

PLANNING COMMISSION
July 14, 2026 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 July 14, 2026. The meeting was convened when Chair Tina Mathos called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	present
Tina Mathos	present
Adam Draskovich	present
Ray Soemer	present
Jordyn Mueller	absent

With a quorum present, the meeting commenced.

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

Elected officials in attendance: Mayor Donald Roberts

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

CONSENT AGENDA

4. Minutes from June 9, 2026, Planning Commission Meeting.

Commissioner Little moved to approve the Consent Agenda. The motion was seconded by Commissioner Draskovich. The motion carried with the following 4-0 vote:

Yes: Mathos, Little, Draskovich, Soemer

Regular Agenda

5. **Declaration.** Chairperson Mathos requested that the Commissioners declare any correspondence that they have received or any communication they have had regarding the matters on the agenda. She asked them to state if any correspondence or communication might influence their ability to impartially consider the items on the agenda.

Commissioner Draskovich said he works for a concrete company and inquired if that company ends up getting work from an applicant based on approval of an item presented before the Commission if he would need to recuse himself or not. Mr. Zachary Moore, Development Services Director, replied if there are no contracts in place at the time of the Commission considers the item and is therefore not officially doing business with the applicant, then he

does not see the need for Commissioner Draskovich to recuse himself, but Commissioner Draskovich could recuse himself if he so wishes.

Commissioner Draskovich stated he does not want to have a lawsuit filed because of that issue. Ms. Beth Linn, City Administrator, added that there would need to be a connection of direct financial benefit between the company Commissioner Draskovich works for and the applicant for the item prior to the item going before the Commission. It would be a decision that he, as a Commissioner, would need to make.

Commissioner Draskovich asked about City Councilmember Josh Lewis, who is employed by Burns and McDonnell, working on data centers and not making votes regarding data centers. Ms. Linn replied that she is not commenting on City Councilmembers and welcomed Commissioner Draskovich to contact the City Attorney. She stated recusal should be considered if there is a direct personal benefit based on contracts and financial gain. Commissioner Draskovich said that there should not be any foxes in the henhouse and that is not how the City should be doing business. Ms. Linn reiterated it is about direct financial benefit. She stated neither her nor Mr. Moore are attorneys, but they can provide the contact information for the City Attorney if needed. Commissioner Draskovich stated he wanted to ask because it seems like an odd situation.

Business Requiring Action

6. RZ2026-0001: REZONING FOR DELONG TRUCKING LOCATED AT 32612 W 191ST STREET

Chairperson Mathos requested the applicant to present their application.

Mr. Matt Eblen, McClure Engineering, addressed the Commission. He said working with City staff has been helpful to get through this process. He said the property is located at 32612 W. 191st Street and is currently zoned I-H (Heavy Industrial), which was done in 2012 or 2013. He explained the building on west portion of the site was opened in September of 2013. The zonings and uses of the surrounding properties are either agricultural, logistics park, or rural agricultural/residential. The logistics park is to the north and west of the property. Industrial uses to the east and south and rural residential/agricultural to the southeast.

Chairperson Mathos requested that City staff present the staff report and their review of the application.

Mr. Chris Clinton, Planning and Zoning Coordinator, spoke before the Commission. He stated that the applicant is requesting to rezone the subject property from the City of Edgerton I-H (Heavy Industrial) District and L-P (Logistics Park) District to the City of Edgerton L-P District to accommodate the potential use of a cargo container storage and maintenance facility on the east side of the property. The current zoning designation of I-H does not allow for that use, but the L-P District does allow that use as a conditional use. The applicant has also applied for a Conditional Use Permit (CUP), to be heard later during this meeting. The existing use of the grain silo on the west portion of the property would be a permitted use by right as the L-P District does allow agricultural uses. The property was annexed on March 25, 2010 and the western portion that houses the grain silo was rezoned to I-H on December 27, 2012.

