

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING

September 9, 2014

Minutes

The Edgerton Planning Commission met in regular session with Chair Davis 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: Commissioners Chuck Davis, Ron Conus, Maria O'Neill, Phyllis Harris, Missy Drinkard, Cliff Withrow, and Tina Graddy. Absent were: Andrea Lucero and Bob O'Neill. Also present were City Administrator Beth Linn and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

MINUTES

Minutes of August 12, 2014 were considered.

Motion by Graddy, seconded by Drinkard, to approve the minutes. Motion was approved, 7-0.

COMMUNICATIONS

Former Chair and Planning Commissioner Phyllis Harris was recognized for her service on the Planning Commission. Ms. Harris served for five consecutive terms, fulfilling the maximum time allowed under the Unified Development Code. The City Administrator offered a tremendous thank you to Ms. Harris for her service and time. She was presented with a plant, card and snacks in honor of her last meeting.

It was announced that Tina Graddy is moving out of town and she submitted her resignation effective on September 10, 2014. Ms. Graddy was thanked for her service on the Planning Commission.

The City Administrator announced there are two openings on the Commission and encouraged the members to recommend citizens who might be interested in applying.

OLD BUSINESS - REZONING

RZ-06-13-2014, requesting zoning change from City of Edgerton C-2 (Heavy Service Commercial) to City of Edgerton I-G (General Industrial District) for property located at 36450 Frontage Road, located within the southeast one-quarter of Section 18, Township 15, Range 22, containing approximately 16.06 acres, more or less, was considered. Owner: Robert Blachly, Mico, Inc. Agent: Rob Johnson, Shafer, Kline & Warren.

The City Administrator announced the City received official notification from the applicant's attorney that his client is withdrawing this zoning request. There was no action required.

The City Administrator informed the Commissioners the City is working with Johnson County officials in regards to the Frontage Road.

PRELIMINARY PLAT

Renewal of approved preliminary plat, PP-09-26-2013, (Edgerton Logistics Park Lot 2) for preliminarily platting property in the vicinity of 191st Street, east of Homestead, located within the Southwest Quarter of Section 34, Township 14, Range 22 East containing approximately 31 acres more or less, was considered. Applicant: George Schlagel, Schlagel Family LLC.

The City Administrator overviewed the history of the preliminary plat and displayed a depiction of the site. She indicated an extension is allowable under the Unified Development Code.

Ms. Linn noted staff supports the renewal, which would include the previous stipulations.

Mr. Conus asked if there is anything negative in allowing this for the City.

Ms. Linn stated no, adding this short period would allow the applicant to continue marketing the property.

Motion by Drinkard, seconded by Conus, to approve the renewal extension of the preliminary plat to November, 2015 with the following stipulations: 1) The Preliminary Plat shall be revised to address all requirements of the City listed above or addressed during final plat submittal; 2) Revised Preliminary Plat shall be submitted to the City prior to recording of final plat; 3) The preliminary plat shall be revised to show drainage easements, streamway buffers, floodplain restrictions, and NPDES (stormwater management) requirements, according to and as may be required by the City Engineer; 4) The preliminary and final plat shall be revised with a note indicating public water and sewer provision as required by Article 13.3 D 9; and 5) 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. Motion was approved, 7-0.

PUBLIC HEARING - REZONING

A public hearing in regards to rezoning case no. RZ-08-12-2014, requesting change in zoning from Johnson County RUR (Rural Residential) to City of Edgerton Heavy

Service Commercial District (C-w) on property located at the northwest corner of Homestead and Interstate 35, within Section 9, Township 15 South, Range 22 East, in Johnson County, containing approximately 15.14 acres, more or less was opened. Applicant: Tim Gates. Owner: Larry S. Alsup Revocable Trust.

Tim Gates, agent for Larry Alsup, was present.

City Administrator Beth Linn informed the Commissioners the subject property contains 15.14 acres with no access to Homestead Lane.

It was noted the property owners desire commercial zoning, which is the zoning classification as the adjacent property to the north. It was also noted commercial zoning is the recommended zoning/use in the Edgerton's Comprehensive Growth Plan for area around the interchange which coincides with growth within the BNSF intermodal and adjacent logistics park.

Ms. Linn reviewed the infrastructure and services within the area and noted approximately five (5) acres is located within the floodplain/floodway of Bull Creek. She indicated Flood Plain Development Permits would be required to develop within the designated area.

The City Administrator overviewed the rezoning application in relationship to the Unified Development Code, Kansas laws, and the "Golden Criteria." Items highlighted include: C-2 zoning district as most compatible designation; property is vacant with one farm building; compatible with planned future uses of adjacent C-2 zoned property to the north; Homestead Lane, nearest road to property is paved and designed to support intermodal and logistics park traffic, developer will provide utilities for site with development of property; and is consistent with Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and City Code of the City of Edgerton.

In addition, Ms. Linn cited the staff stipulations and noted staff supports request.

