

PLANNING COMMISSION
April 9, 2024 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 April 9, 2024. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	present
Tina Mathos	present
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
David Hamby, City Engineer
Lee Hendricks, City Attorney

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 March 12, 2024 Planning Commission Meeting.

Commissioner Mueller moved to approve the Consent Agenda. The motion was seconded by Commissioner Mathos. The Consent Agenda was approved, 5-0.

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.

BUSINESS REQUIRING ACTION

NEW BUSINESS

6. FSP2024-0001: FINAL SITE PLAN APPLICATION FOR CONGLOBAL LOCATED AT 31220 W. 187TH STREET – THIS ITEM MUST BE CONTINUED

Chairperson Daley stated this item needs to be continued. Mr. Zachary Moore, Development Services Director, stated City staff received a submittal from the applicant and had many comments regarding the proposal. The applicant did not provide an additional submittal and the original was not ready to be presented.

Commissioner Draskovich moved to continue application FSP2024-0001 to a date uncertain. The motion was seconded by Commissioner Little seconded. Application FSP2024-0001 was continued to a future Planning Commission meeting, 5-0.

7. FSP2024-0003: FINAL SITE PLAN APPLICATION FOR ON THE GO TRAVEL CENTER EV CHARGING STATIONS LOCATED AT 32501 W. 200TH STREET

Mr. Dan Finn, Phelps Engineering, addressed the Commission. He explained he is there to represent the property owner, My Store III, and the project. The property is at Homestead Lane and Interstate 35 (I-35) and the project will be in the northeast corner of the On the Go Travel Plaza property. The proposal is to install a total of 11 new electric vehicle (EV) charging stations. The proposed chargers are to be east of existing gas pumps with eight (8) charging stations replacing existing parking stalls and three (3) new charging stalls with new pavement. Mr. Finn stated that the provided Site Plan shows that there are enough automobile parking stalls provided without the EV charging stations. The charging stations are not removing parking stalls but rather an addition in parking stalls. Due to the electrical demand of the charging stations, a new transformer will be installed and will be screened by landscaping. Mr. Finn explained architectural elevations were provided as a canopy is proposed over the stations. A stone veneer will be added to the columns that match the columns on the fueling canopies. The architectural standards of the Unified Development Code (UDC) will be met, and they are agreeable to the few stipulations listed.

Mr. Moore spoke before the Commission. He explained the request is for a Final Site Plan approval for the On the Go travel plaza located at 32501 W 200th Street which is north of I-35 and east of Homestead Lane. There are two (2) different EV charging stations proposed, a station of eight (8) and another of three (3). Both are proposed to have solar panels on top of the canopies.

The subject property was annexed and zoned in 2015 and later developed with a convenience store (c-store), car and truck fueling stations, a truck scale, and a truck maintenance and wash facility. Mr. Moore explained the Final Site Plan has been revised a few times and was approved accordingly. He stated the EV chargers are allowed as accessory uses, and all of the zoning requirements have been met.

The columns are proposed to be clad in stone to match the columns on the fueling stations. A stucco facia and soffit are proposed on the canopy to match the primary structures on the subject property as well. Mr. Moore said the proposal will result in more parking spaces than

the number of parking stalls required by the UDC. The applicant has included a landscape plan to aid in screening the chargers and electrical equipment. The provided landscape plan either meets or exceeds the UDC requirements.

Mr. Moore stated City staff does recommend approval with the following agreed upon stipulations:

1. The following comments must be addressed prior to certification by the Zoning Administrator:
 - a. Elevations showing a bay of three (3) and eight (8) EV chargers must be provided.
 - b. Color elevations must be submitted showing the stucco on the canopies being compatible with the main building.
 - c. The discrepancy on the landscape plan of the number of golden bell forsythia must be corrected.
2. 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.

Chairperson Daley opened the public hearing.

Mr. Lonny Vlieger, 19910 Pepper Tree Lane, Edgerton, Kansas 66021, addressed the Commission. He inquired as to how long will a vehicle have to be at the charging stations. He also asked if the dead landscaping would have to be replaced.

There were no additional public comments made. Commissioner Little moved to close the public hearing. The motion was seconded by Commissioner Draskovich. The public hearing was closed, 4-0.

Commissioner Little moved to close the public hearing. The motion was seconded by Commissioner Draskovich. The public hearing was closed, 5-0.

Mr. Moore explained that the property owner will have to replace the dead landscaping.

Mr. Finn spoke before the Commission. He explained there are three (3) levels of chargers. A Level 1 charger can charge a vehicle in a few hours, Level 2 will be about two (2) to three (3) hours, and a Level 3 will only take about half an hour. It depends on the availability of the chargers, but they will be either Level 2 or 3. Commissioner Draskovich inquired as to the spacing required between the fueling and charging stations. Mr. Moore stated he does not know what the building code requires. Mr. Finn replied that he has done other projects like this but has not had any issues.

