

EDGERTON PLANNING COMMISSION AGENDA  
REGULAR SESSION  
Edgerton City Hall  
March 10, 2015  
7:00 PM

1. Call meeting to order
2. Pledge of Allegiance
3. Roll Call

A. Members:

Chuck Davis, Chair	Present / Absent
Ron Conus, Vice-Chair	Present / Absent
Maria O'Neill, Secretary	Present / Absent
Missy Drinkard	Present / Absent
Bob O'Neill	Present/ Absent
Andrea Lucero	Present/ Absent
Cliff Withrow	Present/ Absent
Randal Gifford	Present/ Absent
Bill Braun	Present/ Absent

4. Approval of Minutes  
A. January 13, 2015
5. Guests Present  
A.  
B.
6. Communications from Staff
7. New Business

**PRELIMINARY SITE PLAN – PUBLIC HEARING**

- A. Consideration of 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. Applicant: Patrick Robinson, ELHC. Engineer: Dan Cook, R-I-C.

Action requested: Open the public hearing, receive comments, consider motion to close or table the hearing. Consider motion to approve, deny or table.

**REZONING – PUBLIC HEARING**

- B. Consideration of opening 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. Owner/Applicant: Paul V. Middleton and Marie E. Middleton. Engineer: Edward A. Schlagel, Schlagel & Associates, P.A.



Action requested: Open the public hearing, receive comments, and consider motion to close or table the hearing. Consider motion to recommend approval or denial.

**REZONING – PUBLIC HEARING**

- C. Consideration of opening 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) on property located at northeast corner of Homestead Lane and 199<sup>th</sup> Street. Owner/Applicant: Vivian L. Plank/Paul Middleton and Naomi Middleton Co-Grantor Trust. Engineer: Edward A. Schlagel, Schlagel & Associates, P.A.

Action requested: Open the public hearing, receive comments, and consider motion to close or table the hearing. Consider motion to recommend approval or denial.

**UNIFIED DEVELOPMENT CODE AMENDMENTS – PUBLIC HEARING**

- D. Consideration of opening a public hearing in regards to receiving input from the public on the proposed adoption of a new Unified Development Code (UDC). Applicant: City of Edgerton, Kenneth A. Cook, Community Development Director.

Action requested: Open the public hearing, receive comments, and consider motion to close or table the hearing. Consider motion to recommend approval or denial.

8. Future Meeting – Regular meeting – April 14, 2015
9. Adjournment:



EDGERTON COMMUNITY BUILDING  
PLANNING COMMISSION MEETING  
Regular Session  
January 13, 2015  
Minutes

Prior to the meeting, Bill Braun was sworn in as Planning Commissioner.

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, Cliff Withrow, Randal Gifford, and Bill Braun. Absent were: Missy Drinkard, Bob O'Neill and Andrea Lucero. Also present were Community Development Director Kenneth Cook, and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

**MINUTES**

Minutes of November 4, 2014 and December 9, 2014 were considered.

Motion by M. O'Neill, seconded by Withrow, to approve the minutes as presented. Motion was approved, 6-0.

**GUESTS:**

Guests introducing were: Charlie Troutner, Edgerton City Council.

**COMMUNICATIONS**

The Community Development Director informed the Commission of the recent Middleton/Plank annexation near the Homestead Lane Interchange area. He indicated the owners will be working on rezoning the property, which should require action by the Planning Commission in March.

Mr. Cook also spoke about the Pheasant Ridge Apartment project on land owned by Larry Pearce. He indicated the applications are requesting the City's support for the funding request.

He also informed the Commissioners about the recent Supreme Court case regarding political signage (Arizona case). In this instance, there is no restriction on political signage, but limitations on religious signage. He indicated this is an action to keep in awareness.



Ron Conus spoke about an emergency storm shelter in the City. Mr. Cook stated he will check into the status and report back.

Bill Braun was introduced as the new member to the Planning Commission. Mr. Braun overviewed his background in construction.

### **PUBLIC HEARING – PRELIMINARY SITE PLAN**

The Development Services Director informed the Commissioners the applicant requested this item be removed from the agenda. It was noted this application will be resubmitted and published for a future meeting. He indicated staff will be able to look at possible changes to the regulations and this matter could potentially be considered as preliminary and final site plans together.

Continuance of an opened public hearing for Preliminary Site Plan Case No. PS-10-08-2014 requesting approval of a preliminary site plan on property located in the southwest corner of 191<sup>st</sup> and Waverly Road, within Section 3, Township 15 South, Range 22 East in Johnson County, Kansas containing approximately 141.38 acres, more or less. Owner/Applicant: Patrick Robinson, Edgerton Land Holding Co. Engineer: Dan Cook, Renaissance Consulting was not considered.

### **UNIFIED DEVELOPMENT CODE (UDC) - DISCUSSION**

Mr. Cook indicated the items for tonight's discussion involved four (4) topics: general duties of Article 8 (Zoning Administrator and the Planning Commission), Article 4 (Commercial Zoning Districts), Article 5 (Industrial Zoning Districts) and Article 10 (Site Plans and Design Standards).

Mr. Cook noted that in reviewing cases, he stated there are some items that do not mesh. He stated he is looking at same or similar standards for various districts and spoke about the public hearing procedures. The response from the Commissioners were favorable in regards to the assistance.

The Administrative Services Director stated he is available to provide assistance to the Commissioners and encouraged all to contact him there is something that can be added or done to help. He stated regulations can and may be changed, adding that is a community decision. He indicated the Zoning Administrator will make professional recommendations/reasonings, adding there is not always is there full agreement, but an indication is noted as to why the decision is made. He also noted sometimes the Governing Body may overrule.

Mr. Davis stated it is the duty of the Planning Commission to rule by Unified Development Code requirements. Briefly discussed under duties of the Planning Commission: 1) Recommendation of actions; 2) secretary (can be Ex-Officio – Zoning Administrator), 3) quorum of five and need of quorum vote for some actions, 4) disqualification of members for certain actions, and 5) party to ex parte (staff looking at changing). In regards to public hearings: Commissioners or agents have right to speak



on the matter at hand, but shall not hold “closed meetings.” Mr. Davis asked if a member could remove him/herself from the table and make comments. Mr. Cook addressed disqualification from the matter and indicated someone else may assist the Commissioner.

Mr. Cook also addressed the “Golden Criteria” and noted not all the factors weigh the same. Other matters discussed were 1) final plats, indicating they are sent to Governing Body only to accept dedications for land, if applicable, and 2) protest periods.

Mr. Cook recommended removing under Article 8.3 F 2 the words “*with a taped record.*”

Section C under Powers and Responsibilities, Mr. Cook discussed granting of variances and addressed the matter regarding the granting of variances will not adversely affect the rights of adjacent property owners or residents and strict adherence to the regulations in the specific case will constitute unnecessary hardship upon the property owner requesting the variance.

Discussion continued under Article 8 regarding appointment, powers and duties of the Zoning Administrator. Mr. Cook presented within the agenda document a sample of verbiage uses for various portions of meeting regarding conditional use and zoning amendment cases.

Mr. Cook overviewed Article 10 and noted the red-lined comments to the current Unified Development Code. Items discussed were preliminary site plans, adding more details would help with the decision/s for the larger pieces/sections.

It was noted the final site plan would be more specific to the location and/or site. He also noted in some instances with smaller project, the process could use a one-step consideration.

Commissioner Bill Braun asked if the intent is to review a large area for development of land and not so much for actual structure. The Development Services Director indicated that is correct, stated the final site plan is a more intense review.

Redline comments for Article 5 regarding Industrial Zoning Districts were briefly reviewed. Mr. Cook spoke in regards to Section 5.2H.3 regarding “*the storage of items must occur within a fully enclosed building or storage yard and is limited to 20% of the ground floor area of the building*” and continues to specify that all storage shall be 100% screened from public view. He stated this is causing issues for some of the projects due to configuration of buildings adjacent to public streets. He suggested the Planning Commission review and possibly look at some adjustments to the UDC. He also suggested reviewing landscaping requirements regarding size and type, and update parking requirements.



Mr. Cook addressed design standards and guidelines and similar requirements for all districts – should all be combined for industrial uses. It was agreed there is a need to review to determine by use.

He asked the Planning Commission to give direction to staff to begin update of the sections based upon recent actions.

Mr. Cook informed the Commissioners that staff is performing research on possible changes to Commercial Zoning Districts (Article 4) to adopt specific site and building design standards. He noted the need for the Planning Commission to discuss what future development should look like. Mr. Cook encouraged the members to take pictures or notes on types of favorable developments. He also stated examples of items that will be needed to determine when standards are in process of being developed, such as: truck stops, gas stations, restaurants, other commercial developments; allowance of metal buildings; proportion of building requirements for brick, stone, or similar product; vertical and horizontal articulation; type and quantity of landscaping, and types of signs – allowance of pole signs, type of material, and digital.

The Commissioners asked if they could see/review other community plans as a start. Mr. Cook addressed, indicating this would be feasible.

There was a brief discussion regarding building and lighting facility maximum heights.

The Planning Commission expressed support for the reviews and updates. They asked for redline comparison text changes. They also indicated no expectations of dead-line or time-frames for the process, but work at the speed possible.

Staff will take the comments and suggestions and work on the changes and bring drafts to the Planning Commission in chunks to continue the process.

### **FUTURE MEETING**

The next scheduled meeting is February 10, 2015.

### **ADJOURNMENT**

Motion by Withrow, seconded by M.O'Neill, to adjourn. Motion was approved, 6-0.

The meeting adjourned at 9:03 p.m.

Submitted by:

Debra S. Gragg  
Recording Officer



## STAFF REPORT

March 2, 2015

To: Edgerton Planning Commission  
Fr: Kenneth Cook, AICP, CFM, Community Development Director  
Re: Application PS-10-08-2014 for Preliminary Site Plan for Logistics Park Kansas City  
Phase IV, located approximately 1,700 feet to the south of the southwest corner of  
191st Street and Waverly Road

### APPLICATION INFORMATION

**Applicant/Property Owner:** Patrick Robinson, Edgerton Land Holding Company

**Requested Action:** Preliminary Site Plan – Logistics Park Phase IV

**Legal Description:** Part of Section 3, Township 15, Range 22

**Site Address/Location:** Approximately 138 acres located approximately 1,700 feet south of the southwest corner of 191st Street and Waverly Road

**Existing Land Use:** Agriculture

**Existing Zoning and Uses:** City of Edgerton, L-P, Logistics Park District

**Existing Improvements:** None

**Site Size:** Approximately 138 acres

### Background Information

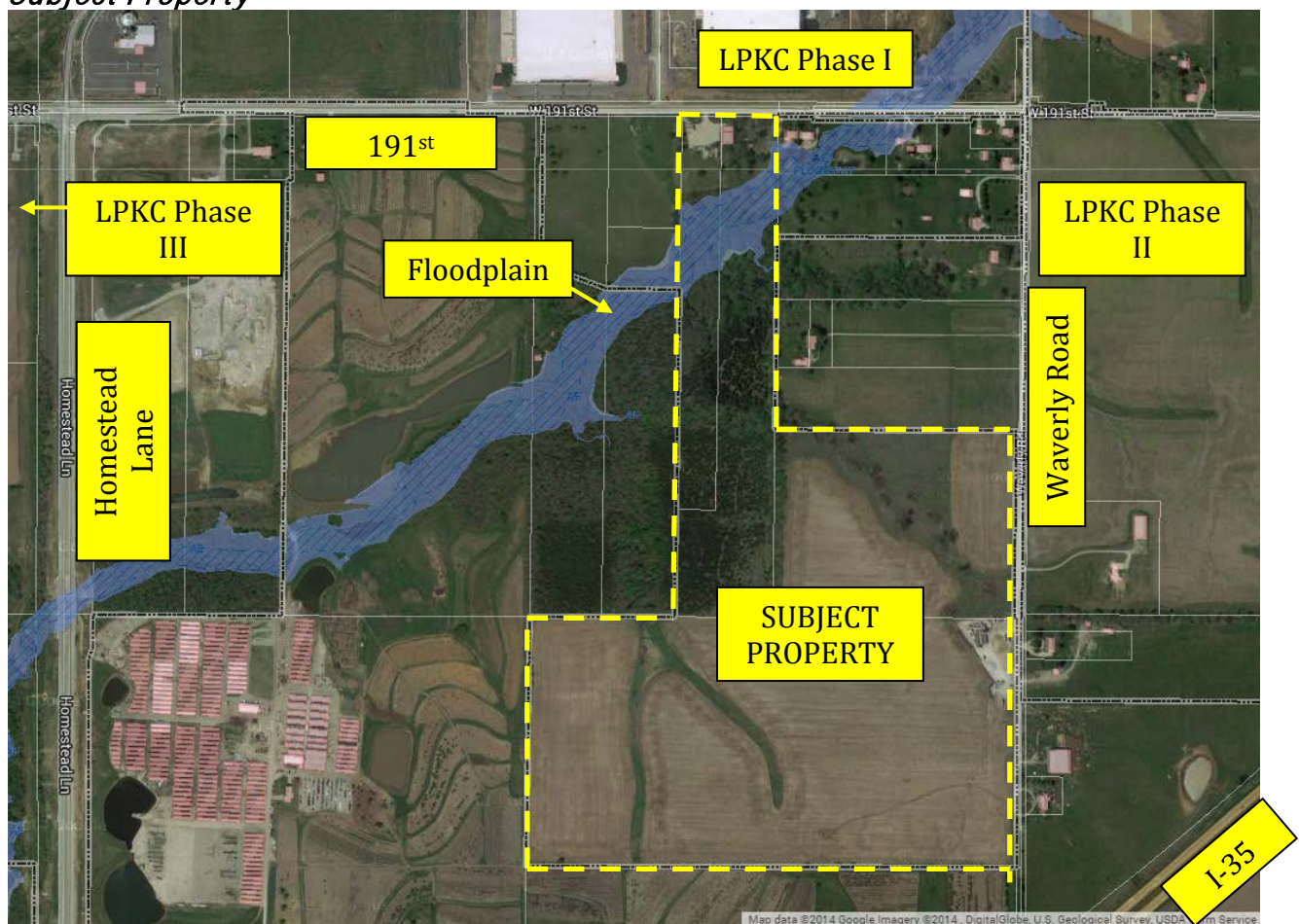
The applicant has prepared a site plan based on the L-P, Logistics Park District zoning requirements. This case was originally brought before the City of Edgerton Planning Commission on November 4, 2014 and which was tabled and then subsequently tabled again on December 9, 2014. A Final Site Plan for a portion of this site which included the proposed water tower was approved by the Planning Commission on November 4, 2014. At the November 4, 2014 meeting of the Planning Commission, a Preliminary Plat for the subject site was approved along with a recommendation for approval of the rezoning of the property from Johnson County, RUR to City of Edgerton, L-P, Logistics Park District. On December 11, 2014, the City Council approved the rezoning of the property.

The current Preliminary Site Plan shows three (3) warehouse buildings on three (3) lots, with a fourth (4<sup>th</sup>) small lot containing a Water District 7 water tower, all with associated parking, stormwater detention facilities, and landscaping. The proposed building sizes are: Lot 1 – 375,000 SF; Lot 2 – 750,000 SF; and, Lot 3 – 915,000 SF. While the Preliminary Site Plan



currently shows the water tower as being part of this request, this area has already received approval of a Final Site Plan and should be removed unless there are changes that are being proposed to the property containing the water tower. No conceptual building elevations, landscaping or lighting plans have been provided by the applicant. The current Site Plan requirements in the UDC do not delineate any differences as to what is required to be submitted for Preliminary and Final Site Plan applications. Staff would suggest that the Preliminary Site Plan should include more general information about the development including items such as overall layout, access, circulation and possibly a screening concept where the property is adjacent to uses that would be negatively impacted. The additional, more detailed information which is listed in the Site Plan requirements need to be included with the Final Site Plan. It would appear that the information submitted is sufficient for the Preliminary Site Plan.

### ***Subject Property***



### **Infrastructure and Services:**

1. Waverly Road is gravel surfaced adjacent to this property and dead-ends on the property adjacent to the south. 191st Street is a 36 foot wide, paved, heavy-haul road. Though Waverly Road is currently gravel, it is planned for future improvement to support intermodal and logistics park traffic. The City of Edgerton is currently in the process of working with a design/build firm for the construction of improvements of



Waverly Road. As part of this Waverly Road project it is also planned for the construction of a road on the South side of this property.

2. The property is located within the Big Bull Creek watershed, which flows south from 167th Street to the southern edge of the county at Homestead Lane. A stormwater plan should be submitted to the City Engineer prior to development of the property.
3. About 5 acres of Proposed Tract A is located within the FEMA designated Special Flood Hazard Area including some floodway. This should be shown on the Site Plan, in addition to any stream buffer or other requirements of the City stormwater ordinances.
4. The property does not currently have sanitary sewer service.
5. The property is located within the service area of Rural Water District No. 7. A 12-inch water main is located along both the Waverly Road and 191<sup>st</sup> Street property frontages. A water tower, needed to provide adequate fire flow in the surrounding area, is shown on proposed Lot 3 on the preliminary plat.
6. Police protection is provided by the Johnson County Sheriff's Department under contract with the City of Edgerton. Fire protection is provided by Johnson County Rural Fire District No. 1. A fire station is located in the City of Edgerton, approximately 1.5 miles to the west.

## **STAFF ANALYSIS**

Staff has reviewed the Preliminary Site Plan submittal. The Preliminary Site Plan is reviewed for compliance with Section 10.1 of Article 10 for Site Plan requirements. It is also reviewed for compliance with Section 5.2 Logistics Park (L-P) District regulations. The combined details of that review are listed below.

### **Section 10.1 of Article 10 for Site Plan requirements**

1. Front or cover sheet.
  - a) A scale vicinity map showing the relationship of the site to surrounding neighborhoods, roads and other physical features. *Homestead Lane should be shown on the vicinity map and Four Corners Road should also be labeled. **Make changes to name on the drawings.***
  - b) A project title, zoning designation and project sponsor. A street, lot or tract address of the project. ***The zoning designation shown on the plat is now incorrect. The proposed zoning can be removed from the cover sheet and the current zoning should be changed to L-P.***
  - c) An index to contents, and a data table which, at a minimum, includes: Acreage of the site and number of units per acre (if applicable); gross square feet of the building(s) area; the proposed use of each building; number of employees and the BOCA or Uniform Building Code or NEPA 101 Life Safety Code Occupancy Design Load and, the total number of parking places. ***A data table needs to be added to the cover sheet.***
  - d) The name of the architect, engineer, surveyor or draftsman. ***Preliminary Site Plan complies.***
  - e) The specified certificates and signature blocks. ***It is staff's opinion that the Preliminary Site Plan does not need to have signature blocks as only the Final Site Plan is signed. These items do not need to be removed. Preliminary Site Plan complies.***
2. Sheet #2



- a) 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. *The landscape plan that has been submitted does not match the site plans and needs to be updated. One item of special concern that will need to be discussed is the extent of additional screening to the East of the building on Lot 3 as it will be adjacent to Waverly Road and will include loading docks and trailer parking. While the plan shows additional screening, is this screening sufficient and should more variation be required in regards to the layout of the landscaping? Should the use of berms and or fencing also be mixed into the design of the landscape plan? **An updated landscape plan needs to be submitted with the Final Site Plan.***
- b) A table entitled "Planting Schedule" which lists the common name, size and condition of all planting materials, together with a timetable for planting. **Preliminary Site Plan complies.**

3. Sheet #3

- a) A site map with the following features.
  - i) Topography at reasonable intervals. **Preliminary Site Plan complies.**
  - ii) Exterior lot lines with any survey pins. **Preliminary Site Plan does not show any survey pins.**
  - iii) Location of buildings. **Preliminary Site Plan complies.**
  - iv) Parking areas, paths, walks with sizes and surfaces material specifications. **Pedestrian access needs to be provided from the sidewalks adjacent to the buildings to sidewalks on the proposed public roads.**
  - v) Exterior lighting specifications. **Details, locations and photometric plan have not been provided.**
  - vi) Site entrance and connections to streets. *The site plan currently shows one access point to each Lot 1 and Lot 2 and three access points to Lot 3. Should any of these access points be shared between adjacent lots? Is only one access point to Lot 2 sufficient or should there also be an access to the Northeast corner across Lot 3? Is there a need to have two access points to Lot 3 off of Waverly or is there a preference to have two of these entrances off of 197<sup>th</sup> Street. **Staff will continue to work with the applicant and a final plan for access will be approved by the City Engineer.***
  - vii) The location of easements. *No easements are shown on the preliminary site plan. Easements will typically be dedicated as part of the Subdivision Platting process. In the Improvements and Standards of Design (Article 14) Section of the UDC the Planning Commission may require 'Lot Easements' not exceeding less than 7.5 feet (or 15 feet, if no adjacent easement is anticipated). 'Lot Easements' would typically be found along lot lines or at the exterior boundary of the subdivision. **Utility Easements will need to be added to the site plan.***
  - viii) Connection point for utilities. **Plan currently shows Temporary Sanitary Holding Tanks. The location of the tanks may need to be discussed if easements are placed along the lot lines as the tanks would not be allowed in the easements and would cause conflict with the placement of utilities. Provide a plan for sanitary sewer service for LPKC Phase IV.**
- 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 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.*
- d) Profile and detail for roads (if required). *No profiles have been submitted and the proposed ROW widths have not been shown.*

4. Sheet #4

- a) Scale drawing of building floor plans. *Staff understands that the proposed buildings are currently speculative and no final interior plans have been created. No building plans have been submitted. Will be reviewed at Building Permit Review.*
- b) Dimensions and use of rooms and areas. *Will be reviewed at Building Permit Review.*
- c) Dimensions of entrances/exits and corridors. *Will be reviewed at Building Permit Review.*
- d) Interior specifications for handicapped accessibility as required by ANSI 117.1 and this ordinance. *Will be reviewed at Building Permit Review.*

