

PLANNING COMMISSION
June 11, 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 June 11, 2024. The meeting convened when Vice Chairperson Jeremy Little called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	present
Tina Mathos	present
Adam Draskovich	absent
John Daley	absent
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

2. WELCOME Vice Chairperson Little welcomed all in attendance to the meeting.

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

CONSENT AGENDA

4. Minutes from the April 9, 2024 Planning Commission Meeting.
5. Final Plat Application FP2024-0001 for Replat of Lots 9-12, Block 25, Town of Martin.
6. Final Plat Application FP2024-0002 for Replat of Logistics Park Kansas City – Southeast, Fourth Plat.
7. Temporary Construction Use Application TCU2024-0001 for Rock Crushing Operations for TSL Phase II.
8. Temporary Construction Use Application TCU2024-0002 for Temporary Construction Trailers for TSL Phase II.

Mr. Zachary Moore, Development Services Director, explained that all of the items on the consent agenda can be approved with one motion. If there is an item a Commissioner wishes to discuss, it can be removed, discussed, then approved with a new motion.

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

REGULAR AGENDA

9. DECLARATION

Vice Chairperson Little asked the Commissioners to declare any correspondence they have received or communication they have had regarding the matters on the agenda. If they have received correspondence or have had any communication, he asked if it may influence their ability to impartially consider the agenda items.

The Commissioners did not have anything to declare.

BUSINESS REQUIRING ACTION

NEW BUSINESS

10. FSP2024-0001: FINAL SITE PLAN APPLICATION FOR CONGLOBAL LOCATED AT 31220 W. 187TH STREET

Mr. Kevin White, NorthPoint Development, addressed the Commission. He stated the property was annexed in 2010 then rezoned to L-P in 2012. In December of 2021, the Commission approved the Final Site Plan and Plat. A Conditional Use Permit (CUP) was granted in 2022 for the cargo container storage facility. Mr. White said construction wrapped up in late 2023 when the Temporary Certificate of Occupancy (TCO) was issued. That is when they were made aware that the pre-tripping facility is not code compliant as it was not a permanent structure. He said the new structure meets the UDC. The previous structure was two (2) cargo containers high and three (3) cargo containers long. The structure is used to inspect all sides of shipping containers that use refrigeration and cleaning them. Mr. White explained there are no changes to access, traffic circulation, or other major parts of the Final Site Plan. The pre-tripping facility is near the current building.

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

Mr. Moore stated the request is for a Revised Final Site Plan for Conglobal located on the northwest corner of Waverly and 187th Street. The property was annexed in 2010 then later rezoned to the L-P District in 2012. The CUP for a cargo container storage facility was acquired in 2022. The Final Site Plan that was approved by the Planning Commission in 2021 included the 10,600 square foot building and the pre-tripping area was shown. There were no details of a structure provided for the pre-tripping area. When the inspections for a Certificate of Occupancy (CO) were completed, City staff discovered a structure in the pre-tripping area. The structure was made of modified containers that were stacked. Mr. Moore explained that the Unified Development Code (UDC) requires structures to be permanent with poured footings. The applicant will be removing the modified containers and installing the proposed permanent structure to meet the UDC requirements.

He said City staff reviewed the plans against the requirements outlined in the UDC. Mr. Moore stated the new structure will be consistent with the current building in terms of building

material. A stone wainscot will be provided in the first ten (10) feet above grade and a stucco like product of Hardie board siding will be above the wainscot. The 50 feet setbacks from all property lines have been exceeded with the nearest property line being 56 feet away. The proposed height of the structure is 19.5 feet tall, which is well under the maximum height of 110 feet. The floor area ratio (FAR) is less than 1:1, which meets the requirement of 3:1. The building coverage for this property could be up to 663,879 square feet, but the applicant is proposing only 11,589 square feet of coverage. The UDC requires a minimum of 20 feet of separation. The existing building and proposed structure are separated by 61.5 feet, which meets the requirements. Mr. Moore explained that the applicant is meeting or exceeding the UDC requirements. City staff recommends approval with the following stipulation:

1. 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.

Commissioner Mathos moved to approve Revised Final Site Plan application FSP2024-0001 with the stipulation. Commissioner Mueller seconded the motion. Revised Final Site Plan was approved with the stipulation, 3-0.