Commissioner Draskovich stated there are a lot of bobtailed trucks that park on the rear of the building. The drivers typically back in the trucks and park in the vehicle spots. He inquired

if a stipulation can be added to prevent bobtailed trucks from backing into vehicle parking spaces. Mr. Moore explained that the UDC does not differentiate between trucks or vehicle parking spaces.

Commissioner Mueller moved to approve Final Site Plan application FSP2024-0003 with the stipulations outlined by City staff. Commissioner Draskovich seconded the motion. Final Site Plan application FSP2024-0003 was approved with the stipulations, 5-0.

8. **FSP2024-0002: FINAL SITE PLAN APPLICATION FOR MAVERIK LOCATED AT THE NORTHWEST CORNER OF 200TH STREET AND HOMESTEAD LANE**

Mr. Nick Halfhill, Maverik, Inc., and Mr. Kason Schwalm, Olsson, approached the Commission. Mr. Halfhill explained that Maverik is a gas station chain based in Salt Lake City, Utah. Maverik purchased the chain Kum and Go based in Des Moines, Iowa. Maverik's slogan is 'Adventure's First Stop', and their stores all have an outdoor theme. Mr. Halfhill stated Maverik and Kum and Go have over 800 stores in 20 states and Kansas would make 21 states. This location, at the northwest corner of 200th Street and Homestead Lane, could be the first location in Kansas, depending on the timeline of other stores in western Kansas. He explained that Maverik employs over 12,000 employees who are eligible for health benefits with competitive pay rates. The proposed store will have 15-20 employees who will receive proper training as it is expected that the facility will be busy.

Mr. Halfhill explained the exterior of the building will be clad in brick and stone. The base of the store will be stone then brick above the stone. The columns on the fuel canopies will be clad in stone and the sides of the canopy will be red. Mr. Halfhill shared some photos of the interior of a Maverik store. He explained it is a typical c-store layout but has more room and is more spread out. Maverik prides itself on being a nice facility and is known for being clean and professional. He explained that the site was designed with safety in mind. Landscaping will be installed to help beautify the site as well as buffer neighboring properties. The proposed landscaping will meet the standards of the City's code. They want the site to be bright and inviting and want this to be the place people want to stop while traveling along I-35.

Mr. Halfhill stated the overall site is ten (10) acres and Maverik will make up eight (8) acres. The northwest corner of the subject property is still owned by the developer, and they will propose a truck maintenance facility at a later date. All the pavement and parking areas will be developed by Maverik. The c-store is proposed to be just under 6,000 square feet with seven (7) gasoline pumps to the south and five (5) dispensers to the north of the building. The dispensers closer to the building will have gasoline and diesel available. Both low-flow and high-flow diesel dispensers will be available.

Mr. Halfhill explained a total of 75 parking stalls will be provided. 36 of those stalls are passenger parking stalls with two (2) additional stalls meeting the Americans with Disabilities Act (ADA) requirements. Those stalls will measure nine (9) feet by 20 feet. 37 truck stalls are proposed along the perimeter of the site. Mr. Halfhill stated they are aware that this is not a lot of truck parking as Maverik is not typically a full-service truck stop, but the development agreement and location indicates that some will be needed. He explained the thought is that most trucks will fuel up and continue onto their destination. Maverik is aware that regulating truck parking will be a challenge.

Mr. Halfhill stated there will be three (3) access points coming off the new roads being installed. The development will use the detention basins that have already been installed by the developer. He explained there will be stormwater pipes in the ground near the access points to move water to the basins across the new Jubilee Street.

Mr. Halfhill said the proposed landscaping will meet the code requirements. There were discussions about moving the proposed landscaping back away from the truck parking areas to prevent trucks backing into the landscaping and damaging it.

Mr. Halfhill explained there are some updates that need to be made to the lighting. He said the requirements outlined in the UDC will be met. They are aiming to get 0.0 foot-candle readings at each lot line, which is typical in many jurisdictions. The lights will be mounted at 25 feet around the truck parking to get light above and around the trucks. He stated all of the fixtures will be LED to be more energy efficient.

Mr. Halfhill stated the biggest issue they have with the site is turning a hill into a flat site for the proposed development. The proposed grading plan shows a three (3) to one (1) slope along the south and east of the property.