5. Sheet #5

- a) Scale drawings of all building elevations. *No building plans have been submitted. While it is anticipated that the buildings will be similar to those previously submitted, all information will need to be submitted with Final Site Plan.*
- b) Roof pitch and materials. *Will need to be submitted with Final Site Plan.*
- c) Siding type and materials, including fascia. *Will need to be submitted with Final Site Plan.*

**Section 5.2 Logistics Park (L-P) District regulations**

**SETBACK, YARD, AND AREA REGULATIONS:**

- 1. Building Coverage: The maximum building coverage in the L-P District is 50%. *The preliminary site plan shows a proposed square footage of buildings located on the site but no information is provided on the site plan in regards to the size (area or length & width) of the lots. Based upon information from the preliminary site plan and preliminary plat, the proposed lots have the following building coverage: Lot 1 – 35.26%; Lot 2 – 47.78%; and, Lot 3 – 43.13%. As some information appears to have changed between the preliminary plat and the preliminary site plan, these calculations should be verified. Preliminary Site Plan complies.*
- 2. Setbacks from the street right-of-way or property line: *Preliminary Site Plan complies.*
  - a. Front. A 50-foot minimum setback is required with an allowable reduction to 25 feet when adjacent to two-lane collectors. *It is anticipated that both adjacent ROWs will be two lanes with a turn lane. The 30' front setback shown on the plans are incorrect. No dimensions are included but the site plan shows significantly greater setbacks than required.*
  - b. Side (Typical). A minimum of 25 feet is required. *The following setbacks are approximately as all the necessary dimensions have not been provided and full size plans have not been submitted.*
    - i. Lot 1 (east side): 130 feet
    - ii. Lot 1 (west side): 200 feet
    - iii. Lot 2 (east side): 135 feet



- iv. Lot 2 (west side): 185 feet
  - v. Lot 3 (west side): 130 feet
- c. Side at Street (Typical). A minimum of 50 feet is required, with 25 feet allowed adjacent to internal streets. The side yard provided for the proposed building facing Waverly Road is approximately 215 feet.
- d. Rear. The minimum rear yard adjacent to a residential use is 50 feet.
  - i. Lot 1: 270 feet
  - ii. Lot 2: 572 feet
  - iii. Lot 3: 195 feet
- 3. Maximum Building Height. The maximum height allowed is 110 feet. *Previous Plans have included structures with heights around 45 feet. **Building elevations need to be submitted.***
- 4. Building Separation. A minimum 20 foot building separation is required. *Separation between each building exceeds the minimum requirement. **Preliminary Site Plan complies.***
- 5. Accessory Building and Structure Regulations. *No accessory buildings are proposed with this application. **Preliminary Site Plan complies.***

#### **DISTRICT REGULATIONS:**

- 1. A minimum of three exterior walls shall be of materials other than metal. *No building elevations have been provided. It is anticipated that all exterior walls of the proposed warehouse will be tilt-up concrete. **Building elevations need to be submitted.***
- 2. All operations other than limited storage of motorized machinery and equipment, materials, products or equipment, shall be conducted within a fully enclosed building. *The site plan shows future trailer parking areas along the entire East and West sides Lots 1 and 3 and on the West side of Lot 2. This would appear to provide for more than just "limited storage". **The Planning Commission may need to approve an alternative landscape plan in response to the unique characteristics of this site. This may need to include additional landscaping, fencing or berms, especially along the areas of ROW buffers or for loading docks. Additional information needs to be submitted with the Final Site Plan.***
- 3. 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. ***The Planning Commission may need to approve an alternative landscape plan in response to the unique characteristics of this site. This may need to include additional landscaping, fencing or berms, especially along the areas of ROW buffers or for loading docks as the future trailer parking areas will not be able to be screened 100%. Additional information needs to be submitted with the Final Site Plan.***

#### **DESIGN GUIDELINES:**



1. When more than one (1) building is planned for L-P district property, the development plan shall demonstrate integration and coordination of the architectural design for buildings, structures, and landscaping and open space. *The proposed building, landscaping, and open space design is generally consistent with previously approved projects in the Logistics Park. **Preliminary Site Plan complies.***
2. Buildings should be oriented so that the front or side of the building faces the public street frontage of the property. The City may consider an exception to orient a rear elevation towards a public street for unique situations due to the configuration of the lot. *To interpret this regulation, criteria must be provided that allow a building wall to be evaluated as front, side or rear. Typically, the side of a building with the greatest architectural interest such as windows, ornamentation, and design elements helps determine the building front. The rear side would typically be where activities such as loading (dock doors) and storage activities take place, and where building facades have few or no interesting elements.*

*All sides of the proposed building have tilt-up concrete walls, adding to architectural interest. The parts of the building with the most prominent architectural features are the office/entrance areas located at the four corners of the proposed building. The north side of the building faces 191<sup>st</sup> Street and has architectural interest with the entrances at the east and west corners of the façade, with vertical articulation between the corners to break up the façade between the corners. The south side is proposed to match the look of the north side will face a future warehouse located to the South. While dock doors are typically features associated with the rear of a building the west side will face Montrose Street with dock doors along most of its length. Inland Port XI, which is located on the opposite (west) side of Montrose Street, has a similar layout in that the sides of both buildings that front onto Montrose Street will have dock doors along most of the length. The nearly identical east side will face a proposed future warehouse. **The east side of the building on proposed Lot 4 has dock doors, typically features associated with the rear or side elevation of a building, along the majority of its length facing Waverly Road. Thus, if the City approves the current application, it will thereby approve an exception to orient a side elevation (including dock doors) toward a public street (Waverly Road) due to the configuration of a lot.***

3. The City may require that loading and service areas are screened from public view with landscaping, berming, facade walls, or fencing. *The orientation of the buildings primarily exposes the East side of Lot 3 containing dock doors to visibility from public right-of-way. The West side of Lot 3, East and West side of Lot 2 and the East side of Lot 1 will all be adjacent to other warehouse facilities with dock doors. While no street is currently located to the West of Lot 1, it is possible that a road could be developed along the half mile line (West side of the subject property). Therefore staff recommends several methods to screen that exposure.*

*a) **ROW buffers are required along 197<sup>th</sup> Street and Waverly Road. These buffers require 1 tree per 50 LF of ROW within a 10 foot buffer width. The ROW buffer shown along Waverly Road has been upgraded to provide additional screening. The screening proposed should be varied more, clusters of trees are "encouraged to create a more natural appearing environment" (Section 5.2.O.4) and the use of berms or other elements can also assist in making a design less monotonous.***



- b) *A ROW buffer may be required along the West side of Lot 1 if it is determined that a ROW should be developed along the half mile line. If no ROW is anticipated being developed in this location then a Type 2 Perimeter Landscape Buffer would be required along the West property line to the front face of the building.*
  - c) *Perimeter Landscape Buffer: Type 1 and Type 2 buffers are required as the individual lots are either adjacent to other industrial uses or agricultural uses. Type 1 & 2 buffers are not required along rear or interior side property lines behind the front face of the building. Based upon this, Type 2 buffers would be required in the Southwest corner of Lot 1 and Northeast corner of Lot 3. Type 1 buffers are required between lots 1 and 2 as well as between the water tower and lots 2 & 3. The type 1 buffer requires a 5' buffer width and trees at 50' spacing (all within the 5' buffer) and hedge/shrub at 48" spacing (with 25% within the 5' buffer). Evergreen trees (Keteleeri Juniper) shall be a minimum 12' height. Deciduous trees shall be a minimum 2.5" caliper. Hedge/shrub shall be a minimum 24" high. The Type 2 buffers are very similar with the exception that the buffer width increases to 10 feet and 35% of landscaping within the buffer. **Final development plans need to be updated to have greater detail for the perimeter landscape buffer and which also include the necessary hedge/shrub plantings.***
  - d) *Consideration of additional landscaping at entrances or at the intersection of 197<sup>th</sup> and Waverly.*
4. Pedestrian access within a development and adjacent public and private property shall be considered as a component to the design of an employment center. ***No sidewalks are shown. The applicant shall prepare a plan for sidewalks along the street right-of-way and within the development to facilitate pedestrian travel along the street and between the proposed buildings and future buildings in the logistics park.***

#### **ARCHITECTURAL DESIGN STANDARDS:**

1. Building Massing and Scale. A building's massing is defined as its exterior volume. The height, width and depth of a structure create the overall massing of a building. A building's scale is the relationship of its overall size and its component parts with its adjoining spaces and buildings. ***Building elevations need to be submitted.***
2. Large expanses of blank walls of any material or metal siding are not allowed. Building facades over one hundred feet (100') long facing public right of way or residential property shall break up massing of buildings by dividing building façade into smaller components with a minimum of three (3) of the following elements:
  - a. *articulating details around doors, windows, balconies, plate lines, providing details such as "belly-bands," recessed design elements, interesting cornice treatment details, exposed expansion joints, reveals, change in texture, or other such methods of visual relief;*
  - b. *Avoiding long, repetitive, monotonous facades – particularly those that repeat the same design element several times along the same elevation*
  - c. *Use of darker building color and varied wall treatments*
  - d. *Varying roof lines (see Vertical Articulation section)*
  - e. *Change of wall plane (see Horizontal Articulation section)****Building elevations need to be submitted.***



3. 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. ***Building elevations need to be submitted.***
4. Façade Guidelines
  - a. Horizontal Articulation. Walls facing a public right-of-way or a residentially zoned property shall not extend for a distance greater than four (4) times the wall's height without having an off-set of ten percent (10%) of the wall's height (maximum of five (5) feet); the new plane shall extend for a distance equal to a minimum of twenty percent (20%) of the maximum length of the first plane. The City may allow exceptions to this requirement upon review and approval of a typical façade elevation. Walls not facing a public right-of-way or a residentially zoned property and loading dock doors are exempt from the horizontal articulation requirement. ***It is unable to be determined if the structures meet this requirement as the site plans do not include dimensions. Horizontal articulation has been shown on the site plan. Additional detail needs to be submitted to show compliance with this standard.***
  - b. Vertical Articulation. Walls facing a public right-of-way or a residentially zoned property shall not extend for a distance greater than four (4) times the height of the wall without changing height by a minimum of ten percent (10%) of the wall's height (maximum of five (5) feet). The City may allow exceptions to this requirement upon review and approval of a typical façade elevation. ***Building elevations need to be submitted.***
  - c. 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. ***Building elevations need to be submitted.***
  - d. Color Palette. Earth tones, muted hues, and natural tones are permitted as structures' basic colors. Brighter hues are permitted only as an accent color on building elements such as awnings, doors, and trim. A mixed color palette on a single building should be carefully selected so all colors harmonize with each other. ***Building elevations including colors need to be submitted.***

Accent colors should be applied using the following guidelines:

	Required	Allowed
1 <sup>st</sup> Accent Color	10%	20%
2 <sup>nd</sup> Accent Color	0%	10%
3 <sup>rd</sup> Accent Color	0%	10%

\*Percentage calculations shall utilize the entire façade area.

#### **PARKING AND LOADING:**

1. General. The plan addresses the general parking and loading requirements as follows:



- a. Sufficient off-street parking spaces. Parking space dimensions of at least 9 by 20 feet per space are required. *Parking spaces are shown incorrectly as 9 by 19 feet. No ADA spaces are shown.*
- b. All parking areas shall be setback a minimum of 30 feet from residential property whether such use is existing or designated for residential use. *Site plan complies.*
- c. All parking areas shall be at least 10 feet from peripheral property line other than a street ROW line or residentially zoned property. *Site plan complies.*
- d. Adequate loading spaces off the public right-of-way are shown. *Site plan complies.*
- e. Parking on asphalt or concrete. *Site Plan does not specify pavement type.*
- f. Off-street space for loading and unloading of goods is provided. *Off-street loading and unloading spaces are provided.*

***Final Site Plan complies.***

2. Warehouse/Distribution Center and Large Building Parking Space Exceptions. Parking shall be required per City standard based upon individual land use, except Warehouse or Distribution Center land uses, which shall require one (1) space per two thousand (2,000) square feet of building area. Buildings in excess of one hundred thousand (100,000) square feet or users with specific parking needs may provide an independent parking study to the City for approval. *The site plan shows the following number of parking spaces per lot (# required by formula in parentheses): Lot 1 – 99 (188); Lot 2 – 295 (375); and, 220 (458). This does not include any ADA spaces. Each of the proposed sites are considered to be substandard by this requirement and no independent parking study has been provided. Previous requests have been allowed to use extra off-street loading spaces (trailer storage) to meet this requirement. The Preliminary Site Plan does not comply with this requirement.*

#### **OFF-STREET PARKING STANDARDS:**

1. Maneuvering. It appears that adequate space is provided on the plan for vehicle maneuvering off the public right of way. *Do any additional connections between sites need to be included? Lots 1 & 2 only include one point of access. Preliminary Site Plan complies.*
2. Parking Spaces and Aisle Surfaces. *The preliminary site plan shows no surface types. This requirement shall be satisfied by the applicant on the final site plan.*
3. Parking Space and Aisle Dimensions. Parking space dimensions of at least 9 by 20 feet per space are required. *Passenger vehicle parking spaces are shown at only 9 by 18 feet. Other parking spaces and aisle dimensions conform to Article 10.2, Parking and Loading Standards, as required.*
4. Wheel Stops. Wheel stops or curbs are required for parking spaces around the perimeter of the parking lot and adjacent to sidewalks. *Curbs are required. The submitted site plan is at such a small scale that staff cannot determine whether or not curbs are shown. This requirement shall be satisfied by the applicant on the final site plan.*
5. Parking layout with 90 degree spaces and two-way traffic. The parking area proposed conforms to the requirements shown in Figure 8 of the L-P District parking requirements. *Preliminary Site Plan complies.*

#### **OFF-STREET LOADING STANDARDS**



1. Access. Loading facilities shall be located adjacent to a public access-way or private service drive. ***Preliminary Site Plan complies.***
2. Minimum Loading Space Dimensions. Loading spaces shall be a minimum of twelve (12) feet in width, sixty-five (65) feet in length, and fourteen (14) in height except as may otherwise be approved by the City. *The loading dock areas do not show spaces or dimensions. Previous site plans have shown these spaces as 13 feet by 60 feet fronting onto a 70 foot wide driveway. The loading spaces shown on the site plan are dimensioned as 13 feet by 60 feet. These spaces all front onto a 70 foot wide driveway area. The trailer parking spaces are dimensioned as 12 feet by 55 feet.* ***Final Site Plan complies.***
3. Use of Loading Spaces. Off-street loadings spaces shall be used only for temporary loading/unloading operations and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials or products. *The main loading spaces appear to be designed to operate as loading docks for the facility and not for the storage of other goods, materials and products. The spaces on the exterior of the sites (West side Lot 1, West and North side Lot 2 and West and East side of Lot 3) are anticipated to be what have been shown as "future trailer storage" on previous plans and will be used for more the temporary operations.* ***Final Site Plan complies***
4. Number of Loading Spaces Required. A use which receives or distributes material, supplies or merchandise by motor vehicle is required to provide spaces based upon the following requirement: (a) 0-9,999 square feet – None; (b) 10,000-100,000 square feet – 1 spaces; 50,000-100,000 – 2 spaces; and, 100,001+ - 1 additional space per 100,000 square feet. *Based upon this standard the each lot is required to provide the following number of loading spaces: Lot 1 – 5 spaces; Lot 2 – 9 spaces; and, Lot 3 – 11 spaces. While actual spaces need to be shown on Final Site Plan, Preliminary Site Plan complies*
5. Temporary Outdoor Storage Regulations for Cargo Containers, Operational Trailers, and Tractors. The L-P District requires that outdoor parking or storage spaces for cargo containers, operational trailers and tractors must be screened from view by either a masonry wall of a type and style complementary to the primary materials of the building, wrought iron, decorative metal, living plant material or a combination of these. The height of the screening must be sufficient to block view of the equipment or vehicles from a public right-of-way. Where a masonry wall is used to satisfy this requirement, foundation planting must be provided on the exterior face of the wall. These spaces must be clearly demarcated solely for tractor and trailer storage. *The site plan shows the number of Future Trailer Parking for each lot as: Lot 1 – 66 spaces; Lot 2 – 370; and, Lot 3 – 281. The 140 spaces which are shown on the East side of Lot 3 are located adjacent to Waverly Road. These spaces are located approximately 35 feet from the edge right-of-way and would be clearly visible from the Street. The large trailer storage area on the North portion of Lot 2 may also be partially visible to traffic heading South along Waverly Road but could have a larger impact on the property located directly to the North, depending upon how it might be developed in the future. The other spaces will also be visible between the buildings as you drive along 197<sup>th</sup> Street. Insufficient information has been provided to determine if the height of Right-Of-Way Buffer landscaping proposed along Waverly is sufficient to block the view of trailers that will be parked almost at the property line, as is required by City Codes. A screening plan complying with these requirements, including a berm and trees, shall be provided by the applicant. Additional screening is needed in order to provide screening for these future spaces.*



## PHOTOMETRICS:

1. General. All lighting shall be designed in accordance with applicable Illuminating Engineering Society of North America (IESNA) practices as applied to specified applications within the L-P District. Cut-off design is specified within the development. ***A photometric plan has not been provided, so this element cannot be evaluated at this time. Photometric plans submitted in the future shall satisfy the above requirements.***

## LANDSCAPE STANDARDS:

1. Right-of-way Buffer Width Requirements. ROW buffer requirements for a 2 lane or 4 lane undivided road includes 1 tree per 50 LF of ROW within a 10 foot buffer width. It is difficult to determine if these requirements are being met as no direct dimensions are provided for the lots on any of the plans. The Landscape Plan and Preliminary Plat also differ slightly in layout as compared to the Preliminary Site Plan. ***The Landscape Plan needs to be adjusted.***
2. Perimeter Landscape Buffer Requirements. The perimeter landscape requirements are based upon the use of the adjacent property. The properties under consideration here are either adjacent to agricultural uses (Type 2 buffer) or industrial and utility uses (Type 1 buffer). Type 1 and 2 buffers are not required along rear or interior side property lines behind the front face of a building and so the perimeter buffer will only be required at a few locations. First, Type 1 buffers are located between industrial or utility properties. This occurs along the property lines adjacent to 197<sup>th</sup> Street between Lots 1 & 2 and between the water tower and Lots 2 & 3. Type 1 buffers require a 5' buffer width and trees at 50' spacing (100% within buffer) and bushes at 48" spacing (with 25% within buffer). Second, Type 2 buffers are located in the Southwest corner of Lot 1 and the Northeast corner of Lot 3. Type 2 buffers require a 10' buffer width and trees at 50' spacing (100% within buffer) and bushes at 48" spacing (with 35% within buffer). Staff does suggest that additional screening be provided especially to deal with screening storage areas. ***The Landscape Plan needs to be adjusted.***
3. Buffer Composition Requirements. Deciduous trees shall be a minimum 2.5" caliper. Evergreen trees shall be a minimum 12' height. Bushes shall be a minimum 24" high. ***All plant material need to comply with these minimum requirements.***
4. Screening from Residential Uses. Property adjacent to or across from residential uses shall be landscaped in accordance with the standards set forth in this Section. No specific standards are listed for residential uses which are separated from an L-P District use by a road. Section 5.2.1.c does specify that "the city may require that loading and service areas are screened from public view with landscaping, berming, façade walls, or fencing." The only dwelling located adjacent to the site is located on the East side of Waverly Road. Staff understands that this property is in the process of being purchased. ***Provide additional screening.***
5. Dumpster screening: Trash enclosures or screening are not shown. Plans shall be updated to satisfy the dumpster screening requirements in Article 5.2 K 8. ***Provide dumpster screening.***

## DIESEL EMISSION REQUIREMENTS:

The following diesel emission requirements shall apply:

1. Except for loading and unloading operations, heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds shall be restricted from idling on-site for no more



than 5 minutes in any 60 minute period. For loading and unloading operations, idling shall be restricted to no more than 30 minutes in any 60 minute period.

2. One electrical hook-up shall be provided for "trucker plug-ins" equal to a minimum of one-third (1/3) of the total number of truck bays at the facility to eliminate excessive idling by heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds. Approval to use alternative technologies to eliminate excessive idling may be requested, but shall not be approved unless the applicant demonstrates that they are at least as effective as electrical hook-ups.
3. Signs shall be posted by owner(s) of the facility at each vehicle entrance to the facility notifying drivers of heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds to turn off engines when not in use.
4. The operation and idling of heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds, including circulation, shall be restricted within 300 feet of any property zoned for or committed to residential use, or the owner/developer shall provide alternative measures including the possible installation of a wall or other mitigating measures to assure buffering of residences from heavy-duty truck operations, unless the owners of property located adjacent to said heavy duty diesel truck operations consent and agree, in writing to:
  - a. Allow the location of heavy-duty diesel truck operations within 300 feet of their property zoned for and committed to residential use, and
  - b. Restrict areas of their property located within 300 feet of adjacent trucking operations to only non-residential uses;
5. Warehouse managers and employees shall be trained by the employer(s) or operator(s) of the facility to use efficient scheduling and load management to eliminate unnecessary operation, queuing, or idling of heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds.
6. Warehouse managers and employees shall be provided by the employer(s) or operator(s) of the facility with information about the possible effects of diesel emissions on their own health and the importance of being a good neighbor by minimizing idling and avoiding other potentially adverse impacts on adjacent or nearby residences;
7. On-site services shall be made available to vehicle drivers to reduce idling. These services may include restroom facilities, seating for drivers waiting for their cargo to be loaded or unloaded, and/or food/beverage vending machines.
8. Any motorized equipment used within the proposed development should utilize clean technology propulsion and/or alternative fuels such as biodiesel, electricity, or propane;
9. If fuel dispensing facilities are provided on-site, alternative clean fuels such as (but not limited to) bio-diesel blended fuel should be provided at these dispensing facilities.