The eastern portion of the site that is currently a parking lot was rezoned to the L-P District on March 28, 2013. The original DeLong facility on the western portion of the subject property was developed under Final Site Plan S-12-21-12 and was later revised with changes to the landscaping in 2020 by Final Site Plan FS2020-10. The parking area to the east is developed under Final Site Plan FS2020-04, which was later amended in 2021 by Final Site Plan FS2021-08 to include the gate that is currently onsite.

Mr. Clinton said that staff has reviewed the rezoning application with respect to the Edgerton Unified Development Code (UDC), the laws of Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. He explained that all of the criteria are outlined in the Staff Report, but he will highlight only a select few during his presentation.

The first of the criteria Mr. Clinton highlighted is the character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, residential density, natural features, and open spaces. He explained the property to the southeast is zoned Johnson County Rural (RUR) and is used for tree farming and is not platted. The property to the north and west is the Burlington Northern-Santa Fe (BNSF) Intermodal facility which is currently zoned City of Edgerton Agricultural (A-G) and is not platted. The adjacent property to the east is developed with two (2) warehouses on two (2) separate lots and is zoned City of Edgerton Logistics Park (L-P). He said the property to the south across W. 191st Street is developed with a cargo container storage and maintenance facility is also zoned L-P and is platted. There are no residential units near the subject property, and the immediate area is industrial in nature. Mr. Clinton informed the Commission of the compatibility proposed zoning and uses permitted therein with the zoning and uses of nearby properties is the next criterion and the proposed zoning of L-P is compatible with the surrounding properties to the east and south, as well as the BNSF Intermodal facility.

Mr. Clinton stated the next criterion is the length of time the subject property has remained vacant under the current zoning designation. The western portion of the subject property has been zoned Heavy Industrial (I-H) since late 2012 and the eastern portion of the property has been zoned L-P since 2013. He explained that the western portion of the property was developed in 2013 and the eastern portion of the property was developed in 2020. The next principle is the environmental impact that the uses allowed in the proposed zoning would create. He explained that the site is currently developed in accordance with the Unified Development Code (UDC) and the requirements listed to prevent any environmental harm have been met.

Mr. Clinton stated that the next criterion is the consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code. The subject property is designated Business/Logistics Park on the future land use map of the City's Comprehensive Plan, which the L-P District aligns with. The proposed zoning is also consistent with several goals of the Comprehensive Plan. Mr. Clinton stated that City staff does recommend approval of application RZ2026-0001 with no stipulations.

Chairperson Mathos explained the application requires a public hearing and opened the public hearing.

Ms. Carrie Schmidt, 30125 W 187th Street, Gardner, KS, addressed the Commission. She said she is there to put on the record and urge Mayor Roberts and the City Council to address a severe potential conflict of interest before any vote on the appeal of the denied Final Site Plan for the proposed DAMAC data center at 31800 W. 196th Street. She said City Councilmember Joshua Lewis is a Senior Government Audit and Contract Analysis for Burns and McDonnell.

Ms. Linn informed Ms. Schmidt that this isn't public comment like during City Council meetings as it is a public hearing related to this certain application. She said Chairperson Mathos has a statement from the City Attorney with information about what can be brought up during the public hearing.

Chairperson Mathos read the statement prepared by the City Attorney:

"The public is reminded that this is a meeting for the City business of zoning approvals which requires that the Commission focus on the issues presented to give a fair hearing to the applicant and those who may oppose the application. Please be fair and respectful to either of these parties by not addressing matters outside the application or the issues raised by it or matters currently before the Commission."

Ms. Schmidt countered that by stating that Commissioner Draskovich did speak about this and it is City business. Chairperson Mathos replied that it is not regarding the application before the Commission at this time. Commissioner Draskovich stated the comments do not fall in line with this application.

Mr. James Oltman, President of ElevateEdgerton!, 30750 W. 193rd Street, Edgerton, KS, spoke before the Commission. He stated he will be speaking about the business matter at hand. He is in support of the application. As the Staff Report mentions, when the Commission considers the neighboring uses as well as the current use and proposed use of the facility, the proposed rezoning does fit the nature of the area and the nature of Logistics Park Kansas City (LPKC) itself. The property was one (1) of the first tenants of LPKC and has been in operation for over a decade. He requested that the Commission take that into consideration and find that it fits with what is going on in LPKC.

