

EDGERTON CITY COUNCIL
AMENDED MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
April 25, 2019
7:00 P.M.

Call to Order

1. **Roll Call** ____ Roberts ____ Longanecker ____ Brown ____ Conus ____ Lewis ____ Smith
2. **Welcome**
3. **Pledge of Allegiance**

Consent Agenda *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

4. Approve Minutes for April 11, 2019 Regular City Council Meeting
5. Approve Application FP2019-02, Final Plat Inland Port 51 – Logistics Park Kansas City South, Second Plat, Generally Located at the Northeast Corner of 207th Street and Waverly Road
6. Approve Application F2019-01, Final Plat TSL Edgerton Phase I & II, Generally Located Along the South Side of 191st Street and the West Side of Waverly Road
7. **Approve Ordinance No. 2008 An Ordinance Amending Chapter XV, Article 1 Of The Municipal Code Of The City Of Edgerton, Kansas To Include Section 15-134 Regarding Hydrant Water Meters And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith**

Regular Agenda

8. **Public Comments.** Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court or other outside tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers are limited to three (3) minutes. Any presentation is for informational purposes only. No action will be taken.
9. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.
10. Proclamation by the Mayor Declaring April 2019 as National Fair Housing Month in the City of Edgerton, Kansas

Business Requiring Action

11. **CONSIDER THE 2018 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY VARNEY & ASSOCIATES**

Motion: _____ Second: _____ Vote: _____

12. **PUBLIC HEARING FOR RESOLUTION NO. 04-25-19A DETERMINING THE INTENT OF THE CITY TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN ONE OR MORE SERIES, THE AGGREGATE PRINCIPAL AMOUNT OF ALL SERIES NOT TO EXCEED \$1,000,000,000, TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND**

EQUIPPING COMMERCIAL FACILITIES WITHIN THE LOGISTICS PARK-KC, PHASE TWO

13. **CONSIDER RESOLUTION NO. 04-25-19A DETERMINING THE INTENT OF THE CITY TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN ONE OR MORE SERIES, THE AGGREGATE PRINCIPAL AMOUNT OF ALL SERIES NOT TO EXCEED \$1,000,000,000, TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING COMMERCIAL FACILITIES WITHIN THE LOGISTICS PARK-KC, PHASE TWO**

Motion: _____ Second: _____ Vote: _____

14. **PUBLIC HEARING FOR RESOLUTION NO. 04-25-19B CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FOR THE LOGISTICS PARK-KC, PHASE TWO, FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC LI, LLC, OR ITS SUCCESSORS IN INTEREST**

15. **CONSIDER RESOLUTION NO. 04-25-19B CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FOR THE LOGISTICS PARK-KC, PHASE TWO, FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC LI, LLC, OR ITS SUCCESSORS IN INTEREST**

Motion: _____ Second: _____ Vote: _____

16. **CONSIDER ORDINANCE NO. 2009 WHICH ADOPTS THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW A CARGO CONTAINER STORAGE YARD AND TRUCK PARKING/MAINTENANCE FACILITY ON PARCELS CONTAINING AN L-P ZONING DESIGNATION – AT 19140 WAVERLY ROAD (SOUTH SIDE OF 191ST STREET, WEST OF WAVERLY ROAD)**

Motion: _____ Second: _____ Vote: _____

17. **Report By The City Administrator**
- Presentation of First Quarter Financial Reports

18. **Report By the Mayor**

19. **Future Meeting/Event Reminders:**

- May 9th: City Council – 7PM
- May 9th: City Council Work Session – after Council
- May 11th: City Wide Garage Sale
- May 14th: Planning Commission – 7PM
- May 15th: Senior Lunch & Bingo - Noon
- May 18th: City Wide Clean Up
- May 23rd: City Council – 7PM
- June 1st: Summer Kick Off Block Party – 6:30PM

20. **Adjourn** Motion: _____ Second: _____ Vote: _____

City of Edgerton, Kansas
Minutes of City Council Regular Session
April 11, 2019

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on April 11, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	absent
Katee Smith	present, arrived at 7:30PM
Jody Brown	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator Scott Peterson
- City Clerk Rachel James
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Superintendent Trey Whitaker
- Utility Superintendent Mike Mabrey

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for March 28, 2019 Regular City Council Meeting

Motion by Longanecker, Second by Brown to approve the consent agenda. Motion passed 3-0.

REGULAR AGENDA

5. Public Comments.

Kirk Massier, 710 Braun, Edgerton KS 66021 commented on a waterline/utility issue he has been having with the City. Mayor Roberts stated that there were solutions they could discuss but also pointed to sections in the City Code which address the issues Mr. Massier has with the utility usage.

6. Declaration. None.

7. Presentation by Project Grad to request Donation for Gardner Edgerton High School

Councilwoman Smith arrived at 7:30PM.

8. Proclamation by the Mayor Declaring April 2019 as National Autism Awareness Month in the City of Edgerton, Kansas

BUSINESS REQUIRING ACTION

9. **CONSIDER ORDINANCE NO. 2007 AMENDING CHAPTER XIV, ARTICLE 2, SECTION 14-203, SUBSECTION (D) OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO UPDATE THE STREETS WITHIN THE CITY OF EDGERTON WHICH ARE DESIGNATED AS TRUCK ROUTES AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Beth Linn, City Administrator, introduced Ordinance No. 2007 which would update the designated truck routes within the City of Edgerton, Kansas. The complete list of designated streets are listed within the draft Ordinance.

Mayor Roberts commented on truck traffic accessing the Mini Mart and the activity along this route. There was discussion surrounding McCarty and E 3rd Street and trucks are already accessing the Mini Mart so this route should be included in the list of designated truck routes.

Motion by Longanecker, Second by Smith to empower the Mayor to sign Ordinance No. 2007 pending the necessary updates made by the City Attorney.

Motion passed, 4-0.

10. **CONSIDER ORDINANCE NO. 2008 RELATED TO ALLOWING WATER PURCHASE USING A HYDRANT METER**

Beth Linn, City Administrator, introduced Ordinance No. 2008 and stated the Ordinance is still in draft form. However, the item was still brought forward to discuss contents before the language was finalized and added to the consent agenda for the April 25th City Council meeting.

There was general discussion about the need for an Ordinance allowing for the purchase of water using a hydrant meter for businesses and contractors working on projects in Edgerton. The packet includes draft conceptual language and the following Council item is a resolution that addresses the fees associated with the hydrant meter. Mayor Roberts stated he was in favor of making the process an administrative process rather than a contractual process.

Motion by Brown, Second by Longanecker to Table Ordinance No. 2008.

Motion passed, 4-0.

11. **CONSIDER RESOLUTION NO. 04-11-19A ESTABLISHING FEES AND RATES FOR PERMITS, LICENSES AND SERVICES WITHIN THE CITY OF EDGERTON, KANSAS**

Beth Linn, City Administrator, introduced the updated Fee Resolution with the addition of the \$1500 deposit for a hydrant meter. There was general discussion on the process of connecting the hydrant meter to the hydrant. Mayor Roberts asked if there is a damage fee included. Mr. Hendricks responded that in the event there is damage, the language states "actual cost plus" which would include damage/repair costs.

Motion by Longanecker, Second by Smith to approve Resolution No. 04-11-19A.

Motion passed 4-0.

12. Report by the City Administrator

Ms. Linn stated that there was a good turnout for the first Green Space event. The Mayor and Ms. Linn will take The Green Space presentation "on the road" to businesses, senior lunches, boy scouts, churches, and various groups. Ms. Linn stated that UDC updates will be presented to the Council in the coming months.

Ms. Linn also wanted to let Edgerton citizens know that if they know of any senior citizens who need help prepping for City Wide Cleanup to please call City Hall at (913) 893-6231 and let staff know who needs assistance.

13. Report by the Mayor

Mayor Roberts reported that the Green Space Open House was successful with 35 people in attendance. 35 citizens is a good turnout for an Open House and he appreciates the participation.

14. Future Meeting/Event Reminders:

- April 13th: Easter Egg Hunt ft. the Easter Bunny – 9AM – 12:30PM
- April 17th: Senior Lunch – Noon
- April 25th: City Council – 7PM
- May 11th: City Wide Garage Sale
- May 14th: Planning Commission – 7PM
- May 18th: City Wide Clean Up
- May 23rd: City Council – 7PM
- June 1st: Summer Kick Off Block Party – 6:30PM

15. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (b)(1) FOR THE PURPOSE OF SECURITY MEASURES TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR, ASSISTANT CITY ADMINISTRATOR

Motion by Smith, Second by Longanecker to recess into executive session pursuant to K.S.A. 75-4319 (b)(1) for the purpose of discussing security measures to include City Attorney, City Administrator, and Assistant City Administrator for five (5) minutes.

Motion was approved, 4-0.

Session recessed at 8:06 pm. Meeting reconvened at 8: 11 pm.

Motion by Smith, Second by Longanecker to returned to open session.

Motion was approved, 4-0.

Motion by Smith, Second by Longanecker to recess into executive session pursuant to K.S.A. 75-4319 (b)(1) for the purpose of discussing security measures to include City Attorney, City Administrator, and Assistant City Administrator for an additional three (3) minutes.

Motion was approved, 4-0.

Session recessed at 8:12 pm. Meeting reconvened at 8:15 pm.

Motion by Smith, Second by Longanecker to returned to open session.

Motion was approved, 4-0.

16. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (b)(1) PERSONNEL MATTERS OF NONELECTED PERSONNEL TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR

Motion by Brown, Second by Longanecker to recess into executive session pursuant to K.S.A. 75-4319 (b)(1) for the purpose of discussing personnel evaluations of nonelected personnel to include City Attorney for twenty (20) minutes.

Motion was approved 4-0.

Session recessed at 8:17 pm. Meeting reconvened at 8:37 pm.

Motion by Brown, Second by Longanecker to returned to open session.

Motion was approved 4-0.

Motion by Brown, Second by Longanecker to recess into executive session pursuant to K.S.A. 75-4319 (b)(1) for the purpose of discussing personnel evaluations of nonelected personnel to include City Attorney for twenty (20) minutes.

Meeting recessed at 8:39 pm. Meeting reconvened at 8:59 pm. City Administrator joined executive session at 8:57 for two (2) minutes.

Motion by Brown, Second by Longanecker to return to regular session.

Motion was approved 4-0.

Motion by Brown, Second by Longanecker to recess into executive session pursuant to K.S.A. 75-4319 (b)(1) for the purpose of discussing personnel evaluations of nonelected personnel to include City Attorney and City Administrator for five (5) minutes.

Motion was approved, 4-0.

Session recessed at 9:00 pm. Meeting reconvened at 9:05 pm.
Motion by Brown, Second by Smith to return to regular session.

Mayor Roberts overviewed the City Administrator's evaluation and stated he would "entertain a motion to approve a raise based on performance for the City Administrator for the evaluation period ending July, 2018 in an amount of \$12,150 effective on the next full pay period & a raise of \$12,150 for the evaluation period ending July, 2019 effective the next full pay period. Recognizing the last raise was July, 2017."

Motion by Smith, Second by Longanecker to approve a raise based on performance for the City Administrator for the evaluation period ending July, 2018 in an amount of \$12,150 effective on the next full pay period & a raise of \$12,150 for the evaluation period ending July, 2019 effective the next full pay period. Recognizing the last raise was July, 2017.

Motion was approved, 4-0.

17. Adjourn

Motion by Brown, Second by Smith to adjourn.

Motion was approved 4-0. The meeting adjourned at 9:17 pm.

City Council Action Item

Council Meeting Date: April 25, 2019

Department: Community Development

Agenda Item: Consider Application FP2019-02, Final Plat Inland Port 51 – Logistics Park Kansas City South, Second Plat, Generally Located at the Northeast Corner of 207th Street and Waverly Road

Background/Description of Item: On February 22, 2019 the City of Edgerton received Application FP2019-02 for the Final Plat of *Inland Port 51 – Logistics Park Kansas City South, Second Plat*, generally located at the northeast corner of 207th Street and Waverly Road.

The final plat includes approximately 67.62 acres showing one (1) lot with no tracts.

A Preliminary Plat was submitted to and approved by the City of Edgerton Planning Commission on April 9, 2019. Final Plat Application FP2019-02 was approved at the same meeting.

This parcel was annexed into the City of Edgerton on March 15, 2018. The Planning Commission held a public hearing with regards to the rezoning of this parcel from City of Edgerton A-G (Agricultural) District to L-P Logistics Park District on March 12, 2019. The Governing Body approved the rezoning on March 28, 2019.

Staff, including City Engineer, have reviewed the Final Plat submittal for compliance with the approved Preliminary Plat and requirements in Section 13.3 of Article 13 of the Edgerton UDC. The application was reviewed by the Edgerton Planning Commission on April 9, 2019. Staff review comments detailed in the attached Staff Report stipulated that additional easements may be necessary pending discussions with utilities.

The Planning Commission recommends approval of Application FP2019-02 for Final Plat of Inland Port 51 – Logistics Park Kansas City South, Second Plat, subject to compliance with all items listed in the Staff Report, dated April 9, 2019 along with the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat by the Governing Body.
2. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements.

3. A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
4. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax.
5. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code.
6. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.

Related Ordinance(s) or Statue(s): K.S.A. 12-715b, K.S.A. 12-741, et. Seq. to K.S.A. 12-771 – Establishment of the Unified Development Code

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Application FP2019-02, Final Plat Inland Port 51 – Logistics Park Kansas City South, Second Plat, Generally Located at the Northeast Corner of 207th Street and Waverly Road.

Enclosed:

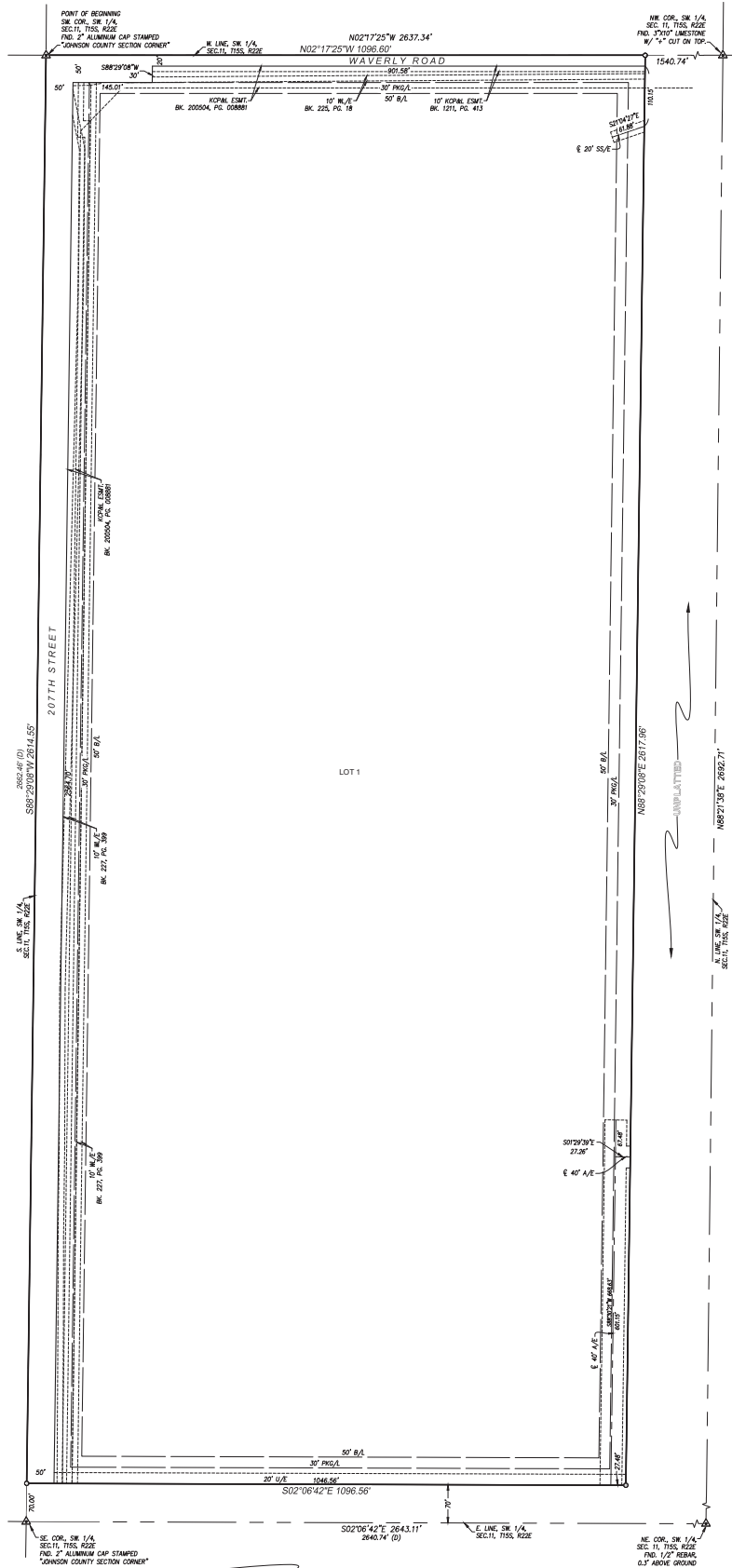
- Final Plat – Logistics Park Kansas City South, Second Plat
- Staff Report from April 9, 2019 Planning Commission including Application FP2019-02
- Draft minutes of April 9, 2019 Planning Commission Meeting – Final Plat portion only

Prepared by: Katy Crow, Development Services Director

FINAL PLAT

LOGISTICS PARK KANSAS CITY SOUTH, SECOND PLAT

A SUBDIVISION OF LAND IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 15 SOUTH,
RANGE 22 EAST, IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS



DESCRIPTION

All that part of the Southwest Quarter of Section 11, Township 15 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas being more particularly described as follows:

Beginning at the Southwest corner of said Southwest Quarter; thence North 02°17'25\"W along the West line of said Southwest Quarter, a distance of 1,096.60 feet; thence departing said West line, North 88°29'08\"E, parallel with the South line of said Southwest Quarter, a distance of 2,617.96 feet to a point 70.00 feet west of the East line of said Southwest Quarter; thence South 02°06'42\"E, parallel with said East line, a distance of 1,096.56 feet to a point on the south line of said Southwest Quarter; thence South 88°29'08\"E, along said south line, a distance of 2,614.55 feet to the Point of Beginning. Containing 2,868,722 square feet, or 65.857 acres, more or less.

DEDICATION

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "LOGISTICS PARK KANSAS CITY SOUTH, SECOND PLAT".

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the City of Edgerton, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City of Edgerton, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.

An easement to lay construct, alter, repair, replace or operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "SSE" on this plat are hereby dedicated to the City of Edgerton, Kansas. Utility easements shall be kept clear of obstructions that impair strength or interfere with the use and/or maintenance of public utilities located within the easement.

An easement for the right of ingress and egress, over and through those areas designated as "Access Easement" or "AE" on this plat are hereby granted to the owners, guests and invitees of Lot 1 and future Lot 2.

CONSENT TO LEVY

The undersigned proprietor of the above described tract of land hereby consents and agrees that the Board of County Commissioners and the City of Edgerton, Johnson County, Kansas, shall have the power to release said land proposed to be dedicated for public use from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall become and remain a lien on this land fronting and abutting on such dedicated public way or thoroughfare.

EXECUTION

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this ____ day of _____, 2019

Hilldale Farms, LLC
By NPD Management, LLC

Chad Meyer, Manager

STATE OF _____
COUNTY OF _____

BE IT REMEMBERED, that on this ____ day of _____, 2019, before me a Notary Public in and for said County and State, came Chad Meyer, Manager of NPD Management, LLC who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said limited liability company, and he duly acknowledged the execution of the same to be the act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

My Appointment Expires: _____
Notary Public

APPROVALS

REVIEWED by the Planning Commission of the City of Edgerton, Johnson County, Kansas, on this ____ day of _____, 2019.

John E. Daley, Chairperson
Jeremy Little, Secretary

REVIEWED by the Zoning Administrator, on this ____ day of _____, 2019.

Katy Crow, Zoning Administrator

APPROVED by the Governing Body of the City of Edgerton, Johnson County, Kansas, on this ____ day of _____, 2019.

Donald Roberts, Mayor
Attest: Rachel James, City Clerk

This is to certify on the ____ day of _____, 2019, this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.



DRAFT COPY

NOTES:

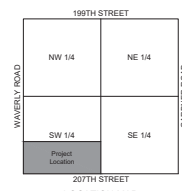
Basis of Bearings: S88°29'08\"W along the South line of Section 11, T15S, R22E, as determined by GPS observations and referenced to the Kansas State Plane Coordinate System, North Zone (NAD 83).

CLOSURE CALCULATIONS:

Precision, 1 part in: 1070622.54
Error distance: 0.012
Error direction: S23°09'13\"W
Perimeter: 13374.30'

All bearings and distances shown on this plat are measured unless otherwise noted.

Flood Plain Note: According to the F.E.M.A. Flood Insurance Rate Map Numbers 2009IC0134G and 2009IC0135G, revised August 3, 2009, this tract graphically lies in OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain.



LEGEND:

- ▲ FOUND SECTION CORNER AS NOTED
- FOUND MONUMENT AS NOTED
- SET 1/2\"X 24\" REBAR WITH R/C
- MOULDED 1/8\"X 1/8\"X 1/8\" ALUMINUM CAP
- (D) DESCRIBED
- B/L BUILDING SETBACK LINE
- P/L PARKING SETBACK LINE
- A/E ACCESS EASEMENT
- SSE SANITARY SEWER EASEMENT
- U/E UTILITY EASEMENT
- W/L WATERLINE EASEMENT

LOT NO.	LOT AREA	LOT INFORMATION			
		FRONT SETBACK	SIDE SETBACK	REAR SETBACK	BUILDING ENVELOPE
1	2,712,709 S.F. 62.275 Acres	50'	25'	50'	2,362,769 S.F. 54.242 Acres
ROW	232,773 S.F. 5.344 Acres	N/A	N/A	N/A	N/A
TOTALS	2,945,481 S.F. 67.619 Acres				

LOGISTICS PARK KANSAS CITY SOUTH, SECOND PLAT

Prepared For:
NPD Management, LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150
(816) 888-7380

Date of Preparation: February 15, 2019
Revised: March 13, 2019



132 Abble Avenue
Kansas City, Kansas 66103
913.317.9500
www.ri-consult.com

STAFF REPORT

April 9, 2019

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: **FP2019-02** Final Plat for *Inland Port 51 - Logistics Park Kansas City South, Second Plat*
located at the northeast corner of 207th Street and Waverly Road.

APPLICATION INFORMATION

Applicant: Brett Powell, Agent
NPD Management, LLC
4825 NW 41st Street
Riverside, MO 64150

Property Owners: Hillsdale Farms, LLC
4187 Louisiana Ter
Ottawa, KS 66067

Requested Action: Final Plat approval for *Logistics Park Kansas City South, Second Plat*

Legal Description: SW Quarter of Section 11, Township 15 South, Range 22 East; see attached application for complete legal description.

Site Address/Location: Northeast corner of 207th Street and Waverly Road

Existing Zoning and Land Uses: Existing zoning – L-P (Logistics Park) District; parcel is currently undeveloped.

Existing Improvements: None.

Site Size: Approximately 67.62 Acres

PROJECT DESCRIPTION

Application FP2019-02, Final Plat for Logistics Park Kansas City South, Second Plat, requests approval for the final plat of one (1) lot. The new lot would have frontage along the north side of 207th Street right-of-way and the east side of Waverly Road right-of-way. This Final Plat request is being made to move forward a project which is part of the expansion of Phase II of Logistics Park Kansas City. This Final Plat would also result in the split of the existing parcel. This Final Plat request is in compliance with Preliminary Plat Application PP2019-02. The remaining remnant parcel would be platted in the future with any accompanying development.

INFRASTRUCTURE AND SERVICES

- a. Per the proposed Site Plan, access to the property will be from one (1) private drive off Waverly Road and two (2) private drives off 207th Street.
- b. Utilities and service providers.
 1. Johnson County Rural Water District #7.
 2. Sanitary Sewer - City of Edgerton.
 3. Electrical Service - Kansas City Power & Light.
 4. Gas Service – Kansas Gas Service.
 5. Police protection is provided by the City of Edgerton through the Johnson County Sheriff's Office.
 6. Fire protection is provided by Johnson County Fire District #1.
- c. Parcel is located within the Bull Creek watershed.

FINAL PLAT REVIEW

Staff has reviewed the Final Plat submittal for compliance with the Approved Final Plat requirements in Section 13.3 of Article 13 of the Edgerton UDC. Review comments are listed below.

1. The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, and monuments found or set. All P.I.'s corners, boundaries must be monumented with a 1/2" x 24" metal bar. *Monuments along the north property line have not been set. Confirm monuments have been set prior to Final Plat recorded.*
2. All easements with widths, and roads with curve data. *Additional utility easements may be required. Update Final Plat after discussions with utility companies and before recording of Final Plat should conversations determine the requirement of any additional easements.*

RECOMMENDATION

City staff recommends **approval** of Application **FP2019-02** Final Plat for *Inland Port 51*, subject to compliance with the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat by the Governing Body.
2. A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
3. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax.
4. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code.
5. A Stormwater Management Plan is submitted and approved by the City Engineer.
6. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.

7. The approved Final Plat expires one year after acceptance by the Governing Body. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plats.

ATTACHMENTS

- Application FP2019-02
- Final Plat, *Logistics Park Kansas City, South, Second Plat*

NAME OF PROPOSED SUBDIVISION: LPKC South, 2nd Plat

LOCATION OR ADDRESS OF SUBJECT PROPERTY: Waverly Road & 207th

LEGAL DESCRIPTION: See Attached.

CURRENT ZONING ON SUBJECT PROPERTY: L-P CURRENT LAND USE: Vacant

TOTAL AREA: 67.62 Acres NUMBER OF LOTS: One AVG. LOT SIZE: _____ Sq. Ft.

DEVELOPER'S NAME(S): NPD Management PHONE: 816-888-7380

COMPANY: _____ FAX: _____

MAILING ADDRESS: 4825 NW 41st St. Riverside, mo 64150
Street | State | Zip

PROPERTY OWNER'S NAME(S): Hillsdale Farms, LLC


COMPANY: Same As Above FAX: _____

MAILING ADDRESS: _____
Street | City | State | Zip

ENGINEER'S NAME(S): Patrick Cassity PHONE: _____
Renaissance

COMPANY: Infrastructure Consulting FAX: _____

MAILING ADDRESS: 5015 NW Canal St. Suite 100 Riverside Mo 64150
Street | City | State | Zip

SIGNATURE OF OWNER OR AGENT: 

If not signed by owner, authorization of agent must accompany this application.

NOTE: Ten (10) copies of the proposed preliminary plat must accompany this application for staff review. One (1) reduced copy (8 1/2 x 11) must also be submitted with the application.

FOR OFFICE USE ONLY

Case No.: ~~FP~~ 2019-02 Amount of Fee Paid: \$ 310 Date Fee Paid: 2-25-19 Receipt # _____

Received By: AC Date of Hearing: 4-9-19

FINAL PLAT INSTRUCTIONS

SUBMITTAL DEADLINE: The applicant shall submit an application at least forty-five (45) days prior to a scheduled meeting. If the final plat complies with the preliminary plat, Planning Commission and Governing Body may consider approval without notice or public hearing.

IP 51 DESCRIPTION

All that part of the Southwest Quarter of Section 11, Township 15 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas being more particularly described as follows:

Beginning at the Southwest corner of said Southwest Quarter; thence North $02^{\circ}17'25''$ West, along the West line of said Southwest Quarter, a distance of 1,096.60 feet; thence departing said West line, North $88^{\circ}29'08''$ East, parallel with the South line of said Southwest Quarter, a distance of 2,687.97 feet to a point on the East line of said Southwest Quarter; thence South $02^{\circ}06'42''$ East, along said East line, a distance of 1,096.56 feet to the Southeast corner of said Southwest Quarter; thence South $88^{\circ}29'08''$ West, along the South line of said Southwest Quarter, a distance of 2,684.55 feet to the Point of Beginning, containing 2,945,481 square feet, or 67.619 acres, more or less.

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
April 9, 2019

(DRAFT EXCERPT)

FINAL PLAT – FP2019-02 (FINAL PLAT FOR INLAND PORT 51)

Chairman Daley stated this application is for Building One of Preliminary Plat PP2019-02 which was just approved. Ms. Crow stated that the Preliminary Plat showed 4 (four) lots and this application is for one of those lots. A Preliminary Plat shows the overall picture of what is proposed for the area and the Final Plat outlines what will actually occur as development moves forward.

Ms. Crow introduced Application FP2019-02 as the Final Plat for Logistics Park Kansas City South, Second Plat. The Final Plat application depicts one lot. This new lot would have frontage along the north side of 207th Street right-of-way and the east side of Waverly Road right-of-way. This Final Plat request is being made to move forward a project which is part of the expansion of Phase II of LPKC. This Final Plat would also result in the split of the existing parcel. The current parcel is shaped like the letter 'L' and this new lot would be rectangular in shape.