Commissioner Graddy asked about zoning classification of the zoning of the property to the north and questioned if it is common to allow C-2 zoning without an improved City roadway. The City Administrator stated it is not common, but this action allows for marketing opportunities.

Mr. Gates addressed actions of cooperation between the two properties.

Don Scaro, 19913 Peppertree Lane, stated concern with drainage to Bull Creek. He also spoke about berming issues, and the need for protection against the traffic noise, stormwater, etc.

Mr. Gates informed the audience he has not addressed these matters with Alsup's at this time, but noted there probably would be requirements imposed at the design phase.

The City Administrator stated the Unified Development Code has some regulations with commercial zoning adjacent to residential and noted these matters are usually addressed during the site plan process. She noted staff will review.

Motion by Harris, seconded by M. O'Neill, to close the hearing. Motion was approved, 7-0.

Motion by Conus, seconded by M. O'Neill, to approve the rezoning with the following stipulations: 1) All Site Plan application requirements of the City shall be met; 2) All infrastructure requirements of the City shall be met; 3) Prior to issuance of building permits, the property shall be developed in accordance with a site plan reviewed and approved by the City. Motion was approved, 7-0.

FINAL SITE PLAN

Final Site Plan, FS-08-21-2014 (Inland Port XI), requesting approval of a final site plan on property located at the southeast corner of 191st Street and Waverly Road, within Section 2, Township 15 South, Range 22 East, in Johnson County, Kansas, containing approximately 35 acres, more or less, was considered. Owner/Developer: Patrick Robinson, ELHC VI. Engineer: Dan Cook, Renaissance Infrastructure Consulting.

Patrick Robinson and Dan Cook were present.

The City Administrator overviewed the application process. Ms. Linn indicated there is an update from the preliminary site plan which includes the addition of a public street between buildings and the site now has public right-of-way on three (3) sides. She stated the need to address the dock doors adjacent to the public right-of-way; noting staff and applicant will work on plans to soften the exterior.

Ms. Linn reviewed the requirements of the L-P District at the site plan level. Items highlighted for this plan include: Provide pedestrian access within and to the development, as well as accessible routes to buildings; property owner to execute an agreement not to protest formation of a benefit district for or identify alternative funding source for 191st Street infrastructure; and provide plan for sanitary sewer service for LPKC II until wastewater lines are constructed within the area.

The City Administrator spoke about the architectural design of the building in regards to entrances facing a public street. She noted that if the City approves the current application, there would be a need to approve an exception to orient a side elevation (including dock doors) toward Waverly Road and other public road due to the configuration of the lot of with public streets on two sides of the proposed building.

She also addressed the elevations and façade guidelines with which the plan complies.

Ms. Linn noted the parking spaces are shown with smaller dimensions noting that matter will need to be addressed in order to conform. She also indicated a photometric plan shall be provided prior to the issuance of a building permit. In addition, the diesel emission requirements were briefly addressed.

The Commissioners were informed a stormwater study was provided, but noted the need for the existing and proposed sub-basins areaa should be equal; provide capacity of the existing pipes and identify any problems that might be expected with the proposed flows; and provide expected velocities for the outfall pipes, and provide erosion protection, if needed.

The City Administrator stated staff is in support with stipulations, which were noted.

Commissioner Harris asked if there is an applicant yet. Mr. Robinson stated this building is speculative, but thought there may be a tenant near the end of September. He stated the facility should be ready for occupancy by early 2015.

Motion by Drinkard, seconded by Graddy, to approve the final site plan with the following stipulations: 1) All Site Plan requirements of the City shall be met as noted, particularly including: a) Submittal of photometric lighting plan in conformance with UDC especially with regard to maximum foot-candles at property line; b) Submittal of a plan for pedestrian access to and within the development; c) Construction plans of future public infrastructure be submitted and approved by the City. Any necessary permits obtained; d) Resubmittal of revised landscaping plans including screening for adjacent public road and trash enclosures. All landscaping shall be maintained in good condition and plants shall be replaced when dead. 2) All infrastructure requirements of the City shall be met. 3) All building permit and sign permit requirements of the City shall be met. 4) The City will not require at time of site plan approval the construction of sidewalks for/on the subject property. Prior to obtaining a building a permit, the property owner will execute the necessary agreement to waive and relinquish any right he/she may have under K.S.A. 12-6a06 to protest the formation of a benefit district to pay for the construction of sidewalks for/on the above described property for a period of thirty (30) years, and that such agreement is intended to be a covenant running with the land for said period of time. and 5) Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein. Motion was approved, 7-0.

OTHER BUSINESS

Commissioner Conus asked if there was a date for the meeting about the Bettis asphalt application. The City Administrator indicated that at this time there is no date set, indicating Johnson County Planning will schedule. She spoke about the Council meeting scheduled for September 11, 2014 indicating the Council members will be listening to comments regarding this matter.

ADJOURNMENT

Motion by Harris, seconded by Graddy, to adjourn. Motion was approved, 7-0.

The meeting adjourned at 7:53 p.m.