Chairperson Mathos closed the public hearing.

Commissioner Draskovich said he believes it fits LPKC very well and moved to recommend approval of Rezoning Application RZ2026-0001. The motion was seconded by Commissioner Little. The motion carried with the following 4-0 vote:

Yes: Mathos, Little, Draskovich, Soemer
No: None

7. **CU2026-0001: CONDITIONAL USE PERMIT FOR DELONG TRUCKING LOCATED AT 32612 W 191ST STREET**

Chairperson Mathos requested the applicant present their application.

Mr. Eblen addressed the Commission. He explained that this request is the same property as RZ2026-0001 located at 32612 W 191st Street. The existing zoning of I-H was established in late 2012. The zoning and uses in the area are agricultural, logistics, and rural residential. The development in the immediate area is the same as well. The reason for the request is to add the ability to stack cargo containers and construct a machine shed on the property. He said the property owner will adhere to any stipulations and agrees to the stipulations outlined in the staff report.

Chairperson Mathos requested that City staff present the staff report and their review of the application.

Mr. Clinton addressed the Commission. He stated that the applicant is requesting a Conditional Use Permit (CUP) for a cargo container storage and maintenance facility at 32612 W. 191st Street. The current zoning, I-H, does not allow for the use of a cargo container storage and maintenance facility, however, the Commission just recommended approval to rezone the property to L-P. The L-P District does allow for that use with a CUP. He explained that the applicant is also proposing a machine shed on the southwest corner of the parking facility on the eastern portion of the site. Stacking of the containers is proposed to take place in the parking area and meet the required setbacks.

Mr. Clinton informed the Commission that Section 7.2.J.8 of the UDC outlines specific requirements that must be met and information that must be provided for the submittal to be complete and code compliant.

The first item is access to the parcel. He explained the subject property has an access point strictly for the parking area on the east and an access point from the northwest off Intermodal Parkway. There is an exit onto W. 191st Street that is right-out only. There is adequate access that prevents stacking on the roadway and no alterations to the access points are proposed.

Mr. Clinton said the applicant needed to provide information on the exterior lighting. A photometric plan was submitted that is compliant with the UDC. There is a gate system that lights up when a vehicle drives through but will turn off shortly thereafter.

The minimum lot size of 20 acres has been met as the property is 20.951± acres.

He stated the applicant has acknowledged the requirements for the noise of the operations to remain below 60 adjusted decibels dB(A) when adjacent to a residentially zoned parcel and 70 dB(A) when adjacent to a non-residentially zoned parcel.

The paving of the parcel is currently asphalt and will remain as such, which meets the requirements of the UDC.

Mr. Clinton said the next item is parking. The addition of the machine shed will result in a net loss of 13 parking spaces. No loading areas or parking areas are to be used for the storage or stacking of containers or chassis. The application does meet the requirements outlined in the UDC.

The applicant has acknowledged the requirements that the stacking of cargo containers or chassis is not to exceed five (5) in number. In conjunction with the stacking, the setbacks will be greater than or equal to the height of the stacked containers or chassis.

A landscape plan that was previously approved was provided with the application. The plan meets the standards outlined in the UDC.

No new signage is proposed currently. Mr. Clinton told the Commission that should signage be added to the site, proper applications will need to be submitted, and the signs will need to meet Article 12 of the UDC.

Mr. Clinton explained that a CUP has similar criteria to a rezoning application that must be reviewed. The first of the criteria is the extent to which there is a need in the community for the proposed use. He said the demand for business to store and maintain cargo containers and chassis, such as the facility proposed here, is a by-product of the activity in and around the intermodal facility and LPKC. The primary function of LPKC is to transport and redistribute containers and the products they contain. The ability for the existing business on the subject property to add cargo container stacking will support existing business operations.