Ms. Crow stated the utility providers will be the same for PP2019-02. The applicant will need to confirm monuments have been set once the plat has been recorded. It is possible that the utility companies will require more easements than what is shown on the plat, so the applicant will need to update the plat if needed.

Ms. Crow informed the Commission that staff recommends approval of application FP2019-02 with some stipulations. Those stipulations are the commencement of any improvement shall not occur prior to the approval and endorsement of the Final Plat and the submittal of construction plans for all streets, sidewalks, stormwater sewers, sanitary sewer, and water mains contained within the Final Plat by the governing Body, a public improvement inspection fee, established by the Fee Schedule for the UDC, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements, the applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC, including payment of excise tax, the applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC, a stormwater management plan needs to be submitted and approved by the City Engineer, all Final Plat requirements of the City listed shall be met or addressed prior to recording the Final Plat, and the approved Final Plat expires one year after acceptance by the Governing Body. Planning Commission re-approval and Government Body re-acceptance is required to expire initial plats.

Ms. Crow told the Planning Commission this Final Plat will go to the Governing Body on the 25th of April for final acceptance

Chairman Daley asked for comments and questions from the commissioners and applicant. There were no comments or questions.

Mr. Crooks motioned to recommend approval to the Governing Body of Application FP2019-02, Final Plat for Logistics Park Kansas City South, Second Plat with the stipulations listed, Mr. Beem seconded. Motion carried, 4-0.

City Council Action Item

Council Meeting Date: April 25, 2019

Department: Community Development

Agenda Item: Consider Application FP2019-01, Final Plat TSL Edgerton Phase I & II, Generally Located Along the South Side of 191st Street and the West Side of Waverly Road

Background/Description of Item: On January 21, 2019 the City of Edgerton received Application FP-2019-01 for the Final Plat of TSL Edgerton Phase I & II, generally located along the south side of 191st Street and the west side of Waverly Road.

The final plat includes approximately 50.64 acres, broken down as follows:

- Lot 1 – 44.34 acres
- Tract A – 1.27 acres
- Tract B – 1.45 acres
- R/W – 3.58 acres
- Total – 50.64 acres

The applicant submitted a Preliminary Plat in 2013 and a Final Plat in 2014 for TSL Edgerton Phase I. Both subsequently received Planning Commission approval and the Final Plat received Governing Body approval on February 13, 2014. However, the Final Plat was never recorded with Johnson County. Pursuant to Article 13 of the Edgerton Unified Development Code, this Final Plat became null and void because it was not recorded within one year of receiving Governing Body approval.

The applicant has planned a Phase II expansion of their cargo container storage yard operation and received approval for Final Site Plan Application FS 2019-02. With the development of the Phase II expansion, the applicant resubmitted both a Preliminary and Final Plat for approval.

The parcels incorporated into this plat were annexed into the City of Edgerton on September 12, 2013. Rezoning of this property occurred in two phases. The rezoning of parcels containing Phase I operations from Johnson County RUR to City of Edgerton L-P (Logistics Park) was recommended for approval by the Edgerton Planning Commission on October 22, 2013 and approved by the Governing Body on November 14, 2013. The rezoning of parcels comprising the Phase II expansion of operations was recommended for rezoning from Johnson County RUR to City of Edgerton L-P by the Planning Commission on October 9, 2018. It received Governing Body approval on October 25, 2018.

Staff, including City Engineer, reviewed the Final Plat submitted for compliance with the approved Preliminary Plat and requirements in Section 13.3 of Article 13 of the Edgerton UDC. The application was heard by the Edgerton Planning Commission on March 12, 2019.

At that meeting, the Planning Commission recommended approval of Application FP2019-01 for Final Plat of TSL Edgerton Phases I & II subject to compliance with all items listed in the Staff Report, along with the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat by the Governing Body.
2. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements.
3. A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
4. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax.
5. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code.
6. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.

Staff review comments detailed in the attached Staff Report required some corrections to the originally submitted Final Plat. The applicant has submitted a Final Plat with all requested corrections. Staff and the City Engineer have reviewed this revised submission and the required corrections have been made.

Related Ordinance(s) or Statute(s): K.S.A. 12-715b, K.S.A. 12-741, et. Seq. to K.S.A. 12-771 – Establishment of the Unified Development Code

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

<p>Recommendation: Approve Application FP2019-01, Final Plat TSL Edgerton Phase I & II, Generally Located in the Northeast Corner of the Intersection of 199th Street and Four Corners Road.</p>
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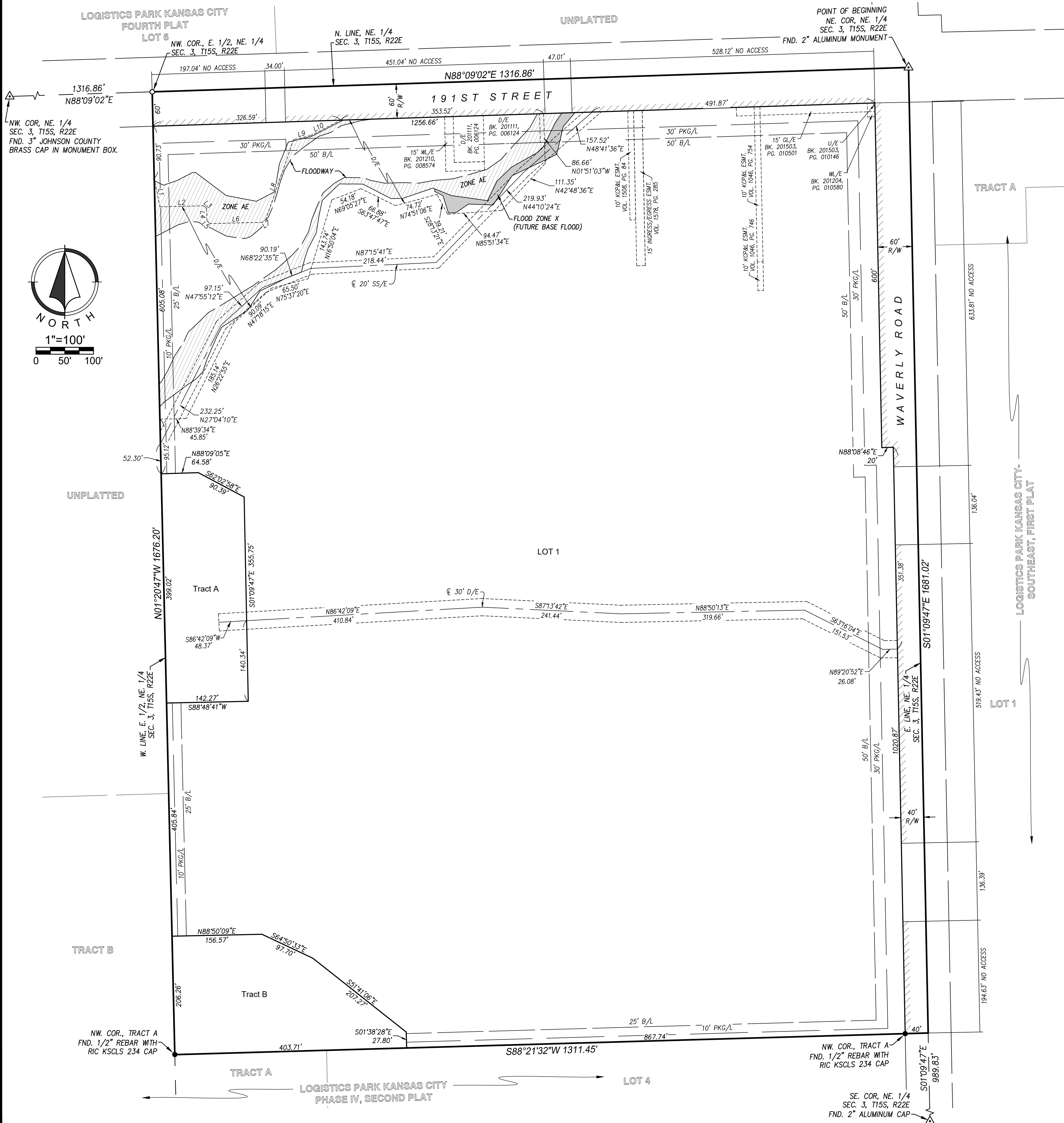
Enclosed:

- Revised Final Plat received March 22, 2019
- Staff Report from March 12, 2019 Planning Commission including initial Final Plat and Application FP2019-01
- Minutes of March 12, 2019 Planning Commission Meeting – Final Plat portion only

Prepared by: Katy Crow, Development Services Director

FINAL PLAT TSL EDGERTON

PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 15 SOUTH,
RANGE 22 EAST, IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS



Line Table		
Line #	Direction	Length
L1	S11°20'04"E	50.53'
L2	N88°39'13"E	76.16'
L3	S46°20'47"E	7.07'
L4	S01°20'47"E	21.17'
L5	S46°20'47"E	7.07'
L6	N88°39'13"E	90.61'
L7	N53°55'24"E	8.22'
L8	N19°11'34"E	147.31'
L9	N76°18'15"E	31.55'
L10	N62°42'15"E	57.45'

LOT INFORMATION					
LOT NO.	LOT AREA	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	BUILDING ENVELOPE
1	1,931,415 S.F. 44.339 Acres	50'	25'	25'	1,744,577 S.F. 40.050 Acres
Tract A	55,368 S.F. 1.271 Acres	NA	NA	NA	NA
Tract B	63,242 S.F. 1.452 Acres	NA	NA	NA	NA
R/W	155,844 S.F. 3.578 Acres	NA	NA	NA	NA
Total	2,205,869 S.F. 50.640 Acres	NA	NA	NA	NA

NOTES:

Basis of Bearings: Kansas State Plane, NAD 83 HARN, North Zone.

CLOSURE CALCULATIONS:

Precision, 1 part in: 1175922.112'
Error distance: 0.005'
Error direction: N27°53'55"W
Perimeter: 5985.53'

All bearings and distances shown on this plat are platted and measured unless otherwise noted.

All structures must comply with City of Edgerton Floodplain Regulations.

FLOOD PLAIN NOTE:

According to "FIRM" Map Numbers 20091C0134G and 20091C0119G, both revised August 3, 2009, this tract graphically lies in:

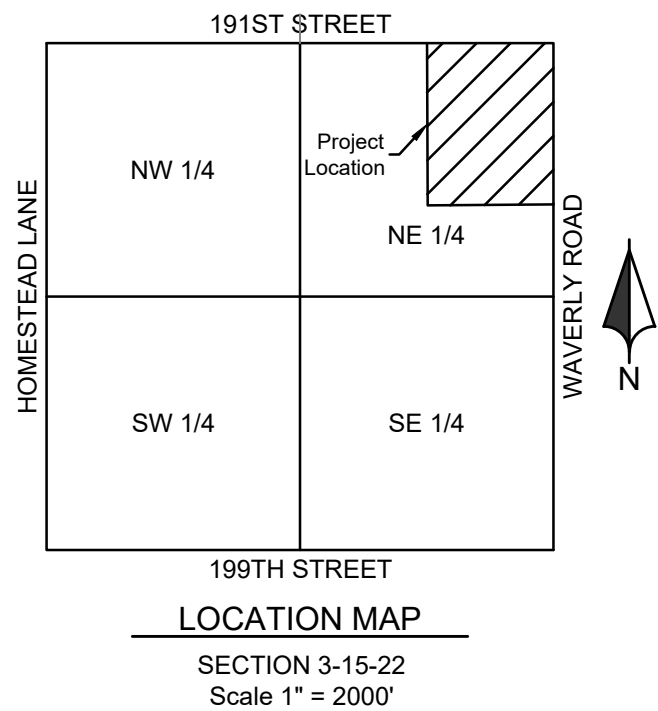
OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance flood.

OTHER FLOOD AREAS, ZONE X (Future Base Flood), defined as areas of 1% annual chance flood based on future conditions hydrology. No Base Flood Elevations determined.

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, ZONE AE, defined as Base Flood Elevations determined.

LEGEND:

- ▲ FOUND SECTION CORNER AS NOTED
- FOUND MONUMENT AS NOTED
- SET 1/2" X 24" REBAR WITH RIC MOCLS2011003572 KSCLS234 CAP
- B/L BUILDING SETBACK LINE
- PKG/L PARKING SETBACK LINE
- D/E DRAINAGE EASEMENT
- G/E GAS LINE EASEMENT
- U/E UTILITY EASEMENT
- W/E WATERLINE EASEMENT
- NO ACCESS



DESCRIPTION

Part of the Northeast Quarter of Section 3, Township 15 South, Range 22 East in the City of Edgerton, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northeast corner of said Northeast Quarter; thence South 01°09'47" East, along the East line of said Northeast Quarter, a distance of 1,681.02 feet; thence departing said East line, South 88°21'32" West, along the North line and its easterly prolongation of LOGISTICS PARK KANSAS CITY PHASE IV, SECOND PLAT, a platted subdivision in said City, a distance of 1,311.45 feet to the Northwest corner of Tract A of said LOGISTICS PARK KANSAS CITY PHASE IV, SECOND PLAT, said point being on the West line of the East Half of said Northeast Quarter; thence North 01°20'47" West, along said West line, a distance of 1,678.20 feet to a point on the North line of said Northeast Quarter; thence North 88°09'02" East, along said North line, a distance of 1,316.86 feet to the Point of Beginning, containing 2,205,869 square feet or 50.640 acres, more or less.

DEDICATION

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "TSL EDGERTON".

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the City of Edgerton, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City of Edgerton, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over and through those areas outlined and designated on this plat as "Drainage Easement" or "D/E" is hereby granted to the City of Edgerton, Kansas. Drainage easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities.

An easement or license to lay, construct, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "SS/E" on this plat is hereby dedicated to the City of Edgerton, Kansas. Sanitary Sewer easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.

RESTRICTIONS

Tracts "A" & "B" are intended to be used for stormwater detention and open space and shall be owned and maintained by Transpec Leasing Incorporation.

Limits of Access: Access to Lot 1, from 191st Street, shall be limited to two entrances, as the entrance locations currently exists. Access to Lot 1, from Waverly Road, shall be limited to two entrances, as shown.

CONSENT TO LEVY

The undersigned proprietor of the above described tract of land hereby consents and agrees that the Board of County Commissioners and the City of Edgerton, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall become and remain a lien on this land fronting and abutting on such dedicated public way or thoroughfare.

EXECUTION

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this ____ day of ____, 20__.

Hastings Family Holdings LLC

Thomas M. Hastings, Manager

STATE OF _____)
COUNTY OF _____) SS

BE IT REMEMBERED, that on this ____ day of ____, 20__, before me a Notary Public in and for said County and State, came Thomas M. Hastings, Manager of Hastings Family Holdings LLC, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said company, and he duly acknowledged the execution of the same to be the act and deed of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

My Appointment Expires: _____

Notary Public

APPROVALS

REVIEWED by the Planning Commission of the City of Edgerton, Johnson County, Kansas, on this ____ day of ____, 20__.

John E. Daley, Chairperson Jeremy Little, Secretary

REVIEWED by the Zoning Administrator, on this ____ day of ____, 20__.

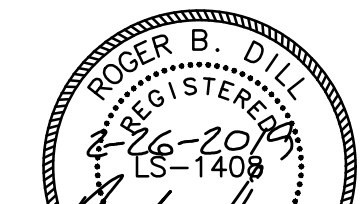
Katy Crow, Acting Zoning Administrator

APPROVED by the Governing Body of the City of Edgerton, Johnson County, Kansas, on this ____ day of ____, 20__.

Donald Roberts, Mayor Rachel James, City Clerk

SURVEYORS CERTIFICATION

This is to certify on the 21th day of December, 2018 this field survey was completed on the ground by me or under my direct supervision and that said survey meets or exceeds the "Kansas Minimum Standards" for boundary surveys.



Roger B. Dill, Kansas LS-1408

TSL EDGERTON

Prepared For:
TSL Company Holdings
10001 S. 152nd St.
Omaha, NE 68138
(402) 895-6692
(402) 895-7033 (Fax)

Date of Preparation: October 24, 2018
Revised: February 25, 2019



132 Abbie Avenue
Kansas City, Kansas 66103
913.317.9500
www.ri-consult.com

STAFF REPORT

March 12, 2019

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: **FP-2019-01** Final Plat for *TSL Edgerton Phase I & II*, located along the south side of 191st Street and the west side of Waverly Road.

APPLICATION INFORMATION

Applicant: Transpec Leasing Incorporated
Thomas M. Hastings
10001 S. 152nd St.
Omaha, Nebraska 68138

Property Owners: Hastings Family Holdings, LLC
25830 W Dodge Rd
Waterloo, NE 68069

Requested Action: Final Plat approval for *TSL Edgerton*

Legal Description: NE Quarter of Section 3, Township 15 South, Range 22 East; see attached application for complete legal description.

Site Address/Location: Southwest corner of the intersection of 191st Street and Waverly Road (south of 191st Street, west of Waverly Road)

Existing Zoning and Land Uses: Logistics Park District (L-P) zoning designation for both Phase I and Phase II parcels; Phase II parcels are currently undeveloped.

Existing Improvements: Northern parcel adjacent to 191st Street contains Phase I improvements (cargo container storage lot)

Site Size: Lot 1 – 44.34 acres
Tract A – 1.27 acres
Tract B – 1.45 acres
R/W – 3.58 acres
Total - 50.64 Acres

PROJECT DESCRIPTION

The applicant has requested approval of application FP2019-01 for the Final Plat for *TSL Edgerton Phases I & II* so the existing parcels may be platted into one (1) lot and two (2) tracts. The resulting combined lot would have frontage along the south side of 191st Street right-of-way and the west side of Waverly Road right-of-way. This Final Plat request is being made to move forward a project which is seeking to expand the operations of an existing cargo container storage facility and truck yard.

INFRASTRUCTURE AND SERVICES

- a. Access to the property and development will be from Waverly Road via two (2) private drives (existing drive will be removed; two new private drives will be added) and 191st Street via two (2) existing private drives. The northernmost entrance on Waverly Road to be closed and removed.
- b. Utilities and service providers.
 1. Johnson County Rural Water District #7.
 2. Sanitary Sewer - City of Edgerton.
 3. Electrical Service - Kansas City Power & Light.
 4. Gas Service – Kansas Gas Service.
- c. Police services are provided by the City of Edgerton through the Johnson County Sheriff's Office.
- d. Fire protection is provided by Johnson County Fire District #1.
- e. Located within the Bull Creek watershed.

FINAL PLAT REVIEW

Staff has reviewed the Final Plat submittal for compliance with the Approved Final Plat requirements in Section 13.3 of Article 13 of the Edgerton UDC. Review comments are listed below:

1. The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, and monuments found or set. All P.I.'s corners, boundaries must be monumented with a 1/2" x 24" metal bar. ***Confirmation of set monument to be provided once placed by surveyor.***
2. All easements with width, and roads with curve data. *It is possible that other easements may be required. If necessary, update Final Plat after review from Utility Companies.*
3. The location of existing utility easements. *The existing sanity sewer easement has not been recorded with Johnson County. Staff recommends that this easement be indicated on the Final Plat so that it can be recorded at the time the plat is recorded. Applicant must confirm sanitary sewer location and confirm with City Staff prior to approval by the Governing Body. Update Final Plat if necessary.*

RECOMMENDATION

City staff recommends **approval** of FP2019-01 Final Plat for *TSL Edgerton Phases I & II*, subject to compliance with the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat by the Governing Body.

2. A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
3. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax and recording of the Final Plat within one year of approval.
4. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code.
5. The applicant has submitted a Stormwater Management Plan. All staff comments must be addressed to the satisfaction of the City Engineer at Site Plan review.
6. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.

ATTACHMENTS

- Application FP2019-01
- Final Plat, *TSL Edgerton Phases I & II*

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
March 12, 2019

The Edgerton Planning Commission met in regular session with Chair John Daley calling the meeting to order at 7:00 p.m.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were Chair John Daley, Commissioner Tim Berger, Secretary Jeremy Little, and Commissioner Charlie Crooks. Absent was Commissioner Andrew Merriman. Also present were: Mayor Donald Roberts, City Administrator Beth Linn, Development Services Director Katy Crow, Planning and Zoning Coordinator Chris Clinton, and Assistant City Administrator Scott Peterson.

The Planning and Zoning Coordinator announced a quorum was present.

CONSENT AGENDA

Motion by Berger, seconded by Crooks, to approve the item as presented in the Consent Agenda. Motion was approved, 3-0.

MINUTES

The minutes for Regular Session of February 12, 2019 were considered and approved.

NEW BUSINESS

**PUBLIC HEARING – ZA2019-01 (REZONING FOR ONE (1) PARCEL OF LAND
GENERALLY LOCATED SOUTH OF 199th STREET AND WAVERLY ROAD)**

Katy Crow, Development Services Director, introduced all of the rezoning applications (ZA2019-01 through ZA2019-04) on tonight's agenda. Ms. Crow stated that Brett Powell, an agent of the property owner NPD Management, LLC, applied for all of the rezonings. Mr. Powell has requested that all four of the parcels be rezoned from City of Egerton A-G (Agricultural) Zoning District to City of Edgerton L-P (Logistics Park) Zoning District. Permitted uses within the requested zoning designation include warehousing/distribution centers; motor freight transportation terminals; manufacturing, processing, fabrication or assembly of commodity – limited; along with other permitted uses.

Ms. Crow said that the property was annexed into the City of Edgerton on March 15, 2018 and has not had any improvements on any of the parcels that total approximately 200 acres. Application ZA2019-01 measures 41.91 acres, ZA2019-02 is 38.72 acres, ZA2019-03 contains 119.47 acres, and ZA2019-04 encompasses 0.9 acres. The standard providers for utilities and service providers as well as fire and police protection are the standard providers for the City of Edgerton and Johnson County.

Ms. Crow stated that access to the property will be from 207th Street, Waverly Road, and 199th Street. She also explained that in the staff report that there are three maps representing the area (Figures 1, 2, and 3). Figure 1 shows the outline of the parcels, Figure 2 details the zoning designations of the neighboring parcels, and Figure 3 shows neighboring structures with a green circle. Ms. Crow pointed out that the subject properties are surrounded by parcels zoned either Johnson County RUR or City of Edgerton AG to the north, east and south; and a parcel with City of Edgerton LP District zoning to the west.

Ms. Crow explained that each application was reviewed with respect to the Edgerton Unified Development Code, the laws of Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. Ms. Crow stated that because so much of the criteria was the same for each application, one staff report was written to help avoid redundancy. Through an independent review of each parcel staff found the following:

Based upon available aerial photography, these parcels were agricultural use in unincorporated Johnson County, prior to their annexation into the City of Edgerton in 2018. The existing A-G zoning is considered a holding designation when an annexation occurs.

Applicant has requested the proposed change in order to allow construction of projects similar to other projects containing LP District zoning. Construction of warehousing, distribution, limited manufacturing and related facilities near the BNSF intermodal facility allows an inland port for goods in transit, by reducing truck traffic in the surrounding area and allowing for more efficient use of the supply chain.

Due to the unexpected pace of development in Phase I of LPKC, the need to expand the logistics park has grown. These parcels are part of the area which would continue the development of the Phase II expansion.

Given the proximity of the parcels to LPKC Phase I and II, the BNSF facility, I-35 and the Homestead Interchange, an LP zoning designation is the most compatible for these uses.

While the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35, the proposed LP zoning designation is compatible with the spirit and intent of future development as outlined by both the Edgerton Comprehensive Plan and the Southwest Johnson County Area Plan.

The magnitude of the change is not considered extreme or rare when property is being developed for its planned end use, industrial development and the proposed zoning is compatible with the planned future uses of the surrounding property, specifically to the west.

The City's Unified Development Code (UDC) states that the purpose of the L-P District is to create a limited multimodal industrial zone which provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc.

The subject properties are surrounded by undeveloped acreage with some low-density rural single-family residential. However, residential density in this area is lower than some of the parcels adjacent to development in Phase I of LPKC.

If rezoned L-P as requested, a separate Site Plan review and approval will be required before building permits can be issued. Part of a Site Plan review will include attention to buffering and setbacks, stormwater management and transition of uses between adjoining uses and any proposed industrial use. This Site Plan review will help mitigate impacts that might occur to adjacent properties.

Continued development of the area includes intermodal related uses. Homestead Lane and 207th Street are currently being upgraded into a four-lane, concrete roadway built to accommodate the Phase II expansion of LPKC. This upgrade includes the installation of new utility services to adjacent properties. Water 7, Kansas Gas, KCPL and Century Link have all updated their infrastructure to service adjacent parcels.

The City is in discussions regarding any improvements that will be required for Waverly Road or other adjacent streets. On-street parking will not be allowed, and the developer will need to provide adequate off-street parking for any development projects.

The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process.

Uses allowed in the L-P District, have the potential to benefit the residents and community in a positive way by providing jobs, economic opportunities and tax revenues to respective jurisdictions.

There would be little relative gain, if any, to the public health, safety, and welfare from the denial of this zoning application. However, the City would be adversely impacted due to the lost opportunities for jobs, economic activity and tax revenue if the anticipated logistics park uses and facilities were to locate in another community.

With the "Golden Criteria" reviewed for each application, Ms. Crow stated that City staff recommends approval of the proposed rezoning of the subject properties from City of Edgerton Agricultural (A-G), to City of Edgerton Logistics Park District (L-P) with the following stipulations; (1) all infrastructure requirements of the City shall be met, (2) all platting requirements of the City shall be met, (3) all Site Plan application requirements of the City shall be met, and (4) prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Ms. Linn stated that it is unique to have four (4) parcels so close together to come before the Planning Commission for a rezoning at the same time, but each application would have its own

public hearing. She informed everyone in attendance that the rezoning is purely about the use of the land and not what might be built on the land.

Chairman Daley requested a larger map of the area be placed for all to see the area easier. Ms. Linn displayed a map of the area and explained what was adjacent to the parcels that are the subject of the applications. Chairman Daley opened the public hearing for Application ZA2019-01, reminding the audience that only matters pertaining to the rezoning of the parcels are pertinent to this public hearing.

Mr. Lynn Baker, 23173 Old KC Road, Spring Hill, KS 66083, addressed the Planning Commission. Mr. Baker stated he owns 82 acres at 199th Street and Interstate 35 (I-35) and thinks the rezoning and development in this area is beneficial. He asked if there have been any tenants book for the development in this area. Ms. Crow stated that no projects have been brought before the Planning Commission at this time. Chairman Daley reiterated that the public hearing is only about the use of the land and they can't speculate as to what will be built on the land at this time.

Ms. Linn stated it would be best for Mr. Baker to ask all of his questions at one time, so staff and the Commissioners can write them down and answer them at once. She said that this would also help any of the other residents who have similar questions and save time.

Mr. Baker asked his remaining questions. He asked if a road will be built in the 60-foot section that connects to 199th Street and if there will be sewer service along that section. Mr. Baker wanted to know when the 199th Street bridge over I-35 would be updated. He also wanted to know if the County or the City maintains Waverly Road and 199th street. Mr. Baker asked if the City of Edgerton would annex his property. He asked how residents who are not for this project can protest it going forward.

With there being no further comments from the public, Mr. Berger motioned to close the public hearing, Mr. Crooks seconded. Motion approved 4-0.

Ms. Crow stated that all annexations are voluntary, and the City will not force any annexation. Ms. Linn explained that rezoning is just about land use and is the first step in the development process. The second step will plan what will be developed on the 60-foot section. Ms. Linn explained that the 199th Street bridge that spans I-35 is owned by the Kansas Department of Transportation (KDOT). She stated that it is her understanding KDOT is looking into repairing the bridge, but she does not know the timeline for the repair. Ms. Linn seconded what Ms. Crow stated about annexation and if a property owner does decide to protest the project going forward, the owner may contact City Hall for further information.

Chairman Daley asked about any nearby housing. Ms. Crow pointed out that on Figure 3 of the staff report, all of the nearby structures have been circled by staff.

Mr. Berger moved to recommend approval of Application ZA2019-01 to the Governing Body with the stipulations that (1) all infrastructure requirements of the City shall be met, (2) all platting requirements of the City shall be met, (3) all Site Plan application requirements of the

City shall be met, and (4) prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City, Mr. Crooks seconded. Motion approved 4-0.

**PUBLIC HEARING – ZA2019-02 (REZONING FOR ONE (1) PARCEL OF LAND
GENERALLY LOCATED ON THE NORTHEAST CORNER OF 207TH STREET AND
WAVERLY ROAD)**

A public hearing regarding Application ZA2019- 02, pertaining to the rezoning of one (1) parcel from City of Edgerton A-G (Agricultural) Zoning District to City of Edgerton L-P (Logistics Park) Zoning District, generally located on the northeast corner of 207th Street and Waverly Road was considered. Applicant: Brett Powell, Agent of NPD Management, LLC.

Chairman Daley opened the Public Hearing.

There were no comments from the public or staff.

Motion by Mr. Berger, seconded by Mr. Little, to close the Public Hearing. Motion was approved, 4-0.

