

EDGERTON COMMUNITY BUILDING  
PLANNING COMMISSION MEETING  
Regular Session  
March 10, 2015  
Minutes

The Edgerton Planning Commission met in regular session with Vice-Chair Conus 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 Ron Conus, Maria O'Neill, Cliff Withrow, Randal Gifford, Bob O'Neill, Missy Drinkard, and Andrea Lucero. Absent were: Commissioners Chuck Davis and Bill Braun. Also present were Community Development Director Kenneth Cook and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

**MINUTES**

Minutes of January 13, 2015 were considered.

Motion by M. O'Neill, seconded by Lucero, to approve the minutes as presented. Motion was approved, 7-0.

**GUESTS:**

No guests were introduced.

**COMMUNICATIONS FROM STAFF**

The Community Development Director informed the Commissioners of the upcoming training for Planning Commissioners from Mid-America Regional Council. He also spoke of the May 18 Workshop training for effective meetings. Commissioners were encouraged to look at the training offers and contact staff if there are any questions or assistance needed.

The Planning Commission roster was distributed for review.

**PUBLIC HEARING – PRELIMINARY SITE PLAN**

A public hearing in regards to Preliminary Site Plan Case No. PS-10-08-2014, requesting approval of a preliminary site plan on a tract of property located in the southwest corner of 191<sup>st</sup> and Waverly Road, within Section 3, Township 15 South, Range 22 East, containing 141.38 acres, more or less, was considered. Applicant: Patrick Robinson, ELHC. Engineer: Dan Cook, R-I-C.

Mr. Cook reviewed the past actions for this request and noted this location is adjacent to the Water District 7 water tower, currently under construction. It was noted the current plan shows three (3) warehouse buildings on three (3) lots in addition to the water tower lot (which has a final site plan approval), with all associated parking, stormwater detention facilities, and landscaping. He spoke about the flood plain area (approximately five acres) in the northern part of the site. Safety services are provided by Johnson County Sheriff and Johnson County Rural Fire District.

Mr. Cook discussed Waverly Road and noted the roadway project is currently under a design/build contract for construction which should commence late spring to early summer. He also noted the property will need temporary holding tanks until connection to the wastewater system is available.

Other items discussed were: needed pedestrian access from sidewalks adjacent to buildings and public roadways; access points – with no concerns noted from Fire Department. It was noted due to the security of the area (due to international shipping), fewer access points are better. He also spoke about potential access points on the future Waverly Road, which will be two lanes with turning lanes.

Mr. Cook talked about items on Sheet #4, indicating he would review for conformance with the final plan.

He spoke in regards to district regulations and focused on potential need to approve an alternative landscape plan due to the unique characteristics, which may include additional landscaping, fencing or berms along the right-of-way buffers or loading docks. He noted additional information should be submitted with final site plan. Mr. Cook spoke about the east side of the building on Lot 4 in regards to the dock doors, typically associated with rear or side elevation, which will face Waverly Road. He noted if the City approves the current application, it will need an exception to orient a side elevation toward the public street due to the lot configuration. He spoke about right-of-way buffers along 197<sup>th</sup> and Waverly Road to include variation of screening of clusters of trees to appear more natural, berms and other elements to appear less monotonous. He also noted a right-of-way buffer may be required on the west side of Lot 1, if it is determined that a right-of-way should be developed along the half-mile line. He noted since the area has a flood plain, the road will probably not extend.

The Community Development Director noted the architectural design standards will be reviewed with the final site plan.

Mr. Cook spoke about the exceptions to the UDC in regards to warehouse/distribution center and large building parking space exceptions and addressed various scenarios. He also noted spaces required for loading spaces and temporary outdoor storage regulations for cargo containers, operational trailers, and tractors.

Mr. Cook informed the Commissioners that Water District No. 7 made the following comments: 1 )Water Service is not currently available to any of the lots off of future 197<sup>th</sup> Street. Water service is available to Lot 3 from the 12-inch water main on Waverly Road; 2) The water main on 197<sup>th</sup> Street from Waverly Road to the tank site will be constructed with the tank project and is already planned; 3) The water main on 197<sup>th</sup> Street west of the tank site is not planned yet and the district may require the developer to pay for all or a portion of the water main to serve Lots 1 and 2; and 4) The preparation of Landscape plans needs to recognize the existing water main location on Waverly Road and the proposed water main location along 197<sup>th</sup> Street to avoid conflicts with landscaping and the water mains.

Mr. Cook recommended staff approval of the Preliminary Site Plan with stipulations.

Mr. Conus opened the public hearing.