#### **Other Comments**

- The applicant should submit a stormwater study sealed by a Kansas Licensed Professional Engineer to be reviewed and approved by City Engineer.

#### **RECOMMENDATION**

City staff recommends **approval** of the proposed Preliminary Site Plan, with the following stipulations:

1. The above recommendations 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 listed above shall be met or addressed during Final Site Plan submittal as identified above.
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.

**ATTACHMENTS**

Application PS-10-08-2014

Preliminary Site Plans for Logistics Park Kansas City Phase IV



☒ PRELIMINARY SITE PLAN

☐ FINAL SITE PLAN

NAME OF PROPOSED SUBDIVISION: LOGISTICS PARK KANSAS CITY PHASE IV

LOCATION OR ADDRESS OF SUBJECT PROPERTY: WEST SIDE WAVERLY ROAD, 1/2 MILE S. OF 191ST

LEGAL DESCRIPTION: ATTACHED

CURRENT ZONING ON SUBJECT PROPERTY: RUR CURRENT LAND USE: AGRICULTURE

TOTAL AREA: 141.38 Acres NUMBER OF LOTS: 5 AVG. LOT SIZE: 1,232,000 Sq. Ft.

DEVELOPER'S NAME(S): PATRICK ROBINSON PHONE: 816.888.7380

COMPANY: EDGERTON LAND HOLDING COMPANY FAX: 816.888.7399

MAILING ADDRESS: 5015 NW CANAL ST. RIVERSIDE MO 64150  
Street City State Zip

PROPERTY OWNER'S NAME(S): SAME

PHONE: \_\_\_\_\_

COMPANY: \_\_\_\_\_

FAX: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
Street City State Zip

ENGINEER'S NAME(S): DAN COOK PHONE: 913.317.9500

COMPANY: R-I-C FAX: 816.800.0951

MAILING ADDRESS: 5015 NW CANAL ST. 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. PS- 10-08-2014 Amount of Fee Paid: \$ 1013.00 Date Fee Paid: 10/14/14

By: \_\_\_\_\_

Date of Hearing: 11/4/14

**SITE PLAN INSTRUCTIONS**

**SUBMITTAL DEADLINE:** The applicant shall submit an application at least thirty (30) working days prior to a scheduled meeting.

**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.

vs. 9-9-11

404 East Nelson • Edgerton, KS 66021 • P: 913.893.6231 • F: 913.893.6232

Public Works: 816.893.6801 • EDGERTONKS.ORG



## STAFF REPORT

February 9, 2015

To: Edgerton Planning Commission  
Fr: Kenneth Cook, AICP, CFM, Community Development Director/Zoning Administrator  
Re: Application RZ-09-24-2014A for rezoning of approximately 25 acres located East of Homestead Road and North of I-35 from RUR, County Rural Zoning District, to C-2, Heavy Service Commercial District

### APPLICATION INFORMATION

**Applicant/Property Owner:** Paul V. and Marie E. Middleton

**Requested Action:** Rezoning from RUR, County Rural Zoning District, to C-2, Heavy Service Commercial District

**Legal Description:** Part of Section 10, Township 15, Range 22

**Site Address/Location:** 20081 Homestead Land – Approximately 25 acres.

**Existing Land Use:** Agriculture

**Existing Zoning and Uses:** County RUR, Rural District zoning

**Existing Improvements:** Two Farm Structures

**Site Size:** Approximately 25 acres

**Reason for Rezoning Request:** The City of Edgerton has received an application requesting that the property be rezoned to C-2, Heavy Service Commercial District. The City's Unified Development Code (UDC) defines this district as "*composed of certain uses that require extensive lot frontages, storage requirements, promote heavy traffic generation, extended hours (of) operations, and are customarily associated with intensive commercial use of land.*" A separate application (RZ-09-24-2014B) has also been received requesting the rezoning of the adjoining property to the North to the C-2 and L-P, Logistics Park District. The applicants have requested for the subject property to be rezoned to the C-2 District in anticipation of the need for commercial uses which will serve the 1,500 acre master planned logistics park and intermodal facility and interstate traffic.

The subject property is located just North of the I-35 interchange with Homestead Lane. The West side of Homestead Lane is currently zoned for the C-2 District. The Future Land Use Map for the City of Edgerton shows the use of the properties on the West side of Homestead Lane and North of I-35 as Commercial (Retail/Office). A very small area directly North of the interchange and on the East side of Homestead Lane is shown on the Future Land Use Map as Commercial with the remainder of this area being shown as Business Park/Industrial. The Preferred Land Use Plan of the



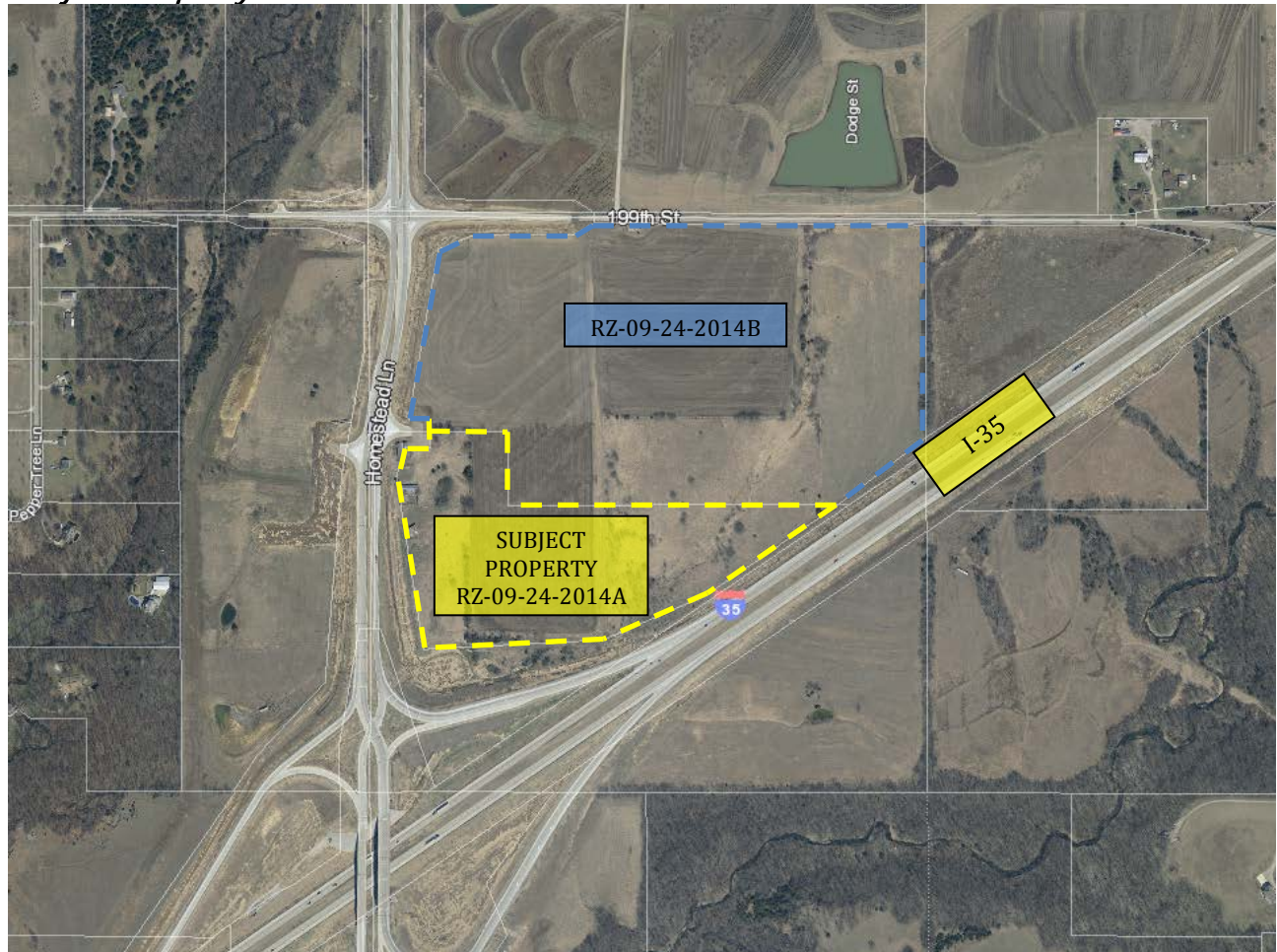
Southwest Area Plan, while not adopted by the City, shows commercial uses on the West side of Homestead Lane with the subject property being shown as Warehousing and Distribution.

### **Background Information**

The subject property is currently zoned County RUR and the annexation of the property was approved by the City Council on January 8, 2015 by Ordinance #990. A dwelling was previously located on the property in the Northwestern corner (South of the entrance) and was removed as part of the improvements to Homestead Lane. Two agricultural structures remain on the property.

The attached Zoning Exhibit provides a proposed idea as to how the subject property might be developed along with the adjoining tract to the North. Staff understands that 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. One access point has been permitted at the shared boundary line between these two properties. This access point is restricted to right turns both in and out of the property and does not allow access to/from the Southbound lanes of Homestead Lane.

### ***Subject Property***





The purpose and uses listed for the **C-2, Heavy Service Commercial District** (Section 4.3) in the City of Edgerton's Unified Development Code are as follows:

**C-2 District – Permitted Uses.**

1. All uses permitted by right or condition in the C-1 district (*See italicized below*)
2. Automobile sales, new and used.
3. Truck stops
4. Car and truck washes
5. Lumber yards
6. Laboratory, medical or dental
7. Manufactured home sales
8. Motels and hotels; meeting facilities
9. Automobile service and repair
10. Automobile body shop
11. Motorcycle sales and service
12. Trailer sales and rental
13. Use of a single family residential structure that is inhabited and being used as a residence as of June 10, 2008 and such use was a previously legal conforming use, except that a residential use that is voluntarily rezoned after June 10, 2008 shall only be allowed to continue in accordance with a Conditional Use permit granted pursuant to Section 4.3D. (Ord. 844; 2008)

**C-2 District – Uses Permitted by Condition (Conditional Uses).** The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.

1. Communications towers over 60 feet in height.
2. Asphalt or concrete plant.
3. Camps, travel trailer, or RV parks.
4. Adult entertainment – sexually oriented businesses
5. Use of single family structure that was a previously legal conforming use and is inhabited and being used as a residence at the time the landowner makes application for rezoning. Any conditional use permit granted pursuant to this provision shall have a duration of no more than one year after the effective date of the ordinance approving the conditional use permit. (Ord. 844; 2008)

**C-1 District – Permitted Uses**

- |  |  |  |
|--|--|--|
| 1. Ambulance service.                                      | 12. Automated teller machine.                            | 25. Convenience stores, with or without gasoline sales.    |
| 2. Amusement and video arcades.                            | 13. Bakeries and confectionery establishments.           | 26. Drugs and cosmetics.                                   |
| 3. Automobile service station.                             | 14. Barbers, hair styling and similar personal services. | 27. Dry cleaners.  |
| 4. Auction room.   | 15. Bed and breakfast.                                   | 28. Discount stores.                                       |
| 5. Alterations and tailoring.                              | 16. Books and periodicals.                               | 29. Drive through food service.                            |
| 6. Apparel.  | 17. Bus passenger station.                               | 30. Exterminator, pest.                                    |
| 7. Antiques.   | 18. Cameras and photo equipment.                         | 31. Farmers market.  |
| 8. Apartments located above the first floor of a business. | 19. Crafts.  | 32. Florist and gift shops.                                |
| 9. Appliance and electronics repair.                       | 20. Church or place of worship.                          | 33. Food store.  |
| 10. Art galleries and studios.                             | 21. Clubs or cultural group.                             | 34. Financial institutions, including drive-through banks. |
| 11. Automotive parts, no outdoor storage.                  | 22. Computer sales and service.                          | 35. Furniture store.                                       |
|  | 23. Carpeting and floor covering.                        | 36. Funeral home, mortuary.                                |
|  | 24. Caterer.   | 37. Greeting cards and stationery.                         |



- |  |                                    |   |
|--|------------------------------------|---|
| 38. Gasoline service stations.         | 45. Interior decorating.           | 55. Optical shops.  |
| 39. Garden supplies.                   | 46. Internet providers.            | 56. Package sales of alcoholic liquor or cereal malt beverages. |
| 40. Hardware stores.                   | 47. Jewelry.                       | 57. Paint and wallpaper.  |
| 41. Health or fitness clubs.           | 48. Laundry, self-serve.           | 58. Pet stores.   |
| 42. Health related sales and services. | 49. Locksmiths.                    | 59. Photocopying and retail printing.                           |
| 43. Home lighting and fixtures.        | 50. Medical services and offices.  | 60. Picture framing.  |
| 44. Housewares and kitchenware.        | 51. Microbrewery.                  |   |
|  | 52. Music and musical instruments. |   |
|  | 53. Office, general.               |   |
|  | 54. Office supplies.               |   |
61. Postal and mailing services.
62. Publicly owned and operated community buildings, public museums, public libraries, or meeting facilities.
63. Restaurants and other eating establishments, but this does not include drive through facilities.
64. Single family residence, but only if the structure was inhabited and being used as a residence as of June 10, 2008, and such use was a previously legal conforming use, except that a residential use that is voluntarily rezoned after June 10, 2008 shall only be allowed to continue in accordance with a conditional use permit granted pursuant to Section 4.2D. (Ord. 843)
- |                                  |  |   |
|----------------------------------|--|---|
| 65. Shoe repair.                 | 69. Theaters, indoor.                      | 74. Video rentals, except adult videos. |
| 66. Sporting goods and bicycles. | 70. Toys and hobby supplies.               | 75. Reserved.                           |
| 67. Taxidermist.                 | 71. Public utilities.                      | 76. Accessory uses.                     |
| 68. Taverns and bars.            | 72. U.S. Post offices.                     |   |
|                                  | 73. Veterinarian (domesticated pets only). |   |
77. Any commercial or office use that meets the intent and purpose of this section and is keeping with the general character of the district. (Ord. 843; 2008)

#### ***C-1 District – Conditional Uses***

- |  |                                      |  |
|--|--------------------------------------|--|
| 1. Parking lots detached from the principal use. | 5. Amusement parks and video arcades | 10. Welding shops                      |
| 2. Recycling collection station.                 | 6. Car washes                        | 11. Miniature golf course              |
| 3. Reserved.                                     | 7. Self-storage                      | 12. Camps, travel trailer, or RV parks |
| 4. Communications towers over 60 feet in height  | 8. Automobile service and repair     | 13. Lumberyards.                       |
|  | 9. Automobile body shop              |  |
14. Use of single family structure that was a previously legal conforming use and is inhabited and being used as a residence at the time the landowner makes application for rezoning. Any conditional use permit granted pursuant to this provision shall have a duration of no more than one year after the effective date of the ordinance approving the conditional use permit. (Ord. 843;2008)

#### **Infrastructure and Services:**

1. Homestead Lane, the nearest street to this property, is a paved street designed to support intermodal and logistics park traffic. Homestead Lane provides access to Interstate 35, adjacent to the south. Access to Homestead Lane has been restricted by KDOT to one driveway located at the Northwest corner of the property. This driveway is limited to right in



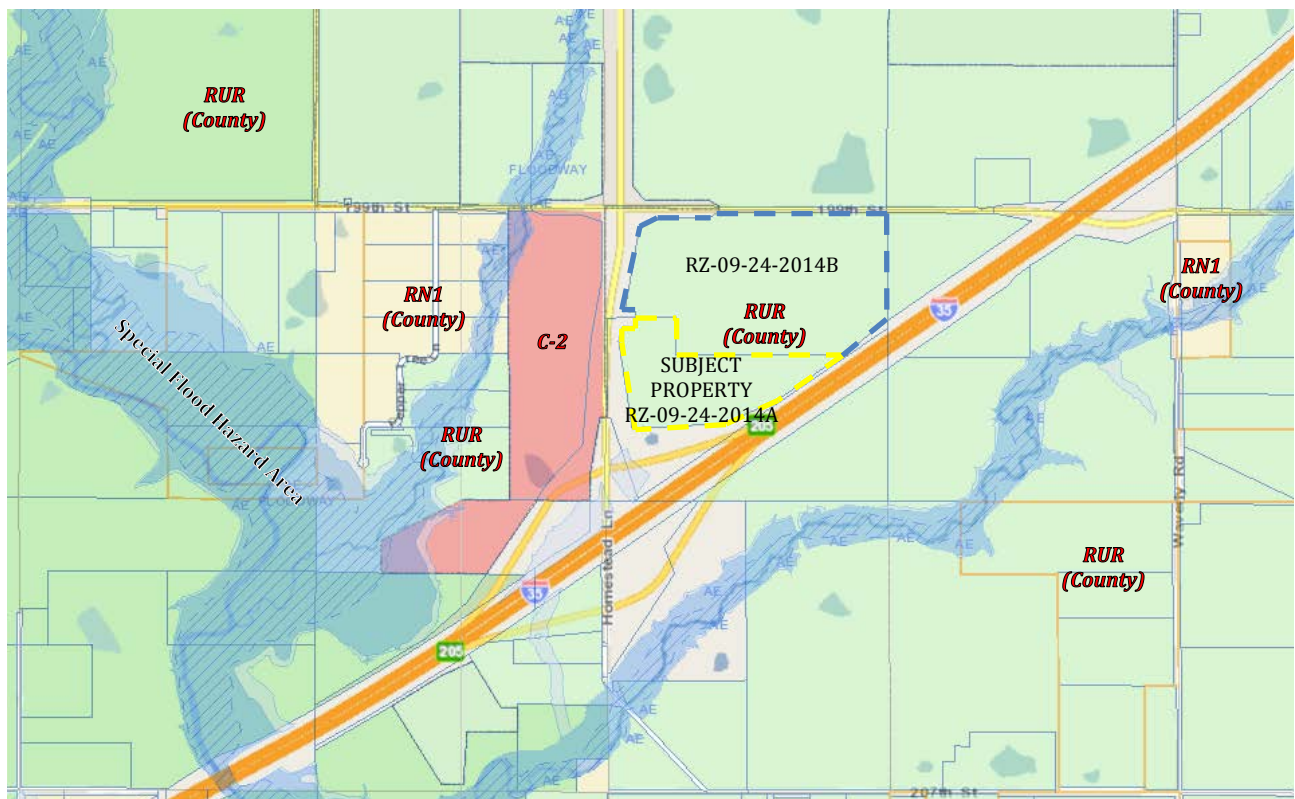
and out movements. 199<sup>th</sup> Street is a 50 foot wide, paved road located North of the adjoining tract. 199<sup>th</sup> Street extends to the East across I-35 and The Zoning Exhibit submitted as part of this request shows interior roads/driveways which would allow for access by the subject property to 199<sup>th</sup> Street.

2. The property is located within the Big Bull Creek watershed, which flows south from 167th Street to the southern edge of the county at Homestead Lane. A stormwater plan should be submitted to the City Engineer prior to development of the property.
3. The subject property does not have any areas designated as Special Flood Hazard Areas. A small area of Zone X, Future Conditions Floodplain is located just to the Southwest of the property in the interchange area.
4. The property does not have direct access to sanitary sewer service and the property owner may wish to self-form a benefit district. The gravity sewer line installed as part of the Big Bull Creek Waste Water Treatment Facility and Conveyance project is located on the West side of the Thorp property to the West of Homestead Lane. This sewer line is approximately 750' to the West of Homestead Lane.
5. The property is located within the service area of Rural Water District No. 7. A 12-inch water main extends from the North side of 199<sup>th</sup> Street to the Southeast quadrant of the intersection of 199<sup>th</sup> and Homestead Lane. From the Southeast quadrant a 2 inch main extends to near the Northwest corner of the subject property.
6. Police protection is provided by the Johnson County Sheriff's Department under contract with the City of Edgerton. Fire protection is provided by Johnson County Rural Fire District No. 1. A fire station is located in the City of Edgerton, approximately 1.5 miles to the west.

### Property Zoning History

The subject property was recently annexed into the City of Edgerton on January 8, 2015, in anticipation of commercial development. Prior to that the property was located in unincorporated Johnson County, and zoned RUR, Rural District.

### *Zoning on Subject and Adjacent Property*





## Staff Analysis

Staff has reviewed this rezoning application with respect to the Edgerton Unified Development Code, the laws in Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. The following is staff's review.

1. Need for the Proposed Change. The subject property has County RUR, Rural Zoning, which allows only agricultural, residential, and residential accessory uses. The anticipated uses of the property are highway service commercial. The C-2 Zoning District is the most compatible designation for these uses.
2. Magnitude of the Change. The existing County zoning is considered a holding designation due to the property's location near other planned C-2 development. The property is vacant, with one farm building. The magnitude of change is not considered extreme or rare when property is being developed for its planned end use.
3. Whether or not the change will bring harm to established property rights. The property most likely to be affected by this proposed zoning is the parcel located to the Northeast known as 31570 W 199<sup>th</sup> Street, which has an existing home. It is not anticipated that there will be any substantial impacts as the dwelling is approximately 1,900 feet from the Northeast corner of the subject property. While this adjoining dwelling is currently located in the unincorporated county and zoned RUR, Rural, the City of Edgerton's Comprehensive Plan anticipates Business Park/Industrial uses in this area. 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 possibly transition of uses between adjoining uses and any proposed commercial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.
4. Effective use of Land. Commercial development at this location is an effective and efficient use of the property, which is near other C-2 zoned property and the I-35 interchange. Its location facilitates ease of use by highway and intermodal/logistics park traffic and concentrates traffic, noise, and activity in one location versus such uses being dispersed throughout the community.
5. The extent to which there is a need in the community for the uses allowed in the proposed zoning. Commercial uses at this location will provide useful resources to support and serve the BNSF intermodal and logistics park facilities to the north and traffic along I-35 to the South.
6. 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 immediate area is in transition from rural to commercial, with the new I-35 interchange and other C-2 zoning adjacent. The area is currently primarily rural, but with the interchange and the intermodal and logistics park developments to the north, the character of the area is changing significantly. However, the nearby regional parks and floodplains areas will generally remain undeveloped, acting as open space, which will help to retain some of the rural character of the area.



7. Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties. The proposed zoning is compatible with the planned future uses of adjacent C-2 zoned property to the West. While officially part of a separate request, an application for a Zoning Amendment has also been submitted on the property to the North. This request includes C-2 zoning on the Western portions of the property and L-P District on the Eastern portion and if approved would be compatible with this request. Prior to the issuance of any building permit the property will be required to go through the Site Plan review process. This process will allow the Planning Commission to take into consideration possible impacts to adjacent properties and ways that these can be mitigated.
8. Suitability of the uses to which the property has been restricted under its existing zoning. With the construction the I-35 and Homestead Lane interchange, BNSF's intermodal facility and other logistics park uses in the area, the existing County zoning is no longer appropriate for this property. The best use of this property is Commercial.
9. Length of time the subject property has remained vacant under the current zoning designation. The property previously had a dwelling located on it but the dwelling was required to be removed as part of the improvements for Homestead Lane. Two agricultural structures remain on the property and the property has remained in agricultural use.
10. The extent to which the zoning amendment may detrimentally affect nearby property. While it is anticipated that the development of this site for commercial purposes will cause additional traffic and noise, it is not anticipated that there will be any significant detrimental effects to nearby property. Additional commercial properties are currently located between the subject property and the group of dwellings located West of Homestead Lane. It is also anticipated that other nearby sites will continue to transition to commercial and industrial uses. The Site Plan review process will allow the Planning Commission to look at any possible impacts and place requirements (such as buffering, setbacks and stormwater management) on how the site may be developed in order to mitigate any detrimental effects.
11. Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage. This is not a request for a PUD.
12. The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. 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. Homestead Lane is a recently constructed, paved street designed to support intermodal and logistics park traffic. Utilities will be provided by the developer in conjunction with development of the property. Among other improvements, this will require the extension of sewer to the site. The sewer line is currently located on the West side of the property on the West side of Homestead (750 feet West of Homestead).
13. The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property. Homestead Lane is improved to a standard that can accommodate commercial and industrial traffic in the area. The site will need to be



designed to allow traffic to have access to 199<sup>th</sup> Street as access to Homestead Lane is limited to right in/out. Improvements may be needed to 199<sup>th</sup> Street to provide for proper traffic flow with increased traffic and turning movements. The City is currently working on a Waverly Road upgrade project in which Waverly Road, currently a gravel road, will be upgraded to a concrete heavy-haul road and will also include a connection to 199<sup>th</sup> Street which will be near the Northeast corner of this site. The developer will be required to comply with the City's UDC off-street parking requirements as part of the Site Plan review process.

14. The environmental impacts that the uses allowed in the proposed zoning 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. Mitigation of pollution in the form of water, air, noise, light, etc, will be addressed as part of the Site Plan review process.
15. The economic impact on the community from the uses allowed in the proposed zoning. Prior Very little commercial development exists in the City. Uses allowed in C-2, if built, have the potential to benefit City residents and the community in a positive way by providing needed services, jobs, and tax revenues.
16. The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial. There would be little gain to the public health, safety and welfare of the City of Edgerton if the zoning is denied. The City would be adversely impacted due to lost opportunity for jobs and tax revenue if commercial uses were to locate in another nearby community.
17. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton. The Future Land Use Map (Attached) from the Comprehensive Plan for the City of Edgerton shows the West side of Homestead and a small portion of the Northeast quadrant of the interchange as Commercial (Retail/Office). North of the anticipated commercial area is shown as Business Park/Industrial. While the area shown as commercial on the Future Land Use Map does not appear to extend to the Northern end of the subject property, a Comprehensive Plan (and the Future Land Use Map) are designed to be a guide of what may be expected and not an exact representation. The following is a relevant excerpt from the City's Comprehensive Plan.

***New Interchange on Interstate 35:*** *The City should take proactive steps to maximize the economic potential of I-35 and Homestead Lane. Areas around an interchange are often prominent locations for retail and commercial developments that provide substantial economic diversification to a City's land use and tax base.*

Taking into consideration the Future Land Use Map together with the text describing the anticipated uses around the Homestead interchange of the Comprehensive Plan it can be determined that the request can be considered as consistent with the Comprehensive Plan. The only question that may need to be asked is if there is a limit to the distance that any commercial zoning should extend to the North and East at this location. It would also appear



that commercial uses on the West side of Homestead are being used as a transitional use from the business park/industrial uses which are expected on the East side of Homestead.

18. The recommendation of professional staff. See Recommendation below

**Recommendation**

City staff recommends **approval** of the proposed rezoning of the subject property from County RUR, Rural District to C-2, City of Edgerton Heavy Service Commercial District, 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.

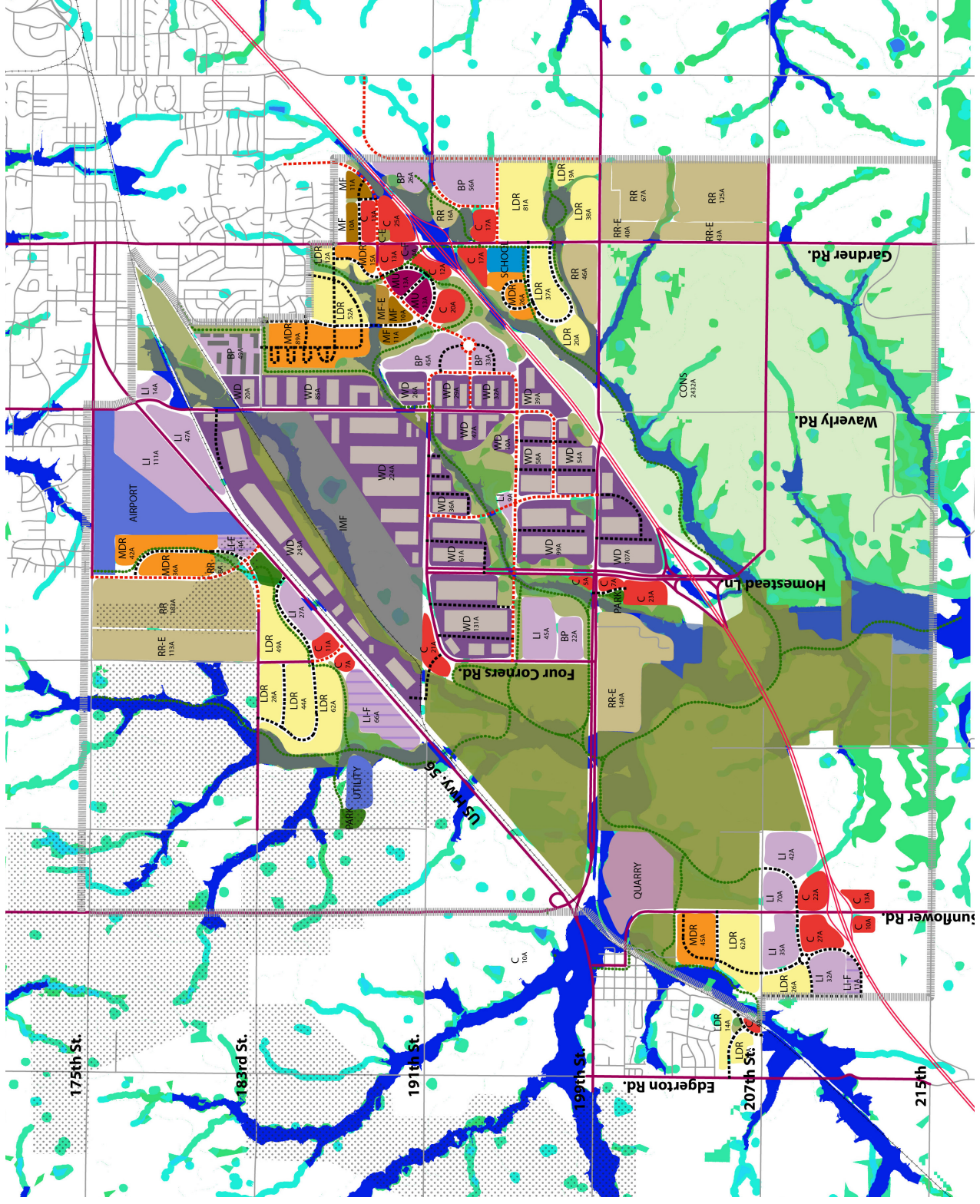
**Attachments**

City of Edgerton Future Land Use Map  
Southwest Area Plan – The Preferred Land Use Plan  
Application for Rezoning No. RZ-09-24-2014A





Figure 5.1: Preferred Land Use Concept



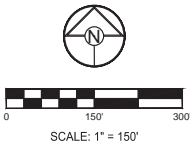
## Preferred Land Use Concept

- Rural Residential (RR)
- Conservation Development (CONS)
- Low Density Urban Residential (LDR)
- Medium Density Urban Residential (MDR)
- High Density Urban Residential (HDR)
- Commercial (C)
- Mixed Use (MU)
- Business Park or Limited Industry (BP and LI)
- Warehousing and Distribution (WD)
- Civic
- Parks and Open Space
- Areas with Concentrations of Oil Wells









Commencing at the Northwest corner of the Northwest One-Quarter of said Section 10 Township 15 South Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest One-Quarter a distance of 991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East 286.86 feet to a point; thence North 00 degrees 38 minutes 21 seconds West along the highway right of way for Homestead Lane as now established, a distance of 501.71 feet to a point; thence North 87 degrees 34 minutes 33 seconds West along said right of way a distance of 100.76 feet to a point; thence North 02 degrees 03 minutes 46 seconds East a distance of 1778.74 feet along said right of way to a point; thence North 66 degrees 15 minutes 11 seconds East (per right of way document South 66 degrees 15 minutes 38 seconds West) a distance of 182.89 feet to a point; thence North 88 degrees 24 minutes 11 seconds East along said highway right of way and along a line parallel to the North line of the said Northwest One-Quarter (per right of way document South 88 degrees 24 minutes 21 seconds West) a distance of 460.00 feet to a point; thence North 56 degrees 58 minutes 36 seconds East (per right of way document South 56 degrees 58 minutes 33 seconds West) a distance of 45.48 feet to a point; thence South 02 degrees 03 minutes 46 seconds West along the North line of the said Northwest One-Quarter (per right of way document South 02 degrees 03 minutes 46 seconds East) a distance of 1530.70 feet to a point; thence North 88 degrees 24 minutes 11 seconds East along a line parallel to and 25 feet South of the North line of the said Northwest One-Quarter, a distance of 1530.70 feet to a point on the East line of the said Northwest One-Quarter; thence South 02 degrees 03 minutes 33 seconds East along the East line of the said Northwest One-Quarter (per right of way document South 02 degrees 03 minutes 33 seconds East along the East line of the said Northwest One-Quarter) a distance of 986.39 feet to a point in the Northernly right of way line of I-35 as now established; thence South 53 degrees 32 minutes 58 seconds West along the Northernly right of way line of I-35 right of way (per right of way document South 53 degrees 32 minutes 54 seconds West) a distance of 540.10 feet to a point on the North line of the said Northwest One-Quarter; thence South 88 degrees 12 minutes 35 seconds West along the North line of the South One-Half of the said Northwest One-Quarter a distance of 1084.06 feet to a point; thence North 02 degrees 03 minutes 33 seconds West a distance of 1398.72 feet to the True Point of Beginning and containing 43.969 acres, more or less.

ZONING EXHIBIT  
PLANK, MIDDLETON PROPERTY  
PART OF NW. 1/4 OF SECTION 10, T 15S, R 22E  
JOHNSON COUNTY, KANSAS

DRAWN BY:		REVISION DATE	DESCRIPTION
AR		△	
		△	
CHECKED BY:		△	
		△	
SCH		△	
		△	
DATE PREPARED:		△	
9-22-2014		△	
PROJ. NUMBER:		△	
14-108		△	

SHEET



## STAFF REPORT

February 9, 2015

To: Edgerton Planning Commission  
Fr: Kenneth Cook, AICP, CFM, Community Development Director/Zoning Administrator  
Re: Application RZ-09-24-2014B for rezoning of approximately 63 acres located East of Homestead Road, South of 191<sup>st</sup> Street from RUR, County Rural Zoning District, to C-2, Heavy Service Commercial District & L-P, Logistics Park District

### APPLICATION INFORMATION

**Applicant/Property Owner:** Paul and Naomi Middleton

**Agent:** Vivian Plank

**Requested Action:** Rezoning from RUR, County Rural Zoning District, to C-2, Heavy Service Commercial District & L-P, Logistical Park District

**Legal Description:** Part of Section 10, Township 15, Range 22

**Site Address/Location:** Southeast of the Intersection of 199<sup>th</sup> Street & Homestead.

**Existing Land Use:** Agriculture

**Existing Zoning and Uses:** County RUR, Rural District zoning

**Existing Improvements:** None

**Site Size:** Approximately 63 acres

**Reason for Rezoning Request:** The City of Edgerton has received an application requesting that the property be rezoned to C-2, Heavy Service Commercial District and L-P, Logistics Park District. The City's Unified Development Code (UDC) defines the C-2 District as *"composed of certain uses that require extensive lot frontages, storage requirements, promote heavy traffic generation, extended hours (of) operations, and are customarily associated with intensive commercial use of land."* The L-P District is described as:

*The purpose of the Logistics Park, L-P District is to create a limited multimodal industrial zone that provides for a modern type of industrial uses or industrial park created to support activities related to trade and rail and other transport service. Limitations are placed on the uses in this district to significantly restrict the outside activities and outside storage of materials, noise, vibration, smoke, pollution, fire and explosive hazard, glare and other potentially adverse influences.*



*This zone is intended for industrial parks and larger, cleaner types of industries. The manufacturing uses should be conducted within a totally enclosed building. Any activities conducted outside should be screened and buffered, and external effects such as excessive noise or odor should not extend beyond the property lines. Residential uses should be discouraged from locating near the L-P District to protect the industries from residential complaints.*

*Areas should not be zoned to the L-P District unless they are located adjacent or near to arterial thoroughfares capable of carrying commercial and truck traffic, as well as being located close to major truck routes. It is the general intent of this District to provide for a mutually beneficial, economically viable, well-planned development poised for long-term success including:*

- 1. To provide for the distribution of and appropriate relationships between various land uses and to minimize conflict between land uses;*
- 2. To describe desired future physical conditions within the L-P District;*
- 3. To manage growth in an orderly manner; and*
- 4. To serve as a basis for future development recommendations within the L-P District and set the precedent for sound planning and sustainable development practices throughout the L-P District area of influence.*

A separate application (RZ-09-24-2014A) has also been received requesting the rezoning of the adjoining property to the South to the C-2 District. The applicants have requested for the subject property to be rezoned to the C-2 District in anticipation of the need for commercial uses which will serve the 1,500 acre master planned logistics park and intermodal facility and interstate traffic. The applicants also request that the Eastern portion of the subject property be rezoned to the L-P District. The L-P District matches the anticipated use as shown on the Future Land Use Map and that is anticipated on properties to the North.

The subject property is located just North of the I-35 interchange with Homestead Lane. The West side of Homestead Lane is currently zoned for the C-2 District. The Future Land Use Map for the City of Edgerton shows the use of the properties on the West side of Homestead Lane and North of I-35 as Commercial (Retail/Office). A very small area directly North of the interchange and on the East side of Homestead Lane is shown on the Future Land Use Map as Commercial with the remainder of this area being shown as Business Park/Industrial. The Preferred Land Use Plan of the Southwest Area Plan, while not adopted by the City, shows commercial uses on the West side of Homestead Lane with the subject property being shown as Warehousing and Distribution.

### **Background Information**

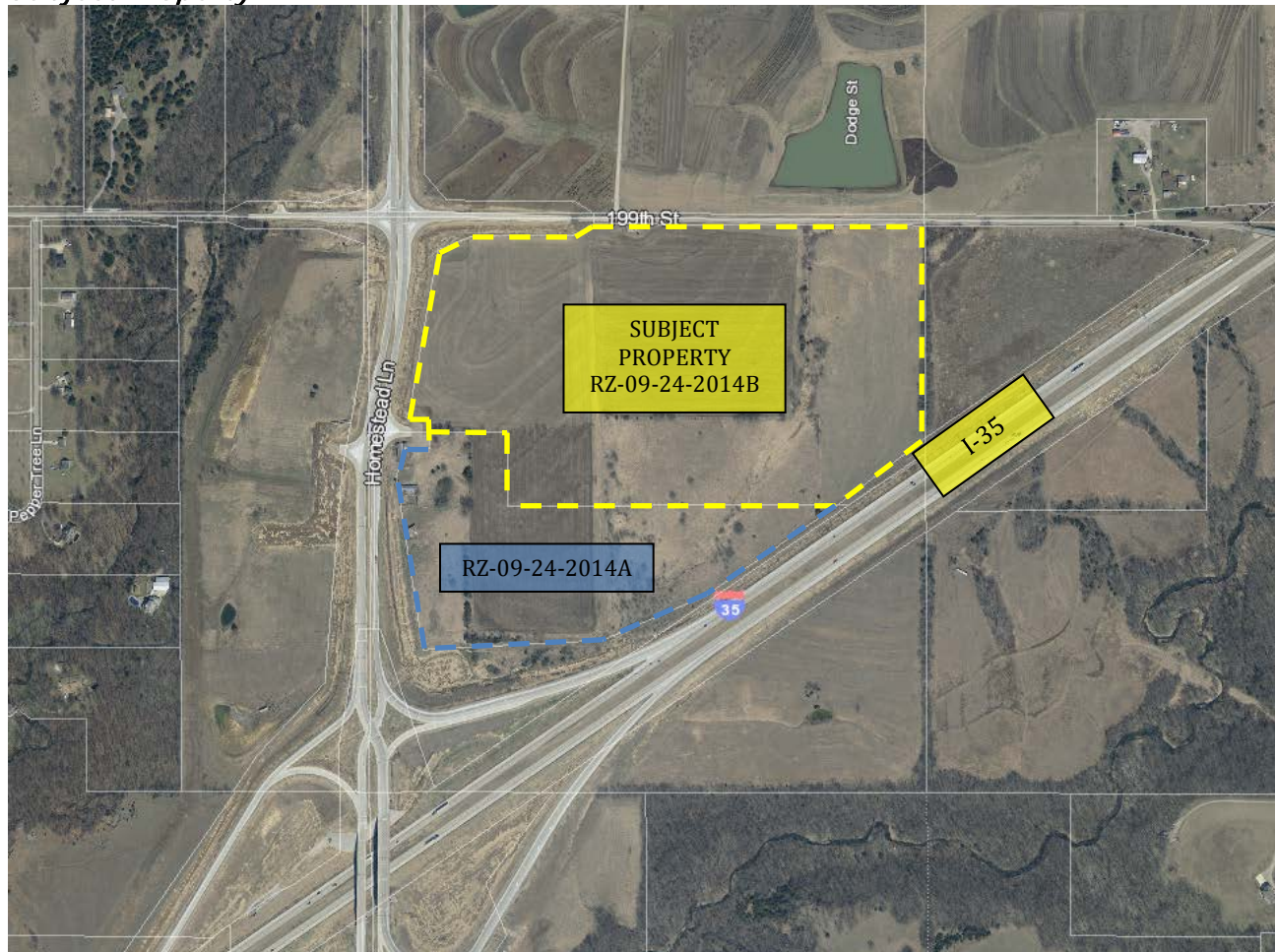
The subject property is currently zoned County RUR and the annexation of the property was approved by the City Council on January 8, 2015 by Ordinance #990. The site has been used for agricultural purposes.

The attached Zoning Exhibit provides a proposed idea as to how the subject property might be developed along with the adjoining tract to the North. Staff understands that 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. One access point has been permitted at the shared boundary line between these two properties. This access point is restricted to right turns both in



and out of the property and does not allow access to/from the Southbound lanes of Homestead Lane.