Mr. Clinton said the second criterion is the character of the neighborhood. The subject parcel is currently zoned I-H, however, the Commission recently recommended approval to rezone it to L-P. There are L-P zoned properties abutting the subject property to the east and south. There is a property to the southeast that is zoned Johnson County RUR that is used for tree farming. The intermodal facility is to the north and west and is zoned Agricultural.

The third criterion is the nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. The proposed use is an ancillary use to the overall LPKC operations. The only proposed change to the site is the addition of the cargo container stacking and the machine shed to the current parking area.

Mr. Clinton stated the next item is the extent to which the proposed use may detrimentally affect nearby property. The applicant has indicated that they will meet all the required setbacks so if any containers were to fall, they would remain on the applicant's property. This is a requirement that all facilities, like the one to the south, must always adhere to.

The adequacy of ingress and egress. Mr. Clinton said there are no changes to the access points proposed. He explained that all utilities are onsite and there would be no new effect to the capacity or safety of the road network.

The next criterion Mr. Clinton highlighted was the environmental impact that the proposed use would create. He said the applicant has acknowledged the requirement and ensures that it will be met at all times. City staff has not received any noise complaints from any of the existing facilities in LPKC. A photometric plan has been submitted and meets the UDC requirements. The applicant is not proposing any changes to the stormwater management plan. The City Engineer has reviewed the Site Plan and did not have any comments regarding the stormwater.

The final criterion Mr. Clinton brought to the attention of the Commission is the consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code. The Future Land Use Map within the Comprehensive Plan designates the subject property Business/Logistics Park. The proposed cargo container storage facility is a support use for the surrounding LPKC and aligns with the Future Land Use Map designation. Mr. Clinton informed the Commission that City staff recommends approval of CUP Application CU2026-0001 with the following stipulations:

1. The noise level of the operations must not exceed 60 dB(A) in any adjacent residential district or 70 dB(A) in any adjacent commercial or industrial district or property.
2. Cargo container and chassis stacking may not exceed five (5) in number at all times.
3. The setback of all stacked cargo containers or chassis must always be equal to or greater than the height of the stacked cargo containers or chassis.
4. All facilities must 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 Mathos explained the application requires a public hearing and opened the public hearing. She reminded all in attendance that comments are to be made regarding this application only.

Ms. Schmidt addressed the Commission. She said she wants to address some City business. She said that the Board of Zoning Appeals (BZA) is supposed to be made up of the Planning Commissioners per the City's website. One of those people on that Board on City Council has a conflict of interest and that is Joshua Lewis and he needs to recuse himself. Since the City is not allowing public comment at a different meeting, she wanted to get that on public record tonight. She demanded it be addressed. Chairperson Mathos stated her comments are not regarding the application before the Commission at this time. Ms. Schmidt stated her comments are addressing City business. Ms. Linn stated the public hearing is about the zoning applications before the Commission. Ms. Schmidt stated the BZA is to be made up of the members of the Planning Commission per the City's website. Chairperson Mathos informed her that the comments need to address this application. Ms. Schmidt stated she wanted to read a statement and hopefully it would be reflected in the minutes. Chairperson Mathos thanked Ms. Schmidt for her comments. Ms. Schmidt inquired if she was under the threat of arrest if she refused to leave. Ms. Linn replied she is not. Ms. Linn said that, per state statute, public comment is more narrow during a public hearing to a certain application. Ms. Schmidt said the state statute does have stuff about Josh Lewis as well.

Mr. Clinton read the next name as Ms. Kimberly Twente. Ms. Twente declined to speak.

Mr. Oltman approached the Commission. He said he will be addressing the application that is before the Commission, which he is in support of. The property is being rezoned to L-P. There is the same type of use to the south and down the road to the east. Those facilities had to go through the same process and must meet the same criteria as this applicant. He urged the Commission to apply everything fairly and consistently as they have in the past and requested that the Commission approve the application.

Chairperson Mathos closed the public hearing.

Mr. Moore informed the Commission that City staff does have one additional stipulation to add. A CUP typically does have an expiration date listed as a stipulation. City staff proposes a ten (10) year expiration date from the date of City Council approval.