Mr. Berger moved to recommend approval of Application ZA2019-02 to the Governing Body with the stipulations that (1) all infrastructure requirements of the City shall be met, (2) all platting requirements of the City shall be met, (3) all Site Plan application requirements of the City shall be met, and (4) prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City, Mr. Little seconded. Motion approved 4-0.

**PUBLIC HEARING – ZA2019-03 (REZONING FOR ONE (1) PARCEL OF LAND
GENERALLY LOCATED ON THE NORTHEAST CORNER OF 207TH STREET AND
WAVERLY ROAD)**

A public hearing regarding a rezoning Application ZA2019-03, pertaining to the rezoning of one (1) parcel from City of Edgerton A-G (Agricultural) Zoning District to City of Edgerton L-P (Logistics Park) Zoning District, generally located on the northeast corner of 207th Street and Waverly Road was considered. Applicant: Brett Powell, Agent of NPD Management, LLC.

Chairman Daley opened the Public Hearing.

There were no comments from the public or staff.

Motion by Mr. Little, seconded by Mr. Crooks, to close the Public Hearing. Motion was approved, 4-0.

Mr. Berger moved to recommend approval of Application ZA2019-03 to the Governing Body with the stipulations that (1) all infrastructure requirements of the City shall be met, (2) all platting requirements of the City shall be met, (3) all Site Plan application requirements of the

City shall be met, and (4) prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City, Mr. Little seconded. Motion approved 4-0.

**PUBLIC HEARING – ZA2019-04 (REZONING FOR ONE (1) PARCEL OF LAND
GENERALLY LOCATED ON THE NORTHEAST CORNER OF 207TH STREET AND
WAVERLY ROAD)**

A public hearing regarding Application ZA2019- 04, pertaining to the rezoning of one (1) parcel from City of Edgerton A-G (Agricultural) Zoning District to City of Edgerton L-P (Logistics Park) Zoning District, generally located on the northeast corner of 207th Street and Waverly Road was considered. Applicant: Brett Powell, Agent of NPD Management, LLC.

Chairman Daley opened the Public Hearing.

There were no comments from the public or staff.

Motion by Mr. Berger, seconded by Mr. Little, to close the Public Hearing. Motion was approved, 4-0.

Mr. Berger moved to recommend approval of Application ZA2019-04 to the Governing Body with the stipulations that (1) all infrastructure requirements of the City shall be met, (2) all platting requirements of the City shall be met, (3) all Site Plan application requirements of the City shall be met, and (4) prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City, Mr. Little seconded. Motion approved 4-0.

Ms. Linn stated that all four applications heard tonight would be recommended to the Governing Body at the March 28, 2019 City Council Meeting.

PUBLIC HEARING – PP2019-01 (PRELIMINARY PLAT FOR TSL EDGERTON)

A public hearing in regard to Application PP2019-01, pertaining to the property located on the southwest corner of 191st Street and Waverly Road was considered. Applicant: Transpec Leasing Incorporated.

Chairman Daley stated that TSL Edgerton is wanting to expand their current cargo container storage operations to parcels to the south. Ms. Crow stated that was correct as she showed the map provided in the staff report. She stated that the parcels were rezoned to the correct LP (Logistics Park) District zoning in October of 2018. Ms. Crow explained that a Preliminary and Final Plat were approved for Phase I by the Planning Commission in 2014. Pursuant to City of Edgerton Unified Development Code, that final plat has now become null and void since it was not filed with the County within one year. With the expansion to Phase II, the applicant has requested platting both phases together into one single plat.

Ms. Crow stated that the result will be a plat which contains one lot and two tracts. The resulting combined lot would have frontage along the south side of 191st Street right-of-way and the west side of Waverly Road right-of-way. This Preliminary Plat request is being made to move forward with a project which is seeking to expand the operations of the existing cargo container storage facility and truck yard. Ms. Crow informed the Commission that TSL Edgerton will also be reapplying for a Conditional Use Permit which will include the Phase II expansion of operations.

She explained that the utilities are the typical providers and that the parcels are located in the Big Bull Creek watershed. Ms. Crow said that there will be two private drives off of Waverly Road and two from 191st Street.

Ms. Crow pointed out that the driveway widths for two new drives to be constructed off of Waverly Road indicate a width which exceeds Edgerton standard width of 30 feet. The City Engineer recommends limiting drive width to 36 feet to match the width of drive being vacated which was approved for Phase I. The City Engineer has indicated that he would approve making the 20' radii, which is how the drive curves, smaller in order to hit the 36' maximum. This would not affect turning movements as striping would indicate that is a non-driving area. Another option is for the 50' radii to be made smaller. Ms. Crow also requested that a copy of any proposed restrictive covenants be provided at Final Site Plan approval.

Ms. Crow stated that City staff recommends approval of Application PP2019-01 for TSL Edgerton Phase II, subject to compliance with the following stipulations; (1) all Preliminary Plat requirements of the City listed shall be met or addressed, (2) all infrastructure requirements of the City shall be met, (3) a Stormwater Management Plan has been submitted. However, all comments must be addressed to the satisfaction of the City Engineer, (4) preliminary plat 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.

Mr. Crooks asked if the drive that is proposed to be removed was part of an access easement for another property. Ms. Linn stated that was for another cargo container storage lot on neighboring parcels to the ones that this application is for.

Chairman Daley opened the public hearing. There were no comments made by the public or Staff. Mr. Berger moved to close the public hearing, Mr. Crooks seconded. Motion approved 4-0.

Mr. Berger moved to approve Application PP2019-01, with the stipulations of (1) all Preliminary Plat requirements of the City listed above shall be met or addressed, (2) all infrastructure requirements of the City shall be met, (3) a Stormwater Management Plan has been submitted. However, all comments must be addressed to the satisfaction of the City Engineer, (4) preliminary plat 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. Mr. Crooks seconded. Preliminary Plat approved, 4-0.

FINAL PLAT – FP2019-01 (FINAL PLAT FOR TSL EDGERTON)

An application of a Final Plat, FP2019-01, requesting recommendation of approval of a final plat for the property located on the southwest corner of 191st Street and Waverly Road was considered. Applicant: Transpec Leasing Incorporated.

Chairman Daley introduced the Final Plat application. Ms. Crow stated that this is for the same parcels as the Preliminary Plat that was just approved by the Planning Commission. She stated that Lot 1 is comprised of 44.34 acres, Tract A is 1.27 acres, and that Tract B is made up of 1.45 acres.

Ms. Crow explained that confirmation of monument set will need to be provided once placed by surveyor, and it is possible that other easements may be required. She also stated that the existing sanitary sewer easement has not been recorded with Johnson County. Staff recommends that this easement be indicated on the Final Plat so that it can be recorded at the time the plat is recorded. Applicant must confirm sanitary sewer location and confirm with City Staff prior to approval by the Governing Body.

Ms. Crow stated that City staff recommends approval of Application FP2019-01 Final Plat for TSL Edgerton Phases I & II, subject to compliance with the following stipulations; (1) the commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat by the Governing Body, (2) a Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements, (3) the applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax and recording of the Final Plat within one year of approval, (4) the applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code, (5) the applicant has submitted a Stormwater Management Plan. All staff comments must be addressed to the satisfaction of the City Engineer at Site Plan review, (6) all Final Plat requirements of the City listed shall be met or addressed prior to recording of the Plat.

Chairman Daley asked if the lot was to be paved. Ms. Linn answered that the lot has to be asphalt or concrete in order to meet Code. Chairman Daley clarified that a Final Site Plan will be submitted at a later time. Ms. Linn stated that is correct.

Mr. Berger move to recommend approval to the Governing Body of Application FP2019-01 with the following stipulations; (1) the commencement of any improvements shall not occur

prior to the approval and endorsement of the Final Plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat by the Governing Body, (2) a Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements, (3) the applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax and recording of the Final Plat within one year of approval, (4) the applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code, (5) the applicant has submitted a Stormwater Management Plan. All staff comments must be addressed to the satisfaction of the City Engineer at Site Plan review, (6) all Final Plat requirements of the City listed shall be met or addressed prior to recording of the Plat. Mr. Crooks seconded. Motion approved, 4-0.

FUTURE MEETING

The next meeting is scheduled for April 9, 2019.

ADJOURNMENT

Motion by Mr. Berger, seconded by Mr. Little, to adjourn. Motion was approved, 4-0.

The meeting adjourned at 7:39 p.m.

Submitted by: Chris Clinton, Planning and Zoning Coordinator

City Council Action Item

Council Meeting Date: April 25, 2019

Department: Public Works

Agenda Item: Consider Ordinance No. 2008 An Ordinance Amending Chapter XV, Article 1 Of The Municipal Code Of The City Of Edgerton, Kansas To Include Section 15-134 Regarding Hydrant Water Meters And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith

Background/Description of Item:

The City of Edgerton has been approached by several contractors working on various construction projects in and around Edgerton interested in using a hydrant meter to purchase large quantities of water necessary for construction. Currently the City of Edgerton Municipal Code does not allow this type of arrangement. The City of Edgerton has previously approved individual agreement with a company with a similar request. However, most cities have a provision in their municipal code to allow this arrangement.

After researching how other communities provide this service, staff recommend to the City Council that the City consider adding language to the City Code to allow this type of arrangement. On April 11, 2019, staff presented draft conceptual language for consideration. Based on feedback provided by City Council, City Attorney has prepared draft Ordinance No. 2008 to incorporate the code language as directed.

Related Ordinance(s) or Statue(s):

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Ordinance No. 2008 An Ordinance Amending Chapter XV, Article 1 Of The Municipal Code Of The City Of Edgerton, Kansas To Include Section 15-134 Regarding Hydrant Water Meters And Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith

Enclosed:
Prepared by:

Draft Ordinance No. 2008
Beth Linn, City Administrator

ORDINANCE NO. 2008

AN ORDINANCE AMENDING CHAPTER XV, ARTICLE 1 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE SECTION 15-134 REGARDING HYDRANT WATER METERS AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

SECTION 1. Chapter XV, Article 1, Section 15-134 of the City Code of the City of Edgerton, Kansas, is hereby amended to read as follows:

15-134 HYDRANT METERS.

- (a) Request. When temporary water service is desired by contractors, builders or any other party for the purchase of water to be used for construction work or some other city approved purpose, the requesting party shall submit an Application for Hydrant Meter to the City. Should the City approve this use, the requesting party shall pay a refundable hydrant meter deposit in the amount listed in the City's Annual Fee Resolution prior to receipt of the meter.
- (b) Meter. Receipt of a hydrant meter shall allow the party to connect to a City hydrant for a defined period of time, subject to the limitations listed in (d) below. The City may require that connection of the meter to the City hydrant involve the assistance of City staff. A hydrant meter shall be returned in the same condition it was in when the City provided it to the requesting party, normal wear and tear excepted. Failure to return the meter, or damage to the meter, shall result in a setoff of the deposit or retention of the entire deposit, when applicable. The cost of repairs to the meter shall be established by the City's Annual Fee Resolution. In the event a cost is not covered by that Resolution, the fee shall be the actual cost to repair, plus ten percent.
- (c) Water Rate. The rate charged by the City for water provided from a hydrant meter shall be the same rate that is charged to customers outside the corporate limits of the City, as designated in the City's Annual Fee Resolution.
- (d) Emergency Use by City or Fire District. By filing an Application for Hydrant Meter and receiving a hydrant meter from the City, the requesting party is acknowledging and accepting that in the event the hydrant to which they are connected is needed for emergency or city or fire district purposes, both parties need for, and right to, water shall supersede that of the party possessing the hydrant meter.
- (e) Violation to Use Without Meter. It shall be a violation of the City Code to use water from a City hydrant, or any other source, without that water being measured by a meter furnished by the City.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 25th day of April, 2019.

DONALD ROBERTS, Mayor

ATTEST:

RACHEL JAMES, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney



**A PROCLAMTION DESIGNATING APRIL AS FAIR HOUSING MONTH
IN THE CITY OF EDGERTON, KANSAS**

WHEREAS, the Congress of the United States of America passed the Civil Rights Act of 1968, of which Title VIII declared that the law of the land would now guarantee the rights of equal housing opportunity; and

WHEREAS, the City of Edgerton, Kansas is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all, and today, many realty companies and associations support fair housing laws; and

WHEREAS, the Fair Housing groups and the U.S. Department of Housing and Urban Development have, over the years, received thousands of complaints of alleged illegal housing discrimination and found too many that were proven upon investigation to be violations of the fair housing laws; and

WHEREAS, equal housing opportunity is a condition of life in our City that can and should be achieved.

NOW, THEREFORE BE IT RESOLVED, that I, Donald Roberts, Mayor of the City of Edgerton, Kansas, do hereby proclaim the month of April 2019 as FAIR HOUSING MONTH to promote fair housing practices throughout the City. In witness whereof, I have hereunto set my hand and caused the Seal of the City of Edgerton, Kansas to be affixed this 25th day of April 2019.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

Rachel James, City Clerk

City Council Action Item

Council Meeting Date: April 25, 2019

Department: Administration

Agenda Item: Consider the 2018 Audit of Financial Statements as Presented by Varney & Associates

Background/Description of Item:

On May 10, 2018, City Council approved a contract with Varney & Associates, CPAs, LLC, for the audit of the 2018, 2019 and 2020 financial statements. A single audit was not required since the City did not receive federal funds in 2018 in excess of the single audit threshold. The 2018 Audit of Financial Statements is now complete.

The objective of the audit is the expression of an opinion as to whether the City's financial statements are fairly presented, in all material respects, in conformity with the Kansas prescribed basis of accounting. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The auditors perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws and governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

The audit procedures include tests of documentary evidence supporting the transactions recorded in the accounts and may include direct confirmation of certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. The audit also includes obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures.

A representative from Varney & Associates will present their findings to the City Council on April 25, 2019. The final Audit of Financial Statements will be provided to City Council that evening.

Related Ordinance(s) or Statue(s): K.S.A. 44-1030

Funding Source: N/A

Budget Allocated: N/A

x Karen E. Kindle

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Accept the 2018 Audit of Financial Statements as presented by Varney & Associates, CPAs, LLC.

Enclosed: Copies of the Audit Report will be available the evening of the meeting.

Prepared by: Karen Kindle, Finance Director

CITY OF EDGERTON, KANSAS

COUNCIL AGENDA ITEM

Council Meeting Date: April 25, 2019

Agenda Item: Public Hearing
Master Resolution of Intent

Subject: The Logistics Park-KC, Phase Two

Hearing Notice Published: April 17, 2017 in the *Gardner News*

Summary:

The City has previously entered into a Logistics Park Phase Two Development Agreement (the “Development Agreement”) with Edgerton Land Holding Company, LLC (“ELHC”). The Development Agreement provides for the development of Phase Two of The Logistics Park-KC on the land located southeast of the intersection of Interstate 35 and Homestead Lane, including all of the land within the corporate limits of the City that is located south of Interstate 35. The City now desires to consider a Master Resolution of Intent for the issuance of industrial revenue bonds for Phase Two as provided for in the Development Agreement.

Public Hearing

A notice of the public hearing has been published at least seven days prior to the date of this meeting. Written notice of the public hearing has also been provided to the County and the School District. The Council should take comments from the public.

Cost-Benefit Report

Columbia Capital Management, LLC has prepared a cost-benefit report for Phase Two. The Council should consider the cost-benefit report and ask any questions the Council may have about the report.

Master Resolution of Intent

The Master Resolution of Intent provides for constructing various projects in The Logistics Park-Kansas City, Phase 2, and further provides for the issuance of up to \$1,000,000,000 in industrial revenue bonds to finance such projects. Any of the projects eligible for property tax abatement will be required to make payments-in-lieu of tax equal to \$0.16 a square foot based on the buildings to be constructed.

RESOLUTION NO. 04-25-19A

A RESOLUTION DETERMINING THE INTENT OF THE CITY TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN ONE OR MORE SERIES, THE AGGREGATE PRINCIPAL AMOUNT OF ALL SERIES NOT TO EXCEED \$1,000,000,000, TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING COMMERCIAL FACILITIES WITHIN THE LOGISTICS PARK-KC, PHASE TWO

WHEREAS, the City of Edgerton, Kansas (the “City”), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the City is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease such facilities to private persons or entities; and

WHEREAS, Edgerton Land Holding Company, LLC, a Kansas limited liability company (the “Company”), has requested the City to issue its industrial revenue bonds in multiple series, the aggregate principal amount of all series not to exceed \$1,000,000,000 (the “Bonds”), for the purpose of financing the cost of acquiring, constructing, improving and equipping facilities within an industrial park, including real estate, buildings, improvements and equipment for industrial warehouses, distribution, manufacturing, flex and storage facilities and other supporting commercial uses (collectively, the “Logistics Park Phase Two Projects”), located on land southeast of the intersection of Interstate 35 and Homestead Lane and includes all of the land within the corporate limits of the City that is located south of Interstate 35, all within the City, and to lease the Logistics Park Phase Two Projects to the Company, all pursuant to the Act; and

WHEREAS, the Logistics Park Phase Two Projects are expected to be constructed in phases with one or more buildings and facilities being constructed and financed at a time (individually, each phase referred to herein as a “Project”); and

WHEREAS, it is found and determined to be advisable and in the interest and for the welfare of the City and its inhabitants that the City issue the Bonds pursuant to the Act, such Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of each Project by the City to the Company, or its successors or assigns, as lessee (in such capacity, the “Lessee”); and

WHEREAS, the Company has also requested that the City consider granting an exemption from ad valorem taxes for each Logistics Park Phase Two Project in accordance with K.S.A. 79-201a *Second* or *Twenty-Fourth* and has indicated its intent to make payments-in-lieu of taxes upon terms to be mutually agreed to by the City and the Company in the amount set forth herein;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, AS FOLLOWS:

Section 1. Approval of Logistics Park Phase Two Projects. The Governing Body of the City finds and determines that the acquisition, construction and equipping of the Logistics Park Phase Two Projects will promote, stimulate and develop the general welfare and economic prosperity of the City

through the promotion and advancement of physical and mental health, industrial, commercial, agricultural, natural resources and recreation development of the City, and the issuance of the Bonds to pay such costs will be in furtherance of the public purposes set forth in the Act.

Section 2. Intent to Issue Bonds. The Governing Body of the City determines and declares the intent of the City to assist the Company in completing the Logistics Park Phase Two Projects through the issuance of the Bonds pursuant to the Act. It is anticipated that a separate series of the Bonds will be issued for each Project. The aggregate principal amount of all series of Bonds shall not exceed \$1,000,000,000.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the City will (i) issue its Bonds in multiple series to pay the costs of acquiring, constructing, improving and equipping each Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the City; (ii) provide for the lease (with an option to purchase) of each Project to the Lessee; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the City and take or cause to be taken such other action as may be required to implement this Resolution.

Section 4. Ad Valorem Tax Exemption. The Company has requested an exemption from ad valorem taxes for the Logistics Park Projects in exchange for making payments-in-lieu of taxes. In consideration of the Company's decision to acquire, construct and equip the Logistics Park Phase Two Projects and subject to the further terms and conditions of this Resolution, on receipt of an application for the issuance of a series of Bonds for a Project, the City intends to take all appropriate action to prepare a cost-benefit analysis and conduct a public hearing on any ad valorem tax exemption for such Project and, following the issuance of a series of the Bonds to finance such Project, to request the Kansas Board of Tax Appeals to approve an ad valorem tax exemption, exclusive of special assessments, for all real property financed with such series of the Bonds; provided, however, that no tax exemption shall be requested for any Project or portion of a Project that is not eligible for property tax exemption pursuant to K.S.A. 79-201a *Second* or *Twenty-Fourth*. Each Project financed with the proceeds of a series of the Bonds will be eligible for a separate 10-year property tax exemption with the first year of the exemption commencing on January 1 of the calendar year following the year in which such series of the Bonds were issued. In consideration for the City's agreement to request a property tax exemption for each Project, the Company agrees to make payments-in-lieu of taxes to the City for each Project for the duration of any approved tax exemption and such payments shall be in an amount equal to \$0.16 a sq. ft. based on the size of the building to be constructed on the Project; provided, however, that the amount of payments-in-lieu of taxes may be subject to adjustment at the discretion of the City or in accordance with a Performance Agreement to be entered into between the City and the Lessee for such Project.

Section 5. Conditions to Issuance. The issuance of each series of the Bonds and the execution and delivery of any documents related to a series of the Bonds are subject to:

(i) receipt by the City of a completed application by the Lessee for each Project and adoption of a resolution assigning a portion of this resolution of intent by the Governing Body of the City for each Project;

(ii) obtaining any necessary governmental approvals;

(iii) agreement by the City, the Company and the purchaser of such series of the Bonds upon (a) mutually acceptable terms for such series of Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of such series of Bonds and the related Project, including, but not limited to, provisions relating to the security for the payment of such

series of the Bonds and provisions relating to the maintenance of the related Project;

(iv) agreement by the City and the Company on mutually acceptable terms and conditions of a Performance Agreement;

(v) payment of all costs of issuance of such series of the Bonds and all other costs and fees of the City, including the City's origination fee; and

(vi) compliance with the Act, including, but not limited to, (a) preparation of a cost-benefit analysis for each Project, and (b) completion of a public hearing on the tax exemption following notice as required by the Act, for each Project.

Section 6. Sale of the Bonds/Authority to Proceed. The sale of each series of the Bonds shall be the responsibility of the Lessee, but arrangements for the sale of each series of the Bonds shall be subject to the City's approval. The Company is authorized to proceed with the acquisition and completion of the Logistics Park Phase Two Projects (provided all other City approvals and permits have been obtained) and to advance such funds as may be necessary to accomplish such purposes, and to the extent permitted by law, the City shall reimburse each Lessee for such expenditures out of the proceeds of each series of the Bonds, when and if issued. Notwithstanding such authorization, the Company and each Lessee proceeds at its own risk and if for any reason, all or any series of the Bonds are not issued, the City shall have no liability to the Company or any Lessee for any reason. The Act provides that the City may only issue each series of the Bonds by adoption of an ordinance authorizing such series of Bonds and providing for the terms and details of such series of Bonds and may only approve a tax exemption following completion of a cost-benefit analysis, a public hearing and the issuance of a series of Bonds to pay the cost of the property that is the subject of the tax exemption. The City has not yet adopted an ordinance, issued any series of Bonds for the Logistics Park Phase Two Projects or completed the procedures to approve a tax exemption. This Resolution only evidences the intent of the current Governing Body to issue Bonds for the Logistics Park Phase Two Projects and to approve a tax exemption for each Project. Nothing herein shall be construed as a guaranty by the City that any series of Bonds will be issued or tax exemption approved for a Project.

Section 7. Assignment. The Company may assign all or a portion of its interest in this Resolution to any party only with the consent of the City.

Section 8. Limited Obligations of the City. Each series of Bonds and the interest thereon shall be special, limited obligations of the City payable solely out of the rents, revenues and receipts of the City derived from the lease of the related Project to the Lessee. The Bonds shall not constitute a general obligation of the City, the State of Kansas or any other political subdivision thereof, shall not constitute a pledge of the full faith and credit of the City, the State of Kansas or any other political subdivision thereof and shall not be payable in any manner by taxation.

Section 9. Termination. This Resolution shall terminate in the event the Logistics Park Phase Two Development Agreement dated January 25, 2018, between the City and the Company, is terminated.

Section 10. Further Action. SA Legal Advisors LC, Bond Counsel for the City, and officers and employees of the City, are authorized to work with the purchaser of each series of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the City all documents necessary to effect the authorization, issuance and sale of each series of the Bonds and other actions contemplated hereunder.

Section 11. Effective Date. This Resolution shall take effect and be in full force immediately after

its adoption by the City Council of the City.

ADOPTED April 25, 2019.

CITY OF EDGERTON, KANSAS

(Seal)

Donald Roberts, Mayor

ATTEST:

Rachel A. James, City Clerk

Logistics Park, Phase 2
Master Resolution of Intent



6330 Lamar
Suite 200
Overland Park, Kansas 66202

Jeff White, Principal
913.312.8077
jwhite@columbiacapital.com

April 4, 2019

Ms. Beth Linn
City Administrator
City of Edgerton
404 East Nelson
Edgerton, KS 66021

RE: Cost-Benefit Analysis for LPKC Phase 2 Master Resolution

Dear Beth:

Please find attached the results of our cost-benefit analysis related to projected property tax abatements to be granted by the City within the recently created Logistics Park Kansas City Phase 2 (LPKC 2). The purpose of this analysis is to satisfy the City's requirement pursuant to KSA 12-1749d or KSA 79-251(a)(1) to undertake a cost-benefit analysis before granting a property tax abatement. Consistent with the City's agreement with Northpoint/Edgerton Land Holding Company (ELHC), we assumed that individual projects within the expanded boundaries of the district would receive 10-year property tax abatements with a \$0.16 fixed payment-in-lieu-of-taxes each year.

KSA 12-1749d(2) requires notification of anticipated abatements only to counties or school districts affected. As a result, our analysis focuses on financial impacts to the City, Johnson County and the Gardner/Edgerton schools. We have not calculated the cost-benefit on other taxing jurisdictions. State law also requires the analysis to include "the effect of the exemption on state revenues." Our modeling includes such an estimate.

Our modeling relies upon a number of key inputs from NorthPoint/ELHC related to their anticipated build-out schedule for LPKC 2, along with their assumptions on property valuation, building costs, employment and utility usage. Northpoint/ELHC used information from LPKC Phase 1 to inform these assumptions. Based upon this information, our modeling shows nearly more than 13 million square feet of development in LPKC 2 over a ten-year period. The final abatement is modeled to expire in 2037.

Our cost-benefit modeling relies on a number of key assumptions in the calculation of net present value benefit to the City, Johnson County and USD 231. Most of our assumptions are derived from public information. Some of these key assumptions include:

- An evaluation of the direct costs and benefits of the project. Columbia's model does not include indirect or "spin-off" effects as a result of input-output multipliers.
- A ten-year analysis timeframe for each individual project, matching the maximum permitted term of the abatement.
- Direct costs to affected taxing jurisdictions as estimated by Columbia based upon annual audits, proposed and adopted budgets, published tax rates and other publically available information for the taxing jurisdictions affected.
- Where applicable, reliance upon statistical data as reported by the United States Census Bureau and Kansas Department of Revenue.
- The use of a discount rate comprised of two components: a risk-free rate of return (the current yield of the on-the-run 10-year US Treasury) plus a risk premium of two (2) percent. The value of the discount rate is a proxy for the opportunity cost of the City (and other agencies) of foregoing the future property and/or sales tax revenues that would be generated by the development. Thought of another way, if the City had those revenues in hand and placed them in an alternative investment with the same risk characteristics, what would be its expected rate of return?

The output of the model is presented as the net present value benefit/(cost) of the LPKC expansion for the City, County and school district over the 10-year life of the abatement on each project, aggregated across all phases comprising the 13 million square feet of total expected development. The net benefit (or, if negative, cost) of the tax abatement incentive is presented in today's dollars. The estimated impact on State revenues is presented in nominal (future value) terms. While the modeling shows a significant net present value benefit to the City, it is important to note that the vast majority of this net benefit is reinvested in LPKC 2 through the Public Infrastructure Fund which is the funding source for the majority of public infrastructure to be developed to serve LPKC 2.

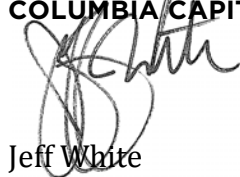
Importantly, in the preparation of the specific analysis of the proposed expansion of LPKC, Columbia has relied upon the information provided to it by Northpoint/ELHC and has not independently verified or validated these data. The City must draw its own conclusions as to the reliability of these data.

Finally, the intent of this analysis and of the applicable statutes is to inform the governing body's policy debate about the value of the abatement incentive it is providing to ELHC and other LPKC 2 property owners. The project's generation of a net present value benefit to the agencies affected should be but one of the many factors in the governing body's decision about whether and how much incentive to provide to any applicant.



Thank you in advance for your thoughtful consideration of the analysis attached.
Please let me know if you have any questions.

Respectfully submitted,
COLUMBIA CAPITAL MANAGEMENT, LLC

A handwritten signature in black ink, appearing to read "Jeff White", is written over the company name.