### ***Subject Property***



The uses listed for the **C-2, Heavy Service Commercial District** (Section 4.3) in the City of Edgerton's Unified Development Code are as follows:

#### **C-2 District – Permitted Uses.**

1. All uses permitted by right or condition in the C-1 district (*See italicized below*)
2. Automobile sales, new and used.
3. Truck stops
4. Car and truck washes
5. Lumber yards
6. Laboratory, medical or dental
7. Manufactured home sales
8. Motels and hotels; meeting facilities
9. Automobile service and repair
10. Automobile body shop
11. Motorcycle sales and service
12. Trailer sales and rental



13. Use of a single family residential structure that is inhabited and being used as a residence as of June 10, 2008 and such use was a previously legal conforming use, except that a residential use that is voluntarily rezoned after June 10, 2008 shall only be allowed to continue in accordance with a Conditional Use permit granted pursuant to Section 4.3D. (Ord. 844; 2008)

#### **C-2 District – Conditional Uses.**

1. Communications towers over 60 feet in height.
2. Asphalt or concrete plant.
3. Camps, travel trailer, or RV parks.
4. Adult entertainment – sexually oriented businesses
5. Use of single family structure that was a previously legal conforming use and is inhabited and being used as a residence at the time the landowner makes application for rezoning. Any conditional use permit granted pursuant to this provision shall have a duration of no more than one year after the effective date of the ordinance approving the conditional use permit. (Ord. 844; 2008)

#### **C-1 District – Permitted Uses**

- |   |  |   |
|---|--|---|
| 1. Ambulance service.   | 18. Cameras and photo equipment.                           | 41. Health or fitness clubs.                                    |
| 2. Amusement and video arcades.   | 19. Crafts.  | 42. Health related sales and services.                          |
| 3. Automobile service station.  | 20. Church or place of worship.                            | 43. Home lighting and fixtures.                                 |
| 4. Auction room.  | 21. Clubs or cultural group.                               | 44. Housewares and kitchenware.                                 |
| 5. Alterations and tailoring.   | 22. Computer sales and service.                            | 45. Interior decorating.  |
| 6. Apparel.   | 23. Carpeting and floor covering.                          | 46. Internet providers.   |
| 7. Antiques.  | 24. Caterer.   | 47. Jewelry.  |
| 8. Apartments located above the first floor of a business.  | 25. Convenience stores, with or without gasoline sales.    | 48. Laundry, self-serve.  |
| 9. Appliance and electronics repair.  | 26. Drugs and cosmetics.                                   | 49. Locksmiths.   |
| 10. Art galleries and studios.  | 27. Dry cleaners.  | 50. Medical services and offices.                               |
| 11. Automotive parts, no outdoor storage.   | 28. Discount stores.                                       | 51. Microbrewery.   |
| 12. Automated teller machine.   | 29. Drive through food service.                            | 52. Music and musical instruments.                              |
| 13. Bakeries and confectionery establishments.  | 30. Exterminator, pest.                                    | 53. Office, general.  |
| 14. Barbers, hair styling and similar personal services.  | 31. Farmers market.  | 54. Office supplies.  |
| 15. Bed and breakfast.  | 32. Florist and gift shops.                                | 55. Optical shops.  |
| 16. Books and periodicals.  | 33. Food store.  | 56. Package sales of alcoholic liquor or cereal malt beverages. |
| 17. Bus passenger station.  | 34. Financial institutions, including drive-through banks. | 57. Paint and wallpaper.  |
|   | 35. Furniture store.                                       | 58. Pet stores.   |
|   | 36. Funeral home, mortuary.                                | 59. Photocopying and retail printing.                           |
|   | 37. Greeting cards and stationery.                         | 60. Picture framing.  |
|   | 38. Gasoline service stations.                             | 61. Postal and mailing services.                                |
|   | 39. Garden supplies.                                       |   |
|   | 40. Hardware stores.                                       |   |
| 62. Publicly owned and operated community buildings, public museums, public libraries, or meeting facilities. |  |   |
| 63. Restaurants and other eating establishments, but this does not include drive through facilities.          |  |   |



- ### *C-1 District – Conditional Uses*

- The uses listed for the L-P, Logistics Park District (Section 5.2) in the City of Edgerton's Unified Development Code are as follows:

1. Building and construction contractor offices, including display areas.
2. Business and trade schools.
3. Commercial pick-up and delivery services.
4. Display or catalog showrooms.
5. Laboratories and research facilities.
6. Manufacturing, processing, fabrication or assembly of commodity - limited.
7. Motion picture production studios and stations.
8. Photographic processing facilities.
9. Printing and publishing.
10. Radio and television broadcasting stations.
11. Research establishments of industrial, medical or scientific nature.
12. Restaurants, including drive-up or drive-thru services.
13. Warehousing/Distribution centers, including trucking and courier services; public warehousing and storage; and motor freight transportation terminals and maintenance facilities.
14. Mailing, packaging, parcel service and storage.
15. Printing, communications, mail orders.
16. Sales outlets and wholesale trade.
17. Retail sales in conjunction with a manufacturing or fabrication use.
18. Health and hospital supplies; office supplies.
19. Copy, printing and duplication services.
20. Internet service providers.
21. Sale, servicing, and repair of electrical and other electronic devices.
22. Government facilities.
23. Retail and wholesale of furniture and home furnishings, carpet, paint and wallpaper, and plumbing and lighting fixtures.
24. Sales and installation of cellular phones, stereos, radios and similar electronic equipment for vehicles.



25. Veterinary hospitals and clinics.
26. Accessory uses.
27. Agricultural.
28. Auto and truck motor fuel facilities and repair.
29. Auto and truck washing.
30. Recreational vehicle sales and service.

31. Towing and impound yard.
32. Trailer or truck sales and rental.
33. Building materials yard and lumber yard.
34. Mini-Warehouse and self storage.
35. Recycling collection center.
36. Similar uses.

#### **L-P Districted – Conditional Uses.**

1. Communication transmission towers over sixty (60) feet, subject to the provisions in Article 7.
2. Truck stops with fuel and accessory services;
3. Private or public owned playgrounds, playfields, and recreational facilities (e.g. public or private golf courses, tennis or other courts, and swimming pools) open for public or commercial use;
4. Auditoriums, convention centers, and conference facilities
5. Colleges and universities.
6. Transportation storage and trucking yards.
7. Cargo container storage, repair or maintenance.

#### **Infrastructure and Services:**

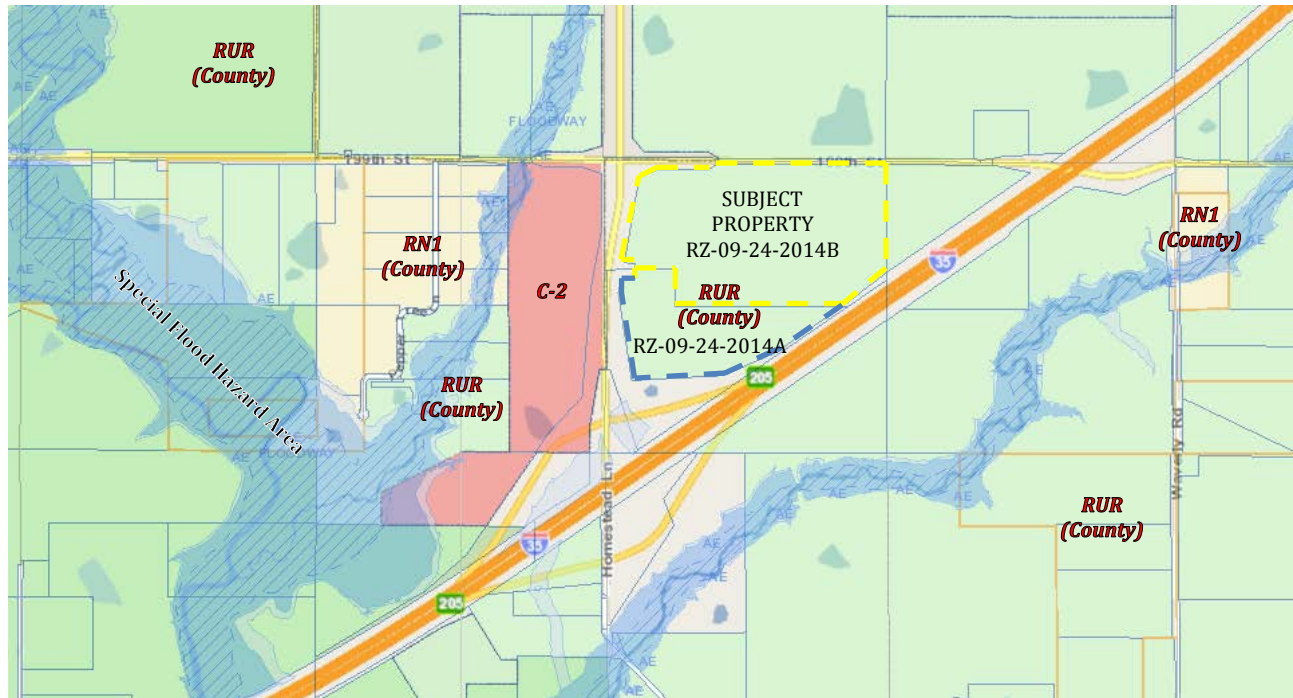
1. Homestead Lane, the nearest street to this property, is a paved street designed to support intermodal and logistics park traffic. Homestead Lane provides access to Interstate 35, adjacent to the south. Access to Homestead Lane has been restricted by KDOT to one driveway located at the Northwest corner of the property. This driveway is limited to right in and out movements. 199<sup>th</sup> Street is a 50 foot wide, paved road located North of the adjoining tract. 199<sup>th</sup> Street extends to the East across I-35 and The Zoning Exhibit submitted as part of this request shows interior roads/driveways which would allow for access by the subject property to 199<sup>th</sup> Street.
2. The property is located within the Big Bull Creek watershed, which flows south from 167th Street to the southern edge of the county at Homestead Lane. A stormwater plan should be submitted to the City Engineer prior to development of the property.
3. The subject property does not have any areas designated as Special Flood Hazard Areas. A small area of Zone X, Future Conditions Floodplain is located just to the Southwest of the property in the interchange area.
4. The property does not have direct access to sanitary sewer service and the property owner may wish to self-form a benefit district. The gravity sewer line installed as part of the Big Bull Creek Waste Water Treatment Facility and Conveyance project is located on the West side of the Thorp property to the West of Homestead Lane. This sewer line is approximately 750' to the West of Homestead Lane.
5. The property is located within the service area of Rural Water District No. 7. A 12-inch water main extends from the North side of 199<sup>th</sup> Street to the Southeast quadrant of the intersection of 199<sup>th</sup> and Homestead Lane. From the Southeast quadrant a 2 inch main extends to near the Northwest corner of the subject property.
6. Police protection is provided by the Johnson County Sheriff's Department under contract with the City of Edgerton. Fire protection is provided by Johnson County Rural Fire District No. 1. A fire station is located in the City of Edgerton, approximately 1.5 miles to the west.

#### **Property Zoning History**



The subject property was recently annexed into the City of Edgerton on January 8, 2015, in anticipation of commercial development. Prior to that the property was located in unincorporated Johnson County, and zoned RUR, Rural District.

***Zoning on Subject and Adjacent Property***



**Staff Analysis**

Staff has reviewed this rezoning application with respect to the Edgerton Unified Development Code, the laws in Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. The following is staff's review.

1. Need for the Proposed Change. The subject property has County RUR, Rural Zoning, which allows only agricultural, residential, and residential accessory uses. The anticipated uses of the property are highway service commercial and industrial. The C-2 and L-P Zoning Districts are both compatible with these uses.
2. Magnitude of the Change. The existing County zoning is considered a holding designation due to the property's location near other planned C-2 and L-P development. The property is currently being used for agricultural purposes. The magnitude of change is not considered extreme or rare when property is being developed for its planned end use.
3. Whether or not the change will bring harm to established property rights. The property most likely to be affected by this proposed zoning is the parcel located to the Northeast known as 31570 W 199<sup>th</sup> Street, which has an existing home. It is not anticipated that there will be any substantial impacts as the dwelling is approximately 950 feet from the Northeast corner of the subject property. While this adjoining dwelling is currently located in the unincorporated county and zoned RUR, Rural, the City of Edgerton's Comprehensive Plan anticipates Business Park/Industrial uses in this area. Other nearby tracts are currently being used for agricultural purposes. 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 possibly transition of uses between adjoining uses and any proposed commercial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.

4. Effective use of Land. Commercial and industrial development at this location is an effective and efficient use of the property, which is near other C-2 zoned property, the BNSF Intermodal Facility, LPKC and the I-35 interchange. Its location facilitates ease of use by highway and intermodal/logistics park traffic and concentrates traffic, noise, and activity in one location versus such uses being dispersed throughout the community.
5. The extent to which there is a need in the community for the uses allowed in the proposed zoning. Commercial uses at this location will provide useful resources to support and serve the BNSF intermodal and logistics park facilities to the north and traffic along I-35 to the South. The L-P District will also provide additional area for the development of warehouse or other types of uses allowed in that district that desire to be located in the vicinity of the BNSF Intermodal Facility.
6. 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 immediate area is in transition from rural to commercial, with the new I-35 interchange and other C-2 zoning adjacent to the West and as the L-P District has been expanding in this direction. The area is currently primarily rural, but with the interchange and the intermodal and logistics park developments to the north, the character of the area is changing significantly. However, the nearby regional parks and floodplains areas will generally remain undeveloped, acting as open space, which will help to retain some of the rural character of the area.
7. Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties. The proposed zoning is compatible with the planned future uses of adjacent C-2 zoned property to the West and the anticipated business park/industrial uses to the North. While officially part of a separate request, an application for a Zoning Amendment has also been submitted on the property to the South. This request includes C-2 zoning on the property which is located between the subject property and the interchange, and if approved would be compatible with this request. Prior to the issuance of any building permit the property will be required to go through the Site Plan review process. This process will allow the Planning Commission to take into consideration possible impacts to adjacent properties and ways that these can be mitigated.
8. Suitability of the uses to which the property has been restricted under its existing zoning. With the construction the I-35 and Homestead Lane interchange, BNSF's intermodal facility and other logistics park uses in the area, the existing County zoning is no longer appropriate for this property. The best use of this property is commercial, business park or industrial uses.
9. Length of time the subject property has remained vacant under the current zoning designation. The property has only been used for agricultural purposes and has never been developed for other uses.



10. The extent to which the zoning amendment may detrimentally affect nearby property. While it is anticipated that the development of this site for commercial and industrial purposes will cause additional traffic and noise, it is not anticipated that there will be any significant detrimental effects to nearby property. Additional commercial properties are currently located between the subject property and the group of dwellings located West of Homestead Lane. It is also anticipated that other nearby sites will continue to transition to commercial and industrial uses. The Site Plan review process will allow the Planning Commission to look at any possible impacts and place requirements (such as buffering, setbacks and stormwater management) on how the site may be developed in order to mitigate any detrimental effects.
11. Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage. This is not a request for a PUD.
12. The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. 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. Homestead Lane is a recently constructed, paved street designed to support intermodal and logistics park traffic. Utilities will be provided by the developer in conjunction with development of the property. Among other improvements, this will require the extension of sewer to the site. The sewer line is currently located on the West side of the property on the West side of Homestead (750 feet West of Homestead).
13. The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property. Homestead Lane is improved to a standard that can accommodate commercial and industrial traffic in the area. The site will need to be designed to allow traffic to have access to 199<sup>th</sup> Street as access to Homestead Lane is limited to right in/out. Improvements may be needed to 199<sup>th</sup> Street to provide for proper traffic flow with increased traffic and turning movements. The City is currently working on a Waverly Road upgrade project in which Waverly Road, currently a gravel road, will be upgraded to a concrete heavy-haul road and will also include a connection to 199<sup>th</sup> Street which will be near the Northeast corner of this site. The developer will be required to comply with the City's UDC off-street parking requirements as part of the Site Plan review process.
14. The environmental impacts that the uses allowed in the proposed zoning 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. Mitigation of pollution in the form of water, air, noise, light, etc, will be addressed as part of the Site Plan review process.
15. The economic impact on the community from the uses allowed in the proposed zoning. While a substantial quantity of land in this area is currently zoned L-P, very little commercial development exists in the City. Uses allowed in C-2 or L-P districts, if built, have the potential



to benefit City residents and the community in a positive way by providing needed services, jobs, and tax revenues.

16. The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial. There would be little gain to the public health, safety and welfare of the City of Edgerton if the zoning is denied. The City would be adversely impacted due to lost opportunity for jobs and tax revenue if commercial uses were to locate in another nearby community.

17. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton. The Future Land Use Map (Attached) from the Comprehensive Plan for the City of Edgerton shows the West side of Homestead and a small portion of the Northeast quadrant of the interchange as Commercial (Retail/Office). North of the anticipated commercial area is shown as Business Park/Industrial. While the area shown as commercial on the Future Land Use Map does not extend all of the way to 199<sup>th</sup> Street, as is being requested in this application, a Comprehensive Plan (and the Future Land Use Map) is designed to be a guide of what may be expected and not an exact representation. The following is a relevant excerpt from the City's Comprehensive Plan.

***New Interchange on Interstate 35:** The City should take proactive steps to maximize the economic potential of I-35 and Homestead Lane. Areas around an interchange are often prominent locations for retail and commercial developments that provide substantial economic diversification to a City's land use and tax base.*

Taking into consideration the Future Land Use Map together with the text describing the anticipated uses around the Homestead interchange of the Comprehensive Plan it can be determined that the request can be considered as consistent with the Comprehensive Plan. The only question that may need to be asked is if there is a limit to the distance that any commercial zoning should extend to the North and East at this location. It would also appear that commercial uses on the West side of Homestead are being used as a transitional use from the business park/industrial uses which are expected on the East side of Homestead.

18. The recommendation of professional staff. See Recommendation below

### **Recommendation**

City staff recommends **approval** of the proposed rezoning of the subject property from County RUR, Rural District to C-2, Heavy Service Commercial District and L-P, Logistics Park District based upon the attached Zoning Exhibit, 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.

### **Attachments**

City of Edgerton Future Land Use Map

Southwest Area Plan – The Preferred Land Use Plan

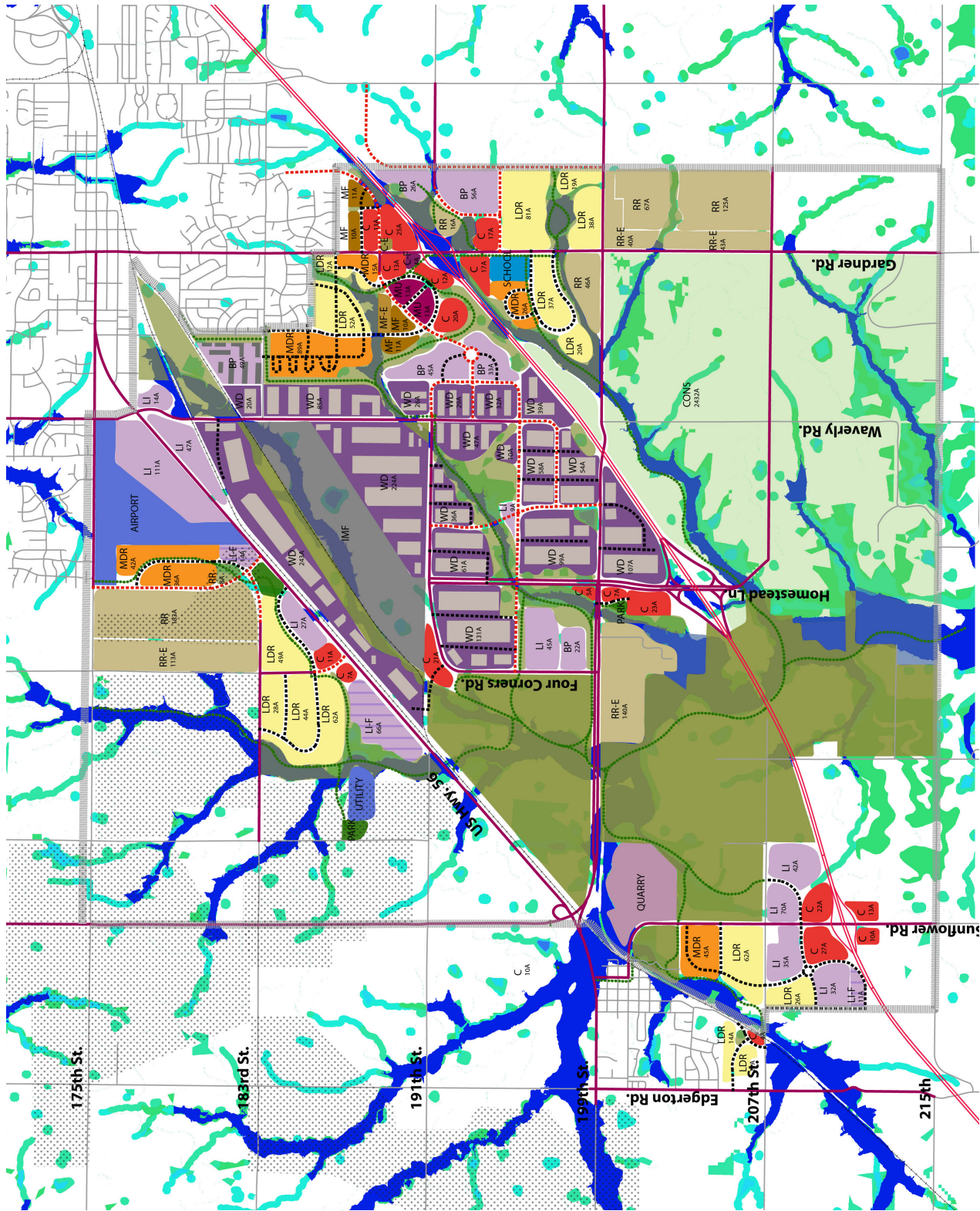
Application for Rezoning No. RZ-09-24-2014B (with Zoning Exhibit)