Patrick Robinson, applicant, apologized to the Commissioners for their concern at the last meeting. He spoke to the members regarding the definition of landscaping/screening, suggesting UDC changes. He questioned a review of how this can be accomplished and overviewed different phases of projects.

Mr. Robinson indicated elevations for buildings may be increasing to 36', adding this is about the highest elevation which accommodates sprinkler systems. He spoke about the dock doors, screening, primary roads, primary approach to 191<sup>st</sup> Street, and controlled access. He stated tonight's action is to be pro-active and desires to remain a step ahead. Mr. Robinson informed the Commissioners ELHC acquired the Earl Allen property and indicated the annexation would be forthcoming soon. He also informed the Commission that LPKC is financially covering infrastructure costs not under grants or other financial arrangements. He also noted right-of-way would be donated where needed.

Mr. Conus asked about the concern with landscaping. Mr. Robinson noted the UDC is under consideration, but indicated streetscapes/screening uniformity between phases and determination of view should be addressed. He stated overall the installed landscaping has exceeded the requirements.

Mr. Withrow asked about the emphasis with uniformity. He asked as the projects progress, will they appear similar or chopped? Mr. Robinson stated all will be in consistency, with some different accent colors.

Ms. Lucero asked about addressing parking changes in the future should the current use change. Mr. Robinson indicated looking at projects with distribution centers fewer parking spaces are required. He noted some with changed use, such as e-commerce, more spaces would be required, but would use less dock space and trailer parking, which would open the area to more parking spaces.

Mr. O'Neill spoke about buffering along I-35. He asked if the buffering would be similar to the other roadways. Mr. Robinson stated there is some sufficient space, if that is a concern, but indicated elevations cause concerns. Mr. O'Neill indicated the area can have berms, but noted a bad year makes the landscape worse. He stated buildings along the interstate do not bother him and cited several areas along I-35 which have buildings, junk yards, etc. along the right-of-way.

Mr. Robinson asked for approval of the site plan with staff's stipulations.

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

Motion by B. O'Neill, seconded by Drinkard, to approve the preliminary site plan with the following stipulations: 1) The recommendations noted need to be incorporated into a Final Site Plan; 2) A Final Site Plan must be submitted and approved prior to commencement of uses and the property shall be developed in accordance with a Site Plan, Landscaping Plan, and Photometric Plan as required by City approval of the submitted preliminary site plan, as amended by these stipulations, and approved by the City; 3) All Preliminary Site Plan requirements of the City shall be met or addressed during Final Site Plan submittal as identified; 4) No signage is proposed with this application. Signage proposed later shall receive separate

approval according to the provisions of the UDC; and 5) All construction plans for any public infrastructures shall be prepared to City standards and approved by the City. Motion was approved, 7-0.

### **PUBLIC HEARING - REZONING**

A public hearing in regards to Rezoning Case No. RZ-09-24-2014A, requesting a change in zoning from Johnson County Rural Residential (RUR) to City of Edgerton Heavy Service Commercial District (C-2) on property located at 20081 Homestead Lane was considered. Owner/Applicant: Paul V. Middleton and Marie E. Middleton. Engineer: Edward A. Schlagel, Schlagel & Associates, P.A.

The Community Development Director informed the Commissioners the next two projects are interrelated and he would make the presentation for both. He indicated this particular rezoning request is in the southern part of the two parcels. He overviewed the location and surrounding area. He spoke about the Zoning Map and Comprehensive Plan (as a guideline) and noted commercial zoning is a good use/fit for this property.

Mr. Cook indicated this property is located just north of the I-35/Homestead Lane Interchange. He informed the Commissioners the property on the west side of Homestead Lane is currently zoned C-2 and the Future Land Use Map shows subject property as commercial (retail/office).

Mr. Cook noted the subject properties were annexed into the City of January 8, 2015. He stated the property has two agricultural structures and the property is currently used for agricultural purposes. He further stated the KDOT has retained access control along the entire western side of this property and extending along the adjoining property to the north up to 199<sup>th</sup> Street, with one access point being permitted at the shared boundary line, with right-in and right-out on Homestead Lane.

Mr. Cook overviewed types of businesses allowed under the C-2 Heavy Service Commercial District and those which could be allowed with the approval of a conditional use permit.