Jeff White
Principal

attachment





City of Edgerton, Kansas

Cost-Benefit Analysis Results (LPKC Phase 2 Master CBA)

PERIOD	PROJECTED DEVELOPMENT RATE				CITY OF EDGERTON			JOHNSON COUNTY			USD 231		
Year	New Sq Ft	Cum. Sq Ft	Acreage	Cum. Acreage	Benefits	Costs	NPV Benefit	Benefits	Costs	NPV Benefit	Benefits	Costs	NPV Benefit
2019	433,680	433,680	52.40	52.40	-	-	-	-	-	-	-	-	-
2020	1,742,000	2,175,680	210.48	262.88	1,169,668	421,751	684,628	489,798	472,112	16,189	986,464	744,773	221,239
2021	1,467,000	3,642,680	177.25	440.13	1,514,772	577,982	828,014	474,507	459,851	12,842	1,325,335	1,014,658	274,820
2022	1,443,680	5,086,360	174.43	614.56	2,863,476	1,115,431	1,534,837	1,004,686	979,444	22,004	2,541,920	1,953,130	517,515
2023	1,462,000	6,548,360	176.65	791.21	3,844,687	1,464,393	2,047,303	1,119,069	1,085,459	28,824	3,344,807	2,558,937	675,537
2024	1,280,000	7,828,360	154.66	945.87	5,277,357	1,890,868	2,879,851	1,408,489	1,347,654	52,533	4,381,589	3,308,023	909,674
2025	2,140,000	9,968,360	258.57	1,204.43	6,638,718	2,308,391	3,619,325	1,656,001	1,571,514	71,957	5,388,767	4,040,960	1,121,370
2026	1,462,000	11,430,360	176.65	1,381.08	6,984,645	2,464,622	3,636,475	1,694,956	1,612,406	67,089	5,727,638	4,310,845	1,136,024
2027	860,000	12,290,360	103.91	1,484.99	8,177,607	2,841,771	4,225,936	1,976,879	1,875,165	81,643	6,626,066	4,967,948	1,307,800
2028	867,360	13,157,720	104.80	1,589.79	8,912,045	3,218,424	4,370,641	2,280,176	2,179,345	77,217	7,453,463	5,632,574	1,400,241
2029	-	13,157,720	-	1,589.79	8,910,441	3,218,424	4,180,111	2,065,450	1,966,425	72,131	7,453,463	5,632,574	1,339,687
2030	-	13,157,720	-	1,589.79	7,743,326	2,796,673	3,560,922	1,792,119	1,707,667	60,562	6,466,999	4,887,802	1,139,562
2031	-	13,157,720	-	1,589.79	7,396,680	2,640,442	3,294,973	1,698,691	1,613,034	58,749	6,128,128	4,617,917	1,049,696
2032	-	13,157,720	-	1,589.79	6,049,384	2,102,993	2,676,089	1,362,098	1,285,417	51,001	4,911,543	3,679,445	840,685
2033	-	13,157,720	-	1,589.79	5,066,848	1,754,031	2,187,659	1,139,604	1,072,942	42,953	4,108,656	3,073,638	688,385
2034	-	13,157,720	-	1,589.79	3,634,727	1,327,556	1,501,445	851,267	811,181	25,496	3,071,874	2,324,551	489,361
2035	-	13,157,720	-	1,589.79	2,273,215	910,033	881,170	571,327	555,112	10,372	2,064,696	1,591,614	306,859
2036	-	13,157,720	-	1,589.79	1,926,109	753,802	730,779	477,240	460,479	10,257	1,725,825	1,321,730	253,004
2037	-	13,157,720	-	1,589.79	733,797	376,653	219,608	228,449	230,082	(1,004)	827,397	664,626	100,088
2038	-	13,157,720	-	1,589.79	-	-	-	-	-	-	-	-	-
2039	-	13,157,720	-	1,589.79	-	-	-	-	-	-	-	-	-
TOTALS	13,157,720	n/a	1,589.79	n/a	43,059,765			760,814			13,771,547		

SUMMARY OF ECONOMIC BENEFITS

Projected Jobs Created through 2039	3,519	Cumulative Incr./(Decr.) in City Sales Tax Receipts Through 2039	159,284
Projected New Residents to:			
Edgerton	102	Cumulative Gross Incr./(Decr.) in City Prop. Tax Receipts Through 2039	3,898,088
Johnson County	119		
USD 231	119	Impact of Exemption on State of Kansas Revenues Through 2039	(1,195,780)



City of Edgerton, Kansas

Cost-Benefit Analysis Results (LPKC Expansion)

PERIOD		INCENTIVES SUMMARY			
Year	Property Tax Abatement %	Constr. Sales Tax Abatement %	Property Tax Abatement \$	Constr Sales Tax Abatement \$	
2019	100%	100%	-	213,355	
2020	100%	100%	1,406,917	106,460	
2021	100%	100%	1,900,499	298,436	
2022	100%	100%	3,645,318	191,976	
2023	100%	100%	4,772,670	189,784	
2024	100%	100%	6,197,730	160,202	
2025	100%	100%	7,588,406	106,460	
2026	100%	100%	8,081,988	138,823	
2027	100%	100%	9,317,597	212,920	
2028	100%	100%	10,551,304	-	
2029	100%	100%	10,551,304	-	
2030	100%	100%	9,144,387	-	
2031	100%	100%	8,650,805	-	
2032	100%	100%	6,905,986	-	
2033	100%	100%	5,778,635	-	
2034	100%	100%	4,353,575	-	
2035	100%	100%	2,362,286	-	
2036	100%	100%	1,868,704	-	
2037	100%	100%	1,233,707	-	
2038	100%	100%	-	-	
2039	100%	100%	-	-	
TOTALS			104,311,819	1,618,415	

NOTES:

- Data in nominal dollars
- Final abated project commences in 2028
- \$0.16 per square foot fixed annual payment in lieu of tax assumed for each project

CITY OF EDGERTON, KANSAS

COUNCIL AGENDA ITEM

Council Meeting Date: April 25, 2019

Agenda Item: Public Hearing
Partial Assignment of Resolution of Intent

Subject: IRBs and Property Tax Abatement for ELHC LI, LLC Project

Hearing Notice Published: April 17, 2017 in the *Gardner News*

Summary:

The City has received an application for property tax abatement from ELHC LI, LLC. ELHC LI desires to construct an approximately 765,000 sq. ft. warehouse and distribution facility to be located at the northeast corner of Waverly Road and 207th Street. In order for the City to issue industrial revenue bonds and grant property tax abatement, the City must first hold a public hearing, consider the cost-benefit report and then approve a partial assignment of the Master Resolution of Intent.

Public Hearing

A notice of the public hearing has been published at least seven days prior to the date of this meeting. Written notice of the public hearing has also been provided to the County and the School District. The Council should take comments from the public.

Cost-Benefit Report

Columbia Capital Management, LLC has prepared a cost-benefit report for the proposed project. The Council should consider the cost-benefit report and ask any questions the Council may have about the report.

Partial Assignment of Resolution of Intent

The City previously adopted a Master Resolution of Intent for the benefit of Edgerton Land Holding Company, LLC ("Edgerton Land") for constructing various projects in The Logistics Park-Kansas City, Phase 2, and provided for the issuance of up to \$1,000,000,000 in industrial revenue bonds. The Master Resolution of Intent allows Edgerton Land to assign portions of the Master Resolution of Intent to various companies that locate within the park. The partial assignment of the Master Resolution of Intent assigns \$60,000,000 of the Master Resolution of Intent to ELHC LI for the purpose of constructing this project.

RESOLUTION NO. 04-25-19B

RESOLUTION CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FOR THE LOGISTICS PARK-KC, PHASE 2, FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC LI, LLC, OR ITS SUCCESSORS IN INTEREST

WHEREAS, the City of Edgerton, Kansas (the “City”), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the City is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the City adopted Resolution No. 04-25-19___ on April 25, 2019 (the “Resolution of Intent”) determining the intent of the City to issue its industrial revenue bonds in multiple series, the aggregate amount of all series not to exceed \$1,000,000,000 (the “Bonds”), to finance the costs of acquiring, constructing, reconstructing, improving and equipping the Logistics Park Phase Two Projects (as defined in the Resolution of Intent) for the benefit of Edgerton Land Holding Company, LLC (the “Developer”); and

WHEREAS, the Resolution of Intent permits the Developer, with the consent of the City, to assign a portion of its interest in the Resolution of Intent to another entity, thereby conferring on such entity the benefits of the Resolution of Intent and the proceedings related thereto; and

WHEREAS, the Developer desires to assign \$60,000,000 of its interest in the Resolution of Intent to ELHC LI, LLC, a Kansas limited liability company (the “Company”), for the purposes of permitting the Company to acquire, construct and equip a commercial project, consisting of an approximately 765,000 sq. ft. warehouse and distribution facility (the “ELHC Project”), to be located at the northeast corner of Waverly Road and 207th Street in Edgerton, Kansas; and

WHEREAS, the City desires to consent to such partial assignment of the Resolution of Intent to the Company.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, AS FOLLOWS:

Section 1. Partial Assignment of Resolution of Intent. The Governing Body of the City hereby consents to the assignment by the Developer of \$60,000,000 of the Developer’s interest in the Resolution of Intent to the Company for the purposes of completing the ELHC Project, which is a Logistics Park Phase Two Project. The City agrees that the Company will now be entitled to the benefits of the Resolution of Intent to the same extent and on the same terms as the Developer with respect to the ELHC Project.

Section 2. Authorization to Proceed. The Company is authorized to proceed with the acquiring, constructing and equipping of the ELHC Project, and to advance such funds as may be necessary to

accomplish such purposes, and, to the extent permitted by law, the City will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 3. Benefit of Resolution. This Resolution will inure to the benefit of the City and the Company. The Company may, with the prior written consent of the City, assign its interest in this Resolution and the Resolution of Intent to another entity, and such assignee will be entitled to the benefits of this Resolution, the Resolution of Intent and the proceedings related hereto.

Section 4. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

ADOPTED this 25th day of April, 2019.

CITY OF EDGERTON, KANSAS

[SEAL]

By: _____
Donald Roberts, Mayor

ATTEST:

Rachel A. James, City Clerk



6330 Lamar
Suite 200
Overland Park, Kansas 66202
Jeff White, Managing Member
913.312.8077
jwhite@columbiacapital.com

April 9, 2019

Ms. Beth Linn
City Administrator
City of Edgerton
404 East Nelson
Edgerton, Kansas 66021

RE: Cost-Benefit Analysis for Inland Port 51

Dear Beth:

Please find attached the results of our cost-benefit analysis related to the projected property tax abatement to be granted by the City to applicant Edgerton Land Holding Company (ELHC) which plans to construct a 765,000 square foot warehouse and distribution facility in Phase 1 of Logistics Park Kansas City (LPKC). The purpose of this analysis is to satisfy the City's requirement pursuant to KSA 12-1749d or KSA 79-251(a)(1) to undertake a cost-benefit analysis before granting a property tax abatement. Consistent with City policy for development within LPKC, this analysis assumes the City will grant a 100% property tax abatement for 10 years with the applicant paying an annual payment-in-lieu-of-taxes equal to \$0.21 per square foot on the project.

BACKGROUND

As part of negotiations with the original master developer on the potential location of LPKC in Edgerton, the Edgerton City Council approved an incentives program that provides ten-year property tax abatements for projects locating in LPKC. The purpose of these abatements was to ensure that rents paid by the eventual users of buildings constructed by the master developer would be competitive against warehouse/distribution developments in Olathe, south Kansas City, Riverside and those located in other cities, including Dallas, Chicago, Memphis and Indianapolis. Like Edgerton, these communities also have incentives programs in place for warehouse and distribution facilities.

The original master developer reported—and its successor, NorthPoint Development/Edgerton Land Holding Company (ELHC)—continues to make the argument that, without the abatement incentives, large-scale warehouse and distribution facilities would not materialize in LPKC and certainly not at the pace of development LPKC has seen in recent years: the presence of the abatements was and is a necessary condition to the development of the project.

ABATEMENT MECHANICS

Under Kansas law, every ad valorem tax abatement is a 100% abatement. Cities granting an abatement have the right to negotiate payments-in-lieu-of-tax (**PILOT**)

payments from the abatement beneficiary to reduce the effective value of the abatement to that party. PILOT payments are distributed by Kansas counties to all taxing jurisdictions affected by the abatement in the same proportion as regular property taxes.

Property tax abatements effectively defer a portion of the tax benefit on new development for a period of up to 10 years. Although property tax abatements can create a loss of status quo ante tax revenues for taxing jurisdictions, abatements at LPKC have a very limited impact on existing tax revenues. Because the vast majority of undeveloped land within the boundaries of LPKC is classified for property tax purposes as “farming or ranch operations,” status quo ante property taxes in the aggregate within LPKC tend to total less than \$50 per acre per year.

ECONOMICS

The subject property is approximately 62.3 acres in size and will house a 765,000 square foot warehouse and distribution facility. Pursuant to the City’s agreement with the master developer, this analysis assumes the City will provide the applicant with a 100% property tax abatement for 10 years. We have further assumed that, consistent with its agreement with the master developer, the City will impose a \$0.21 per square foot per year PILOT.

The table below reflects the immediate impact on property tax/PILOT receipts from the subject property, assuming a status quo ante tax burden of \$50 per acre per year and based upon November 2018 levy rates published by Johnson County.

ENTITY	LEVY	% of TOTAL	EXISTING TAXES LOST	NEW PILOTs PAID	ANNUAL NET TAX GAIN/(LOSS)
State of KS	1.500	1.06%	\$(33)	\$ 1,699	\$ 1,666
Johnson Co.	19.024	13.42%	(418)	21,552	21,135
JCCC	9.266	6.53%	(203)	10,497	10,294
JCPRD	3.088	2.18%	(68)	3,498	3,431
Edgerton	29.919	21.10%	(657)	33,895	33,238
USD 231 Uniform	20.000	14.10%	(439)	22,658	22,219
USD 231 Capital †	8.000	0.00%	-	93,900	93,900
USD 231 Other	17.969	12.67%	(395)	20,357	19,963
USD 231 Bond	20.000	14.10%	(439)	22,658	22,219
Fire Dist #1	17.137	12.08%	(376)	19,415	19,038
Library	3.901	2.75%	(86)	4,419	4,334
	149.804	100.00%	\$(3,114)	\$ 254,550	\$ 251,436

† The USD 231 Capital Levy will not be abated. “New PILOTs Paid,” in this case, reflect projected property taxes paid.

COST-BENEFIT ANALYSIS DETAILS AND ASSUMPTIONS

KSA 12-1749d(2) requires notification of anticipated abatements only to counties or school districts affected. As a result, our analysis focuses on financial impacts to the City, Johnson County and USD 231 Gardner/Edgerton Schools (the **District**). We have not calculated the cost-benefit impacts for other taxing jurisdictions. State law also requires the analysis to include “the effect of the exemption on state revenues.” Our modeling includes such an estimate.

Our cost-benefit modeling relies on a number of key assumptions in the calculation of net present value benefit to the City, Johnson County and USD 231. Most of our

assumptions are derived from public information. Some of these key assumptions include:

- An evaluation of the direct costs and benefits of the project. Columbia's model does not include indirect or "spin-off" effects as a result of input-output multipliers.
- A ten-year analysis timeframe, matching the maximum permitted term of the abatement.
- Direct costs to affected taxing jurisdictions as estimated by Columbia based upon annual audits, proposed and adopted budgets, published tax rates and other publically available information for the taxing jurisdictions affected.
- Where applicable, reliance upon statistical data as reported by the United States Census Bureau and Kansas Department of Revenue.
- The use of a discount rate comprised of two components: a risk-free rate of return (the current yield of the on-the-run 10-year US Treasury) plus a risk premium of two (2) percent. The value of the discount rate is a proxy for the opportunity cost of the City (and other agencies) of foregoing the future property and/or sales tax revenues that would be generated by the development. Thought of another way, if the City had those revenues in hand and placed them in an alternative investment with the same risk characteristics, what would be its expected rate of return?

RECENT STATUTORY CHANGE

Reflecting a change adopted during the 2017 legislative session, this analysis assumes the District's capital levy (approximately 8 mills) will not be abated.

USING THE COST-BENEFIT MODELING RESULTS

The output of the model is presented as the net present value benefit/(cost) of the project for the City, County and school district over the 10-year life of the abatement on each project. The net benefit (or, if negative, cost) of the incentive package is presented in today's dollars. The estimated impact on State revenues is presented in nominal (future value) terms. We also provide an estimated future value project contribution to the City's Public Infrastructure Fund (**PIF**). While the modeling shows a significant net present value benefit to the City, it is important to note that the vast majority of this net benefit is reinvested in Phase 1 of LPKC through the Public Infrastructure Fund which is the funding source for the majority of public infrastructure to be developed to serve Phase 1 of LPKC.

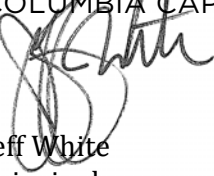
In the preparation of this cost-benefit analysis, Columbia has relied upon the information provided to it by applicant and has not independently verified or validated these data. The City must draw its own conclusions as to the reliability of these data.



Finally, the intent of this analysis and of the applicable statutes is to inform the governing body's policy debate about the value of the abatement incentive it is providing to the applicant. The project's generation of a net present value benefit to the agencies affected should be but one of the many factors in the governing body's decision about whether and how much incentive to provide to any applicant.

Thank you in advance for your thoughtful consideration of the analysis attached. Please let me know if you have any questions.

Respectfully submitted,
COLUMBIA CAPITAL MANAGEMENT, LLC

A handwritten signature in black ink, appearing to read "Jeff White", is written over the printed name.

Jeff White
Principal



SUMMARY OF COSTS AND BENEFITS**City of Edgerton, Kansas****APPLICANT INFORMATION:**

Application Date: 3/5/19
Firm Name: NorthPoint Development, LLC (To be assigned at land closing)
Firm Address: 4825 NW 41st St, Suite 500
 Riverside, Missouri 64150
Summary of Incentives Provided: 100% real property tax abatement for a 10 year period, as well as a construction sales tax exemption for materials, with a PILOT payment of \$0.21/s.f. per year.
Firm Contact: Patrick Robinson
 913.915.7150
Building Size (sf): 765,000

SUMMARY OF INCENTIVE PACKAGE (LOCAL GOVERNMENT IMPACTS ONLY):

Year	Property Tax Abatement		Construction Sales Tax Abatement		Direct Incentives		
	(%)	(\$)	(%)	(\$)	City	County	School
2	100	1,011,524	100	0	0	0	0
3	100	1,011,524	100	0	0	0	0
4	100	1,011,524	100	0	0	0	0
5	100	1,011,524	100	0	0	0	0
6	100	1,011,524	100	0	0	0	0
7	100	1,011,524	100	0	0	0	0
8	100	1,011,524	100	0	0	0	0
9	100	1,011,524	100	0	0	0	0
10	100	1,011,524	100	0	0	0	0
11	100	1,011,524	100	0	0	0	0

PAYMENT IN LIEU OF TAXES RECEIPTS:

City	County	School
(\$)	(\$)	(\$)
32,085	20,401	70,745
32,085	20,401	70,745
32,085	20,401	70,745
32,085	20,401	70,745
32,085	20,401	70,745
32,085	20,401	70,745
32,085	20,401	70,745
32,085	20,401	70,745
32,085	20,401	70,745
32,085	20,401	70,745
32,085	20,401	70,745

SUMMARY OF PRESENT VALUE BENEFITS:

City Summary				
Year	Total Benefits	Total Costs	Net Benefit	Net PV Benefit
2	626,109	291,085	335,024	306,821
3	625,354	291,085	334,269	292,961
4	625,393	291,085	334,308	280,391
5	625,434	291,085	334,349	268,363
6	625,476	291,085	334,391	256,851
7	625,521	291,085	334,436	245,836
8	625,568	291,085	334,483	235,294
9	625,618	291,085	334,533	225,206
10	625,670	291,085	334,585	215,552
11	625,724	291,085	334,640	206,313
	6,255,868	2,910,849	3,345,019	2,533,587

County Summary			
Total Benefits	Total Costs	Net Benefit	Net PV Benefit
191,541	180,380	11,161	10,222
190,624	180,380	10,244	8,978
190,679	180,380	10,299	8,638
190,737	180,380	10,357	8,313
190,798	180,380	10,418	8,003
190,863	180,380	10,483	7,706
190,930	180,380	10,550	7,421
191,001	180,380	10,621	7,150
191,075	180,380	10,695	6,890
191,153	180,380	10,773	6,642
1,909,401	1,803,799	105,602	79,962

School District Summary			
Total Benefits	Total Costs	Net Benefit	Net PV Benefit
674,406	526,537	147,869	135,421
674,406	526,537	147,869	129,596
674,406	526,537	147,869	124,021
674,406	526,537	147,869	118,686
674,406	526,537	147,869	113,581
674,406	526,537	147,869	108,695
674,406	526,537	147,869	104,019
674,406	526,537	147,869	99,545
674,406	526,537	147,869	95,263
674,406	526,537	147,869	91,165
6,744,057	5,265,365	1,478,691	1,119,991

SUMMARY OF ECONOMIC IMPACT (over 10-year period):

Number of jobs to be created : 220

Number of new residents:

City 6
 County 7
 School District 7

Expected 10-Year Contribution to PIF: \$ 2,580,500

Impact of exemption on state revenues: \$ (132,039)

City Council Action Item

Council Meeting Date: April 25, 2019

Department: Community Development

Agenda Item: Consider Ordinance No. 2009 Which Adopts the Planning Commission's Recommendation to Approve a Conditional Use Permit to Allow a Cargo Container Storage Yard and Truck Parking/Maintenance Facility on Parcels Containing an L-P Zoning Designation – at 19140 Waverly Road (South Side of 191st Street, west of Waverly Road).

Background/Description of Item:

The City of Edgerton has received Application CU2019-01 requesting a Conditional Use Permit to operate a cargo container storage yard and truck parking/maintenance facility along the south side of 191st Street, west of Waverly Road. The applicant is TSL Company Holdings, LLC and current property owner is Hastings Family Holdings, LLC. The BNSF intermodal facility is located about 1/2 mile to the northwest of this operation and the Logistics Park Kansas City (LPKC) industrial park surrounds this parcel.

TSL currently operates a cargo container storage yard and truck parking facility at this location. A conditional use permit (CU-9-6-2013) for those operations received approval from the Edgerton Governing Body on January 9, 2014. On April 9, 2019 the City of Edgerton Planning Commission considered and gave contingent approval to Final Site Plan FS2019-02, pending approval of this Application. FS2019-02 would allow the Phase II expansion of current TSL operations on to four adjacent parcels to the south. Application CU2019-01 is a request for a Conditional Use Permit which encompasses both Phase I and Phase II operations.

Final Site Plan FS2019-02 details include a 10,000 SF maintenance facility, a guard shack for access control, and a fueling station. The maintenance facility will include restrooms, a driver lounge, and an area for parts storage.

In order to recommend approval or disapproval of a proposed Conditional Use Permit (CUP), the Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, Section 7.1 (C) of Article 7 of the UDC states that the Planning Commission and the Governing Body may consider all factors they deem relevant. In addition, Section 7.2 (D) of the UDC details requirements to be considered for a conditional use permit for cargo container storage, repair and maintenance facilities. Staff reviewed application CU2019-01 with respect to these requirements.

The Planning Commission conducted a Public Hearing regarding Application CU2019-01 at their meeting on April 9, 2019. Included as an attachment is the Staff Report prepared for this item. The Planning Commission recommended approval with the following stipulations:

1. The Conditional Use Permit (Application CU2019-01) approval shall be transferable, but it must stay with the ownership of these parcels for which its use is approved (Final Plat FP2019-01);
2. The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements. The applicant shall comply with height requirements by limiting cargo container stacking to not exceed the maximum of 5 (five) cargo containers. This condition shall be continually met for the duration of the conditional use permit;
3. The property shall be developed in accordance with the Site Plan FS2019-02, to be approved by the Planning Commission, prior to commencement of the cargo container storage use. Landscaping material shall be continuously maintained and replaced when dead;
4. Cargo containers and chassis may only be stored in the designated areas shown on Site Plan FS2019-02;
5. No other outside storage of equipment or materials shall be allowed on the property;
6. Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a new, revised Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans;
7. This Conditional Use Permit shall be valid for 10 (ten) years from date of approval by the City of Edgerton Governing Body;

Related Ordinance(s) or Statue(s): N/A

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval of Ordinance No. 2009 Which Adopts the Planning Commission's Recommendation to Approve a Conditional Use Permit to Allow a Cargo Container Storage Yard and Truck Parking/Maintenance Facility on Parcels Containing an L-P Zoning Designation – at 19140 Waverly Road (South Side of 191st Street, west of Waverly Road).

Enclosed:

- Ordinance 2009
- Staff Report prepared for April 9, 2019 Planning Commission Meeting and the Staff Report for Final Site Plan FS2019-02
- Excerpt from Draft Minutes – March 9, 2019 Planning Commission Meeting

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2009

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW USE OF LAND IN THE CITY OF EDGERTON LOGISTICS PARK ZONING DISTRICT (L-P) LOCATED AT 19140 WAVERLY ROAD (ALONG THE SOUTH SIDE OF 191ST STREET, ADJACENT TO WAVERLY ROAD, FOR TRANSPORTATION STORAGE AND A TRUCKING YARD

WHEREAS, the City of Edgerton received Application CU2019-01 for a Conditional Use Permit from Hastings Family Holdings, LLC (the "Applicant") on or about March 4, 2019 for property located at 19140 Waverly Road (the "Property"); and

WHEREAS, the Property was owned at that time by Hastings Family Holdings, LLC; and

WHEREAS, the Applicant is requesting to combine Phase I operations, allowed under Conditional Use Permit CU9-16-2013 approved on January 9, 2014, with the expanded Phase II operations so that one permit will encompass the entire operation to avoid confusion over renewal dates;

WHEREAS, the Edgerton Planning Commission did hold a public hearing on April 9, 2019 on the requested Conditional Use Permit in accordance with the requirements as set forth in the Edgerton Zoning Regulations; and

WHEREAS, The Edgerton Planning Commission voted to approve the Conditional Use Permit for use of land for "transportation storage and a trucking yard" but such vote was conditioned on the following being adhered to by the Applicant/Owner:

1. The Conditional Use Permit CU2019-01 approval shall be transferable, but it must stay with the ownership of these parcels for which its use is approved (Final Plat FP2019-01);
2. The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements. The applicant shall comply with height requirements by limiting cargo container stacking to not exceed the maximum of 5 (five) cargo containers. This condition shall be continually met for the duration of the conditional use permit.
3. The property shall be developed in accordance with the Site Plans FS-09-16-13 and FS2019-02, approved by the Planning Commission, prior to commencement of the

cargo container storage use. Landscaping material shall be continuously maintained and replaced when dead.

4. Cargo containers and chassis may only be stored in the designated areas shown on Site Plans FS-09-16-13 and FS2019-02.
5. No other outside storage of equipment or materials shall be allowed on the Property.
6. Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a new, revised Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans.
7. This Conditional Use Permit shall be valid for 10 (ten) years from date of approval by the City of Edgerton Governing Body.

WHEREAS, the City Governing Body, after reviewing the Conditional Use Permit and considering the criteria set forth in Article 7 of the City Zoning Regulations and the recommendations of the Planning Commission, finds the Conditional Use Permit should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

Section 1. The proposed Conditional Use Permit for transportation storage and a trucking yard is hereby approved for the following property:

Part of the Northeast Quarter of Section 3, Township 15 South, Range 22 East in the City of Edgerton, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northeast corner of said Northeast Quarter; thence South 01°09'47" East, along the East line of said Northeast Quarter, a distance of 1,681.02 feet; thence departing said East line, South 88°21'32" West, along the North line and its easterly prolongation of LOGISTICS PARK KANSAS CITY PHASE IV, SECOND PLAT, a platted subdivision in said City, a distance of 1,311.45 feet to the Northwest corner of Tract A of said LOGISTICS PARK KANSAS CITY PHASE IV, SECOND PLAT, said point being on the West line of the East Half of said Northeast Quarter; thence North 01°20'47" West, along said West line, a distance of 1,676.20 feet to a point on the North line of said Northeast Quarter; thence North 88°09'02" East, along said North line, a distance of 1316.86 feet to the Point of Beginning, containing 2,205,869 square feet or 50.640 acres, more or less.

Section 2. The Conditional Use Permit approved by this Ordinance is expressly conditioned on the Applicant's/Owner's strict compliance with the seven Conditions set forth above, which were recommended by the Edgerton Planning Commission and approved by the City of Edgerton City Council.

Section 3. The effectiveness of this Conditional Use Permit is conditioned upon the strict compliance by the Applicant/Owner with the provisions contained herein and in the City of Edgerton Zoning Regulations. Should Applicant/Owner fail to comply with any term or provision thereof and shall such failure continue following notice from City to Applicant/Owner specifying the breach and actions to be taken to cure the same, then, at the direction of the City Administrator, Applicant/Owner will be notified that this Conditional Use Permit is revoked, and all uses permitted herein on the Property must immediately cease. Reinstatement following default may only be affected by action of the Governing Body. Wholly separate and apart from the specific conditions of the City's Zoning Regulations are the City's interest and duties to protect the public health, safety and welfare. Applicant/Owner agrees that this Ordinance shall not operate or be construed to impede or impair the lawful function of City government operation in this area.

Section 4. This Ordinance shall take effect and be enforced from and after its publication once in the official city newspaper. All Zoning and Regulations of the City of Edgerton, Kansas affecting the use of the Property heretofore described which are inconsistent with this Ordinance are hereby made inapplicable to said Property until the Conditional Use Permit is vacated or is declared null and void.

PASSED by the Governing Body of the City of Edgerton, Kansas and approved by the Mayor on the 25th day of April, 2019.