## THE PREFERRED LAND USE PLAN

Figure 5.1: Preferred Land Use Concept



### Preferred Land Use Concept

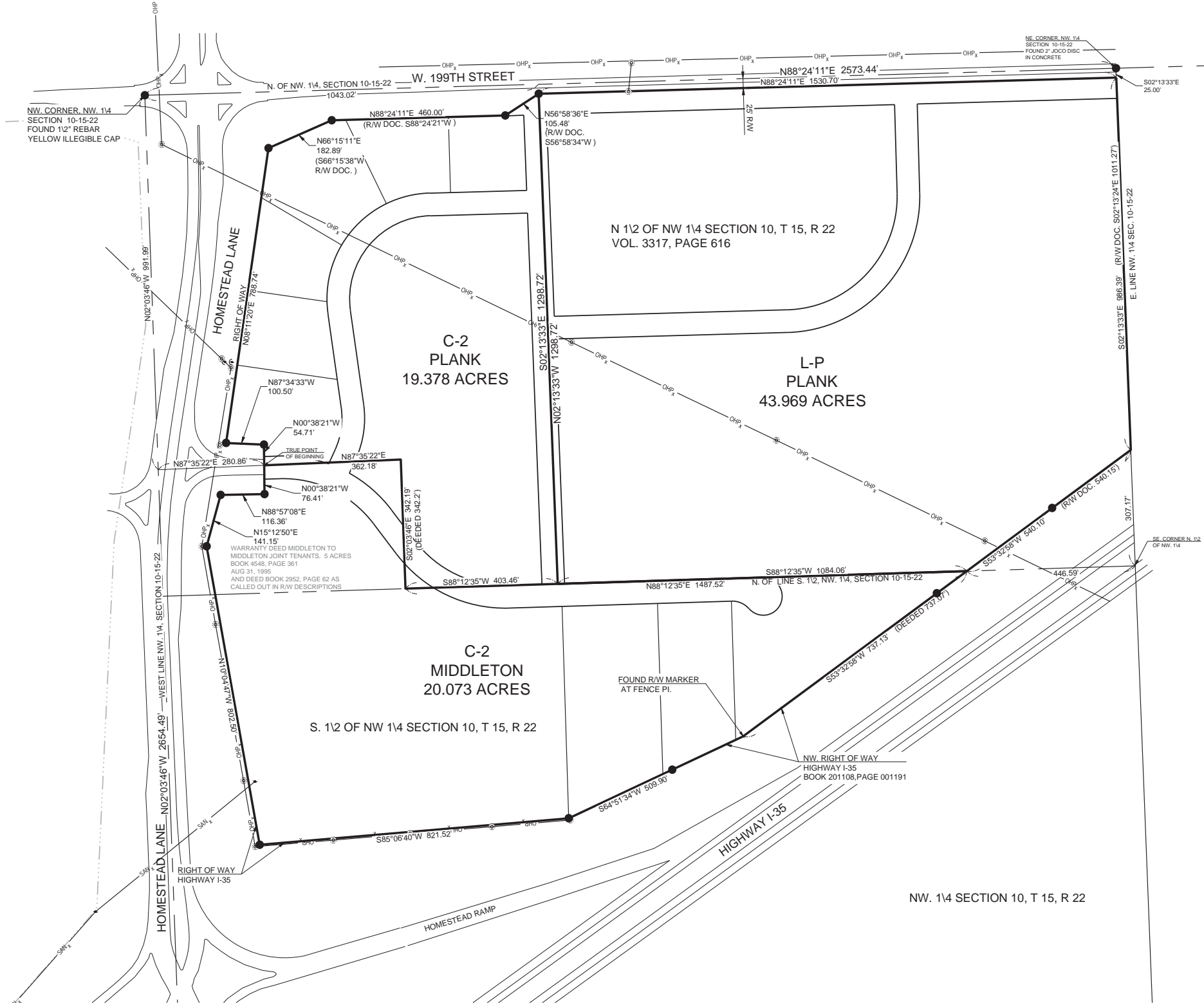
- Rural Residential (RR)
- Conservation Development (CONS)
- Low Density Urban Residential (LDR)
- Medium Density Urban Residential (MDR)
- High Density Urban Residential (HDR)
- Commercial (C)
- Mixed Use (MU)
- Business Park or Limited Industry (BP and LI)
- Warehousing and Distribution (WD)
- Civic
- Parks and Open Space
- Areas with Concentrations of Oil Wells







\\projects\2014\14-1082.0 Survey\14-108S.dwg, ARCH full bleed D (36.00 x 24.00 inches), 1:1



Middleton Property C-2

Description:

Part of the Northwest One-Quarter of Section 10, Township 15 South, Range 22 East of the 6th Principal Meridian, Johnson County, Kansas. Lying North of Highway 35 as now established, being more particularly described as follows:

Commencing at the Northwest corner of the Northwest 1/4, Section 10, Township 15 South, Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest 1/4 a distance of 991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East, 280.86 feet to the TRUE POINT OF BEGINNING; thence continuing North 87 degrees 35 minutes 22 seconds East, 362.18 feet to a point; thence South 02 degrees 03 minutes 46 seconds East, 342.19 feet (deeded 342.20 feet) to a point on the North line of the South 1/2 of the said Northwest 1/4; thence North 88 degrees 12 minutes 35 seconds East along the said North line, 1487.52 feet to a point on the Northwesterly right-of-way of Highway I-35 as recorded in Book 201108, Page 1191; thence South 53 degrees 32 minutes 58 seconds West along the said highway right-of-way, 737.13 feet (deed 737.07 feet) to a point; thence South 64 degrees 51 minutes 34 seconds West along said highway right-of-way, 509.90 feet to a point; thence South 85 degrees 06 minutes 40 seconds West along said highway right-of-way, 821.52 feet to a point; thence North 10 degrees 04 minutes 47 seconds West along said highway right-of-way, 802.50 feet to a point; thence North 15 degrees 12 minutes 50 seconds East along said highway right-of-way, 141.15 feet to a point; thence North 88 degrees 57 minutes 08 seconds East along said highway right-of-way, 116.36 feet to a point; thence North 0 degrees 38 minutes 21 seconds West along said highway right-of-way, 76.41 feet to the TRUE POINT OF BEGINNING and containing 25.0737 acres, more or less.

Plank Property C-2

Description:

Part of the North One-Half of the Northwest One-Quarter of Section 10 Township 15 South Range 22 East of the 6th Principal Meridian, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the Northwest One-Quarter of said Section 10 Township 15 South Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest One-Quarter a distance of 991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East 286.86 feet to the True Point of Beginning of the herein described tract; thence North 00 degrees 38 minutes 21 seconds West along the highway right of way for Homestead Lane as now established, a distance of 54.71 feet to a point; thence North 87 degrees 34 minutes 33 seconds West along said right of way a distance of 100.50 feet to a point; thence North 08 degrees 11 minutes 20 seconds East a distance of 788.74 feet along said right of way to a point; thence North 66 degrees 15 minutes 11 seconds East (per right of way document South 66 degrees 15 minutes 38 seconds West) a distance of 182.89 feet to point; thence North 88 degrees 24 minutes 11 seconds East along said highway right of way and along a line parallel to the North line of the said Northwest One-Quarter (per right of way document South 88 degrees 24 minutes 21 seconds West) a distance of 460.00 feet to a point; thence North 56 degrees 58 minutes 36 seconds East (per right of way document South 56 degrees 58 minutes 34 seconds West) a distance of 105.48 feet to a point that is 25 feet South of the North line of the said Northwest One-Quarter; thence South 02 degrees 13 minutes 33 seconds East a distance of 1398.72 feet to a point on the North line of the South One-Half of the said Northwest One-Quarter; thence South 88 degrees 12 minutes 35 seconds West along the North line of the South One-Half of the said Northwest One-Quarter a distance of 403.46 feet to a point; thence North 02 degrees 03 minutes 46 seconds West a distance of 342.19 feet (deeded 342.22 feet) to a point; thence South 87 degrees 35 minutes 22 seconds West a distance of 362.18 feet to the True Point of Beginning and containing 19.378 acres, more or less.

Plank Property L-P

Description:

Part of the North One-Half of the Northwest One-Quarter of Section 10 Township 15 South Range 22 East of the 6th Principal Meridian, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the Northwest One-Quarter of said Section 10 Township 15 South Range 22 East; thence South 02 degrees 03 minutes 46 seconds East along the West line of the said Northwest One-Quarter a distance of 991.99 feet to a point; thence North 87 degrees 35 minutes 22 seconds East 286.86 feet to a point; thence North 00 degrees 38 minutes 21 seconds West along the highway right of way for Homestead Lane as now established, a distance of 54.71 feet to a point; thence North 87 degrees 34 minutes 33 seconds West along said right of way a distance of 100.50 feet to a point; thence North 08 degrees 11 minutes 20 seconds East a distance of 788.74 feet along said right of way to a point; thence North 66 degrees 15 minutes 11 seconds East (per right of way document South 66 degrees 15 minutes 38 seconds West) a distance of 182.89 feet to point; thence North 88 degrees 24 minutes 11 seconds East along said highway right of way and along a line parallel to the North line of the said Northwest One-Quarter (per right of way document South 88 degrees 24 minutes 21 seconds West) a distance of 460.00 feet to a point; thence North 56 degrees 58 minutes 36 seconds East (per right of way document South 56 degrees 58 minutes 34 seconds West) a distance of 105.48 feet to a point that is 25 feet South of the North line of the said Northwest One-Quarter, said point being the True Point of Beginning of the herein described tract; thence North 88 degrees 24 minutes 11 seconds East along a line parallel to and 25 feet South of the North line of the said Northwest One-Quarter, a distance of 1530.70 feet to a point on the East line of the said Northwest One-Quarter; thence South 02 degrees 13 minutes 33 seconds East along the East line of the said Northwest One-Quarter (per right of way document South 02 degrees 13 minutes 24 seconds East 1011.27 feet) a distance of 986.39 feet to a point in the Northerly right of way line of I-35 as now established; thence South 53 degrees 32 minutes 58 seconds West along the North line of the said I-35 right of way (per right of way document 540.15 feet) a distance of 540.10 feet to a point on the North line of the South One-Half of the said Northwest One-Quarter; thence South 88 degrees 12 minutes 35 seconds West along the North line of the South One-Half of the said Northwest One-Quarter a distance of 1084.06 feet to a point; thence North 02 degrees 13 minutes 33 seconds West a distance of 1398.72 feet to the True Point of Beginning and containing 43.969 acres, more or less.



**SCHLAGEL & ASSOCIATES, P.A.**  
Engineers • Planners • Surveyors • Landscape Architects  
14920 West 107th Street • Lenexa, Kansas 66215  
(913) 492-5158 • Fax: (913) 492-9400  
WWW.SCHLAGELASSOCIATES.COM  
Kansas State Certificates of Authority  
#E-236 #LX-29 #LS-54

**ZONING EXHIBIT**  
**PLANK, MIDDLETON PROPERTY**  
**PART OF NW. 1/4 OF SECTION 10, T 15S, R 22E**  
**JOHNSON COUNTY, KANSAS**

REVISION DATE	DESCRIPTION
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	
35	
36	
37	
38	
39	
40	
41	
42	
43	
44	
45	
46	
47	
48	
49	
50	
51	
52	
53	
54	
55	
56	
57	
58	
59	
60	
61	
62	
63	
64	
65	
66	
67	
68	
69	
70	
71	
72	
73	
74	
75	
76	
77	
78	
79	
80	
81	
82	
83	
84	
85	
86	
87	
88	
89	
90	
91	
92	
93	
94	
95	
96	
97	
98	
99	
100	

**ZONING EXHIBIT**

SHEET

**1**

OF 1





**EDGERTON**  
global routes. local roots.

404 East Nelson  
Edgerton, KS 66021  
P: 913.893.6231  
EDGERTONKS.ORG

## STAFF MEMO

March 5, 2015

To: Edgerton Planning Commission  
Fr: Kenneth Cook, AICP, CFM, Community Development Director  
Re: March 10, 2015 Planning Commission Meeting

At the January meeting we started discussions on possible changes to the Unified Development Code (UDC). I have been drafting wording for proposed changes that we have talked about and have also been researching additional possible changes. Attached to this memo are the existing changes that I would like for the Planning Commission to discuss at our March meeting. We will primarily be focusing on the Industrial District Regulations at this point in time with a few other minor changes to other sections. Staff will continue to look at this section and might also include items for additional discussion or other proposed changes.

While my desire had been to have additional changes proposed for this meeting, it has been difficult to complete this additional work. Also, upon looking at some possible changes, it has come to my attention that some overall organizational changes might be appropriate with how the code is set up. What I am proposing at this time is for the Planning Commission to consider the current changes that primarily include some updates to the Industrial District Regulations with the understanding that additional hearings will be held in the future to look at additional changes. The proposed changes for the Industrial Districts try to address some issues that have come up through recent site plans reviews and some conflict that have been noted. Future changes will also include additional changes to the Industrial Districts but will also deal with other Zoning Districts as well as Site Plan Regulations and Design Standards.

### ATTACHMENTS

Unified Development Code: Articles 1 & 5



Article 1  
Authority, Adoption  
& Application of Regulations

Section 1.1	Title and Authority
Section 1.2	Purpose and Goals
Section 1.3	Relationship to the Comprehensive Plan
Section 1.4	Jurisdiction and Application of These Regulations
Section 1.5	Rules for Interpretation
Section 1.6	Restrictions
Section 1.7	Enforcement and Penalties
Section 1.8	Reserved for Future Amendments
Section 1.9	Zoning of Annexed Lands
Section 1.10	Vesting
Section 1.11	Prohibited Uses
Section 1.12	Effective Date

1.1 Title and Authority

- A. Title. This ordinance shall be known and cited as the Edgerton Unified Development Code, hereinafter cited as the UDC.
- B. Authority. This ordinance is adopted under authority of KSA 12-715b, KSA 12-741, et. Seq. to KSA 12-771.

1.2 Purpose and Goals

- A. Purpose. This ordinance is adopted to designate, regulate, and restrict the location of buildings, structures, and the use of land for residence, trade, industry, agriculture or other purposes; regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; establish minimum requirements for off-street parking, loading, and unloading; regulate and determine the size of yards, landscaping, and other open spaces; regulate the density of population and buildings; and said purposes, divide the City into zoning districts such as number, shape and area as may be deemed best suited to carry out these regulations and provide for their administration, enforcement, and amendment.
- B. Goals. These regulations are created for the purpose of encouraging the most appropriate use of land and to insure the logical and compatible growth of the various districts within the City.

1.3 Relationship to the Comprehensive Plan

- A. The Edgerton Unified Development Code is intended to implement the planning goals and policies contained in the Comprehensive Plan 2000-2020 and other planning documents and policies of the Planning Commission.
- B. It is hereby acknowledged that the Edgerton Comprehensive Plan 2000-2020 and amendments thereto, are the controlling instruments for changes, amendments, and revisions of this Unified Development Code.



## 1.4 Jurisdiction and Application of These Regulations

**Jurisdiction and Application.** These regulations shall apply to all land and use of the land within the City limits of Edgerton, Kansas. The provisions of these regulations may be regarded as the minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity, and welfare. They are not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the full force and effective date of these regulations. Any use or occupation of land previously approved as a permitted use shall be permitted to continue as a lawful use or occupation. These regulations shall not extend the life or scope of any non-conforming use.

## 1.5 Rules for Interpretation

- A. **Overlapping Regulations.** Where the conditions imposed by any provision of this ordinance (UDC) on the use of land, buildings, or structures are more restrictive than comparable conditions imposed by any other laws, ordinances, resolutions, rules or regulations of any kind, the restrictions of this ordinance shall govern.
- B. **Private Agreements.** The provisions of this ordinance (UDC) are not intended to annul or otherwise interfere with any easement, covenant or private legal agreement, except that when the regulations of this ordinance are more restrictive, or impose higher standards than private agreements, the regulations of this ordinance shall govern.
- C. **Unlawful Uses.** No building, structure, or use of the land not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance.
- D. **Prohibited Uses.** All uses and activities not provided for or addressed by the terms of this ordinance shall be considered to be prohibited uses and activities, unless the Zoning Administrator shall find that the use or activity is consistent and compatible with the provisions of this ordinance.
- E. **Severability.** Should any section, provision, or particular application of this ordinance be adjudged invalid by a court of competent jurisdiction, it is the intent of this ordinance that such judgment shall not affect the validity of the remainder of this ordinance, and such shall remain in full force and effect.
- F. **Word Usage.** Words used in the plural in this ordinance are intended to include the singular and words used in the singular shall include the plural, unless clearly indicated otherwise.

G. **Persons.** The word person includes the words: persons, association, agent, corporation, partnership, and company.

G-H. **Diagrams and Drawings.** This ordinance (UDC) contains diagrams and drawings. When diagrams and drawings appear in this ordinance, they are presented for explanation purposes only unless otherwise specified in the text of this ordinance. The text governs over any diagram or drawing when any discrepancy exists. The provisions of this Section do not extend to concept plans or site plans which are required and approved under this ordinance.

## 1.6 Restrictions



A. Jurisdiction. It shall be the responsibility of the Zoning Enforcement Officer [the Zoning Administrator] to interpret and administrate the rules and regulations contained herein.

B. Application of Regulations.

1. Conformance. No lot, tract, or parcel shall be used or occupied, or building, structure, sign erected, constructed, remodeled, substantially repaired, or moved except in conformity with all the regulations of this ordinance unless a variance or conditional use is granted.
2. Exemptions. The following structures and uses are exempt from the provisions of this ordinance.
  - a) Structures or uses of the land having an agricultural purpose.
  - b) Railroad tracks, signals, bridges and similar facilities located on a railroad right-of-way.
  - c) Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution of electricity, gas or water, or the collection of sewage or storm water operated or maintained by a public utility.
3. Subdivision Plats. Land shall not be split, divided, or combined into lots or tracts, auctioned or sold as lots, or conveyed for development purposes except as provided by this ordinance. It shall be unlawful for any person to sell or otherwise convey land for the purpose of laying out any subdivisions, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, or to offer for development purposes without reference to a valid, recorded plat or approved certificate of survey. All sales or transfers of land shall be considered for development purposes unless:
  - a) The split, division, or transfer of land is for a valid agricultural purpose.
  - b) The land is owned or held in trust for the United States Government, the State of Kansas, Edgerton City, or a public school district.
  - c) The lot, tract, or parcel has been previously subdivided and is proposed to be split into no more than two lots or tracts.
4. Bulk and Yard. All structures built, moved or remodeled or land uses shall meet the bulk and yard requirements of this UDC.
  - a) Exemption for Existing Lots of Record. A building permit shall be issued to an applicant who is owner of a legally created "lot of record" (established prior to the effective date of the ordinance). The setback and yard requirements as reflected on the recorded plat shall be used to establish minimum requirements, regardless of bulk and yard requirements, setbacks or other physical requirements set forth in this ordinance. If setbacks were not included in an amended or original plat the lot front line dimension shall be a minimum of 40', the side yards a minimum of 8', and the rear yard a minimum of 10'. Alternatively, the Board of Zoning Appeals may authorize the Zoning Administrator to establish reasonable setbacks and yards based on an average of existing yards and frontages in the immediate neighborhood.



- b) Setback Measurement. A front yard setback shall mean the distance between the edge of the R.O.W. to the base of a structure, and does not include any part of the structure that projects outward from above this line. The side and rear yard setbacks shall mean the distance from the lot line to the base of the structure, and do not include any part of the structure that projects outward above this line. The exception to this rule is when a property line runs to the center of the R.O.W. In such cases, the Zoning Administrator shall use an equitable method to determine the building setback based on "averaging" methods according to the conditions of the neighborhood.

5. Building Height. The maximum height shall mean the distance from the lowest part of the base of a structure to the tallest point of the roof, and does not include any accessories projecting upward from the roof.

a. Height Exceptions. The following structures shall be exempt from the height limitations set forth in this Section.

- Container cranes;
- Church spires, religious domes, and religious ornamentation attached to a place of worship;
- Water towers;
- Ornamental towers and spires;
- Chimneys;
- Elevator bulkheads;
- Smoke stacks;
- Conveyors;
- Flag poles;
- Aircraft control towers;
- Aircraft navigation aids;
- Accessory radio towers;
- Amateur Radio and Television Antennas;
- Communication Towers; and
- Parapet screening of mechanical equipment.

~~5.6.~~ Multiple Buildings on Single Lots. In no case shall there be more than one main use, building or structure on one lot, except when a single lot is used or zoned for multi-family, commercial, or industrial purposes. In such cases, all buildings shall collectively comply with all front, side and rear yard requirements for the zoning district where the lot is located.

~~6.7.~~ Unlawful Acts. It shall be unlawful to erect, move, increase the building footprint, or readapt any structure or building without a valid permit.

~~7.8.~~ Exemption. Any building, including a bona fide farm residence, used for a valid agricultural purpose is exempt from the building permit and City fees, but all such buildings and structures shall comply with current Edgerton and Johnson County floodplain development regulations and sanitation requirements.

**Comment [KC1]:** This should be listed as exemptions for the entire regulations and not just the L-P district. This should either be moved to Section 1.6B.5 and/or to the definitions section.

## 1.7 Enforcement and Penalties

- A. A violation of any regulation adopted in this ordinance shall be a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or by imprisonment for not more than six months for each offense, or by fine and imprisonment. Each day's violation shall constitute a separate offense. In addition, the City may institute appropriate action, including injunction and mandamus, to prevent unlawful erection, construction or alteration of structures, use of the land, occupation of buildings, abatement of nuisances,



failure to obtain permits, sale of land for development purposes without reference to a valid plat or refusal to obey and adhere to a lawful order of the Zoning Administrator.

