

MINUTES February 16, 2022

Members Present: John Altevogt, Tim Sweeten, Erin Harves, Ian Abbott, Mickey Schwartzkopf, Camila Adcox

Staff Present: Zack Daniel, Assistant City Manager
Bradley Hocevar, City Planner
Katie Ross, Administrative Specialist for Planning Services

PLANNING COMMISSION

The regular meeting was called to order by Chairman Altevogt at 6:01 p.m.

Minutes from November 17, 2021 and January 19, 2022

Chairman Altevogt made the motion to approve the November 17, 2021 and January 19, 2022 minutes. Commissioner Schwartzkopf seconded the motion. The motion passed 5-0.

New Business

a. Planning Commission Zoning Resolution

City Planner Bradley Hocevar introduced the item, 3.A 2022-01. December 14th, 2020 the governing body passed an ordinance 1036 approving a request of the rezoning of the property at 9120 / 9134 Woodend Road C2 to I1. This would allow the construction and use of a truck wash and parking facility to compliment the existing convenient store. As stated under section 6 of the ordinance, the official rezoning of the property is contingent upon filing two revisionary standards within one year. In light of the applicant failing to fulfil the revisionary standards, staff recommends to pass and approve resolution 22201 affirming ordinance 1036 null and void and that the rezoning of the property are reverted back to the prior zoning.

Commissioner Abbot made a motion to accept the resolution. Commissioner Harves seconded the motion. The motion passed 5-0.

b. SUP PUBLIC HEARING – 10411 Riverview Avenue (2022-01-SUP) – Leslee Huttie Smith and Pete Smith (Owners) / Jessica Keck – Evergy Metro, Inc. (Applicant)

City Planner Bradley Hocevar reviewed special use permits and the 13 golden rules. If any special use permit gets approved, the plans would need to be submitted to city staff for review. Any additional improvements would require another public hearing. He then reviewed the property, current use, and when notices went out to the public regarding this item. The intent is to increase the load capacity and reliability to Edwardsville and the surrounding area. The applicant is currently purchasing energy from a competitor to

supply its customers use. Additional development near the Legends and south of I-70 is projected to grow at a rate that the competition can no longer supply the needs of to the applicant and its customers. Approximately 2.25 acres of the 45 acres would be used for the substation. City Planner Bradley Hocevar reviewed the location of the substation and that the connection route is yet to be determined. He went over the amount and location of the homes nearby. He also discussed the site plan relating to fencing, lighting, noise, and heights of poles.

Commissioner Abbott made a motion to open the public hearing. Commissioner Harves seconded the motion. The motion passed 5-0.

Commissioner Harves asked why they chose the location to be so far back and what their plans were for the rest of the property. Will they be chopping it up by five-acre sections? Evergy responded that it was the best place based on the topography and that they had no plans at this point to chop up the property. Sometimes they lease it back to the owners to use in its current condition. In this case, agricultural, such as hay.

Chairman Altevogt asked if the basic increase is due to Urban Outfitters and Bonner Springs? The applicant responded that BPU is out of capacity. They need Evergy off their system and to provide their own energy. They expect it to grow near the Legends, Bonner Springs, and the Hard Rock area in Edwardsville.

Commissioner Schwartzkopf asked about transmission line placement and if they had tried other locations. The applicant responded that the other locations they explored didn't work out for various reasons.

Commissioner Abbott asked about the noise the substation would make. Chris Carey with (PPB) responded that based on their studies it would be between 39-45 decibels at the fence line. Similar to office or road noise.

Commissioner Harves asked about the lighting and landscaping. The applicant responded that the lighting would be pointed into the substation. There was no landscaping planned as it is an unmanned substation and that there are already trees on the property.

William Shafner 10549 Richland commented that if it was for Bonner Springs, it should go in Bonner Springs.

John Peters 10510 Richland commented about the lack of trees. He doesn't want to see the substation or the lights from it.

Roseanne Wartenburg 134 S 102nd Street said she hikes in the woods near there every day. It serves Kansas City and Bonner Springs and it should go there.

Commissioner Sweeten arrived at 6:37pm

Ron Hines 10716 Riverview said it should go where it is needed, in Bonner Springs or Kansas City.

The applicant responded that it is not only for growth in Bonner Springs and Kansas City. BPU wants Evergy to disconnect by the end of 2023 so they need to provide another source of energy plus support any growth. They have a responsibility to provide energy to their customers.

Rhonda Smiley 10526 Richland brought her comments to the board and further discussion occurred. She planned to submit her comments in writing to City staff.

Ron Hines 10716 Riverview commented that the substation should be in Bonner Springs or Kansas City.

Chuck Stites 9840 Riverview asked if BPU mentioned why they wanted Evergy to disconnect. The applicant responded that there was not enough capacity.

Commissioner Sweeten made a motion to close the public hearing. Commissioner Harves seconded the motion which passed 6-0.

City Planner Bradley Hocevar discussed the 13 golden rules and that staff recommends approval with conditions. A discussion ensued.

After further discussion, Chairman Altevogt made the motion to deny the special use permit based on the following:

1. The proposed use/SUP is not consistent with the district classification and intent of the zoning district (14.06.046(h)(9)(A)).
2. The proposed use/SUP will have a detrimental effect on nearby properties (14.06.046(h)(9)(G)).
3. The proposed use/SUP is not in conformance with the City's comprehensive plan (14.06.046(h)(9)(L)).

The motion also included a statement to the City Council that the Planning Commission believes the special use shall adversely affect surrounding property by reducing or depreciating property values of such surrounding properties, which is a bases of denial for consideration by the City Council

The motion was seconded by Commissioner Harves. The motion was approved 4-2.

City Clerk Zack Daniel mentioned that the recommendation will go to City Council March 28th 2022. It will not be a public hearing.

Adjournment

Commissioner Altevogt made the motion to adjourn the meeting. Commissioner Schwartzkopf seconded the motion which passed 6-0.

Minutes submitted by Katie Ross, Administrative Specialist.