11. FSP2024-0004: FINAL SITE PLAN APPLICATION FOR KUBOTA LOCATED AT 31700 W. 207TH STREET

Ms. Rita Jones, Fleet Administrator for Kubota, spoke before the Commission. She explained the history of the site by stating the property was annexed into the City on March 15, 2018, then later rezoned to the L-P District on April 26, 2018, and received plat approval on the same date. On November 13, 2018, a Final Site Plan was approved by the Planning Commission. A Revised Final Site Plan was approved by the Planning Commission on July 14, 2020 approving an aboveground diesel fuel tank near the northern building. She said a new 960 square foot building is proposed near the northwest corner of the northern building. The tanks will hold hydraulic oil and diesel fuel and piped underground into the warehouse. The oil and fuel will be added to the tractors after assembly is completed in the warehouse. The pipes will go straight to the assembly line. She explained this system will be similar to one used in Georgia.

Ms. Jones said the new building would have a three (3) foot by seven (7) foot man door and two (2) eight (8) foot by ten (10) roll up doors for easier refilling of the tanks. The building will be designed to have air movement in the building so fumes do not accumulate. She explained there would not be any increase in traffic levels as they will only have fuel deliveries approximately once a month. She said the site drainage will go to existing drainage swales and ponds. There is no additional landscaping, utilities, or lighting proposed with this building. The colors will match the existing warehouses.

Vice Chairperson Little opened the public hearing.

Ms. Anita Poe, 32717 W. 207th Street, Edgerton, KS, approached the Commission. She said she has concerns regarding the safety procedures regarding the fuel. Ms. Jones stated there are city, county, and state safety procedures that need to be followed for storage of the fuel. She stated Kubota also has internal safety procedures that are set by corporate in Japan. Those procedures are followed by all Kubota facilities worldwide. Ms. Jones said currently, the aboveground tanks are outside, and employees have to leave the building and carry fuel containers into the building. The new building and piping system will remove that problem.

Ms. Poe inquired as to how Kubota will handle any possible fires and if they have plans in place in case there is an explosion. Ms. Jones stated they will rely on local fire departments to aid in any fire emergencies as they have the proper equipment. She said a fire can happen at any of the warehouses.

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

Mr. Moore stated the request made by the applicant is for approval of a Revised Final Site Plan that proposes a new 960 square foot building to house two (2) 2,500-gallon tanks. The building is shown near the northwest corner of the northern building and is the only modification to the previously approved Final Site Plan. He explained that the UDC was updated in 2021 and requires all fuel tanks to be buried underground or enclosed in a building. The aboveground fuel tank was approved in the Revised Final Site Plan in 2020 prior to the UDC being updated. The applicant has indicated that the aboveground tank will be removed from the site to be in compliance with the UDC.

Mr. Moore said the proposed building does meet the building materials requirement of the UDC and the colors will match the existing warehouses. The nearest property line is approximately 510 feet away, which is well in excess of the required 50 feet. He said the height limit is 110 feet and the proposed building is just over 19 feet above grade and meets the requirement. The FAR is well below the required ratio. The building coverage can be 50% of property, which would be over 4.1 million square feet. With the proposed 960 square foot structure, there would be just over 2 million square feet of building coverage, which meets the UDC requirements. The buildings will be separated by 145 feet, meeting the minimum separation of 20 feet. and meets requirements. Mr. Moore explained that City staff recommends approval of Revised Final Site Plan Application FSP2024-0004 with the following stipulations:

1. The following comment must be addressed prior to certification by the Zoning Administrator:
 - a. The Code Summary on Sheet A1.01 must be updated to reflect the 2018 code suite having been adopted and used to design the project.
2. 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.

Commissioner Mathos said she was curious about the current above-ground fuel tank and asked if it would stay or be removed. Ms. Jones replied that it will be removed.

Commissioner Mueller moved to approve Revised Final Site Plan Application FSP2024-0004 with the stipulations outlined by City staff. Commissioner Mathos seconded the motion. Revised Final Site Plan FSP2024-0004 was approved with the stipulations, 3-0.

12. FUTURE MEETING REMINDERS

Vice Chairperson Little stated that the next regular session is scheduled for July 9, 2024.

13. ANNOUNCEMENTS

Mr. Moore stated that Frontier Days will be taking place this weekend at Martin Creek Park.

14. ADJOURN

Commissioner Mathos moved to adjourn the meeting. Commissioner Mueller seconded the motion. The meeting was adjourned at 7:26 PM, 3-0.