DONALD ROBERTS, Mayor

ATTEST:

RACHEL A. JAMES, City Clerk

APPROVED AS TO FORM:

LEE W. HENDRICKS, City Attorney

STAFF REPORT

April 9, 2019

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: **CU 2019-01** for Conditional Use Permit Request for Container Yard and Freight Station for
TSL Edgerton

APPLICATION INFORMATION

Applicant: Chris Stara, Agent
TSL Company Holdings, LLC
10001 South 152nd Street
Omaha, NE 68138

Property Owners: Hastings Family Holdings, LLC
10001 South 152nd Street
Omaha, NE 68138

Requested Action: Conditional Use Permit approval for a cargo container storage/maintenance facility and truck yard – *LPKC Logistics Support*

Legal Description: NE Quarter of Section 3, Township 15 South, Range 22 East; see attached application for complete legal description.

Site Address/Location: Along the south side of 191st Street and west of Waverly Road; 19140 Waverly Road

Site Size: Approximately 50.64 Acres

Existing Improvements: Phase I operations include an approved cargo container storage and trucking operations.

Current Zoning and Land Uses:

	<i>ZONING</i>	<i>LAND USE</i>	<i>USER/OWNER</i>
<i>SITE</i>	LP, Logistics Park District	Current use is Phase I cargo container operations with Agricultural use on parcels to be used for Phase II expansion. Site plan application for Phase II operations to be heard at Planning Commission meeting on April 9, 2019.	Transpec Leasing Incorporated and Hastings Family Holding, LLC
<i>NORTH</i>	LP, Logistics Park District	N/A – Parcel vacant	Edgerton Land Holding Company, LLC
<i>SOUTH</i>	LP, Logistics Park District	Warehouse Operations	IP XXIII 196 Street LLC, NorthPoint Development LLC Manager
<i>EAST</i>	LP, Logistics Park District	Warehouse Operations	IPXI 191 Street LLC, NorthPoint Development LLC Manager
<i>WEST</i>	LP, Logistics Park District	Parcels are currently vacant; a site plan application for storage and trucking operations was approved by the Planning Commission on October 9, 2018.	Edgerton Land Holding Company, LLC and Logistics Park Kansas City, Inc.

BACKGROUND AND PROJECT DESCRIPTION:

On December 10, 2013, the City of Edgerton Planning Commission considered and approved **Application CU-9-16-2013** for a Conditional Use Permit for Transpec Leasing Incorporated which allowed the Phase I construction of a cargo container storage yard and truck parking/maintenance facility on land owned by Hastings Family Holding, LLC. The City of Edgerton City Council then approved their Conditional Use Permit (CUP) application on January 9, 2014.

On March 4, 2019 City Staff received **Application CU2019-01**, a request to combine both Phase I and Phase II operations into one CUP instead of having two different permits with two different expiration dates.

Phase II operations include a fueling station with a 10,000 square foot maintenance building in the southwestern corner of the parcels. A guard shack is also proposed in the southeastern portion of the lot. The maintenance facility will have restrooms and a driver lounge as well as an area for storage of parts. The BNSF intermodal facility is located about 1/2 mile to the northwest of the proposed location and Logistics Park Kansas City (LPKC) industrial park operations and L-P District parcels surround this project.

Applicant requests a ten (10) year use period be assigned to this Conditional Use Permit as that time frame has been granted for similar projects.

INFRASTRUCTURE AND SERVICES:

All infrastructure and services were reviewed with Final Site Plan FS2019-02 which included Phase II operations.

STAFF ANALYSIS

Based upon review of Application CU2019-01 and the plan submitted, staff has determined the

request for a cargo container storage and trucking/maintenance yard, as allowed by the Edgerton Unified Development Code (UDC), to be a Conditional Use in the Logistics Park (L-P) zoning district.

The Planning Commission, in accordance with the procedures and standards of the UDC, may authorize buildings, structures, and uses as conditional uses in specific instances and in particular zoning districts provided that:

- the location is appropriate and consistent with the Comprehensive Plan;
- that the public health, safety, morals, and general welfare will not be adversely affected;
- the necessary safeguards will be provided to surrounding property, persons, and neighborhood values; and
- may further provide that additional standards of this Article be specified as a condition of approval.

No Conditional Use shall be authorized unless the Planning Commission finds that the establishment, maintenance, or operation of the Conditional Use meets the standards set forth in the UDC. The burden of proof and the burden of persuasion is on the applicant to bring forth the evidence on all questions of fact that are determined by the Planning Commission.

Staff has reviewed the Conditional Use application for compliance with the requirements in Section 7.1(c) of Article 7 of the Edgerton UDC as it relates to the issuance of Conditional Uses. Review comments are listed below.

GENERAL CRITERIA

- a. The extent to which there is a need in the community for the proposed use. Demand for businesses 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. LPKC's primary function is to transport and redistribute containers and the products they contain. There is a need for companies that specialize in storage and truck parking/maintenance. The proposed use would fill a need for this type of support service in LPKC. Staff determination: ***Positive***
- b. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space. The character of the neighborhood is established as a transportation and logistics hub. The BNSF Intermodal Facility is across 191st Street to the west and north of this proposed location. Land use zoning for the parcels comprising this project is L-P Logistic Park District. The lot would be wholly contained within Site Plan FS2019-02 as submitted for Planning Commission review. Staff determination: ***Positive***
- c. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening. The existing parcel zoning of LP Logistics Park and the adjacent property uses are similar in nature to other Logistics Park support services. The proposed Final Site Plan FS2019-02 meets the Edgerton UDC requirements with stipulations for a Right-Of-Way landscape buffer and berming along Waverly Road and 191st Street. Proposed fencing of 1" black galvanized chain link to be installed around the perimeter of the operation will be changed to black vinyl coated chain link to meet L-P zoning design guidelines per Article 5.2 of Edgerton's Uniform Development Code.

Staff determination: ***Positive***

- d. Suitability of the uses of the property without the proposed conditional use permit. The property is zoned L-P district. Cargo container storage and truck yards are an important support function at the Logistics Park Kansas City. Staff determination: ***Positive***
- e. Length of time the subject property has remained vacant without the proposed conditional use permit. Phase I of the project was approved for the same conditional use in 2014, with that permit set to expire on January 9, 2024 (Ordinance 965). Currently, there is no development on the land that will be used for the Phase II expansion of TSL Edgerton. Staff determination: ***Positive***
- f. The extent to which the proposed use may detrimentally affect nearby property. No long term detrimental effects are expected for the use of the property as the use requested is not extraordinary at Logistics Park Kansas City. There are currently three other cargo container storage use facilities in operations at the Logistics Park and approval for a fourth operation that has not yet been constructed directly to the west of this project. Staff determination: ***Positive***
- g. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions. During the approval process for the Preliminary and Final Plat for this project, Access Limitations were added to allow two entrances on 191st Street and a maximum of two entrances from Waverly Road. The existing entrance off of Waverly Road will be removed and two additional entrances further south are part of the proposal of Final Site Plan FS2019-02, also presented before the Planning Commission during the April 9, 2019 meeting. Staff determination: ***Positive***
- h. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services. As addressed in FS2019-02, Phase I of TSL's cargo container operations are currently served with standard Edgerton utilities. Staff determination: ***Positive***.
- i. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property. The application is not anticipated to adversely affect the capacity or safety of the road network as the project is located on 191st Street and Waverly Road which are designated Heavy Haul Corridors. Staff determination: ***Positive***
- j. The environmental impacts that the proposed use would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm. The City will follow NPDES (stormwater management requirements) guidelines that require the developer to address runoff and water pollution mitigation measures as part of the development of the property. As part of the stipulations for conditional approval of Final Site Plan FS2019-02, the applicant was required to submit a stormwater study for the City Engineer to review, submit documentation and obtain a Land Disturbance Permit, and complete a City of Edgerton Floodplain Development Permit. Staff determination: ***Neutral***
- k. The economic impact of the proposed use on the community. Prior to the development of the

BNSF intermodal and logistics park, there were few commercial and industrial uses within the City. Warehousing and related uses in the L-P District have the potential to benefit the residents and community in a positive way by providing needed jobs and tax revenues. This type of use is seen as necessary support for warehousing and other related Logistics Park uses. Staff determination: **Positive**

- l. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial. The proposed Final Site Plan application FS2019-02, with stipulations, will meet the requirements of the UDC. Due to the nature of the request, there would be little gain to the public health, safety and welfare of the City of Edgerton and the property owner should this request be denied. Staff determination: **Positive**
- m. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community. The Future Land Use Map (attached) within the Comprehensive Plan designates the subject property for industrial development. Staff determination: **Positive**

In addition to the above criteria, the recommendation of professional staff is also required per Ordinance 798 (2005). Staff recommendation is addressed in the Recommendations Section of this Staff Report.

Staff has reviewed Application CU2019-01 for compliance with the requirements in Section 7.2(d) of Article 7 of the Edgerton UDC as it relates to uses within an area with an L-P Zoning District designation.

CARGO CONTAINER STORAGE, REPAIR, AND MAINTENANCE FACILITY PERFORMANCE CRITERIA.

All cargo container storage and cargo container repair and maintenance facilities (collectively referred to as “facilities”) shall be subject to the following performance provisions:

1. Access: 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. ***Final Site Plan FS2019-02 complies.***
2. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved. ***Final Site Plan FS2019-02 complies.***
3. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres. ***Property complies with 50.64 acres.***
4. Noise: Noise from businesses and facilities shall not exceed 60 dB(A) in any adjacent residential district or 70 dB(A) in any adjacent commercial or industrial district or property. ***Noise issues are not addressed in the applicant's proposal; however, if approved, the use must continuously comply with these noise maximums in the conduct of business.***
5. Paving: All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For purposes of this stipulation:

- a. Paving shall mean concrete or asphalt: and
- b. Dust-free shall mean that all interior driveways and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.

FS2019-02 is in compliance with City of Edgerton UDC and APWA recommended standards as it indicates 11" Portland concrete pavement and 4" concrete sidewalk.

6. Parking: Facilities 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. ***The proposed use shall continuously comply with parking requirements.***
7. Cargo Container Stacking: Cargo containers shall not be stacked more than five (5) in number. ***The proposed use must continually comply and not exceed the maximum stacking number. Additionally, Final Site Plan FS2019-02 indicates specific areas where cargo containers will be stacked. Cargo containers may not be stored outside of approved areas indicated on FS2019-02.***
8. Chassis Stacking/Racking: Empty chassis may be stored on end (racking) or may be stacked. When stacked, chassis shall not be more than five (5) in number. ***The proposed use must continually comply with and not exceed the maximum stacking number. Additionally, Final Site Plan FS2019-02 indicates specific areas where cargo containers will be stacked. Cargo containers may not be stored outside of approved areas indicated on FS2019-02.***
9. Screening and Landscaping: Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping. Screening shall comply with requirements Article 5.2 L-P District Landscape Standards. ***Submitted Final Site Plan FS2019-02 complies. The proposed use shall continuously comply with landscaping requirements.***
10. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property, shall be subject to the setback requirements in Article 5.2 L-P District Setback, Yard, Area Regulations, except, however, the parking or storage of cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked) shall be subject to the following setback standards that may vary depending upon the difference scenarios set forth below:
 - a) When abutting (touching, or across the street from non-residentially zoned property, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked and stacked). ***Final Site Plan FS2019-02 complies. The proposed use shall continuously comply with setback requirements.***
 - b) When abutting (touching public right-of-way, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked). ***Final Site Plan FS2019-02 complies. The proposed use shall continuously comply with setback requirements.***
 - c) When abutting (touching), or across the street from, residentially zoned property, such parking and storage shall be setback a minimum of 250 feet from the nearest property line of

the residentially zoned property. *This requirement is not applicable as there is no property adjacent to this project that is residentially zoned.*

- d) When abutting (touching), or across the street from, a habitable dwelling, such parking and storage shall be setback a minimum of 300 feet from the nearest dwelling. *There is a warehouse to the south of the proposed cargo storage area. The warehouse is over 300 feet away from the closest container. There is also a warehouse to the east of the proposed cargo container storage area. That facility is also over 300 feet from the closest proposed container stack. Final Site Plan FS2019-02 complies.*
11. Signage: Business signs shall be allowed according to Article 5.2 L-P District Signage regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis. No signage is proposed with this application. Signage proposed later shall receive separate approval according the provisions of the UDC.
12. Site Plan: A site plan shall be submitted with the application. The site plan shall be prepared in accordance with the requirements of Article 9 (B) (3) of these regulations. *Final Site Plan FS2019-02 shall be revised to comply with all stipulations as required through the approval of the Planning Commission and as part of the Conditional Use Permit review.*
13. Other Rules and Regulations. 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. *The proposed use must continuously comply with these requirements.*

RECOMMENDATION

Based upon the above staff analysis, City staff recommends **approval** of Application **CU2019-01** Conditional Use Permit for a Transportation Storage and Trucking Yard on these parcels as shown in the enclosed site plans for a period of ten years with the following stipulations:

1. The Conditional Use Permit CU2019-01 approval shall be transferable, but it must stay with the ownership of these parcels for which its use is approved (Final Plat FP2019-01);
2. The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements. The applicant shall comply with height requirements by limiting cargo container stacking to not exceed the maximum of 5 (five) cargo containers. This condition shall be continually met for the duration of the conditional use permit.
3. The property shall be developed in accordance with the Site Plan FS2019-02, to be approved by the Planning Commission, prior to commencement of the cargo container storage use. Landscaping material shall be continuously maintained and replaced when dead.
4. Cargo containers and chassis may only be stored in the designated areas shown on Site Plan FS2019-02.
5. No other outside storage of equipment or materials shall be allowed on the property.

6. Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a new, revised Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans.
7. This Conditional Use Permit shall be valid for 10 (ten) years from date of approval by the City of Edgerton Governing Body.

ATTACHMENTS

- Application CU2019-01
- Future Land Use Map



Please print or type.

PROPERTY INFORMATIONRequesting Conditional Use Permit For: TSL TerminalsLocation or Address of Subject Property: 31115 West 191st StreetLegal Description: See "Exhibit A - Legal Description"Zoning on Subject Property: Logistics Park (L-P) Current Land Use: Container Yard and Freight Station**PROPERTY OWNER INFORMATION**Property Owner's Name(s): Tom Hastings Phone: 402-895-6692Company: Hastings Family Holdings, LLC Fax: 402-895-7033Mailing Address: 10001 South 152nd StreetCity: Omaha State: Nebraska Zip: 68138**APPLICANT/AGENT INFORMATION**Applicant/Agent's Name(s): Chris Stara Phone: 531-444-4820Company: TSL Company Holdings, Ltd. Fax: 402-895-7033Mailing Address: 10001 South 152nd StreetCity: Omaha State: Nebraska Zip: 68138**ENGINEER/ARCHITECT INFORMATION**Engineer/Architect's Name(s): Patrick Cassity Phone: 913-333-3878Company: Renaissance Infrastructure Consulting Fax: _____Mailing Address: 5015 NW Canal StreetCity: Riverside State: Missouri Zip: 64150**SIGNATURE**Signature of Owner or Agent: 

NOTE: If not signed by owner, authorization of agent must accompany this application

FOR OFFICE USE ONLY

Case No.: CU- _____

Amount of Fee Paid: \$ _____ Date Fee Paid: _____

Received By: _____ Date of Hearing: _____

v. 09.25.18




Case No.: CU- 2019-01

I, Chris Stara of lawful age being first duly sworn upon oath, state:

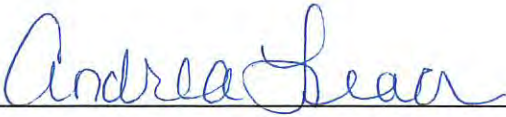
That I am the agent (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

These notices were mailed on the 28th day of February, 2019.



Signature of Agent, Owner, or Attorney

Subscribed and sworn to before me this 4th day of March, 2019.



Notary Public

State of Nebraska - General Notary
ANDREA LEACH
My Commission Expires
February 3, 2023

My Commission Expires:

(SEAL)

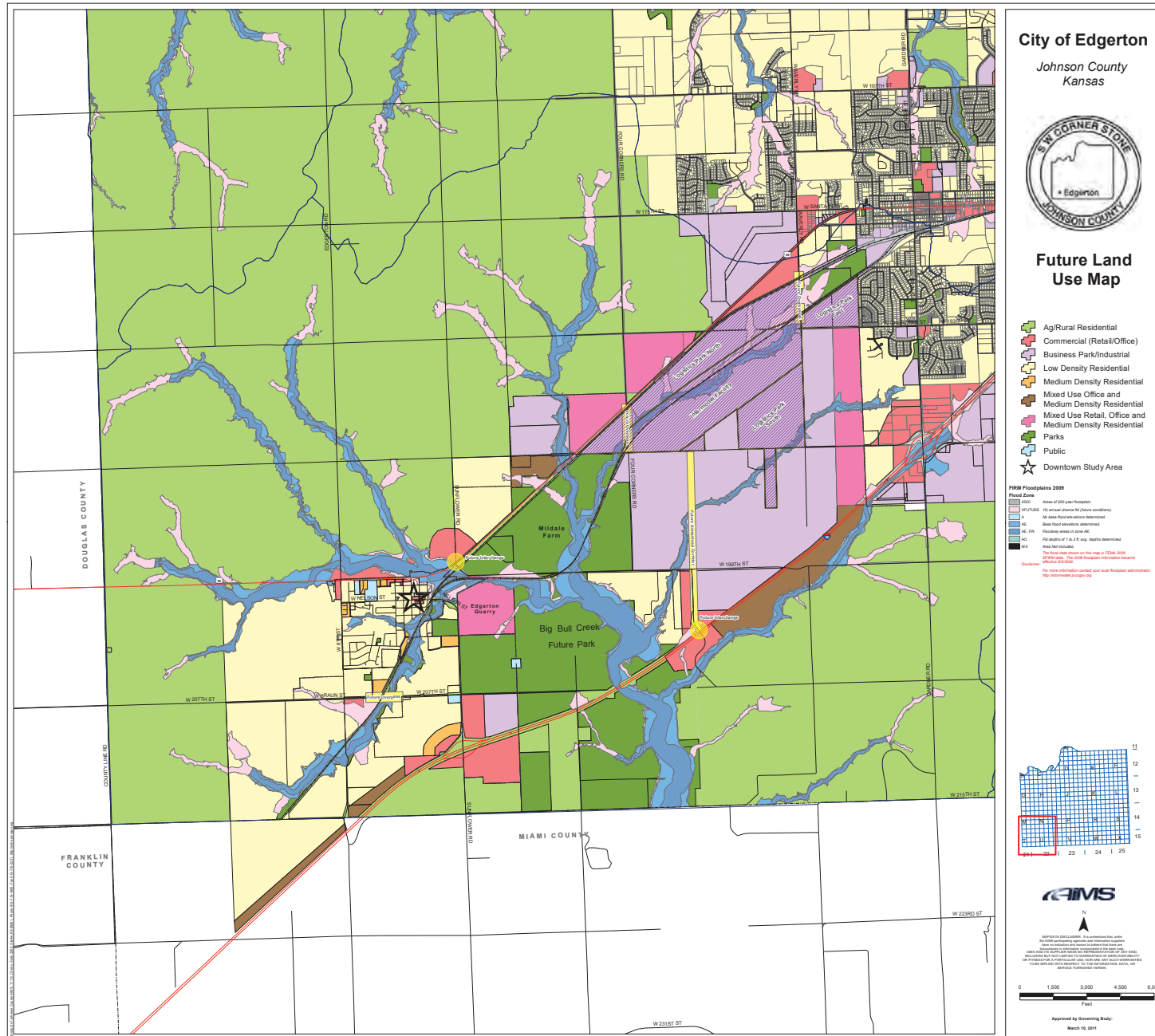
2/3/23

Name	Address	City	State	Zip
Edgerton Land Holding Company LLC	4825 NW 41 St Street, Suite 500	Riverside	MO	64150
Logistics Park Kansas City INC	4825 NW 41 St Street, Suite 500	Riverside	MO	64150
IPXXXIII 196 Street LLC	2000 Avenue of The Stars, Apt 12FL	Los Angeles	CA	90067
NorthPoint Development LLC	4825 NW 41 St Street, Suite 500	Riverside	MO	64150
Spectrum Brands	31100 West 196 th Street	Edgerton	KS	66030
IPXIV Waverly LLC	2000 Avenue of The Stars, Apt 12FL	Los Angeles	CA	90067
Amazon Fulfillment Center	19451 Waverly Road	Edgerton	KS	66021
IPXI 191 Street LLC	2000 Avenue of The Stars, Apt 12FL	Los Angeles	CA	90067
Kubota Tractor Coporation	30901 W 191st Street	Edgerton	KS	66021
Nickell Gardner Kansas Properties, LLC	5252 W 115th Terrace	Leawood	KS	66211
IPV 187 Street, LLC	2000 Avenue of The Stars, Apt 12FL	Los Angeles	CA	90067
IPII 191 Street, LLC	2000 Avenue of The Stars, Apt 12FL	Los Angeles	CA	90067
Demdaco	31426 West 191st Street	Edgerton	KS	66021

EXHIBIT A – DESCRIPTION

Part of the Northeast Quarter of Section 3, Township 15 South, Range 22 East in the City of Edgerton, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northeast corner of said Northeast Quarter; thence South $01^{\circ}09'47''$ East, along the East line of said Northeast Quarter, a distance of 1,681.02 feet; thence departing said East line, South $88^{\circ}21'32''$ West, along the North line and its easterly prolongation of LOGISTICS PARK KANSAS CITY PHASE IV, SECOND PLAT, a platted subdivision in said City, a distance of 1,311.45 feet to the Northwest corner of Tract A of said LOGISTICS PARK KANSAS CITY PHASE IV, SECOND PLAT, said point being on the West line of the East Half of said Northeast Quarter; thence North $01^{\circ}20'47''$ West, along said West line, a distance of 1,676.20 feet to a point on the North line of said Northeast Quarter; thence North $88^{\circ}09'02''$ East, along said North line, a distance of 1316.86 feet to the Point of Beginning, containing 2,205,869 square feet or 50.640 acres, more or less.



STAFF REPORT

April 9, 2019

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: **FS2019-02** Final Site Plan for *TSL Edgerton Phase II*, located along the south side of 191st Street, and the west side of Waverly Road.

APPLICATION INFORMATION

Applicant:	Chris Stara, representing Transpec Leasing Incorporated 10001 S. 152 nd St. Omaha, Nebraska 68138
Property Owners:	Hastings Family Holdings, LLC 25830 W Dodge Rd Waterloo, NE 68069
Requested Action:	Final Site Plan approval for <i>TSL Edgerton Phase II</i>
Legal Description:	Part of the NE Quarter of Section 3, Township 15 South, Range 22 East; see attached application for complete legal description.
Site Address/Location:	Along the south side of 191 st Street, and along the west side of Waverly Road.
Existing Zoning and Land Uses:	Existing zoning L-P (Logistics Park) District; Parcels are currently undeveloped.
Existing Improvements:	None.
Site Size:	29.44 acres

Subject Property



PROJECT DESCRIPTION

This request is for approval of Application **FS2019-02** Final Site Plan for the Phase II expansion of the current TSL Edgerton cargo container storage/maintenance facility and truck yard. The proposed expansion would occur on the adjacent parcels located directly south of current operations. Phase II includes a proposed 10,000 square foot Maintenance and Fueling Facility located near the southwestern corner of the property. If approved, this facility would include 6 (six) fueling pumps and 3 (three) above ground fuel tanks with containment basins. Also included is a proposed guard shack on the east side of the project, adjacent to Waverly Road. Increased demand for businesses which store and maintain cargo containers is a by-product of the activity in and around the intermodal facility.

A Preliminary Site Plan was not required due to the nature of the project and the proposed operation. Tracts A and B are to be utilized as part of the stormwater system. Building elevations for both the maintenance building and guard shack have been included. The Final Site Plan sheets include general information about the development including items such as overall layout, access, circulation and landscape plans.

Cargo container storage facilities are permitted by condition on parcels containing L-P District zoning designation. As such, operators are required to obtain a Conditional Use Permit. TSL Edgerton currently possesses a Conditional Use Permit for Phase I of their operations. As part of the Phase II expansion, they have applied for a new Conditional Use Permit (Application CU2019-01) which would include both phases of the operation and will be considered under separate review from this Site Plan Application.

INFRASTRUCTURE AND SERVICES

1. Requested access to the project operations will be from 191st Street via one (1) existing private drive and two (2) private drives off of Waverly Road. Proposal is to remove the existing drive off of Waverly and add two new drives further south.
2. Utilities.
 - a. Johnson County Rural Water District #7.
 - b. Sanitary Sewer - City of Edgerton.
 - c. Electrical Service - Kansas City Power & Light.
 - d. Gas Service – Kansas Gas Service.
3. Police protection is provided by the City of Edgerton through the Johnson County Sheriff's Office.
4. Fire protection is provided by Johnson County Fire District #1.
5. Located within the Bull Creek watershed.

FINAL SITE PLAN REVIEW

Staff has reviewed the Final Site Plan submittal for compliance with the requirements in Article 10, *Site Plans and Design Standards* and Section 5.2, *Logistics Park (L-P) District* of Article 5 of the Edgerton Unified Development Code (UDC). Review comments are listed below.

Article 10 - Site Plan Requirements

1. Sheet #3
 - a. Parking areas, paths, walkways with sizes and surfaces material specifications.
*Driveway aprons should not exceed 30' in width at the throat. **Phase I driveway throats are 36', which was allowed as part of the approval of the original***

Phase I Site Plan in 2013. Phase II driveway throats are 36' and 34'. This meets the standard that was agreed upon for Phase I.

- b. A sketch of the entry sign and all other free-standing, façade, and building signs to be used on the premises. *No signage was submitted with the application. Signage proposed later shall receive separate approval from the Zoning Administrator according to the provisions of the UDC.*
- c. Features to facilitate handicapped access. *The accessible parking spaces and access areas should not exceed 2% slope in any direction. The accessible route to the building should meet ADAAG requirements. Applicant acknowledges.*

Section 5.2 – L-P Logistics Park District

1. District Regulations

- a. All storage of motorized machinery and equipment, materials, products or equipment shall be within a fully enclosed building, or in a storage area or yard. Said storage shall be limited to twenty percent (20%) of the ground floor area of the building or tenant space. All storage materials shall be one hundred (100) percent screened from public view, except when adjacent to another storage area, which is one hundred (100) percent screened from public view. For the purposes of this section, the phrase “screened from public view” means not visible at eye level from adjoining properties or any street right-of-way. Use of landscaping materials is encouraged in lieu of privacy fencing. All storage areas shall be paved or surfaced. *Building elevations indicate exterior HVAC units on the west side of the maintenance facility building. Screening of this equipment from public view is necessary. Landscaping or vinyl fencing material may be used. Update Final Site Plan.*

2. Architectural Design Standards

- a. Building Materials. One hundred percent (100%) of the surface of each exterior wall (excluding doors and windows) facing a public street, residential use or public open space shall consist of 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 these materials. The use of other cementitious products (e.g. stucco, Hardy Plank, or other similar materials) shall be limited to fifty percent (50%) of the buildings' exterior finishes where it is deemed important as a design feature and where it will be applied under the highest standards for quality and durability. However, stucco may not be located in the first eight feet (8') above grade on a façade visible from a public right-of-way or a public area. *The proposed east façade of the maintenance facility building is shown with 100% complete coverage utilizing a stone veneer product. The proposed west façade shows 100% stucco finish. The north and south facades show the stone veneer in the first 8' above grade then stucco on the remaining height. All surfaces on this building should be finished with the same material as the front of the building that faces 191st Street. Update Final Site Plan.*
- b. Screening of Rooftop Equipment. For buildings within the L-P District, all rooftop mounted mechanical, air conditioning, electrical, and satellite dish equipment shall not be visible. Rooftop equipment shall be screened from ground and street level view with parapets or other architectural design features constructed of the same materials used on the exterior walls. *Site plan does show proposed location for rooftop equipment, but it does not confirm that the equipment will be screened from the ground. If rooftop equipment is*

visible from the ground, street level parapets or screening to conceal it from the ground and the street shall be required.