Mr. Cook highlighted the area's infrastructure and services in regards to location by reiterating the KDOT restriction of one driveway located on the northwest corner of the property, limited to right-in and right-out movements. He noted the property is within the Big Bull Creek watershed, but does not include any areas designated as Special Flood Hazard Areas. The property does not have direct access to sanitary sewer service, but noted a gravity line is located approximately 750' west of Homestead Lane. Mr. Cook stated the property resides within Rural Water District No. 7 service area and public safety is supplied by Johnson County Sheriff and Fire District No. Mr. Cook informed the Commissioners Rural Water District No. 7 made the following comments: 1) Water Service is not currently available to any of the lots off of future 197<sup>th</sup> Street. Water service is available to Lot 3 from the 12-inch water main on Waverly Road; 2) The water main on 197<sup>th</sup> Street from Waverly Road to the tank site will be constructed with the tank project and is already planned; 3) The water main on 197<sup>th</sup> Street west of the tank site is not planned yet and the district may require the developer to pay for all or a portion of the water main to serve Lots 1 and 2; and 4) The preparation of Landscape plans needs to recognize the existing water main location on Waverly Road and the proposed water main location along 197<sup>th</sup> Street to avoid conflicts with landscaping and the water mains. Mr. Cook indicated the construction and operation of the Water Tower should address future water issues.

Mr. Conus opened the public hearing.

Don Foster appeared in behalf of the applicants, and introduced Judy White, realtor for project. Mr. Foster spoke about the location, driving patterns and compatible uses with LPKC. He indicated this is a good location off the interstate, with frontage and visibility for commercial services.

Mr. Withrow questioned the driving patterns from I-35 both exiting and entering. Discussion about the driving movements ensued.

Mr. Cook reminded the Commissioners the purpose for tonight's action is for zoning. He indicated more actions/discussion of the area would be addressed with the preliminary/final site plan action.

Ms. Lucero stated concern with traffic problems at 199<sup>th</sup> and Homestead Lane.

Mr. Foster reiterated tonight's action is for the zoning. He added more finessing would occur at the preliminary/final site plan stage.

Mr. Cook stated from a staff perspective, this zoning request is acceptable. He noted access issues/concerns occur during the site planning stage.

Mr. Foster stated KDOT designed the interchange and location of entrance and turning moves for trucking actions.

The Community Development Director overviewed the "Golden Criteria" in regards to this request. No questions were voiced. Mr. Cook indicated staff recommends approval with stipulations.

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

No further comments were made.

Motion by B. O'Neill, seconded by M. O'Neill, to approve the rezoning subject 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; and 3) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City. Vote on the motion – YEA: Conus, M. O'Neill, Drinkard, B. O'Neill, Withrow, and Gifford. NAY: Lucero. Motion was approved, 6-1.

### **PUBLIC HEARING – REZONING**

A public hearing in regards to Rezoning Case No. RZ-09-24-2014B, requesting a change in zoning from Johnson County Rural Residential (RUR) to City of Edgerton Heavy Service Commercial District (C-2) and City of Edgerton Logistics Park (L-P) District on property located at the northeast corner of Homestead Lane and 199<sup>th</sup> Street was considered. Owner/Applicant: Vivian L. Plank/Paul Middleton and Naomi Middleton Co-Grantor Trust. Engineer: Edward A. Schlagel, Schlagel & Associates, P.A.

The Community Development Director stated the property for this request is on the northern side and stated the primary difference is adding the L-P zoning in a section. He also noted the "Golden Criteria" is basically the same as for the previous action.

Mr. Cook noted staff recommends approval with stipulations.

Mr. Conus opened the public hearing.

No comments were voiced.

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

Motion by Drinkard, seconded by M. O'Neill, to approve the rezoning request 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; and 3) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City. Vote on the motion – YEA: Conus, M. O'Neill, Drinkard, B. O'Neill, Withrow, and Gifford. NAY: Lucero. Motion was approved, 6-1.

#### **PUBLIC HEARING – UNIFIED DEVELOPMENT CODE**

A public hearing in regards to receiving input from the public on the proposed adoption of a new Unified Development Code was considered. Applicant: City of Edgerton, Kenneth A. Cook, Community Development Director.

Mr. Cook informed the Commissioners that he was unable to complete as much toward this as he had hoped. He indicated that after more review, the districts should be reviewed to address conflicts from /verses other uses. He noted the L-P District, as written was more specific.

Mr. Cook noted staff would look at organizing uses (such as parking, lighting, landscaping, etc) to avoid conflict, duplication, and format consistency.

Mr. Withrow questioned if this matter could be placed first on the future agendas.

Mr. Cook addressed the process.

Mr. Conus opened the hearing.

No comments were made.

Motion by Conus, seconded by Drinkard, to table the public hearing to April 14, 2015 at 7:00 p.m. Motion was approved, 7-0.

#### **FUTURE MEETING**

The next scheduled meeting is April 14, 2015.

#### **ADJOURNMENT**

Motion by M. O'Neill, seconded by B.O'Neill, to adjourn. Motion was approved, 7-0.

The meeting adjourned at 9:33 p.m.

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Submitted by:

Debra S. Gragg  
Recording Officer