- B. Any person, the value or use of whose land is or may be affected by such violation, shall have the authority to maintain suits or actions in a court of competent jurisdiction within the appeals period proscribed by law.
- C. Whenever any building or structure is erected, constructed, moved, altered, or converted or maintained, or any building, structure or land is purposed to be used in violation of any floodplain regulation contained herein, the city/and or the Attorney General and the Chief Engineer of the Kansas Division of Water Resources of the State Board of Agriculture, in addition to other remedies, may institute injunction, or other appropriate action to prevent such violations.
- D. Any person or agent who is given a Stop Work Order shall be required to pay a late charge in accord with the following schedule:

New or Relocated Principal Buildings		Additions to Structures or Accessory Buildings
First Offense	\$150	\$75
Second Offense	\$200	\$75
Third Offense	\$300	\$200
Thereafter	\$400	\$400

**Additional Late Charges For All Structures:**

- 1. An additional \$200.00 fee shall be added to the initial charge if a valid permit is not obtained within 7 working days after the Zoning Administrator issues a Stop Work Order. A stay of this action shall be granted to the violator if a proper appeal is filed with the Board of Zoning Appeals or court of competent jurisdiction prior to the 7<sup>th</sup> workday period.
- E. The Zoning Administrator and/or the designated deputy, upon finding a violation of these regulations (or if a proposed action would constitute a violation), shall have the power to:
  - 1. Issue a Notice of Violation that shall specify the offense, the name of the property owner or agent and/or occupant, the legal description of the property, and the remedy. A reasonable time, not less than 30 days, shall be set to correct the violation, or to file an appeal.
  - 2. Issue a Stop Work Order that commands any person to immediately cease and desist from any unlawful construction, use or alteration of any building or land.
  - 3. Municipal Court Action. The Zoning Administrator or designated deputy may issue a Citation and Notice to Appear before the Municipal Court. The citation shall set forth the named person, the offense, and the time to appear in municipal court.
- F. Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a complaint with the Zoning Administrator stating fully the facts or grounds upon which the complaint is based. The Zoning Administrator shall promptly record and investigate such complaint and take appropriate action as provided in this ordinance.



- G. Whenever any provision of this ordinance is violated, the Zoning Administrator shall promptly notify in writing the person(s) responsible for the violations. The notification shall contain the nature of the violation and any corrective orders.
- H. The Zoning Administrator shall have the following remedies without limitations:
1. No Action. Following any complaint, and after careful consideration, the Zoning Administrator may issue a "No Conflict" opinion.
  2. Informal Contact. The Zoning Administrator shall have the authority to abate the zoning violation through informal meetings or conversations.
  3. Agreement to Abate. The Zoning Administrator may enter into an agreement with a violator to abate or remedy a violation within a period not to exceed six (6) months, unless extended by the Planning Commission.
  4. Notice and Order. See above Section 1.7 (E).
  5. Permits. The Zoning Administrator may refuse to issue any required permits on tracts, parcels, or lots cited for active violations of this ordinance.

## 1.8 Reserved for Future Amendments

## 1.9 Zoning of Annexed Lands

All lands hereafter annexed to the City of Edgerton shall carry the county zoning designation upon annexation into the city for 60 days following the effective date of annexation. Any owner of land within the area annexed may apply for rezoning any time following the effective date of annexation. During the 60 days following the effective date of annexation, the Planning Commission shall prepare, or cause to be prepared a zoning map of the annexed area, conduct the necessary public hearing, and submit the same to the Governing Body for adoption. Upon adoption of the zoning map, all zoning requirements and regulations of the City shall take effect, and the regulations of the prior zoning jurisdiction shall terminate as affects the annexed area.

## 1.10 Vesting

- A. Residential Development Rights. The right to construct all residential units shall vest at the time the final plat is recorded and the first valid permit is issued. If construction is not commenced within five (5) years of the date a final plat is recorded, such rights shall expire and require reapproval of the plat.
- B. Non-Residential Development Rights. Development rights for all purposes other than residential use shall vest upon the issuance of all valid permits required by the City, and, construction has commenced beyond the foundation or slab installations, and work amounting to \$2,500 for materials is completed.
- C. Building Permit. A building permit shall be valid for a period of one year from the date of issuance, and shall expire at the beginning of the first working day after one full year of issuance unless the building's structural frame is constructed and enclosed and the roof is completed. An extension for a period of time not to exceed one hundred and twenty (120) days may be granted by the Zoning Administrator for hardships and practical difficulties.



### 1.11 Prohibited Uses.

- A. No temporary or incomplete building, nor any automotive equipment, trailer, garage or appurtenances incident to a family dwelling, shall be erected, maintained or used for residential purposes, Providing that where the exterior and more than fifty (50) percent of the interior of a permanent residence has been completed, this regulation shall not apply.
- B. In the event of fire or natural disaster or other circumstances that renders a residence uninhabitable, the Zoning Administrator is authorized to grant permission for temporary housing on the premises including mobile home, motor home, and camper for a period not to exceed ninety (90) days. Written permission must be granted. The Edgerton City Council can grant any additional ninety (90) day permits.
- C. No temporary or outwardly incomplete building or structure, no open excavation for a building or foundation, and no building or structure so damaged as to become unfit for use or habitation shall be permitted, maintained, or remain in such condition for more than six (6) months, except by permission of the Edgerton City Council.
- D. All building material, construction equipment, machinery or refuse must be stored in a garage or other enclosed building, other than in such district as permitted in this ordinance, except actual construction, and reconstruction operations, upon said premises or related premises, provided the City Council may waive said requirements in unusual cases for a limited time.

### 1.12 Effective Date.

The provisions of this ordinance shall become effective from and after the date of their approval and adoption by the Governing Body and publication of the adopting ordinance. All zoning actions taken under prior regulations are hereby affirmed with zoning district classifications assigned as indicated on the official zoning map adopted with these regulations.



## Article 5

# Industrial Zoning Districts

Section 5.1	B-P Business Park District
Section 5.2	L-P Logistics Park District
Section 5.3	I-G General Industrial District
Section 5.4	I-H Heavy Industrial District

## 5.1 B-P Business Park District

- A. Purpose. This district is created to allow a mix of office, research, wholesaling, light industrial and limited ancillary retail and service uses in a designed business park setting. This district is designed to provide for high quality and master planned development with increased site amenities and open space. The district is intended for areas designated business park or industrial in the comprehensive plan, which is primarily located along the I-35 corridor, and provided adequate public infrastructure and services are available.
- B. Use Restrictions. In District B-P, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted or conditional and contained below.
- C. Permitted Uses.
1. Auditoriums, convention centers, and conference facilities.
  2. Building and construction contractor offices, including display areas.
  3. Business and trade schools.
  4. Colleges and universities.
  5. Commercial pick-up and delivery services.
  6. Display or catalog showrooms.
  7. Laboratories and research facilities.
  8. Manufacturing, processing, fabrication or assembly of commodity - limited.
  9. Motion picture production stations.
  10. Photographic processing facilities.
  11. Printing and publishing.
  12. Public or private golf courses, tennis or other courts, and swimming pools.
  13. Public parks and recreation facilities.
  14. Radio and television broadcasting stations.
  15. Research establishments of industrial, medical or scientific nature.
  16. Restaurants, not including drive-up or drive-thru services.
  17. Warehousing.
  18. Mailing, packaging, parcel service and storage.
  19. Printing, communications, mail orders.
  20. Sales outlets.
  21. Retail sales in conjunction with a manufacturing or fabrication use.
  22. Health and hospital supplies; office supplies.
  23. Copy, printing and duplication services.
  24. Internet service providers.
  25. Sale, servicing, and repair of electrical and other electronic devices.



26. Government facilities.
27. Retail and wholesale of furniture and home furnishings, carpet, paint and wallpaper, and plumbing and lighting fixtures.
28. Sales and installation of cellular phones, stereos, radios and similar electronic equipment for vehicles.
29. Veterinary hospitals and clinics.
30. Accessory uses.

- D. Uses Permitted by Condition (Conditional Uses). The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.
1. Communication transmission towers over sixty (60) feet, subject to the provisions in Article 7.

E. Setback, Yard and Area Regulations.

**Comment [KC1]:** Match formatting with other districts

Table of Site Development Standards			
Use	Minimum District Size	Minimum Open Space	Maximum Building Height
Principal Buildings	10 acres	25%	45'

1. All buildings or structures shall be set back a minimum of 50 feet from any public right-of-way forming the peripheral property line of the business park.
2. All buildings or structures shall be set back a minimum of 30 feet from any internal street right-of-way.
3. All buildings or structures shall be set back a minimum of 45 feet from the property line of any residentially zoned property, where such property is already developed for residential use or is designated for residential on the comprehensive plan.
4. All buildings or structures shall be set back a minimum of 20 feet from any peripheral property line other than a street right-of-way line or residentially zoned property.
5. All buildings, structures or parking areas shall be set back a minimum of 15 feet from the lot line of any lot within the business park where such lot line does not abut a street right-of-way or the property line of another property other than the business park property.

F. District Regulations.

1. All buildings with a metal exterior shall provide a facia material composed or brick, stone, wood, or a combination of these materials that extends to three walls of the building unless modified by the Planning Commission.
2. All operations, other than limited storage of motorized machinery and equipment, materials, products or equipment, shall be conducted within a fully enclosed building.
3. 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.

G. Design Guidelines.

1. When more than one (1) building is planned for business park district property, the development plan shall demonstrate integration and coordination of the architectural design for buildings, structures, and landscaping and open space.
2. Buildings should be oriented so that the front or side of the building faces the public street frontage of the property. The Planning Commission will consider an exception to orient a rear elevation towards a public street for unique situations due to the configuration of the lot.
3. The Planning Commission may require that loading and service areas are screened from public view with landscaping, berming, facade walls, or fencing.
4. The Planning Commission may require a solid or semi-solid fence, or wall at least six feet (6'), but not more than eight feet (8') high, and having a density of not less than eighty percent (80%) per square foot be provided adjacent to an adjoining residential district unless the adjacent residential district and the office development are separated by a street right-of-way. The wall shall incorporate architectural elements similar to what the primary buildings are constructed with, such as stone or masonry. The fence design should vary in order to break up long expanses of single material in a straight line. For example, brick or rock walls may be varied in pattern or location, including offsets; wooded privacy fences may be varied through use of brick, rock, or wrought iron details. The owner or owners of the property in the B-P District shall maintain the fence or wall in good condition.
5. When development is proposed adjacent to any existing residential development, site plan approval, including building elevations, landscaping, and screening shall be approved by the Planning Commission.
6. Pedestrian access within a development and adjacent public and private property shall be considered as a component to the design of an employment center.

H. Parking and Loading.

1. 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.
2. One (1) off-street parking space shall be provided for each 1,000 square feet storage area in warehousing
3. One (1) off-street parking space shall be provided for each two-hundred-fifty (250) square feet of service floor area in office and research buildings.
4. All parking areas shall be set back a minimum of thirty feet (30~~ft~~<sup>ft</sup>) from any street right-of-way.
5. All parking areas shall be setback a minimum of 30 feet from the property line of any residentially owned property, where such property is already developed for residential use or is designated for residential on the Comprehensive Plan.
6. All parking areas shall be setback a minimum of 30 feet from the right-of-way of a public street.



7. All parking areas shall be set back a minimum of 10 feet from any peripheral property line other than a street right-of-way line or residentially zoned property line.
8. Each establishment shall provide adequate loading space within a building or in a side or rear yard, in such a way that all storage, standing and maneuvering of trucks shall be off the public right-of-way.
9. No portion of a parking or loading space, including maneuvering areas, except the necessary drives, shall be located closer than 30 feet from a public street right-of-way.
10. All parking shall be on a surface prepared from concrete or asphalt.
11. All commercial buildings shall provide a designated off-street space for the loading and unloading of goods and merchandise.
12. See Article 10 for additional parking requirements.

## 5.2 L-P Logistics Park District

- A. Purpose.** The purpose of the Logistics Park, L-P District is to create a limited multimodal industrial zone that provides for a modern type of industrial uses or industrial park created to support activities related to trade and rail and other transport service. Limitations are placed on the uses in this district to significantly restrict the outside activities and outside storage of materials, noise, vibration, smoke, pollution, fire and explosive hazard, glare and other potentially adverse influences.

This zone is intended for industrial parks and larger, cleaner types of industries. The manufacturing uses should be conducted within a totally enclosed building. Any activities conducted outside should be screened and buffered, and external effects such as excessive noise or odor should not extend beyond the property lines. Residential uses should be discouraged from locating near the L-P District to protect the industries from residential complaints.

Areas should not be zoned to the L-P District unless they are located adjacent or near to arterial thoroughfares capable of carrying commercial and truck traffic, as well as being located close to major truck routes. It is the general intent of this District to provide for a mutually beneficial, economically viable, well-planned development poised for long-term success including:

1. To provide for the distribution of and appropriate relationships between various land uses and to minimize conflict between land uses;
2. To describe desired future physical conditions within the L-P District;
3. To manage growth in an orderly manner; and
4. To serve as a basis for future development recommendations within the L-P District and set the precedent for sound planning and sustainable development practices throughout the L-P District area of influence.

- B. Compliance with Code Required.** All development of land within the boundaries of the L-P District herein shall conform to the requirements of the L-P District Code, and no person may use, occupy, sell or develop land, buildings or other structures, or authorize



or permit the use, occupancy, sale or development of land, buildings or other structures under his/her control, except in accordance with all applicable provisions of this Code.

**C. Diagrams and Drawings.** The L-P District contains diagrams and drawings. When diagrams and drawings appear in this Code, they are presented for explanation purposes only unless otherwise specified in the text of this Code. The text governs over any diagram or drawing when any discrepancy exists. The provisions of this Section do not extend to concept plans or site plans which are required and approved under this Code.

**D. Use Restrictions.** In L-P District, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted or conditional and contained below.

**E. Permitted Uses.**

1. Building and construction contractor offices, including display areas.
2. Business and trade schools.
3. Commercial pick-up and delivery services.
4. Display or catalog showrooms.
5. Laboratories and research facilities.
6. Manufacturing, processing, fabrication or assembly of commodity - **limited**.
7. Motion picture production studios and stations.
8. Photographic processing facilities.
9. Printing and publishing.
10. Radio and television broadcasting stations.
11. Research establishments of industrial, medical or scientific nature.
12. Restaurants, including drive-up or drive-thru services.
13. Warehousing/Distribution centers, including trucking and courier services; public warehousing and storage; and motor freight transportation terminals and maintenance facilities.
14. Mailing, packaging, parcel service and storage.
15. Printing, communications, mail orders.
16. Sales outlets and wholesale trade.
17. Retail sales in conjunction with a manufacturing or fabrication use.
18. Health and hospital supplies; **office supplies**.
19. Copy, printing and duplication services.
20. Internet service providers.
21. Sale, servicing, and repair of electrical and other electronic devices.
22. Government facilities.
23. Retail and wholesale of furniture and home furnishings, carpet, paint and wallpaper, and plumbing and lighting fixtures.
24. Sales and installation of cellular phones, stereos, radios and similar electronic equipment for vehicles.
25. Veterinary hospitals and clinics.

**26. Accessory uses.**

- ~~26-27.~~ Agricultural.
- ~~27-28.~~ Auto and truck motor fuel facilities and repair.
- ~~28-29.~~ Auto and truck washing.
- ~~29-30.~~ Recreational vehicle sales and service.
- ~~30-31.~~ Towing and impound yard.
- ~~31-32.~~ Trailer or truck sales and rental.
- ~~32-33.~~ Building materials yard and lumber yard.
- ~~33-34.~~ Mini-Warehouse and self storage.

**Comment [KC2]:** This wording should be placed in Article 1 of the UDC and should be applicable to all portions of the regulations and not just the L-P District.

**Comment [KC3]:** What does limited mean?

**Comment [KC4]:** Should this be listed as a separate use or defined more broadly as including other types of 'supplies.'

**Formatted:** Font: (Default) Arial, 10.5 pt

**Formatted:** List Paragraph, Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.75" + Indent at: 1"



- 34-35. Recycling collection center.  
35-36. Similar uses.

**F. Uses Permitted by Condition (Conditional Uses).** The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.

1. Communication transmission towers over sixty (60) feet, subject to the provisions in Article 7.
2. Truck stops with fuel and accessory services;
3. Private or public owned playgrounds, playfields, and recreational facilities (e.g. public or private golf courses, tennis or other courts, and swimming pools) open for public or commercial use;
4. Auditoriums, convention centers, and conference facilities
5. Colleges and universities.
6. Transportation storage and trucking yards.
7. Cargo container storage, repair or maintenance.

**G. Setback, Yard and Area Regulations.**

**Comment [KC5]:** Match formatting with other districts

**Table of Site Development Standards**

Table of Site Development Standards			
Use	Minimum District Size	Minimum Open Space	Maximum Building Height
Principal Buildings	No minimum lot area, depth, or width	50% lot coverage by structures and parking garages over one story	110'

1. **Lot Dimensions.** There shall be no minimum lot area, lot width or lot depth for the LP Sub-district.
2. **Floor Area Ratio (FAR).** The maximum FAR, as defined by the City of Edgerton, shall be 3:1.
3. **Building Coverage.** The maximum building coverage shall be 50%. Parking structures under one story shall be excluded from building coverage calculations.
4. **Setbacks**
  - a. **Front.** The minimum front building setback shall be fifty (50) feet with an allowed reduction to twenty-five (25) feet only adjacent to two-lane collectors or thoroughfares.
  - b. **Side (Typical).** The minimum side setback shall be twenty-five (25) feet. The minimum side building setback for buildings adjacent to any single-family residential use shall be fifty (50) feet for buildings in excess of twenty (20) feet in height; one hundred (100) feet for buildings in excess of forty-five (45) feet in height. Setback distances are measured from the finished grade. There shall be no minimum side setback requirement for buildings adjacent to a rail line or a rail spur.
  - c. **Side at Street (Typical).** The minimum side building setback adjacent to a roadway shall be fifty (50) feet, with an allowed reduction to twenty-five (25) feet only adjacent to two-lane collectors or thoroughfares any internal street right-of-way.



d. **Rear.** The minimum rear setback shall be twenty-five (25) feet. The minimum rear setback for buildings adjacent to any single-family residential use shall be fifty (50) feet for buildings in excess of twenty (20) feet in height; one hundred (100) feet for buildings in excess of forty-five (45) feet in height. Setback distances are measured from the finished grade. There shall be no minimum rear setback requirement for buildings adjacent to a rail or a rail spur.

5. **Maximum Building Height.** The maximum height of any building within the L-P Sub-District shall be one hundred ten (110) feet, as measured from the average elevation of the finished grade along the front of the building to the highest point of the roof of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof if it is gable, hip or gambrel roof.

**Comment [KC6]:** 110 feet seems to be excessive. Should this height be reduced? Items that staff can foresee as exceeding this height are generally exempted below.

a. **Height Exceptions.** The following structures shall be exempt from the height limitations set forth in this Section.

- Container cranes;
- Church spires, religious domes, and religious ornamentation attached to a place of worship;
- Water towers;
- Ornamental towers and spires;
- Chimneys;
- Elevator bulkheads;
- Smoke stacks;
- Conveyors;
- Flag poles;
- Aircraft control towers;
- Aircraft navigation aids;
- Accessory radio towers;
- Amateur Radio and Television Antennas;
- Communication Towers; and
- Parapet screening of mechanical equipment.

**Comment [KC7]:** Should this be different from the standard definition of Building Height. The regular building height appears to be measured from curb level or middle of street.

6. **Building Separation.** A minimum building separation of twenty (20) feet shall be provided between structures, or as required by fire code, if greater.

7. **Architectural Design Guidelines.** All provisions pertaining to Architectural Design Guidelines are contained in Section 5.2.1, Design Guidelines for the Logistics Park ~~Special~~ District ~~Section I,~~ below, ~~Design Guidelines.~~

8. **-Accessory Building and Structure Regulations.** Accessory uses shall only be permitted in accordance with the Use Regulations set forth in Exhibit 1, Use Matrix, for the L-P ~~Sub-d~~District. Any accessory building shall have a façade similar in character with the façade of the main building, including the utilization of similar fenestration and materials. In no case shall the façade of an accessory building consist of metal where the accessory building directly faces a public street, residential use or public open space.

**Comment [KC8]:** Cannot find Exhibit 1. Should refer to the L-P District.

#### H. District Regulations.

1. All buildings with a metal exterior shall provide a façade material composed of brick, glass, stone, wood, or a combination of these materials that extends to three walls of the building unless modified by the City.



2. All operations, other than **limited** storage of motorized machinery and equipment, materials, products or equipment, shall be conducted within a fully enclosed building.
3. 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.

**Comment [KC9]:** What does limited mean?

**Comment [KC10]:** This does not work, especially when there is proposed trailer parking.

## **I. Design Guidelines.**

1. **Introduction.** The purpose of these guidelines is to encourage development that will contribute to the overall aesthetics of the L-P District as a unique place by enhancing the built environment. These guidelines are intended to ensure that new development and redevelopment will be compatible and will enhance the overall appearance of the L-P District.
2. **Exemptions.** Government or public Facility Buildings shall not be required to conform to the requirements set forth in this Section.
3. **General**
  - a. When more than one (1) building is planned for L-P district property, the development plan shall demonstrate integration and coordination of the architectural design for buildings, structures, and landscaping and open space.
  - b. Buildings should be oriented so that the front or side of the building faces the public street frontage of the property. The City will consider an **exception** to orient a rear elevation towards a public street for unique situations due to the configuration of the lot.
  - c. The City may require that loading and service areas are screened from public view with landscaping, berming, facade walls, or fencing.
  - d. The City may require a solid or semi-solid fence, or wall at least six feet (6'), but not more than eight feet (8') high, and having a density of not less than eighty percent (80%) per square foot be provided adjacent to an adjoining residential district unless the adjacent residential district and the office development are separated by a street right-of-way. The wall shall incorporate architectural elements similar to what the primary buildings are constructed with, such as stone or masonry. The fence design should vary in order to break up long expanses of single material in a straight line. For example, brick or rock walls may be varied in pattern or location, including offsets; wooded privacy fences may be varied through use of brick, rock, or wrought iron details. The owner or owners of the property in the L-P District shall maintain the fence or wall in good condition.
  - e. When development is proposed adjacent to any existing residential development, site plan approval, including building elevations, landscaping, and screening shall be approved by the City.
  - f. Pedestrian access within a development and adjacent public and private property shall be considered as a component to the design of an employment center.