3. Parking and Loading.

- a. Specific Requirements. Each establishment shall provide sufficient off-street parking spaces for all employees, customers, visitors and others who may spend time at the establishment during working hours. Such parking space shall be at least nine (9) feet by twenty (20) feet. ***There are no dimensions provided on the provided plans of the vehicular parking spaces. Update Site Plan.***

4. Landscape Standards.

- a. Perimeter Landscape Buffer Requirements. Perimeter landscape buffers shall be determined based upon adjacent land uses. Table 2, Perimeter Landscape Buffer Requirements, defines the required buffer to be provided.
- i. West side of project: Phase II operations are adjacent to another approved cargo container operation containing L-P District zoning designation and adjacent to walking trail easement. Per the UDC, Type 1 and Type 2 Buffers are not required along rear property lines or along interior side property lines behind the front face of the building. ***Final Site Plan meets UDC requirements.***
 - ii. North side of project: No landscaping is required on the north side of Phase II operations due to adjacency to Phase I operations. ***Final Site Plan meets UDC requirements.***
 - iii. East side of project: Phase II operations are adjacent to Waverly Road right-of-way. Applicant has indicated included a Right-of-Way Buffer on Landscaping Plans. ***Landscaping requirements met.***
 - iv. South side of project: South side of Phase II operations will be adjacent to private roadway for Inland Ports 32 and 33. ***Full evaluation of Landscape Buffer cannot be performed by staff as no Line of Sight drawings were provided. Provide Line of Sight drawings for staff review or continue Landscape Buffer to west property line to ensure proper screening. Update Final Site Plan.***
- b. Dumpster and Compactor Screening. All dumpsters and compactors visible from public right-of-way and/or abutting residential, commercial, public, or civic property shall be screened with a consistent six (6) foot opaque screening wall with a solid metal gate. Chain link fences or wooden fences are not acceptable. Dumpsters shall be set back a minimum of twenty-five (25) feet from adjacent residential uses. ***Final Site Plan indicates dumpster will be located on west side of project adjacent to Waverly Road right-of-way and landscape berm. Dimensions for dumpster and a Line of Sight drawing were not provided for this area. Staff is unable to evaluate if the dumpster will be fully screened from view. If deemed required, applicant may use landscaping or screening materials similar to those used for the building to screen dumpster from public view. Prior to issuance of Building Permit, this information must be provided to insure adequate landscaping and screening, especially adjacent to public right of way. Update Final Site Plan.***

5. Diesel Emission Requirements. No electrical hookups have been shown as they relate to the elimination of excessive truck idling. ***Refer to Article 5, Section 5.2.Q to ensure all***

requirements are met regarding diesel emissions and idling. Applicant acknowledges and will address if necessary.

OTHER COMMENTS

1. Proposed black galvanized steel fencing which encloses the entire property is indicated. Edgerton UDC perimeter fencing requirements call for black vinyl coated 1" mesh chain link fencing.
2. A Stormwater management plan has been submitted for review by the City Engineer. The following comments must be addressed to the City Engineer's satisfaction prior to building construction:
 - a. The site plan proposes to add 2.5 acres of impervious area which drains to the undetained Phase I portion of the TSL site. This results in an increase of runoff from the site. An increase in runoff from the site is not acceptable and stormwater management should be proposed to control the runoff from the site to no greater than the existing.

RECOMMENDATION

City staff recommends **approval** of **FS2019-02** Final Site Plan for *TSL Edgerton Phase II*, subject to compliance with the following stipulations:

1. The staff recommendations and comments noted related to building materials, landscaping, the stormwater plan and all else discussed as included in this Staff Report are included as stipulations as part of approval of this Final Site Plan.
2. A Final Site Plan with corrections must be submitted and approved prior to commencement of uses and the property shall be developed in accordance with the approved Final Site Plan, Landscaping Plan, Photometric Plan, Stormwater Study and SWPPP.
3. A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
4. No signage is proposed with this application. Signage proposed later shall receive separate approval according to the provisions of the UDC.
5. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City. The property owner and/or developer shall work with City staff to determine the best possible placement for a storm water easement and shall dedicate said storm water easement on the Final Plat.
6. A Stormwater Management Plan has been submitted. However, all comments must be addressed to the satisfaction of the City Engineer.

ATTACHMENTS

- Application FS2019-02
- Final Site Plan for *TSL Edgerton Phase II*



PRELIMINARY SITE PLAN

☐ FINAL SITE PLAN

NAME OF PROPOSED SUBDIVISION: TSL Edgerton (Phase II Portion)

LOCATION OR ADDRESS OF SUBJECT PROPERTY: 31115 West 191st Street

LEGAL DESCRIPTION: See attached

CURRENT ZONING ON SUBJECT PROPERTY: Logistics Park CURRENT LAND USE: Vacant

TOTAL AREA: 30.14 Ac. (Phase II Area) Acres NUMBER OF LOTS: 1 AVG. LOT SIZE: 1,312,898.4 Sq. Ft.

DEVELOPER'S NAME(S): Chris Stara PHONE: 531-444-4820

COMPANY: Transpec Leasing Incorporated FAX: 402-895-7033

MAILING ADDRESS:	10001 South 152nd St.	Omaha	NE	68138
	Street	City	State	Zip

PROPERTY OWNER'S NAME(S): Hastings Family Holdings, LLC PHONE: 402-895-6692

COMPANY: Hastings Family Holdings, LLC FAX: 402-895-7033

MAILING ADDRESS:	10001 South 152nd St.	Omaha	NE	68138
	Street	City	State	Zip

ENGINEER'S NAME(S): Patrick Cassity PHONE: 816-800-0950

COMPANY: Renaissance Infrastructure Consulting FAX: N/A

MAILING ADDRESS: 5015 NW Canal St. Suite 100 Riverside MO 64150
 Street City State Zip

SIGNATURE OF OWNER OR AGENT:

If not signed by owner, authorization of agent must accompany this application.

NOTE: Three (3) copies of the site plan must accompany this application for staff review. One (1) reduced copy (8 ½ x 11) must also be submitted with the application.

Case No.: S- _____ Amount of Fee Paid: \$ _____ Date Fee Paid: _____ Receipt # _____

Received By: _____ Date of Hearing: _____

SITE PLAN INSTRUCTIONS

SUBMITTAL DEADLINE: The applicant shall submit an application at least thirty (30) working days prior to the public hearing.

NOTICE REQUIREMENTS: The City shall publish notice of the public hearing at least twenty (20) days prior to the hearing in the official City newspaper. The City shall make one copy available for public inspection at least fourteen (14) days in advance of the public hearing.



DESIGN STANDARDS: Applicants within the Logistics Park (L-P) District should abide by the district regulations and design standards set forth in Section 5.2 of the Edgerton Unified Development Code. These regulations and design standards include, but are not limited to, building placement, architectural design standards, parking and loading, access management, photometrics, landscaping, signage and diesel emissions.

PLANNING COMMISSION REVIEW: The Edgerton Planning Commission meets in the City Hall on the second Tuesday of every month. The Planning Commission shall review the site plan to determine conformity with the design guidelines and other requirements included within the Edgerton Uniform Development Code.

APPROVAL LIMITATIONS: If the Final Site Plan is in conformance with an Approved Preliminary Site Plan, notice and publication of Planning Commission or City Council meetings is not required.

CHECKLIST

The following items shall be included on the site plan. All (FINAL) Site Plans must be submitted on superior quality paper in a 24 x 36 inches format (or a format specified by the Zoning Administrator). The scale shall be a professionally acceptable standard suitable to the area of the proposed project.

Front or Cover Sheet

- ☐ A scale, vicinity map showing the relationship of the site to surrounding neighborhoods, roads and other physical features.
- ☐ A project title, zoning designation and project sponsor.
- ☐ A street, lot or tract address of the project.
- ☐ An index to contents and a data table which includes:
 - ☐ Acreage of the site and number of units per acre (if applicable)
 - ☐ Gross square feet of the building(s) area
 - ☐ Proposed use of each building
 - ☐ Number of employees and the BOCA or Uniform Building Code or NEPA 101 Life Safety Code Occupancy Design Load
 - ☐ Total number of parking places
- ☐ Name of the architect, engineer, surveyor or draftsman.
- ☐ Following certificates and signature blocks:

CERTIFICATE:

Received and placed on record this _____ day of _____, 20____ by

_____ (Zoning Administrator).

Approved by the Edgerton City Planning Commission this _____ day of _____, 20____ by

_____ (Chair of Planning Commission).

I certify that I have reviewed this SITE PLAN and will comply with all specifications, changes, and amendments herein, and that this instrument creates a legally enforceable obligation to build and develop in accordance with all final agreements.

Applicant signature _____ Date _____

**Sheet #2**

- ☐ A landscape plan drawn to scale, showing the site, building location, planting and seeding schedules, refuse and outdoor storage screening and boundary screening. All landscape features shall be shown in relation to sidewalks, paths, lawns, parking areas and drives.
- ☐ A table entitled "Planting Schedule" which lists the common name, size and condition of all planting materials, together with a timetable for planting.

Sheet #3

- ☐ A site map with the following features:
 - ☐ Topography at reasonable intervals
 - ☐ Exterior lot lines with any survey pins
 - ☐ Location of buildings
 - ☐ Parking areas, paths, walks with sizes and surfaces material specifications
 - ☐ Exterior lighting specifications
 - ☐ Site entrance and connections to streets
 - ☐ Location of easements
 - ☐ Connection point for utilities
- ☐ A sketch of the entry sign, and all other free-standing, façade, and building signs to be used on the premises
- ☐ Features to facilitate handicapped access
- ☐ Profile and detail for roads (if required)

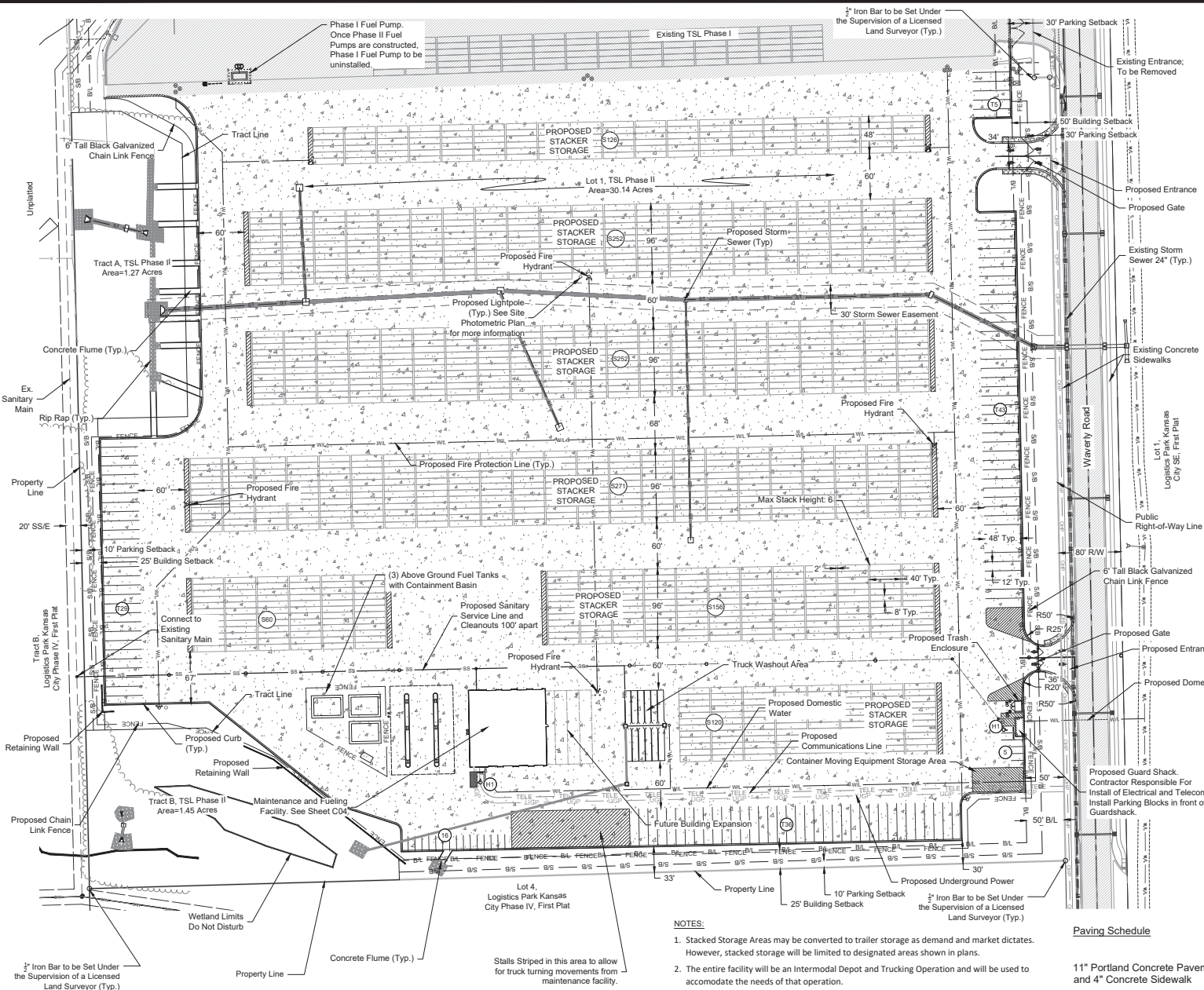
Sheet #4

- ☐ Scale drawing of building floor plans
- ☐ Dimensions and use of rooms and areas
- ☐ Dimensions of entrances/exits and corridors
- ☐ Interior specifications for handicapped accessibility as required by ANSI 117.1 and this ordinance

Sheet #5 (if requested)

- ☐ Scale drawings of all building elevations
- ☐ Roof pitch and materials
- ☐ Siding type and materials, including facade

ADDITIONAL REQUIREMENTS: Depending upon circumstances (especially buildings used for assembly), the Planning Commission may require additional sheets for mechanical and electrical and building materials specifications. The Planning Commission may also require additional information for hazardous material or other environmental impacts.



NOTES:

- Stacked Storage Areas may be converted to trailer storage as demand and market dictates. However, stacked storage will be limited to designated areas shown in plans.
- The entire facility will be an Intermodal Depot and Trucking Operation and will be used to accommodate the needs of that operation.
- Stacked Storage areas will ONLY be in areas that are not along street frontage.
- All stacking containers need to be setback from the property line a minimum distance equal to the stacked container height.
- Number and Location of Truck Hookups Unknown. Owner Will Install As Needed.

Paving Schedule

11" Portland Concrete Pavement
and 4" Concrete Sidewalk

Existing Pavement

LAYOUT & PAVING NOTES

- All construction shall conform to the City of Edgerton's minimum design standards.
- Contractor shall keep a full set of KC-APWA Standard Details onsite at all times.
- The contractor shall check existing grades, dimensions, and inverts in the field and report any discrepancies to the architect/engineer prior to beginning work.
- The contractor shall verify the exact location of all existing utilities, take care to protect utilities that are to remain, and repair contractor caused damage according to current local standards and at the contractor's expense. Coordinate all construction with the appropriate utility company.
- The contractor shall comply with all local codes, obtain all permits, and pay all fees prior to beginning work.
- Prior to installing, constructing, or performing any work in the public right of way or on the public storm sewer line (including concrete pavement or connecting private drainage systems to the storm sewer), contact City of Edgerton Public Works at 913.893.6801 for inspection of the work. Contact must be made at least 24 hours prior to start of the work.
- Provide a smooth transition between existing pavement and new pavement. Field adjustment of final grades may be necessary. Adjust all utilities prior to installation of pavement.
- The contractor shall protect all trees to remain, in accordance with the specifications. Do not operate or store heavy equipment, nor handle, nor store materials within the driplines of trees or outside the limit of grading.
- Concrete walks and pads shall have a broom finish. All concrete shall be 4,000 p.s.i. unless otherwise noted. Curb ramps, sidewalk slopes, and driveway ramps shall be constructed in accordance with all current local requirements. If applicable, the contractor shall request inspection of sidewalk and ramp forms prior to placement of concrete.
- All damage to existing asphalt pavement to remain which results from new construction shall be replaced with like materials at contractor's expense.
- Dimensions are to the back of curb, or edge of concrete, unless otherwise noted.
- Maintain one set of as-built drawings on the job site for distribution to the engineer upon completion.
- Parking stripes shall be 4-inch white pavement paint.
- For all asphalt pavement, the contractor shall have no more than 30% recycled material in the base course and no recycled material in the surface course.

PAVEMENT MARKING AND SIGNAGE NOTES

- Parking stall marking stripes shall be four inch (4") wide white stripes. Handicap stall marking shall be furnished at locations shown on plans.
- Traffic control devices and pavement markings shall conform to the requirements of the "Manual of Uniform Traffic Control Devices".
- Traffic control and pavement markings shall be painted with a yellow Sherwin Williams S-W traffic marking series b-29y2 or approved equal. The pavement marking shall be applied in accordance with manufacturers recommendations. Apply on a clean, dry surface and at a surface temperature of not less than 70°F and the ambient air temperature shall not be less than 60°F and rising. Two coats shall be applied.

Legend

- Found Section Corner
- Found Monument
- Set 3/4" Rebar With RIC KSCLS 234 Cap
- Employee Parking
- Trailer Stacking Position
- Trailer Stall



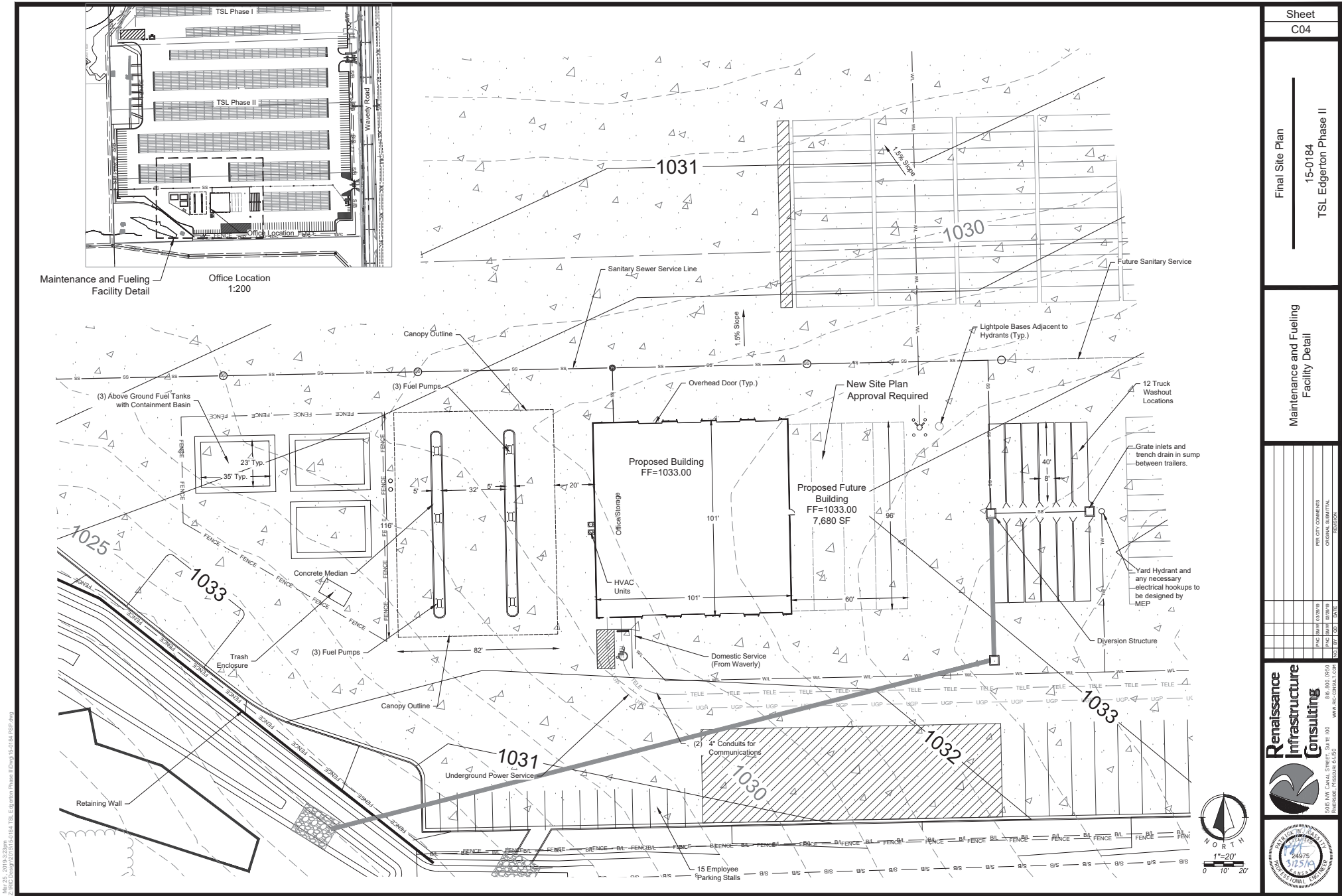
Sheet
C03

Final Site Plan
15-0184
TSL Edgerton Phase II

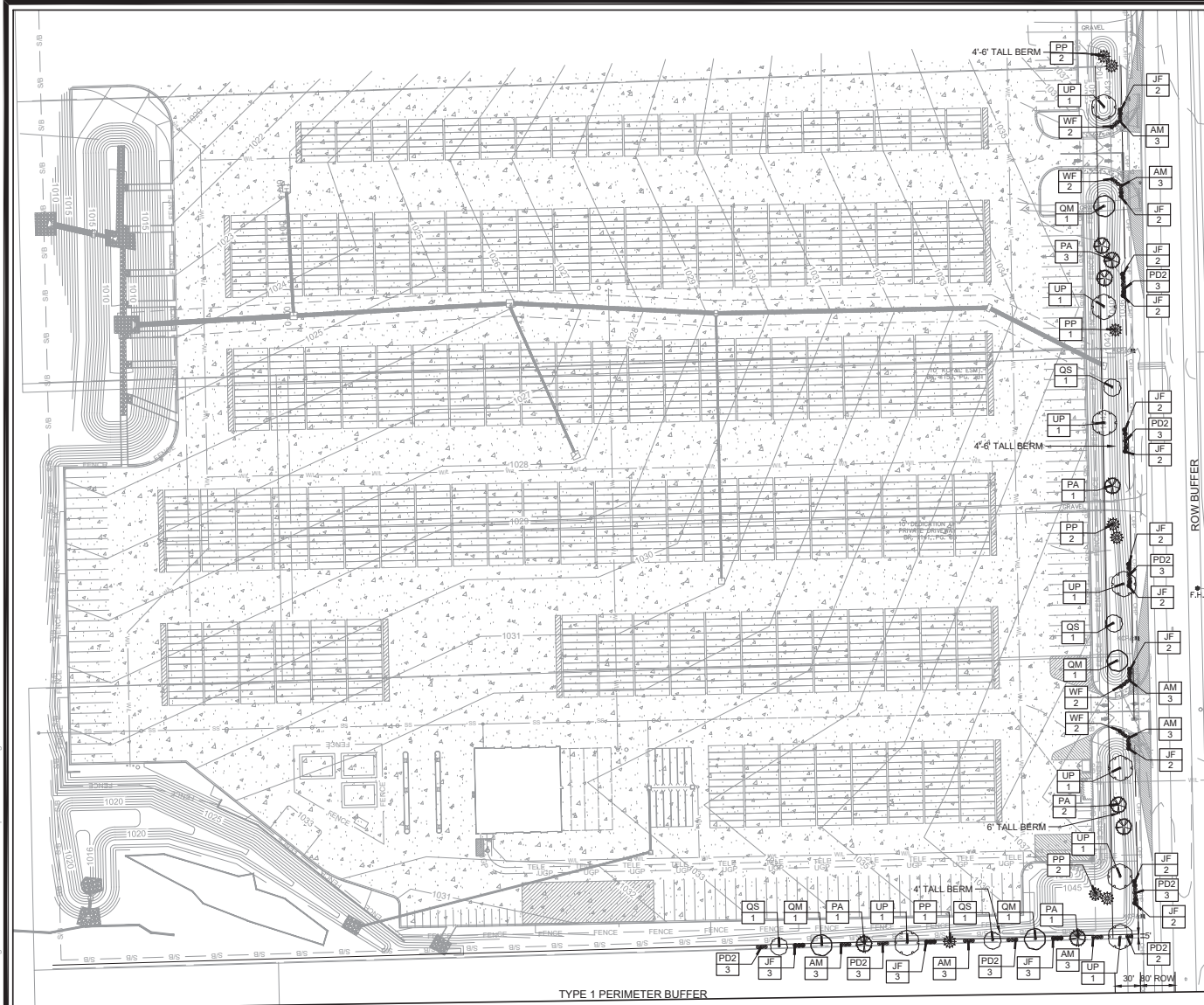
General Layout

Renaissance Infrastructure Consulting
816.800.0903
5015 NW CANAL STREET, SUITE 100
INDIANAPOLIS, IN 46206
WWW.RIC-CONSULT.COM

IN 24675
PROFESSIONAL ENGINEER

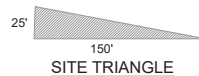


Mar 25, 2019, 8:54am
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TYPE 1 PERIMETER BUFFER South Property Line - 450 LF
REQUIRED
Buffer Width 5'
Evergreen Trees = 1 / 50' = 9
25% Coverage Shrubs @ 4' o.c. = 29
PROVIDED
Buffer Width 10' w/Berm
Evergreen Trees = 23
Shrubs = 65

ROW BUFFER
Waverly Road - 1040 LF
REQUIRED
Buffer Width 5'
Evergreen Trees = 1 / 50' = 21
25% Coverage Shrubs @ 4' o.c. = 65
PROVIDED
Buffer Width 10' w/Berm
Evergreen Trees = 23
Shrubs = 65



LANDSCAPE NOTES

1. LOCATE UTILITIES PRIOR TO COMMENCING LANDSCAPE OPERATIONS. ALL TREES SHALL BE FIELD POSITIONED AS TO AVOID CONFLICTS WITH EXISTING AND PROPOSED UTILITIES. NOTIFY LANDSCAPE ARCHITECT OF ANY CONFLICTS OR OBSTRUCTIONS.
2. CONTRACTOR SHALL STAKE ALL PLANTING AREAS IN THE FIELD PRIOR TO PLANTING FOR APPROVAL OF THE OWNER OR THEIR REPRESENTATIVE.
3. CONTRACTOR SHALL VERIFY ALL PLANT QUANTITIES PRIOR TO PLANTING. ANY DISCREPANCIES WITH THE PLAN SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT. THE PLANT QUANTITIES SHALL SUPERCEDE SCHEDULED QUANTITIES.
4. ALL PLANT MATERIAL SHALL BE SPECIMEN QUALITY AND SHALL COMPLY WITH RECOMMENDATIONS AND REQUIREMENTS OF ANSI Z60.1 THE AMERICAN STANDARD FOR NURSERY STOCK.
5. ALL PLANTING BEDS & NATIVE GRASS STANDS SHALL BE EDGED AS SHOWN IN PLAN.
6. PREPARE PLANTING BEDS AND INCORPORATE AMENDMENTS ACCORDING TO PLANS.
7. SHREDDED HARDWOOD MULCH, PER SPECIFICATIONS SHALL BE USED AS A THREE INCH (3") TOP DRESSING IN ALL PLANTING BEDS AND AROUND ALL TREES. SINGLE TREES AND SHRUBS SHALL BE MULCHED TO THE OUTSIDE EDGE OF THE SAUCER OR LANDSCAPE ISLAND.
8. ALL TREES SHALL BE STAKED PER DETAIL.
9. ALL PLANT MATERIAL SHALL BE INSTALLED TO ALLOW A ONE FOOT (1') CLEARANCE BETWEEN PLANT AND ADJACENT PAVEMENT.
10. THE LANDSCAPE CONTRACTOR SHALL NOT COMMENCE WORK UNTIL THE SITE IS FREE OF DEBRIS CAUSED BY ON-GOING CONSTRUCTION OPERATIONS. REMOVAL OF DEBRIS SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR. LANDSCAPE WORK SHALL NOT BEGIN UNTIL THE LANDSCAPE ARCHITECT AND OWNER HAVE GIVEN WRITTEN APPROVAL FOR SUCH. THERE SHALL BE NO DELAYS DUE TO LACK OF COORDINATION FOR THIS ACTIVITY.
11. THE LANDSCAPE ARCHITECT AND OWNER SHALL APPROVE GRADES AND CONDITION OF SITE PRIOR TO SODDING/SEEDING OPERATIONS.
12. ALL AREAS DISTURBED DURING CONSTRUCTION AND NOT DESIGNATED FOR OTHER PLANTINGS OR HARDSCAPE SHALL BE SODDED WITH TURF TYPE FESCUE.
13. ALL TURF AND SHRUB AREAS SHALL BE WATERED DURING THE ESTABLISHMENT PERIOD.
14. DECIDUOUS TREES ARE TO BE SELECTED BY CALIPER INCH. "N/A" HAS BEEN DESIGNATED IN THE PLANT SCHEDULE FOR THE SIZE CATEGORY TO INDICATE THIS CRITERIA DOES NOT APPLY.
15. EVERGREEN TREES ARE TO BE SELECTED BY SIZE OF HEIGHT MINIMUM. "N/A" HAS BEEN DESIGNATED IN THE PLANT SCHEDULE FOR THE CALIPER (CAL) CATEGORY TO INDICATE THIS CRITERIA DOES NOT APPLY.