Commissioner Draskovich moved to recommend approval of CUP Application CU2026-0001 with the stipulations outlined by City staff, including the expiration date. The motion was seconded by Commissioner Soemer. Application CU2026-0001 was recommended for approval with the following vote:

Yes: Mathos, Little, Draskovich, Soemer

No: None

8. **FSP2026-0004: FINAL SITE PLAN FOR DELONG TRUCKING LOCATED AT 32612 W 191ST STREET**

Chairperson Mathos requested the applicant to present their application.

Mr. Eblen addressed the Commission. He said the facility was originally built in 2013 with an accessory parking lot added approximately five (5) to six (6) years ago. The only major change to the Site Plan will be the addition of the machine shed. It is proposed as a 2,400 square foot machine shed. The existing buildings on the west side of the property will not be altered. The current use or access to the site will not be changing. The circulation throughout the site will not be changing as shown in the truck turning templates submitted. He explained there are no changes proposed to the property line. There will be no changes to the drainage of the site and there is a detention basin on the east side of the property. No proposed changes to the landscape plan either. The proposed machine shed will have a rock veneer in the first eight (8) feet above grade then stucco above that to the roof eaves. He said there are no proposed changes to the photometrics of the site as well.

Chairperson Mathos requested that City staff present the staff report and their review of the application.

Mr. Clinton addressed the Commission. He stated that the applicant is requesting a Revised Final Site Plan approval for a proposed building on the southwest corner of the existing parking facility and the proposed introduction of cargo container stacking and storage to the property in accordance with CUP application CU2026-0001, which was recommended for approval earlier this meeting. The proposed building is 2,400 square feet in size and will be used as a machine shop. The shop will reduce the number of parking stalls by 13 for the entire property, but the site will still have the minimum required number of lot and will remain compliant with the UDC. He explained there are no changes to the grading, except immediately adjacent to the proposed machine shop, nor are any changes to the existing structures or property lines proposed as well.

Mr. Clinton informed the Commission that review of the submitted Revised Final Site Plan, the standards for the L-P District were used based on the recommendation of City staff to approve Rezoning application RZ2026-0001. Should that application not be approved, CUP application

CU2026-0001 would become null, and void and this application would be required to be re-reviewed under the existing I-H standards.

He said for the L-P District, a maximum of 50% of a property can be covered by structures and parking garage over one (1) story. The subject property is approximately 98.42% open at this time. The proposal would decrease the open space to 98.16%, which is compliant with the UDC.

Mr. Clinton explained the maximum building height in the L-P District is 110 feet. The existing building height is not proposed to change with the application. The current site has a 95-foot-tall grain storage structure with a grain conveyor and piping system that is 115 feet tall. The L-P District does have a height exemption for conveyors; thus the existing structures meets the requirements of the UDC. The new proposed machine shop is shown at 18 feet and eight (8) inches in height. The submittal meets the requirements of the UDC. He explained the maximum Floor Area Ratio (FAR) of any property in the L-P District is 3:1. The proposed development has a FAR of 0.02:1, well below the maximum outlined in the UDC.

Mr. Clinton informed the Commission that the front setback minimum is 50 feet. The proposed machine shop will be setback from the front property line by approximately 51 feet. The existing building is approximately 278 feet from the front property line and is not proposed to change. Each building on the site meets the front setback. The side yard setback for the L-P District is 25 feet when it is not adjacent to a residentially zoned property. The nearest structure to the western property line is 130 feet and the nearest structure to the eastern property line is 146 feet. The property is compliant with the side yard setbacks. The rear property line setback is a minimum of 25 feet when not adjacent to a residentially zoned property. The nearest structure to the northern property line is 140 feet, meeting this requirement. The L-P District does have a minimum building separation requirement of 20 feet. The proposed machine shop is approximately 250 feet from the existing building, exceeding the minimum UDC requirements.

