed the TIS and does not have any comments regarding it. Mr. Hamby stated the intersection and access point meet the national policy of distance between different turning points and there is enough room for trucks to safely make turns.

Commissioner Draskovich stated his main concern is trucks leaving the subject property and turning left with other vehicles coming over the hill. Mr. Hamby stated the trucks sit higher and are able to see farther, which is also outlined in the TIS. The addition of the center turn lane will also increase the line of sight. Commissioner Draskovich stated the cars are driving fast and a turning truck poses a safety concern since they are a lot slower. Mr. Hamby replied the driver of the truck will be able to see any traffic before making any turn.

Mr. Vlieger inquired if the development to the east of Pepper Tree Lane will be paying for the improvements. Mr. Hamby replied that will be discussed in a development agreement.

Commissioner Draskovich inquired if the facility would operate twenty-four (24) hours a day. Mr. Lary King, Whimsy, LLC, stated that is correct. Commissioner Draskovich inquired if the drivers would be getting a trailer from the intermodal and bringing the empty container to the facility for storage. Mr. King said there will also be empty chassis stored at the facility along with containers that will be stored until their delivery locations are open. Adam no trucks from intermodal into Whimsy, King stated that is correct. Commissioner Draskovich clarified that trucks would leave the Whimsy site and go to other locations and not the intermodal. Mr. King said that is correct. He also explained Whimsy has another location in Kansas City so this site will not have all the possible traffic counts the company sees.

Commissioner Little moved to approve Final Site Plat application FS2023-07 with the stipulations outlined by City staff. Commissioner Mueller seconded the motion. Final Site Plan application FS2023-07 was approved with the stipulations, 3-0.

### **13. FUTURE MEETING REMINDERS**

Chairperson Daley stated that the next regular sessions are scheduled for October 4, 2023 is a joint meeting with the City Council, October 10, 2023; November 14, 2023; and December 12, 2023.

### **14. ANNOUNCEMENTS**

There were no announcements made at this time.

### **15. ADJOURN**

Commissioner Draskovich moved to adjourn the meeting. Commissioner Mueller seconded the motion. The meeting was adjourned at 8:00 PM, 3-0.