PLANT SCHEDULE

TREES	CODE	BOTANICAL NAME / COMMON NAME	CONT	CAL	SIZE	QTY
PA	Picea abies / Norway Spruce	B&B	N/A	12" Ht. Min.	8	7%
PP	Picea pungens / Fat Albert / Colorado Spruce	B&B	N/A	12" Ht. Min.	8	7%
OM	Quercus macrocarpa / Burr Oak	B&B	2.5" Cal.	N/A	4	3%
OS	Quercus shumardii / Shumard Red Oak	B&B	2.5" Cal.	N/A	4	3%
UP	Ulmus americana / Princeton / American Elm	B&B	2.5" Cal.	N/A	8	7%
SHRUBS						
SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	CONT			QTY
AM	Aronia melanocarpa / Morton / TM / Inquis Beauty Black Chokeberry	5 Gal.				21 18%
JF	Juniperus chinensis / Sea Green / Sea Green Juniper	5 Gal.				33 28%
PD2	Physocarpus opulifolius / Diablo / Diablo Ninebark	1 Gal.				23 20%
WF	Wegelia florida / Alexandra / TM / Wegelia	5 Gal.				8 7%
TOTAL:						117 100%

PLANTING TIME TABLE

Spring 2019 - Fall 2019

Sheet
L01

Final Site Plan

15-0184
TSL Edgerton SE Entrance

Landscape Plan





-
- Diagram illustrating a cross-section of a landscape feature, showing various layers and materials:
- LIMIT OF PLANT BED AS SHOWN IN PLAN**: Indicated by a vertical line on the left.
 - VARIABLES**: Indicated by a vertical line on the left, below the limit of plant bed.
 - 8" MIN.**: Indicated by a vertical dimension line on the left, below the variables.
 - HARDWOOD MULCH AS SPECIFIED**: Indicated by a vertical line on the right, above the mulch layer.
 - LANDSCAPING; RE: PLAN & DETAILS**: Indicated by a vertical line on the right, below the mulch layer.
 - V-CUT NATURAL EDGING WITH MULCH BACKFILL**: Indicated by a vertical line on the right, below the landscaping layer.
 - LAWN AREA; RE: SPECIFICATIONS**: Indicated by a vertical line on the left, below the v-cut edging.
 - 10"**: Indicated by a vertical dimension line on the left, below the lawn area.

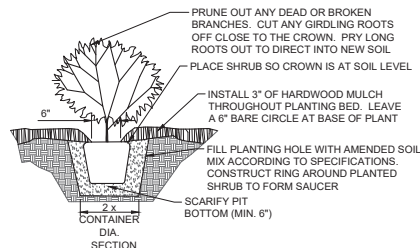
V-CUT / CULTIVATED EDGE
NTS



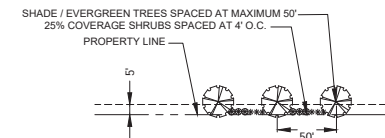
UTILITY BOX SCREENING DETAIL
NTS

-
- Diagram illustrating the installation of a tree, showing the trunk, root ball, and surrounding soil. The diagram includes the following callouts and instructions:
- PRUNE OUT ANY DEAD OR BROKEN BRANCHES AND REMOVE DEBRIS FROM SITE.
 - SECURE TREE TO STAKES WITH STRAPS (RE: SPECS). STRAPS SHALL BE LOOSE ENOUGH TO ALLOW SOME MOVEMENT OF THE TRUNK WITH THE WIND.
 - SET TREE WITH TOP OF ROOT BALL FLUSH WITH GRADE. TRUNK FLARE MUST BE VISIBLE AT THE TOP OF ROOT BALL. REMOVE EXCESS SOIL TO TOP OF LATERAL ROOTS.
 - MIN. 6' LONG STEEL STAKES SECURED INTO UNDISTURBED SOIL. PLACE NORTH AND SOUTH OF TREE.
 - 3" MULCH PER SPECIFICATIONS. DO NOT PLACE ON TRUNK OR TRUNK FLARE. BERM AT OUTER EDGES OF RING TO CREATE A SAUCER FORM.
 - REMOVE TWINE AND CAGE FROM ROOT BALL AND TRUNK. PEEF AND REMOVE BURLAP FROM TO 1/3 OF THE ROOT BALL.
 - PLANTING HOLE SHALL BE AT LEAST 3 TIMES WIDER THAN THE SPREAD OF ITS ROOTS, BUT NO DEEPER. PLACE ROOT BALL ON UNDISTURBED SOIL WITH ROOT FLARE EVEN WITH OR 1" ABOVE GRADE. SCARIFY SIDES AND BOTTOM OF PIT.
 - AMEND SOIL ACCORDING TO SPECIFICATIONS.
- SECTION

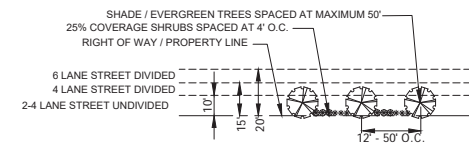
TREE PLANTING DETAIL
NTS



- SHRUB PLANTING DETAIL
NTS



TYPE 1 PERIMETER BUFFER
NTS



- MINIMUM PLANTING REQUIREMENTS
SHADE TREES: 2.5" CALIPER
EVERGREEN TREES: 6' TALL
SHRUBS: 24" TALL

RIGHT OF WAY BUFFER
NTS

PER COMMENTS
PER COMMENTS
PER COMMENTS
ORIGINAL SUBMITTAL
REVISION



Room Schedule					
Number	Name	Base Finish	Wall Finish	Floor Finish	Ceiling Finish
01	Driver's Lounge	4" rubber cove	Painted gyp. b/d	VCT	2x4 Suspended Acoustical
02	Men	6" rubber cove	Epoxy Paint	VCT	2x4 Suspended Acoustical
03	Women	6" rubber cove	Epoxy Paint	VCT	2x4 Suspended Acoustical
04	Hallway	4" rubber cove	Painted gyp. b/d	Carpet	2x4 Suspended Acoustical
05	Shop Foreman	4" rubber cove	Painted gyp. b/d	Carpet	2x4 Suspended Acoustical
06	Office	4" rubber cove	Painted gyp. b/d	Carpet	2x4 Suspended Acoustical
07	Women	6" rubber cove	Epoxy Paint	VCT	2x4 Suspended Acoustical
08	Men	6" rubber cove	Epoxy Paint	VCT	2x4 Suspended Acoustical
09	Parts	4" rubber cove	Painted gyp. b/d	VCT	2x4 Suspended Acoustical
10	Warehouse	None	None	Concrete	None
11	Mech	4" rubber cove	Painted gyp. b/d	Concrete	2x4 Suspended Acoustical
12	Storage	None	Painted gyp. b/d	Deck	None

CEILING HEIGHT TO BE 9' 0" AFF

Wall Schedule		
Type Mark	Type	Type Comments
1a	Interior Partition-Metal Stud	3-5/8" Metal studs @ 16" o.c. w/ 3 1/2" fiberglass batt insulation and (1) layer 5/8" gyp. board each side. To 6" above ceiling
3a	Interior Furring wall metal studs	Furr out Columns
4a	Stone Veneer Wainscot	Thin Stone Veneer
5a	Exterior Wall - Metal Bldg w/ stucco finish	Per metal building mfr
6a	Interior Partition-Metal Stud 2	3-5/8" Metal studs @ 16" o.c. w/ 3 1/2" fiberglass batt insulation and (1) layer 5/8" gyp. board each side. To roof deck

Window Schedule				
Type Mark	Type	Height	Width	Sill Height
1	36" x 48"	4' - 0"	3' - 0"	

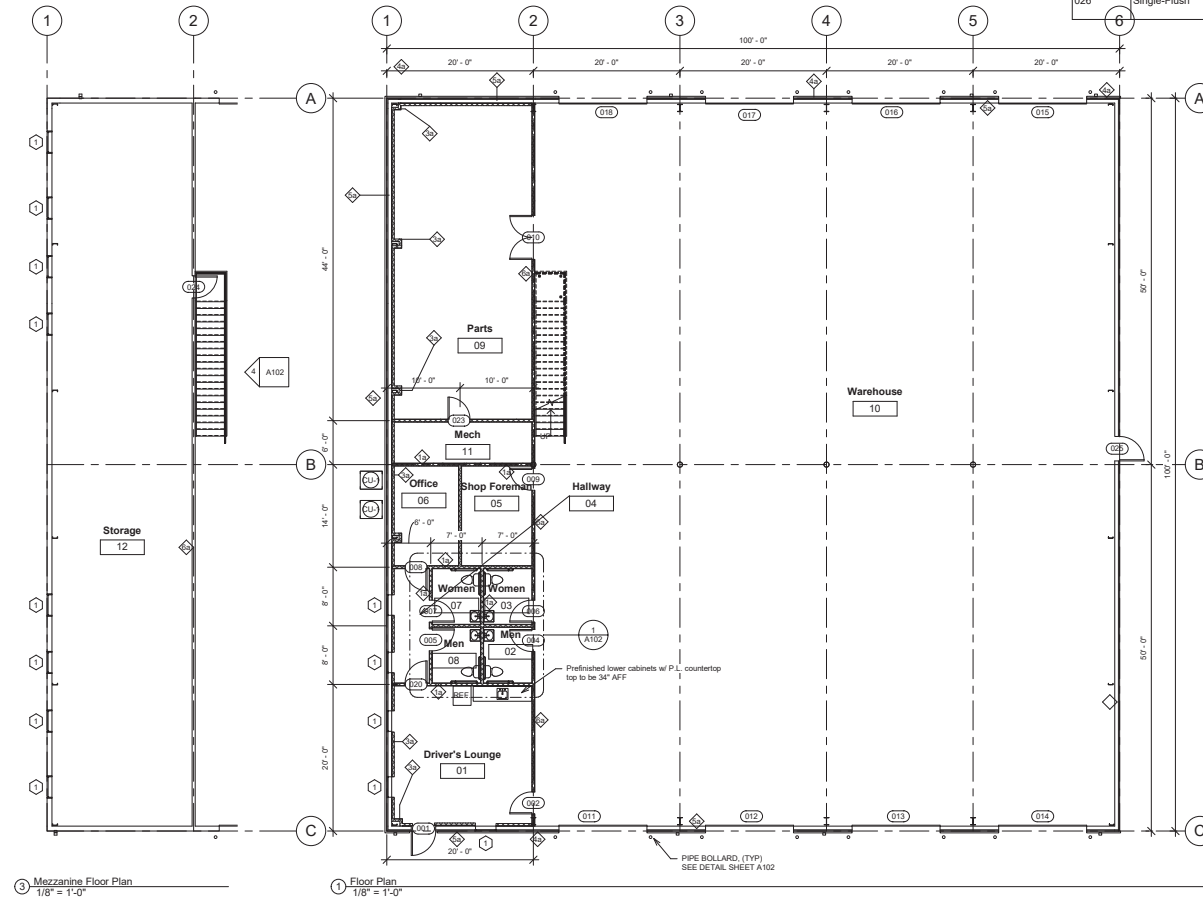
Door Schedule					
Mark	Family	Type	Door Finish	Frame Finish	hardware type
001	Single-Flush	3 x 7 Exterior	HM	HM	Lockset w/ lever handles, strike plate, 1-1/2 hinges, closer, drip cap, gasketing, bottom sweep.
002	Single-Flush	3 x 7 Office	WD	HM	Lockset w/ lever handles, strike plate, 1 - 1/2 pair hinges
004	Single-Flush	3 x 7 Toilet	HM	HM	Lockset w/ lever handles, strike plate, 1 - 1/2 pair hinges, closer.
005	Single-Flush	3 x 7 Toilet	HM	HM	Lockset w/ lever handles, strike plate, 1 - 1/2 pair hinges, closer.
006	Single-Flush	3 x 7 Toilet	HM	HM	Lockset w/ lever handles, strike plate, 1 - 1/2 pair hinges, closer.
007	Single-Flush	3 x 7 Toilet	HM	HM	Lockset w/ lever handles, strike plate, 1 - 1/2 pair hinges, closer.
008	Single-Flush	3 x 7 Office	WD	HM	Lockset w/ lever handles, strike plate, 1 - 1/2 pair hinges
009	Single-Flush	3 x 7 Office	WD	HM	Lockset w/ lever handles, strike plate, 1 - 1/2 pair hinges
010	Double-Flush	6x7 Interior	WD	HM	Lockset w/ lever handles, strike plate, 2 - 1/2 pair hinges
011	Door-Overhead-Sectional	12 x 16	---	---	
012	Door-Overhead-Sectional	12 x 16	---	---	
013	Door-Overhead-Sectional	12 x 16	---	---	
014	Door-Overhead-Sectional	12 x 16	---	---	
015	Door-Overhead-Sectional	12 x 16	---	---	
016	Door-Overhead-Sectional	12 x 16	---	---	
017	Door-Overhead-Sectional	12 x 16	---	---	
018	Door-Overhead-Sectional	12 x 16	---	---	
020	Single-Flush	3 x 7 Office	WD	HM	Lockset w/ lever handles, strike plate, 1 - 1/2 pair hinges
023	Single-Flush	3 x 7 Office	WD	HM	Lockset w/ lever handles, strike plate, 1 - 1/2 pair hinges
024	Single-Flush	3 x 7 Office	WD	HM	Lockset w/ lever handles, strike plate, 1 - 1/2 pair hinges
025	Single-Flush	3 x 7 Exterior	HM	HM	Lockset w/ lever handles, strike plate, 1-1/2 hinges, closer, drip cap, gasketing, bottom sweep.
026	Single-Flush	3 x 7 Exterior	HM	HM	Lockset w/ lever handles, strike plate, 1-1/2 hinges, closer, drip cap, gasketing, bottom sweep.

HM = 16 GA. HOLLOW METAL, PAINTED
WD = SOLID CORE RED OAK, STAINED
AL = ANODIZED ALUMINUM
IRP = IMPACT RESISTANT PLASTIC

HARDWARE SHALL BE MEDIUM DUTY COMMERCIAL GRADE. DOOR HARDWARE SHALL CONSIST OF BUTTS, LATCHSET OR LOCKSET, SILENCERS, SMOKE GASKETING FOR RATED DOORS, CLOSERS WHERE NOTED, PANIC DEVICES WHERE NOTED. EXTERIOR DOORS SHALL ALSO HAVE THRESHOLD, WEATHERSTRIPPING, SWEEP AND KEYED LOCK. CONTRACTOR SHALL COORDINATE ALL LATCH/LOCK FUNCTIONS AND KEYING OF LOCKS WITH OWNER. MAX. THRESHOLD = 1/2". ALL HARDWARE TO BE LEVER TYPE OR PUSH/PULL. ALL DOORS IN EGRESS PATHWAYS SHALL BE FREE TURNING FOR EXITING.

GLASS IN DOORS AND SIDELIGHTS SHALL BE SAFETY GLASS PER IBC SEC. 2406.1

OVERHEAD DOORS SHALL MEET DASHA WIND LOAD REQUIREMENTS



3 Mezzanine Floor Plan
1/8" = 1'-0"

1 Floor Plan
1/8" = 1'-0"

scharhag
KERNAL SCHARHAG CORKIN ARCHITECTS

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NEW BUILDING FOR

TSL EDGERTON

191st AND WAVERLY ROAD

J. Jeffrey Schneider, K.S. Lincum 2018
Herman Scharhag Co., Architects Cert. of Authority 0340140

No.	Description	Date
Revision Schedule		

Floor Plan

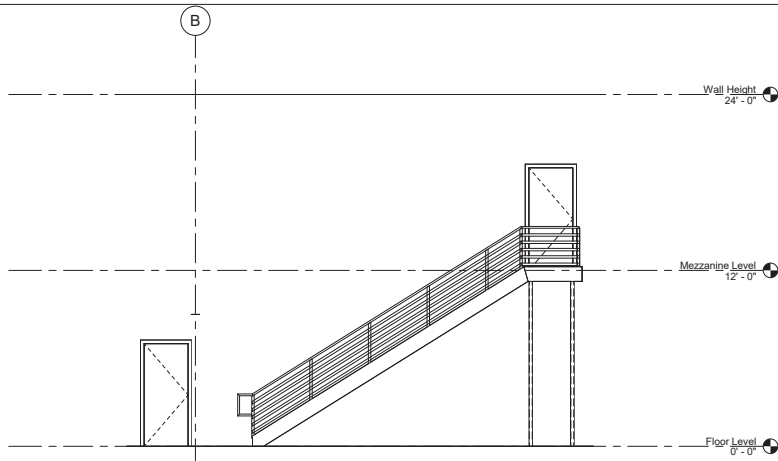
Project number 2141

Date 02.15.2019

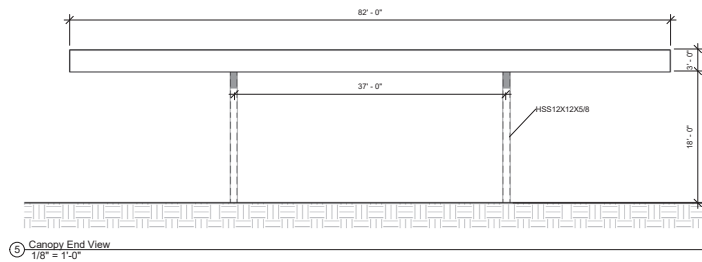
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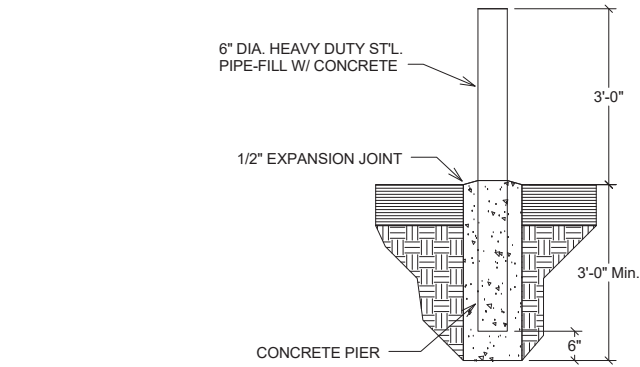
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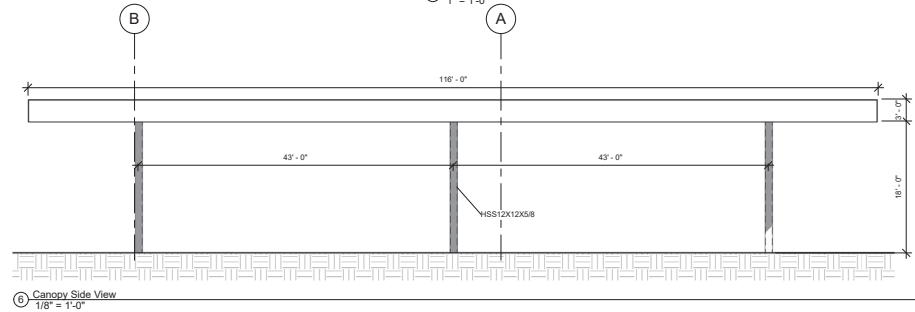
4 Stair Detail
1/4" = 1'-0"



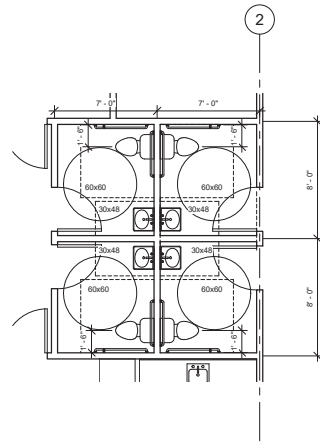
5 Canopy End View
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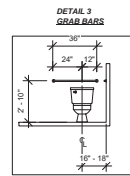
3 Pipe Bollard Detail
1" = 1'-0"



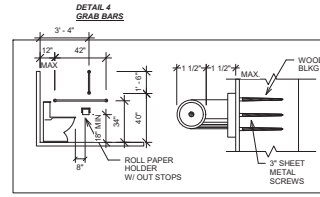
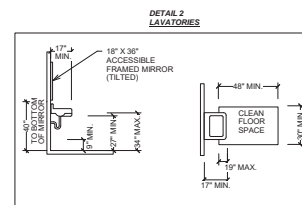
6 Canopy Side View
1/8" = 1'-0"



1 ADA Toilet Detail
1/4" = 1'-0"



2 ADA Toilet Notes
1/4" = 1'-0"



SANITARY FACILITIES		ICC/ANSI A117.1-2009
1.	GENERAL PROVIDE SUFFICIENT SPACE IN THE BATHROOM FOR A WHEELCHAIR MEASURING 30" WIDE X 48" LONG TO ENTER THE ROOM AND PERMIT THE DOOR TO CLOSE. THERE SHALL BE ROOM FOR A 60" DIA. TURNING CIRCLE AS SHOWN ON PLAN. THE WATER CLOSET SHALL BE LOCATED IN A SPACE WHICH PROVIDES A 60" WIDE CLEAR SPACE FROM A FIXTURE OR A WALL AT ONE SIDE AND 60" OF CLEAR SPACE IN FRONT OF THE WATER CLOSET.	
2.	DOORS SANITARY FACILITY DOORS SHALL HAVE AN AUTOMATIC CLOSING DEVICE & BE 3'0" WIDE	
3.	GRAB BARS GRAB BARS SHALL BE AS PER DETAIL 3 & 4 AND SHALL BE CAPABLE OF CARRYING 250 LBS PER FT.	
4.	LAVATORY LAVATORY HEIGHTS AND CLEARANCES SHALL COMPLY WITH DETAIL 2. INSULATE HOT WATER AND DRAIN PIPES UNDER LAVATORIES. NO SHARP OR ABRASIVE SURFACES ARE ALLOWED UNDER LAVATORIES. FAUCET CONTROLS AND OPERATING MECHANISMS ARE REQUIRED TO BE OPERABLE WITH ONE HAND AND CAN NOT REQUIRE GRASPING, PINCHING OR TWISTING OF THE WRIST. THE FORCE REQUIRED TO ACTIVATE CONTROLS IS NOT TO EXCEED 5 LB. LEVER-OPERATED, PUSH-TYPE, AND ELECTRONICALLY CONTROLLED MECHANISMS ARE EXAMPLES OF ACCEPTABLE DESIGNS. SELF-CLOSING VALVES ARE ALLOWED IF THE FAUCET REMAINS OPEN FOR AT LEAST 10 SECONDS.	
5.	ACCESSORIES IF MIRRORS, PAPER TOWEL, SANITARY NAPKIN, WASTE RECEPTACLES AND SIMILAR DISPENSING AND DISPOSAL FIXTURES ARE PROVIDED, AT LEAST ONE OF EACH TYPE IS TO BE LOCATED WITH BOTTOM MAX. 48 INCHES ABOVE THE FLOOR.	
6.	FINISHES FLOOR FINISH SHALL BE VCT WITH 6" RUBBER COVE BASE. WALL FINISHES WILL BE EPOXY PAINT	
7.	URNAL IF PROVIDED, URINAL UP SHALL BE MAX. 17" ABOVE FLOOR WITH A CLEAR SPACE OF 30" WIDE X 48" IN FRONT OF URINAL.	

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NEW BUILDING FOR

TSL EDGERTON

191st AND WAVERLY ROAD

J. Jeffrey Schneider, K.C., Licensed 2018
Herman Scharhag Co., Architects, Cert. of Authority 12681403

No.	Description	Date
Revision Schedule		

Architectural
Details

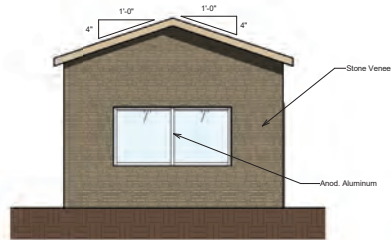
Project number 2141

Date 02.15.2019

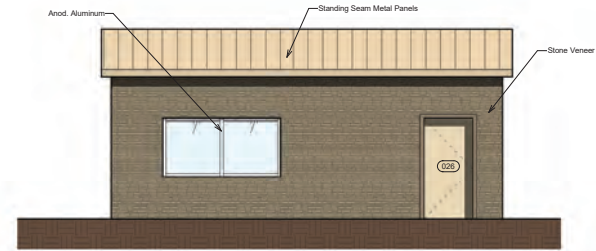
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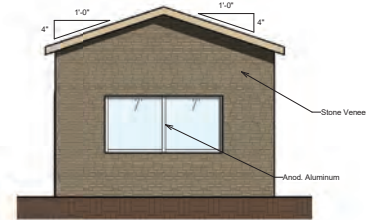
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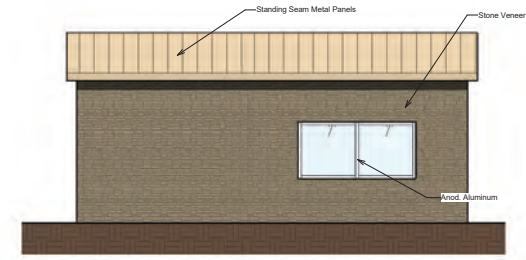
③ Elevation 2 - a
1/4" = 1'-0"



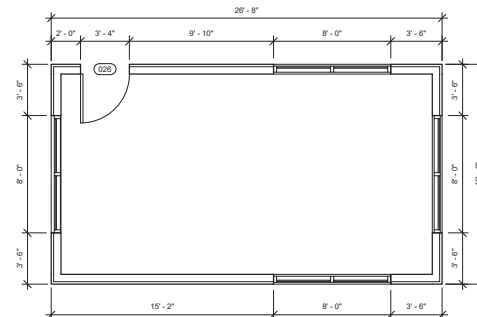
② Elevation 1 - a
1/4" = 1'-0"



⑤ Elevation 4 - a
1/4" = 1'-0"



④ Elevation 3 - a
1/4" = 1'-0"



① Guard Shack Floor Plan
1/4" = 1'-0"

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FEBRUARY 1, 2019
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NEW BUILDING FOR
TSL EDGERTON
191st AND WAVERLY ROAD

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No.	City Comments	2.15
Description	Date	
Revision Schedule		

**Guard Shack
Plans**

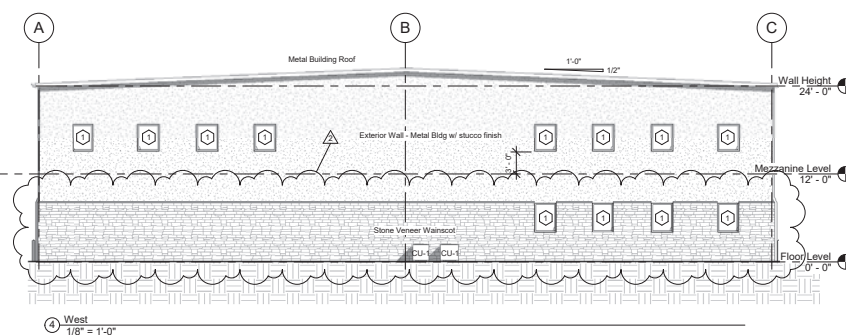
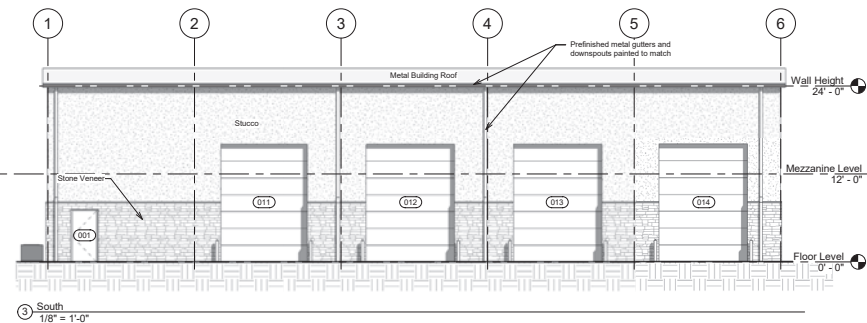
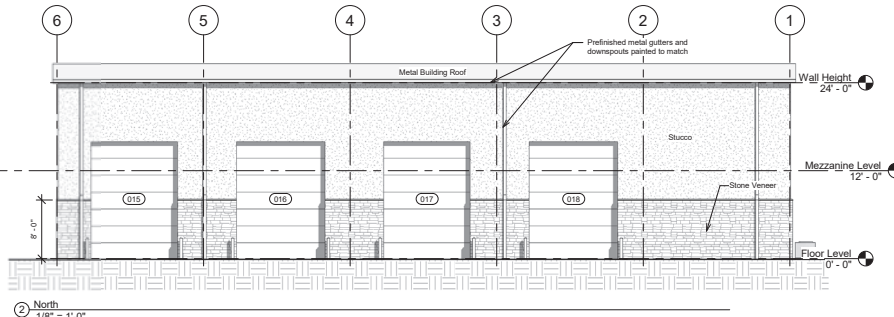
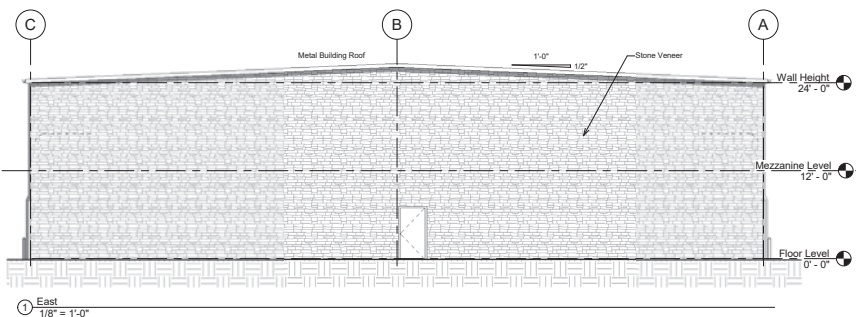
Project number 2141

Date 02.15.2019

A103

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NEW BUILDING FOR

TSL EDGERTON

191st AND WAVERLY ROAD

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2	City Comments	3.21
1	City Comments	2.15
No.	Description	Date
Revision Schedule		