Mr. Halfhill stated the building will have dark grey stone and a lighter grey brick on the façade. The roof peak will be metal and dark bronze canopies will be over each entrance. Two (2) entrances would be on the front of the building and one (1) to the rear of the building near the diesel pumps. Mr. Halfhill said that typically cement fiber board is used on the façades, but to meet code requirements, brick and stone are being used on this structure. A window was added to the east façade after discussions with City staff. That side of the building will house the coolers, so the view of the window will be obstructed, but it was added to meet code requirements. He explained the canopy columns are proposed to be wrapped in the same stone type and color as the building. They also propose a dumpster enclosure that will be clad in the same material as the building and a metal gate.

Mr. Moore addressed the Commission. He said the applicant is requesting approval of a Final Site Plan that proposes a c-store, fueling stations for both gasoline and diesel vehicles, and truck parking to the north of the proposed c-store. The Maverik site is eight (8) acres with just over two (2) acres being retained by the developer of Edgerton Crossing. The subject property was annexed into the City in 2011 and later rezoned to C-2, Heavy Service Commercial. In 2019, the Commission approved a Preliminary Plat for the subject property as part of a larger development, then known as Project Lone Star. This is the first Final Site Plan application for the Edgerton Crossing development.

Mr. Moore explained that the C-2 zoning district has established setbacks and the applicant is exceeding all of the setbacks with all of the structures proposed.

He stated the building materials does meets the elevated UDC requirements for c-stores, which requires all masonry and glass façades. The UDC requires the primary façade be at least 20% glass, and the applicant is proposing 24%.

The proposed landscaping does comply with the requirements outlined in the UDC as well. City staff and the applicant worked together to determine the best way to design the landscaping beds that would avoid damage from trucks backing into the landscaping.

Mr. Moore stated that a revised photometric plan that meets the UDC requirements must be submitted prior to the Zoning Administrator signing the Final Site Plan. City staff reviewed the provided photometric plan and provided comments to the applicant as it did not meet the requirements. The applicant is aware of the 0.2 foot-candles maximum reading at property lines that are adjacent to commercial properties must be met. He explained that the foot-candle readings under the canopies were not provided as well. There were areas on the provided photometric plan that City staff could not discern which lighting facility was being used, so the applicant must clarify that on the plan as well.

Mr. Moore stated there are three (3) proposed access points, all off Jubilee Street. The southern entrance is planned for passenger vehicles, the center access point will be used for trucks going to the diesel pumps, and the northern access point will be used to gain access to the future development of the facility maintenance and truck parking. The 6,000 square foot c-store would require 30 parking stalls per the UDC. The applicant is proposing 38 standard parking stalls, two (2) ADA compliant parking stalls, and 37 truck stalls.

Mr. Moore said the applicant has submitted a stormwater memo that was reviewed by the City Engineer. There are items that must be clarified or revised prior to certification of the Zoning Administrator. The stormwater study must meet or exceed the requirements of the regional stormwater study.

Mr. Moore stated City staff does recommend approval of Final Site Plan application FSP2024-0002 with the following stipulations:

1. The following comments must be completed prior to certification by the Zoning Administrator:
 - a. A photometric plan meeting all UDC requirements must be submitted.
 - b. The approved Notice of Intent must be provided.
 - c. The following comments by the City Engineer regarding the stormwater management report must be addressed:
 - i. The report appears to be incomplete. There is nothing in Appendix A and limited information in Appendix B. Figure 2 appears to be missing.
 - ii. It appears from the cover memo that the proposed conditions differ from the original stormwater management study for the site. Provide an updated stormwater management study reflecting the proposed conditions.
 - iii. Provide a letter sealed by a Kansas Professional Engineer stating that the site design is in compliance with the approved stormwater study for the site.
 - iv. Provide a diagram showing the areas tributary to each existing storm sewer pipe along with the design flows and how they compare to the original design condition shown on the street plans.
2. 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.

Chairperson Daley opened the public hearing.

Mr. Vlieger approached the Commission. He wanted to know the location of the fuel tanks. He also inquired if the Maverik store will have shower facilities for drivers or if it will be just a fuel station. He is also concerned that the grass would not be mowed along 199th Street and Homestead Lane. He asked the status of the improvements along 199th Street as well. He said his neighborhood is concerned about being separated from the development, especially with the incident that happened over the previous weekend. He requested that a barrier be installed between the neighboring residences and the development.

Mr. Jason Sowers, 19911 Pepper Tree Lane, Edgerton, Kansas, addressed the Commission. He requested that Mr. Moore show where the photometric plan did not meet the UDC requirements at the property lines.

Commissioner Mathos moved to close the public hearing. Commissioner Little seconded the motion. The public hearing was closed, 4-0.

Mr. Moore spoke before the Commission to address the questions raised during the public hearing. He showed the site plan that indicated that the fuel tanks are to be underground and on the southeast corner of the development. He stated that the provided floor plan did not show shower facilities. He explained that the property owner is required to maintain the landscaping including the grass and the right-of-way. Mr. Moore explained there are no improvements to 199th Street required at this time. He said the Edgerton Crossing site does have a stipulation in the 2011 ordinance rezoning requiring a landscape buffer be installed at the time of first development. The applicant of this application is meeting or exceeding all the requirements in the UDC.