Mr. Clinton stated that the existing structures on the subject property were part of a previously approved Final Site Plan S-12-21-12 and there are no proposed changes to those structures. The façades of those structures were approved as part as that Final Site Plan and will be preexisting, nonconforming structures and are allowed to remain as they are. The L-P District does require buildings to be clad in materials, including, but not limited to, stone, brick, glass block, tile, cast metal, cast or cultured stone, concrete tilt-up walls, glass, or a combination of those materials. Accessory structures must be clad with materials similar to those used on the main building. The proposed machine shop must comply with this requirement. The applicant is proposing a stone veneer in the first eight (8) feet above grade on the building, then stucco above the wainscot. The proposed building materials are compliant with the UDC requirements. The proposed colors match the color palette requirements of the UDC. Both those requirements will be reviewed during building permit application to ensure the requirements are met.

Mr. Clinton said the UDC requires one (1) off-street parking space for each 250 square feet of service floor area in office and research buildings. The existing vehicle count is 676 and the proposal shows a reduction to 663 parking stalls. The UDC requires 67 parking stalls for the facility. The proposal is compliant with the parking requirements. The UDC also requires

all maneuvering to take place on the site. The applicant has provided a truck maneuvering plan showing how all maneuvering can take place on site, meeting this requirement. One (1) loading space is required as the building exceeds 10,000 square feet. Five (5) loading space exists on the north side of the existing building. All of the access points are to remain and will not be changed. There is one shared access point with the warehouses to the east on that property line; a right-turn, exit only in the center of the site; and one (1) access point off Intermodal Parkway, a private street, to the west.

Mr. Clinton stated the landscape plan was previously approved and included with the submittal. No changes are proposed to that landscape plan and it meets the UDC requirements. There are no changes to the stormwater infrastructure with this proposal and the amount of impervious surface does not change. The City Engineer did not have any comments regarding the proposal and stormwater. A photometric plan that meets the UDC requirements was provided as well. There is a gate that will scan vehicles as they enter the east side of the property, but the lights will turn off approximately 30 seconds after the vehicle passes through the gate.

Mr. Clinton informed the Commission that City staff does recommend approval of Final Site Plan Application FSP2026-0004 with the following stipulations:

1. This Revised Final Site Plan is subject to the approval of the rezoning (RZ2026-0001) and CUP (CU2026-0001) by the Governing Body. Should the Governing Body deny either application, this Final Site Plan must be revised in accordance with the applicable regulations for the property. Revisions may be made to this Final Site Plan under this existing application.
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 Commission shall create an enforceable obligation to building and develop in accordance with all specifications and motions 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.
3. The stucco used on the new shop building must be genuine three-layer stucco and may not be located less than eight (8) feet from the adjacent grade.

Chairperson Mathos explained the application requires a public hearing and opened the public hearing. She reread the statement prepared by the City Attorney.

Mr. Oltman approached the Commission. He said he is there to speak in support of the application. The Commission just heard the staff report that other than the few stipulations, it does meet the requirements of the UDC. The zoning fits the area, and the CUP does have additional stipulations in place. This proposal fits well in the nature of the neighborhood and serves genuine business purpose in that facility. He urged the Commission to approve the application.

Chairperson Mathos closed the public hearing.

Commissioner Little moved to approve Final Site Plan Application FSP2026-0004 with the stipulations outlined by City staff. The motion was seconded by Commissioner Draskovich. The motion was approved with the following vote:

Yes: Mathos, Little, Draskovich, Soemer

No: None

9. Future Meeting Reminders

Chairperson Mathos stated that the next regular sessions are scheduled for August 11, 2026, at 7:00 PM; September 8, 2026 at 7:00 PM; and October 13, 2026 at 7:00 PM.

10. ANNOUNCEMENTS

Mr. Clinton informed the Commission that this will be his final Commission meeting with the City of Edgerton as he has accepted a position with the City of Overland Park, KS. Mr. Moore and the Commission wished him luck in his new role and thanked him for his service.

11. ADJOURN

Commissioner Little moved to adjourn the meeting. Commissioner Soemer seconded the motion. The meeting was adjourned at 7:49 PM, with the following vote:

Yes: Mathos, Little, Draskovich, Soemer

No: None

Submitted by Zachary Moore, Development Services Director