Elevations

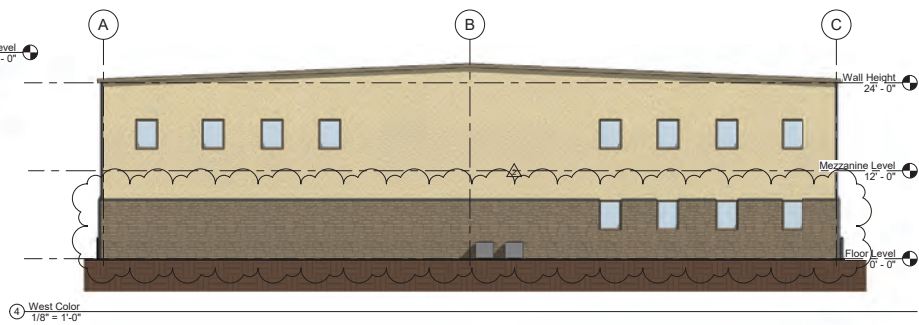
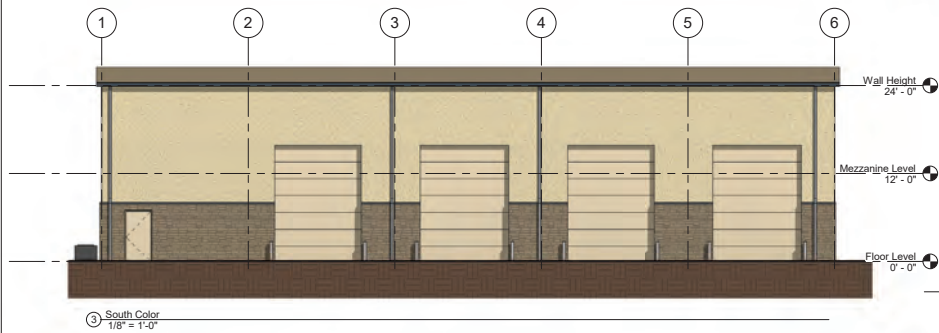
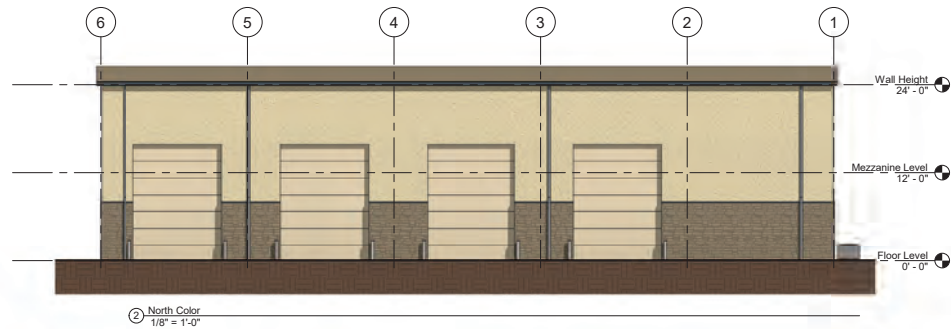
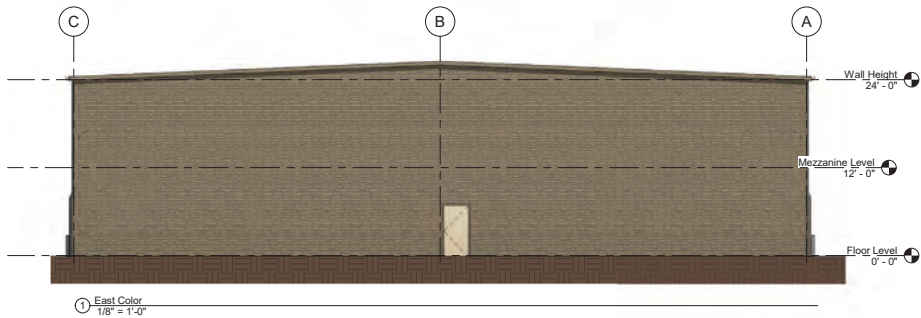
Project number 2141

Date 02.15.2019

A201

Scale 1/8" = 1'-0"

3/2/2019 11:04:11 AM



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NEW BUILDING FOR
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191st AND WAVERLY ROAD

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2	City Comments	3.21
1	City Comments	2.15
No.	Description	Date
Revision Schedule		

Colored
Elevations

Project number 2141

Date 02.15.2019

A202

Scale 1/8" = 1'-0"

3/2/2019 11:04:14 AM

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
April 9, 2019

(DRAFT EXCERPT)

PUBLIC HEARING – FS2019-02 (FINAL SITE PLAN FOR TSL EDGERTON)

Ms. Crow introduced Application FS2019-02, an application for a Final Site Plan for TSL Edgerton Phase II located along the south side of 191st Street and west side of Waverly Road. The site plan is for an expansion of the current TSL Edgerton operations which include cargo container storage, maintenance facility and truck yard. The proposed expansion would be onto the four adjacent parcels located to the south of current operations. Proposed with Phase II is a 10,000 square foot maintenance and fueling facility located close to the southwestern corner of the property and a guard shack. The facility is to include 6 fueling pumps and 3 above ground fuel tanks with containment basins. These basins are to be screen from view with vinyl fencing. The guard shack is on the east side of the project, adjacent to Waverly Road. This expansion is in demand due to an increase in need of container storage and maintenance.

Cargo container storage facilities require a conditional use permit. That permit request is to be heard by the Planning Commission later during this meeting. The access to this area will be from 191st Street from one (1) existing private drive and two (2) private drives off Waverly Road. The applicant is proposing to remove their existing Waverly Road drive and add the two new drives further south. The utility providers are the same for other projects in LPKC.

During review the staff did have some notes to bring to the attention of the Planning Commission. A typical driveway throat in LPKC is 30 feet. On Phase I of the TSL Edgerton project, it was agreed that driveway throats could be 36 feet. The proposed driveway throats on Phase II are 36 and 34 feet which meet the agreement that was made for Phase I. There are no signs provided for in the site plan. Any signage request will receive separate approval from the Zoning Administrator according to the provisions in the UDC. The building elevations for the maintenance facility show exterior HVAC units on the west side. The units will need to be screened from public view, either by fencing or landscaping. On the east side of the facility, the façade is shown to be 100% stone veneer, while the west is 100% stucco. The north and south have stone veneer for the first 8 feet above grade and then stucco, which is what the UDC requires when it comes to stucco. The east and west side should match the north and the south facades. If any rooftop equipment is added, it will have to be screened from public view along any right-of-way. The dimensions for vehicular parking are missing from the site plan and needs to be added.

The east, west, and north side of the project meet the UDC in terms of landscaping. The south side could not be fully evaluated by staff due to the lack of line of sight drawings. The line of sight drawings will be used by staff to approve the current landscaping which stops at a retaining wall on the parcel to the south. The applicant's parcel is significantly lower than the adjacent parcel to the south. Staff requested line of sight drawings to show that due to the grade change, no landscaping would be beneficial with that change in height. If the drawings

are not provided, then staff will require landscaping be installed along the southern border regardless.

The site plan does indicate a dumpster will be located on the west side of the project adjacent to Waverly Road right-of-way and landscape berm. Dimensions for the dumpster and line of sight drawings were not provided. Staff is unable to evaluate if the dumpster will be fully screened from view. If deemed required, applicant may use landscaping or screening materials similar to those for the building to screen the dumpster from public view. Prior to issuance of a building permit, this information must be provided to insure adequate landscaping and screening is used.

Applicant acknowledge the diesel emissions and idling requirements by the State and City. There is a proposed black galvanized fence that encloses the property. The UDC requires fencing to be black vinyl coated fencing with 1" mesh openings. There has been a stormwater management plan submitted, but the increase runoff from the impervious surface this project entails has not been addressed. The runoff cannot be greater than what is existing.

Ms. Crow stated City Staff recommends approval of FS2019-02 with the stipulations that the staff recommendations and comments noted related to building materials, landscaping, the stormwater plan and all else discussed are included as stipulations as part of approval of the Final Site Plan; a corrected Final Site Plan must be submitted and approved prior to commencement of uses and the property shall be developed in accordance with the approved Final Site Plan, landscape plan, photometric plan, stormwater study and SWPP; a Public Improvement Inspection Fee, established by the Fee Schedule for the UDC, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements; signage proposed later shall receive separate approval according to the provisions of the UDC; all construction plans for any public infrastructure shall be prepared to City standards and approved by the City, which will include the stormwater easement placement to be dedicated on the Final Plat; and all comments about the stormwater management plan be addressed to the satisfaction of the City Engineer.

Chairman Daley asked for any questions or comments from the Planning Commission. There were no questions or comments.

Chairman Daley opened the public hearing. Chris Stara, applicant, approached the Commission and stated he agrees with the City's comments and TSL is working on addressing all comments listed.

Mr. Crooks motioned to close the public hearing, Mr. Little seconded. The public hearing was closed, 4-0.

Mr. Crooks motioned to approved Application FS2019-02 with the outlined stipulations, Mr. Beem seconded. FS2019-02 was approved with the stipulations, 4-0.

PUBLIC HEARING – CU2019-01 (CONDITIONAL USE PERMIT FOR CARGO CONTAINER STORAGE LOT FOR TSL EDGERTON)

Chairman Daley stated this application is for the same lot that the Final Site Plan that was just approved for.

Ms. Crow introduced Application CU2019-01 as an application for a Conditional Use Permit (CUP) for a cargo container storage lot for TSL Edgerton. A cargo container storage lot is not permitted by right in L-P zoned areas and operation of one requires a Conditional Use Permit with a public hearing. Application review for a CUP is similar to a rezoning since it is a higher intensity use for the ground than a permitted by right use. On January 9, 2014, City Council approved a CUP for Phase I. This application would wrap the Phase I and Phase II operations into one Conditional Use Permit. Instead of having two CUPs that have different expiration dates, TSL Edgerton is requesting one CUP with one expiration date.

Phase II operations include a fueling station with a 10,000 square foot maintenance building in the southwestern corner of the parcels. A guard shack is also proposed in the southeastern portion of the lot. The maintenance facility will have restrooms and a driver lounge as well as an area for storage of parts. The BNSF intermodal facility is located about ½ mile to the northwest of the proposed location and LPKC industrial park operations and L-P District zoned parcels surround this project. The applicant is requesting a 10-year CUP as that time frame has been granted for similar projects.

The UDC outlines the requirements for a CUP in Section 7.1(c) of Article 7. The following includes what the UDC requires (underlined), staff comments and staff determinations:

- a. The extent to which there is a need in the community for the proposed use. Demand for businesses 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. LPKC's primary function is to transport and redistribute containers and the products they contain. There is a need for companies that specialize in storage and truck parking/maintenance. The proposed use would fill a need for this type of support service in LPKC. Staff determination: **Positive**
- b. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space. The character of the neighborhood is established as a transportation and logistics hub. The BNSF Intermodal Facility is across 191st Street to the west and north of this proposed location. Land use zoning for the parcels comprising this project is L-P Logistic Park District. The lot would be wholly contained within Site Plan FS2019-02 as submitted for Planning Commission review. Staff determination: **Positive**
- c. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening. The existing parcel zoning of LP Logistics Park and the adjacent property uses are similar in nature to other Logistics Park support services. The proposed Final Site Plan FS2019-02 meets the Edgerton UDC requirements with stipulations for a Right-Of-Way landscape buffer and berming along Waverly Road and 191st Street. Proposed fencing of 1" black galvanized chain link to be installed around the perimeter of the operation will be changed to black vinyl coated chain link to meet L-P zoning design guidelines per Article 5.2 of Edgerton's Uniform Development Code. Staff determination: **Positive**

- d. Suitability of the uses of the property without the proposed conditional use permit. The property is zoned L-P district. Cargo container storage and truck yards are an important support function at the Logistics Park Kansas City. Staff determination: **Positive**
- e. Length of time the subject property has remained vacant without the proposed conditional use permit. Phase I of the project was approved for the same conditional use in 2014, with that permit set to expire on January 9, 2024 (Ordinance 965). Currently, there is no development on the land that will be used for the Phase II expansion of TSL Edgerton. Staff determination: **Positive**
- f. The extent to which the proposed use may detrimentally affect nearby property. No long term detrimental effects are expected for the use of the property as the use requested is not extraordinary at Logistics Park Kansas City. There are currently three other cargo container storage use facilities in operations at the Logistics Park and approval for a fourth operation that has not yet been constructed directly to the west of this project. Staff determination: **Positive**
- g. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions. During the approval process for the Preliminary and Final Plat for this project, Access Limitations were added to allow two entrances on 191st Street and a maximum of two entrances from Waverly Road. The existing entrance off of Waverly Road will be removed and two additional entrances further south are part of the proposal of Final Site Plan FS2019-02, also presented before the Planning Commission during the April 9, 2019 meeting. Staff determination: **Positive**
- h. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services. As addressed in FS2019-02, Phase I of TSL's cargo container operations are currently served with standard Edgerton utilities. Staff determination: **Positive.**
- i. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property. The application is not anticipated to adversely affect the capacity or safety of the road network as the project is located on 191st Street and Waverly Road which are designated Heavy Haul Corridors. Staff determination: **Positive**
- j. The environmental impacts that the proposed use would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm. The City will follow NPDES (stormwater management requirements) guidelines that require the developer to address runoff and water pollution mitigation measures as part of the development of the property. As part of the stipulations for conditional approval of Final Site Plan FS2019-02, the applicant was required to submit a stormwater study for the City Engineer to review, submit documentation and obtain a Land Disturbance Permit, and complete a City of Edgerton Floodplain Development Permit. Staff determination: **Neutral**
- k. The economic impact of the proposed use on the community. Prior to the development of the BNSF intermodal and logistics park, there were few commercial and industrial uses within the City. Warehousing and related uses in the L-P District have the potential to benefit the residents and community in a positive way by providing needed jobs and tax revenues. This type of use is seen as necessary support for warehousing and other related Logistics Park uses. Staff determination: **Positive**

- l. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial. The proposed Final Site Plan application FS2019-02, with stipulations, will meet the requirements of the UDC. Due to the nature of the request, there would be little gain to the public health, safety and welfare of the City of Edgerton and the property owner should this request be denied. Staff determination: **Positive**
- m. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community. The Future Land Use Map (attached) within the Comprehensive Plan designates the subject property for industrial development. Staff determination: **Positive**

In addition, the UDC outlines the requirements for CUPs for the L-P Zoning District in Section 7.2(d) of Article 7. The following includes what the UDC requires, staff comments and staff determinations:

1. Access: 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. **Final Site Plan FS2019-02 complies.**
2. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved. **Final Site Plan FS2019-02 complies.**
3. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres. **Property complies with 50.64 acres.**
4. Noise: Noise from businesses and facilities shall not exceed 60 dB(A) in any adjacent residential district or 70 dB(A) in any adjacent commercial or industrial district or property. **Noise issues are not addressed in the applicant's proposal; however, if approved, the use must continuously comply with these noise maximums in the conduct of business.**
5. Paving: All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For purposes of this stipulation:
 - a. Paving shall mean concrete or asphalt: and
 - b. Dust-free shall mean that all interior driveways and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.**FS2019-02 is in compliance with City of Edgerton UDC and APWA recommended standards as it indicates 11" Portland concrete pavement and 4" concrete sidewalk.**
6. Parking: Facilities 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. **The proposed use shall continuously comply with parking requirements.**
7. Cargo Container Stacking: Cargo containers shall not be stacked more than five (5) in number. **The proposed use must continually comply and not exceed the maximum stacking number. Additionally, Final Site Plan FS2019-02 indicates**

specific areas where cargo containers will be stacked. Cargo containers may not be stored outside of approved areas indicated on FS2019-02.

8. Chassis Stacking/Racking: Empty chassis may be stored on end (racking) or may be stacked. When stacked, chassis shall not be more than five (5) in number. ***The proposed use must continually comply with and not exceed the maximum stacking number. Additionally, Final Site Plan FS2019-02 indicates specific areas where cargo containers will be stacked. Cargo containers may not be stored outside of approved areas indicated on FS2019-02.***
9. Screening and Landscaping: Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping. Screening shall comply with requirements Article 5.2 L-P District Landscape Standards. ***Submitted Final Site Plan FS2019-02 complies. The proposed use shall continuously comply with landscaping requirements.***
10. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property, shall be subject to the setback requirements in Article 5.2 L-P District Setback, Yard, Area Regulations, except, however, the parking or storage of cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked) shall be subject to the following setback standards that may vary depending upon the difference scenarios set forth below:
 - b. When abutting (touching, or across the street from non-residentially zoned property, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked and stacked). ***Final Site Plan FS2019-02 complies. The proposed use shall continuously comply with setback requirements.***
 - c. When abutting (touching public right-of-way, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked). ***Final Site Plan FS2019-02 complies. The proposed use shall continuously comply with setback requirements.***
 - d. When abutting (touching), or across the street from, residentially zoned property, such parking and storage shall be setback a minimum of 250 feet from the nearest property line of the residentially zoned property. ***This requirement is not applicable as there is no property adjacent to this project that is residentially zoned.***
 - e. When abutting (touching), or across the street from, a habitable dwelling, such parking and storage shall be setback a minimum of 300 feet from the nearest dwelling. ***There is a warehouse to the south of the proposed cargo storage area. The warehouse is over 300 feet away from the closest container. There is also a warehouse to the east of the proposed cargo container storage area. That facility is also over 300 feet from the closest proposed container stack. Final Site Plan FS2019-02 complies.***
11. Signage: Business signs shall be allowed according to Article 5.2 L-P District Signage regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis. No signage is proposed with this application. ***Signage proposed later shall receive separate approval according the provisions of the UDC.***

12. Site Plan: A site plan shall be submitted with the application. The site plan shall be prepared in accordance with the requirements of Article 9 (B) (3) of these regulations.
Final Site Plan FS2019-02 shall be revised to comply with all stipulations as required through the approval of the Planning Commission and as part of the Conditional Use Permit review.
13. Other Rules and Regulations. 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. ***The proposed use must continuously comply with these requirements.***

If applicant is not found to be in compliance with any one of the requirements, then the Governing Body can revoke the CUP.

Ms. Crow informed the Commission staff does recommend approval of Application CU2019-01 with the following stipulations:

1. The Conditional Use Permit CU2019-01 approval shall be transferable, but it must stay with the ownership of these parcels for which its use is approved (Final Plat FP2019-01);
2. The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements. The applicant shall comply with height requirements by limiting cargo container stacking to not exceed the maximum of 5 (five) cargo containers. This condition shall be continually met for the duration of the conditional use permit.
3. The property shall be developed in accordance with the Site Plan FS2019-02, to be approved by the Planning Commission, prior to commencement of the cargo container storage use. Landscaping material shall be continuously maintained and replaced when dead.
4. Cargo containers and chassis may only be stored in the designated areas shown on Site Plan FS2019-02.
5. No other outside storage of equipment or materials shall be allowed on the property.
6. Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a new, revised Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans.
7. This Conditional Use Permit shall be valid for 10 (ten) years from date of approval by the City of Edgerton Governing Body.

Ms. Crow stated if the Commission recommends approval, the City Council will hear the CUP Application for final approval at the City Council meeting scheduled for April 25, 2019.

Chris Stara, applicant, told the Commission he sent notices to tenants as well as the property owners. He did not receive any comments against the proposed expansion, only an inquiry from Dave Nickell who owns a cargo container storage facility on the northwest corner of Waverly Road and 191st Street. Mr. Nickell's inquiry was a basic inquiry about the expanded operations.

Chairman Daley opened the public hearing. There were no comments made. Mr. Crooks motioned to close the public hearing, Mr. Beem seconded. The public hearing was closed, 4-0.

Chairman Daley stated that this CUP has been approved before, it is just expanding to include Phase II.

Mr. Crooks motioned to recommend approval to the City Council with the stipulations, Mr. Little seconded. The Planning Commission recommended approval of CU2019-01 to the City Council, 4-0.

City of Edgerton - 1st Quarter 2019 Report
General Fund (Unaudited)

	YTD Actual	2019 Budget	% Used	Remaining
Revenues:				
Ad Valorem Tax	\$ 943,522.04	\$ 1,385,761	68.1%	\$ (442,238.96)
LPKC PILOT	\$ -	\$ 437,123	0.0%	\$ (437,123.00)
Delinquent Tax	\$ 1,521.23	\$ -	n/a	\$ 1,521.23
Motor Vehicle Tax	\$ 16,159.72	\$ 48,993	33.0%	\$ (32,833.28)
Recreational Vehicle Tax	\$ 376.26	\$ 775	48.5%	\$ (398.74)
16/20M Vehicle Tax	\$ 257.93	\$ 420	61.4%	\$ (162.07)
Local Alcoholic Liquor Tax	\$ 255.37	\$ 2,725	9.4%	\$ (2,469.63)
Compensating Use Tax	\$ 63,486.63	\$ 180,000	35.3%	\$ (116,513.37)
Local Sales Tax	\$ 186,182.44	\$ 750,000	24.8%	\$ (563,817.56)
Franchise Tax	\$ 28,269.20	\$ 110,000	25.7%	\$ (81,730.80)
Licenses & Permits	\$ 25,528.55	\$ 756,300	3.4%	\$ (730,771.45)
Charges for Services	\$ 22,974.25	\$ 123,000	18.7%	\$ (100,025.75)
Fines & Forfeitures	\$ 11,001.00	\$ 25,000	44.0%	\$ (13,999.00)
Miscellaneous	\$ 4,511.47	\$ -	n/a	\$ 4,511.47
Investment Income	\$ 2,940.97	\$ 15,000	19.6%	\$ (12,059.03)
Total Revenue	\$ 1,306,987.06	\$ 3,835,097	34.1%	\$ (2,528,109.94)
Transfers from Other funds:	\$ -	\$ -	n/a	\$ -
Total Sources	\$ 1,306,987.06	\$ 3,835,097	34.1%	\$ 2,528,109.94
Expenditures:				
General Government	\$ 159,092.93	\$ 941,959	16.9%	\$ 782,866.07
Law Enforcement	\$ 3,427.50	\$ 359,525	1.0%	\$ 356,097.50
Public Works	\$ 119,544.96	\$ 632,085	18.9%	\$ 512,540.04
Parks	\$ 46,031.19	\$ 282,236	16.3%	\$ 236,204.81
Facilities	\$ 19,387.43	\$ 110,740	17.5%	\$ 91,352.57
Community Development	\$ 61,180.07	\$ 375,114	16.3%	\$ 313,933.93
Economic Development	\$ 62,083.83	\$ 475,200	13.1%	\$ 413,116.17
Information Technology	\$ 10,328.97	\$ 47,848	21.6%	\$ 37,519.03
Employee Benefits	\$ 91,343.88	\$ 419,274	21.8%	\$ 327,930.12
Total Expenditures	\$ 572,420.76	\$ 3,643,981	15.7%	\$ 3,071,560.24
Sources Over(Under) Expenditures:	\$ 734,566.30	\$ 191,116		
Transfers to Other Funds:				
Transfer to Equipment Reserve Fund-General	\$ -	\$ 79,250	0.0%	\$ 79,250.00
Transfer to Capital Projects Fund	\$ -	\$ 274,180	0.0%	\$ 274,180.00
Total	\$ -	\$ 353,430		
Total Uses	\$ 572,420.76	\$ 3,997,411	14.3%	\$ 3,424,990.24
Sources Over(Under) Uses:	\$ 734,566.30	\$ (162,314)		
Beginning Fund Balance	\$ 1,725,648.00	\$ 1,738,092		
Estimated Ending Fund Balance		\$ 1,575,778		
Unaudited Ending Fund Balance	\$ 2,460,214.30			
Reserve Required				
17% of 2019 budgeted revenue	\$ 651,956.00			
25% of 2019 budgeted revenue	\$ 958,774.00			
Budget Authority				
2019 Budget Authority	\$ 5,573,189.00			
Remaining 2019 Budget Authority	\$ 5,000,768.24			
% of Budget Authority Used	10.3%			

City of Edgerton - 1st Quarter 2019 Report
Water Fund (Unaudited)

	YTD Actual	2019 Budget	% Used	Remaining
Revenues:				
Charges for Services	\$ 106,368.96	\$ 479,500	22.2%	\$ (373,131.04)
Fines & Forfeitures	\$ 4,893.87	\$ 23,000	21.3%	\$ (18,106.13)
Miscellaneous	\$ -	\$ -	n/a	\$ -
Investment Income	\$ 186.29	\$ 2,000	9.3%	\$ (1,813.71)
Total Revenue	\$ 111,449.12	\$ 504,500	22.1%	\$ (393,050.88)
Transfers from Other funds:	\$ -	\$ -	n/a	\$ -
Total Sources	\$ 111,449.12	\$ 504,500	22.1%	\$ 393,050.88
Expenditures:				
Information Technology	\$ 3,505.98	\$ 30,062	11.7%	\$ 26,556.02
Production	\$ 50,252.20	\$ 172,200	29.2%	\$ 121,947.80
Distribution	\$ 10,063.12	\$ 47,790	21.1%	\$ 37,726.88
Administrative-Water	\$ 27,469.89	\$ 155,383	17.7%	\$ 127,913.11
Employee Benefits	\$ 8,856.04	\$ 35,941	24.6%	\$ 27,084.96
Debt Service	\$ 48,672.76	\$ 97,345	50.0%	\$ 48,672.24
Total Expenditures	\$ 148,819.99	\$ 538,721	27.6%	\$ 389,901.01
Sources Over(Under) Expenditures:	\$ (37,370.87)	\$ (34,221.00)		
Transfers to Other Funds:				
Transfer to Equipment Reserve Fund-Water	\$ -	\$ -	n/a	\$ -
Transfer to Capital Projects Fund	\$ -	\$ -	n/a	\$ -
Total	\$ -	\$ -		
Total Uses	\$ 148,819.99	\$ 538,721	27.6%	
Sources Over(Under) Uses:	\$ (37,370.87)	\$ (34,221)		
Beginning Fund Balance	\$ 225,868.00	\$ 295,602		
Estimated Ending Fund Balance		\$ 261,381		
Unaudited Ending Fund Balance	\$ 188,497.13			
Reserve Required				
Per Policy - low end of range	\$ 115,476			
Per Policy - high end of range	\$ 120,343			
Budget Authority				
2019 Budget Authority	\$ 800,102.00			
Remaining 2019 Budget Authority	\$ 651,282.01			
% of Budget Authority Used	18.6%			

City of Edgerton - 1st Quarter 2019 Report
Sewer Fund (Unaudited)

	YTD Actual	2019 Budget	% Used	Remaining
Revenues:				
Charges for Services	\$ 142,986.84	\$ 657,750	21.7%	\$ (514,763.16)
Licenses & Permits	\$ 50.00	\$ -	n/a	\$ 50.00
Miscellaneous	\$ -	\$ -	n/a	\$ -
Investment Income	\$ 504.29	\$ 2,000	25.2%	\$ (1,495.71)
Total Revenue	\$ 143,541.13	\$ 659,750	21.8%	\$ (516,208.87)
Transfers from Other funds:	\$ -	\$ -	n/a	\$ -
Total Sources	\$ 143,541.13	\$ 659,750	21.8%	\$ 516,208.87
Expenditures:				
Information Technology	\$ 3,562.11	\$ 25,295	14.1%	\$ 21,732.89
Treatment Plant	\$ 15,909.85	\$ 169,100	9.4%	\$ 153,190.15
Sewer Line Maintenance	\$ 4,060.16	\$ 8,100	50.1%	\$ 4,039.84
Lift Stations/Vaults	\$ 2,796.01	\$ 23,300	12.0%	\$ 20,503.99
Administrative-Sewer	\$ 34,685.35	\$ 257,736	13.5%	\$ 223,050.65
Employee Benefits	\$ 11,097.32	\$ 44,286	25.1%	\$ 33,188.68
Debt Service	\$ 47,218.75	\$ 94,438	50.0%	\$ 47,219.25
Total Expenditures	\$ 119,329.55	\$ 622,255	19.2%	\$ 502,925.45
Sources Over(Under) Expenditures:	\$ 24,211.58	\$ 37,495.00		
Transfers to Other Funds:				
Transfer to Equipment Reserve Fund-Sewer	\$ -	\$ 30,000	n/a	\$ 30,000.00
Transfer to Capital Projects Fund	\$ -	\$ -	n/a	\$ -
Total	\$ -	\$ 30,000		
Total Uses	\$ 119,329.55	\$ 652,255	18.3%	\$ 532,925.45
Sources Over(Under) Uses:	\$ 24,211.58	\$ 7,495		
Beginning Fund Balance	\$ 434,960.00	\$ 280,081		
Estimated Ending Fund Balance		\$ 287,576		
Unaudited Ending Fund Balance	\$ 459,171.58			
Reserve Required				
Per Policy - low end of range	\$ 137,588			
Per Policy - high end of range	\$ 142,310			
Budget Authority				
2019 Budget Authority	\$ 651,155.00			
Remaining 2019 Budget Authority	\$ 531,825.45			
% of Budget Authority Used	18.3%			