Mr. Moore said the photometric plan exceeded the maximum foot-candle readings in the northeast corner, southwest corner and under the fuel canopies does not have adequate information. He added City staff does have the stipulation that the photometric must meet the requirements set in the UDC. Mr. Halfhill added that they will work on providing all of the information and meeting the requirements outlined in the UDC. Chairperson Daley inquired if the height of the luminaries meets the height requirement. Mr. Moore replied that they do.

Ms. Beth Linn, City Administrator, addressed the Commission. She stated the improvements to 199th Street will be the City's project and not required for the applicant of this Final Site Plan. The traffic counts will need to warrant the improvements and a revenue source is needed, which this application would provide. The City is aware that the improvements will be needed in the future.

Mr. Vlieger inquired how he should continue to campaign for a barrier between the development and the neighbors to the west. He understands that it is not up to Maverik to make offsite improvements. Chairperson Daley stated that perhaps the UDC be updated to

require something like that in the future. They cannot move the goalposts on the applicant. Commissioner Draskovich stated this proposal is different than one to the north that was heard by the Commission in 2023. He said he would like to speak with the developer of Edgerton Crossing as well because Maverik is kind of like a tenant in the overall development.

Ms. Linn explained the requirements for street access for Maverik are outlined in the development agreement, which has been negotiated and approved by the City Council. The developer of Edgerton Crossing has to put install most of the public infrastructure like the sanitary sewer, the water line, and roads. Once each lot starts to be developed, then the infrastructure for those lots are outlined and installed by whoever will be using the lot. She explained the barrier that is to be installed now is required by the rezoning ordinance and will be a landscaping barrier near the Sowers' property. She understands that is not what Mr. Vlieger is requesting. She stated that closer to the Maverik property on the north side of the development, there will be a new roadway and a detention basin between the Maverik site and the neighborhood. She recommended that Mr. Vlieger contact Woodstone Properties, the developer of Edgerton Crossing, to discuss the possibility of the installation of a solid barrier. She said the City will help make the connection by providing contact information. The UDC does not require a barrier, but she understands the request and warned that can become a maintenance issue. The UDC does require more landscaping than the zoning ordinance requires. The City does have assets that are protected by fencing but people find ways around them to do nefarious things. Ms. Linn said the incident over the past weekend is not indicative of the traffic in the area.

Chairperson Daley stated he wants to address all of the concerns if possible. Mr. Vlieger thanked the Commission and City staff for the discussion.

Commissioner Draskovich asked if the nearby detention basin will be able to hold any additional stormwater from this development. Mr. Halfhill explained the installed detention is for the entire development and not just Maverik's site. Their responsibility is to make sure that the stormwater is captured then piped to the detention basins. Chairperson Daley inquired if the City Engineer has approved the stormwater information that was provided. Mr. Moore replied that it was reviewed and there is a stipulation that it be approved prior to certification by the Zoning Administrator.

Commissioner Draskovich inquired as to what the spacing is between the truck parking spots and the future development. Mr. Halfhill stated that the entire area of the two (2) acres will be paved, so there will be enough area for trucks to turn and drive. Commissioner Draskovich said it seems a little tight for trucks to maneuver. Mr. Halfhill agreed and stated there are not many parking stalls and the fueling pumps are further to the south. The angled parking stalls also indicate that it is to be one way traffic through that area of the site. He said there will be a lot of things going on in just ten (10) acres. Commissioner Draskovich wanted to make sure that there was enough room for trucks to maneuver through the site. Mr. Halfhill explained a cross access easement will be dedicated and used by both property owners. Mr. Moore stated truck turning templates were provided in the provided site plan and were reviewed by City staff.

Commissioner Draskovich moved to approve Final Site Plan application FSP2024-0002 with the stipulations outlined by City staff. The motion was seconded by Commissioner Little. Final Site Plan application FSP2024-0002 was approved with the stipulations, 5-0.

9. FUTURE MEETING REMINDERS

Chairperson Daley stated that the next regular sessions are scheduled for May 14, 2024; June 11, 2024; and July 9, 2024.

10. ANNOUNCEMENTS

Mr. Moore stated that the Comprehensive Plan will be presented to the City Council on Thursday, April 11, 2024, for final adoption.

He also said that there is a survey on the City of Edgerton website for people to complete regarding the Edgerton Lake and Dam and the Trails Master Plan.

11. ADJOURN

Commissioner Mathos moved to adjourn the meeting. Commissioner Little seconded the motion. The meeting was adjourned at 7:53 PM, 5-0.