**Comment [KC11]:** Is this just administrative or should this be changed to Planning Board or Board of Zoning Appeals?

## **J. Architectural Design Standards**

1. **Building Massing and Scale.** A building's massing is defined as its exterior volume. The height, width and depth of a structure create the overall massing of a building. A



building's scale is the relationship of its overall size and its component parts with its adjoining spaces and buildings.

2. **Large Expenses.** Large expanses of blank walls of any material or metal siding are not allowed. Building facades over one hundred feet (100') long facing public right of way or residential property shall break up massing of buildings by dividing building façade into smaller components with a minimum of three (3) of the following elements;
  - a. Articulating details around doors, windows, balconies, plate lines, providing details such as "belly-bands," recessed design elements, interesting cornice treatment details, exposed expansion joints, reveals, change in texture, or other such methods of visual relief;
  - b. Avoiding long, repetitive, monotonous facades – particularly those that repeat the same design element several times along the same elevation;
  - c. Use of darker building color and varied wall treatments;
  - d. Varying roof lines (see Vertical Articulation section); and
  - e. Change of wall plane (see Horizontal Articulation section).
3. **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.

Exceptions to this requirement may be allowed on a case by case basis by the City upon submission and approval of elevation drawings of the subject structure, and material samples.

#### 4. Façade Guidelines

- a. **Horizontal Articulation.** Walls facing a public right-of-way or a residentially zoned property shall not extend for a distance greater than four (4) times the wall's height without having an off-set of ten percent (10%) of the wall's height (maximum of five (5) feet); the new plane shall extend for a distance equal to a minimum of twenty percent (20%) of the maximum length of the first plane. The City may allow exceptions to this requirement upon review and approval of a typical façade elevation.

Walls not facing a public right-of-way or a residentially zoned property and loading dock doors are exempt from the horizontal articulation requirement.

- b. **Vertical Articulation.** Walls facing a public right-of-way or a residentially zoned property shall not extend for a distance greater than four (4) times the height of the wall without changing height by a minimum of ten percent (10%) of the wall's height (maximum of five (5) feet). The City may allow exceptions to this requirement upon review and approval of a typical façade elevation.

Comment [KC12]: Define

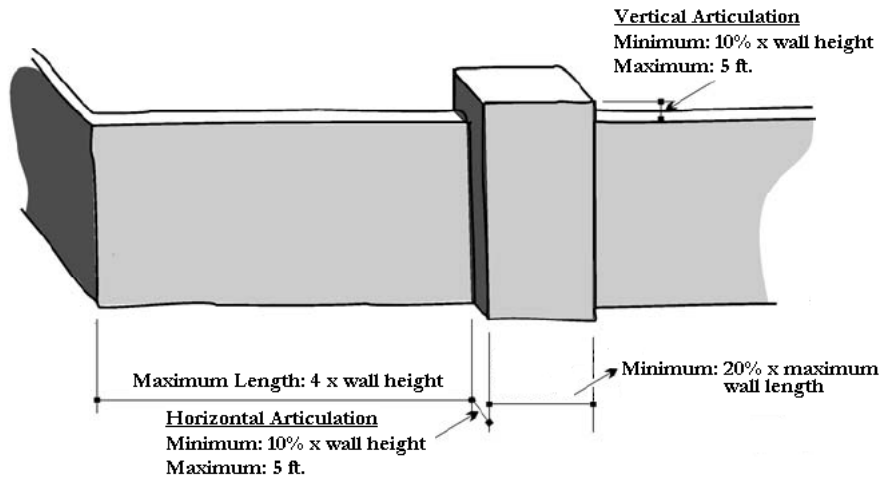
Comment [KC13]: Should this be the maximum that could be required. What if someone wants to have an articulation that is greater? This should be worded that in no case shall an off-set greater than 5 feet be required.

Comment [KC14]: Should this be the maximum that could be required? This should be worded that in no case shall an off-set greater than 5 feet be required.



Walls not facing a public right-of-way or residentially zoned properties are exempt from the vertical articulation requirement.

**Figure 3. Horizontal and Vertical Articulation**



- c. **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.
- d. **Color Palette.** Earth tones, muted hues, and natural tones are permitted as structures' basic colors. Brighter hues are permitted only as an accent color on building elements such as awnings, doors, and trim. A mixed color palette on a single building should be carefully selected so all colors harmonize with each other.

Accent colors should be applied using the following guidelines:

	Required	Allowed
1st Accent Color	10%	20%
2nd Accent Color	0%	10%
3rd Accent Color	0%	10%

\*Percentage calculations shall utilize the entire façade area.

#### K. Parking and Loading.

1. **General.** The purpose of this Section is to ensure the provision of functionally adequate, aesthetically pleasing and safe off-street parking, on-site circulation, driveways, loading, and access.
2. **Specific Requirements.**
  - a. 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.



- b. One (1) off-street parking space shall be provided for each 1,000 square feet storage area in non-warehousing uses.
  - c. One (1) off-street parking space shall be provided for each two-hundred-fifty (250) square feet of service floor area in office and research buildings.
  - d. All parking areas shall be set back a minimum of thirty feet (30') from any street right-of-way.
  - e. All parking areas shall be set back a minimum of 30 feet from the property line of any residentially zoned property, where such property is already developed for residential use or is designated for residential on the Comprehensive Plan.
  - f. All parking areas shall be set back a minimum of 10 feet from any peripheral property line other than a street right-of-way line or residentially zoned property line.
  - g. Each establishment shall provide adequate loading space within a building or in a side or rear yard, in such a way that all storage, standing and maneuvering of trucks shall be off the public right-of-way.
  - h. No portion of a parking or loading space, including maneuvering areas, except the necessary drives, shall be located closer than 30 feet from a public street right-of-way.
  - i. All parking shall be on a surface prepared from concrete or asphalt.
  - j. All commercial buildings shall provide a designated off-street space for the loading and unloading of goods and merchandise.
  - k. See Article 10 for additional parking requirements.
3. **Exception for Warehouse/Distribution Center and Large Building Parking Space Requirements.** Parking shall be required per City standard based upon individual land use, except Warehouse or Distribution Center land uses, which shall require one (1) space per two thousand (2,000) square feet of building area. Buildings in excess of one hundred thousand (100,000) square feet or users with specific parking needs may provide an independent parking study to the City for approval.

**Comment [KC15]:** Section 10.1F specifies that "all new parking spaces shall be located within the building envelope." This district allows setbacks of: 50' or 25' (Front); or 25', 50' or 100' (Side & Rear). These requirements appear to conflict with each other. Also see comment to subsection 'h' below.

**Comment [KC16]:** This appears to only restate item d. above and should be deleted.

**Comment [KC17]:** What is required as part of an independent parking study.

## L. Off-Street Parking Standards.

- 1. **Maneuvering**
  - a. All maneuvering of vehicles shall take place on site or within a mutual access easement. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
  - b. When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.
- 2. **Parking Spaces and Aisle Surfaces.** All parking spaces, aisles and maneuvering areas shall have an all-weather surface, whether enclosed or unenclosed, and shall be connected by an all-weather surfaced driveway to a street or alley.
- 3. **Parking Space and Aisle Dimensions.** All parking spaces and aisle dimensions shall conform to Article 10.2, Parking and Loading Standards, unless specifically approved by the City.
- 4. **Wheel Stops.** All passenger vehicle parking spaces on private property shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas and to prevent any parked vehicle from overhanging a public right-of-way line or public sidewalk. The requirement shall apply only where

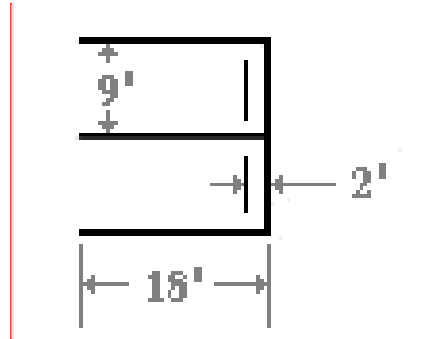
**Comment [KC18]:** Should it be stated that wheel stops are not required where there is a curb?

**Comment [KC19]:** Section s 5.2K2d & h both require setback of 30'.



spaces are adjacent to walks, rights-of-way, and required landscaping. Wheel stops shall be installed a minimum of two (2) feet from the end of the parking space.

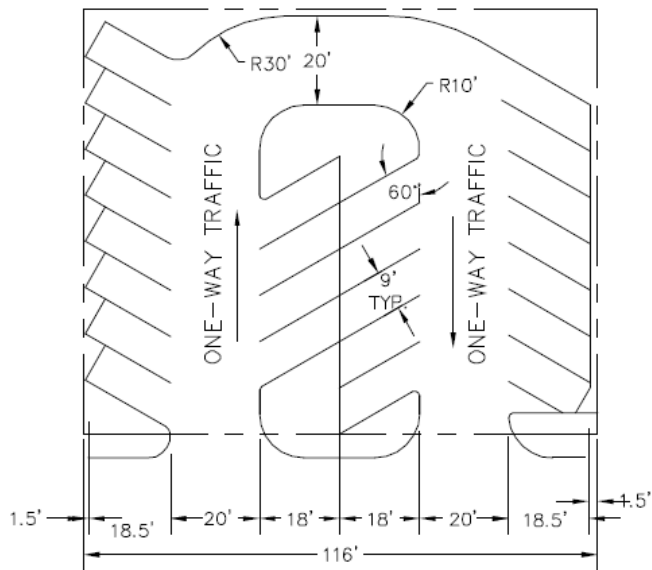
**Figure 5. Typical Parking Stall with Wheel Stop**



**Comment [KC20]:** Overall dimension should be 20' according to 5.2K.2.a. Is this only where there is no curb or would this also include where a curb is located but a sidewalk is directly adjacent to the end of the parking space?

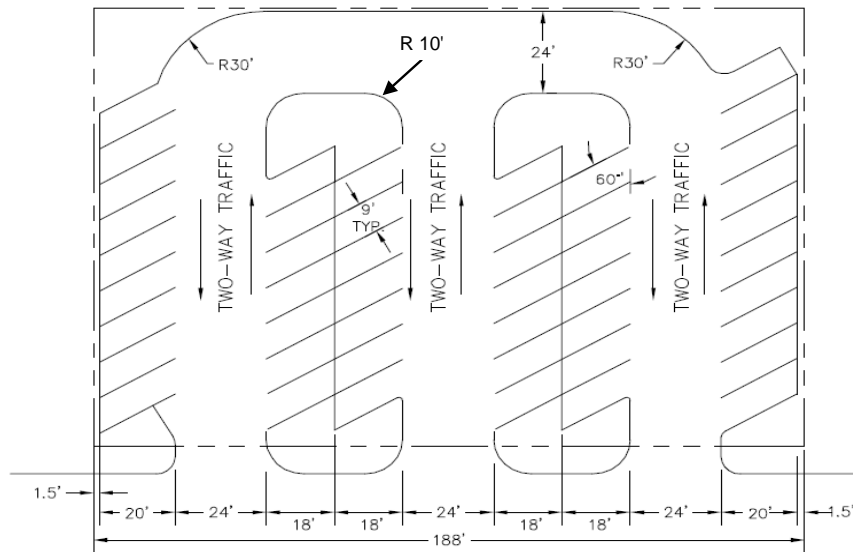
## 5. Typical Off-Street Parking Modules

**Figure 6. 60° Layout with One-Way Traffic**

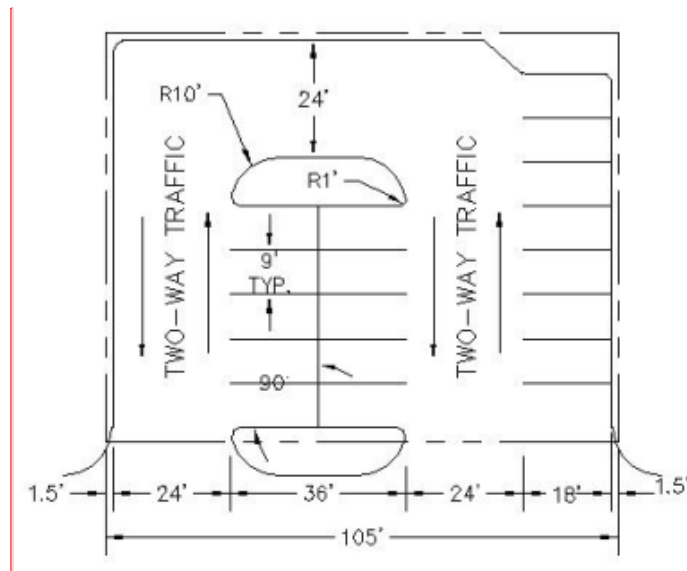




**Figure 7. 60° Layout with Two-Way Traffic**



**Figure 8. 90° Layout with Two-Way Traffic**



**Comment [KC21]:** Layout is showing 18 foot parking stalls with only 1.5 foot overhands.

## M. Off-Street Loading Standards



1. **Applicability.** Loading standards shall apply to all uses within the L-P District that contain a gross floor area of 10,000 square feet or more. Each such use shall provide and maintain off-street loading facilities adjacent to the building being served and shall be located on the same lot.

The requirement for loading spaces shall not be construed to include office uses.

2. **Definitions:**

- a. **Loading Space.** A loading space shall be defined as a location adjacent to a building where a vehicle is temporarily parked to perform loading and unloading operations. Loading doors are typically at grade in a standard loading space.
- b. **Loading Dock.** A loading dock shall be defined as any location where three (3) or more loading spaces are adjacent to one another and oriented perpendicular to the building being serviced such as the case in a typical warehousing/distribution use. Loading doors are typically elevated from finished grade (or finished grade is depressed below) in a standard loading dock. Please refer to Figure 2, Typical Loading Dock, for an example.

**Figure 2. Typical Loading Dock**



- c. **Access.** Off-street loading facilities shall be located adjacent to a public access-way or private service drive, in accordance with the following requirements:
  1. Any loading dock or loading space must provide a maneuvering area located entirely on private property, shall not utilize any public right-of-way, and shall not block any drive, aisle or fire lane.
  2. Loading docks that are within three-hundred (300) feet of any residential use shall be screened from those residential lots.
- d. **Minimum Loading Space Dimensions.** Loading spaces shall be a minimum of

**Comment [KC22]:** This should not be located under subsection #2 as it is not a definition. It should be switched to subsection #3.



twelve (12) feet in width, sixty-five (65) feet in length, and fourteen (14) feet in height except as may otherwise be approved by the City.

- e. **Use of Loading Spaces.** Off-street loading spaces shall be used only for temporary loading/unloading operations and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials or products.
- f. **Number of Loading Spaces Required.** Any use that receives or distributes material, supplies or merchandise by motor vehicle shall provide off-street loading in accordance with Table 4, Off-Street Loading Requirements, unless otherwise approved by the City based on the anticipated size and type of use.

**Table 4. Off-Street Loading Requirements**

Gross Floor Area (square feet)	Minimum Loading Spaces Required
0 – 9,999	None
10,000 - 50,000	1
50,001 - 100,000	2
100,001 +	1 additional space per 100,000 sq ft

- g. **Temporary Outdoor Storage Regulations for Cargo Containers, Operational Trailers, and Tractors.** The temporary storage of cargo containers, operational trailers and tractors shall be allowed in the L-P District for a period of up to 30 days. Outdoor parking or storage spaces for cargo containers, operational trailers and tractors shall be screened from view by either a masonry wall of a type and style complementary to the primary materials of the building, wrought iron, decorative metal, living plant material or a combination of these. The height of the screening shall be sufficient to block view of the equipment or vehicles from a public right-of-way. Where a masonry wall is used to satisfy this requirement, foundation planting shall be provided on the exterior face of the wall. These spaces shall be clearly demarcated solely for tractor and trailer storage. The storage or display of boats, trailers, campers, motor vehicles or other goods, materials or products for sale is prohibited in these spaces.

**Comment [KC23]:** This section does not work with how warehousing facilities have been developed. Existing site plans have required exceptions to this requirement as it is impossible to screen the entire trailer parking areas. Staff is suggesting that this requirement should be adjusted based upon they type of road is adjacent to the facility.

## N. Photometrics

1. **General.** All lighting shall be designed in accordance with applicable Illuminating Engineering Society of North America (IESNA) practices as applied to specified applications within the L-P ~~Special~~ District. All lighting facilities shall provide proper site lighting as well as being designed with cutoff illumination to reflect the illumination away from any adjacent property. Additional design provisions and considerations are presented below.
2. **Submittal Process and Review.** Photometric plans shall graphically depict illumination layout and foot candle values within area being lighted as well as along all adjacent property lines. In lieu of the requirements set forth in this Section, an alternative photometric plan may be submitted to the City for its approval. An alternative photometric plan shall include innovative design techniques in response to the unique characteristics of a particular site.
3. **Types of Lighting Systems**



- a. Street Lighting. Lighting designed in accordance with IESNA Standards to provide illumination of that portion of the street used by vehicular traffic.
  - b. Pedestrian Lighting. Lower level lighting intended to illuminate the pedestrian walkway that generally runs parallel to that portion of the street parallel to vehicular traffic or traverses a parking lot along a clearly demarcated walkway.
  - c. Parking Lot. Lighting designed in accordance with IESNA Standards to provide illumination for both vehicular parking areas and vehicular access tracts.
  - d. Loading Space/Loading Dock. Lighting designed to provide illumination for loading operations typically associated with warehouse/distribution operations.
  - e. Industrial Uses. Lighting designed in accordance with IESNA Standards to provide illumination for industrial uses/operations.
  - f. Commercial Uses. Lighting designed in accordance with IESNA Standards to provide illumination for commercial uses/operations.
  - g. Security. Lighting designed to provide ~~te-illumination~~ one for portions of a site at minimum levels to aid in surveillance during non-operational business hours.
  - h. Signage. Lighting designed solely to illuminate signage.
  - i. Street Lighting. Street Lighting shall conform at a minimum to the Kansas Department of Transportation Highway Illumination Manual in addition to requirements set forth by the City.
  - j. Parking Lot Lighting Facilities. Parking Lot lighting facilities shall provide illumination within parking areas not to exceed a maintained average of one and one half (1.5) foot candles at ground level, and shall not distribute more than one half (0.5) foot candles of light at the property line and two tenths of one (0.2) foot candle of light upon any adjacent single family residential property. For uses with 24 hour operations or uses that operate during the evening and night, a maximum maintained average of two and one half (2.5) foot candles at ground level shall be allowed; such uses shall distribute not more than one half (0.5) foot candles of light at the property line and two tenths of one (0.2) foot candle of light upon any adjacent single family residential property. A minimum average of the greater of either one (1) foot candle (maintained) or that required by applicable IESNA practice shall be required to be maintained.
4. **Sign Lighting.** All sign lighting shall be designed to minimize uplight. The use of floodlights to illuminate signage shall be done in a manner that eliminates glare along adjacent roadways and properties.
  5. **Maximum Height of Lighting Facilities.** The maximum height of lighting facilities shall be 180 feet measured from ground level to the top of the structure.
  6. **Light Trespass Control Measures**
    - a. **Luminaire Design and Location.** Any luminaire whose distance from a lot line is less than three (3) times its height shall be shielded so that all direct light cast in the direction of streets or abutting residential lots is cut off at an angle no more than seventy (70) degrees measured from a vertical line directly below the



luminaire. This requirement shall apply to all sides of the luminaire that emit light toward a lot line that is less than three (3) times the height away from the luminaire. The cut-off may be accomplished either by the luminaire photometric properties or by a supplementary external shield.

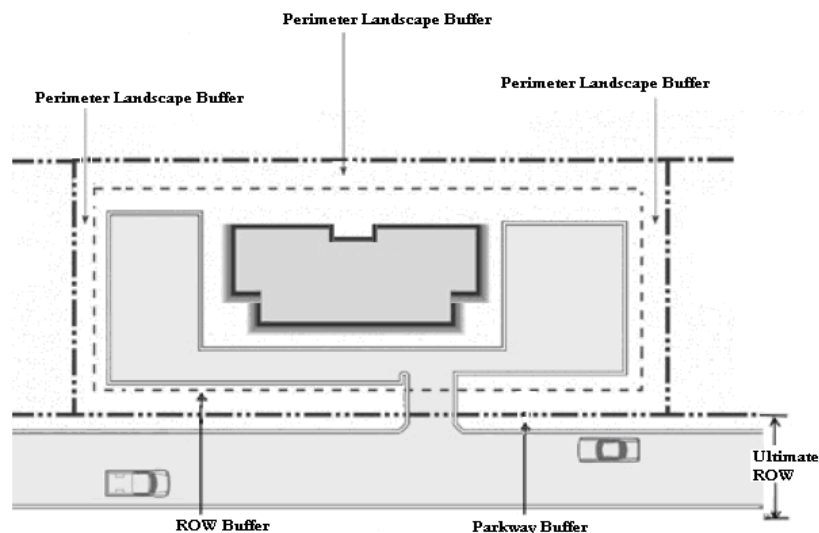
- b. **Lighting Shield Design.** Additional shields that are installed to control light trespass and glare as required herein shall be designed so that the parts of the shields that are exposed to the direct light of the luminaire and visible from streets or abutting residential lots shall have a flat-black, low reflectivity finish.
- c. **Electrical Design.** All electrical systems shall be designed in accordance with the National Electrical Code (NEC).

## O. Landscape Standards.

### 1. Definitions

- a. **Parkway Buffer.** A continuous area of land that is generally defined as that portion of the right-of way spanning from the property line adjacent to the right-of-way to the back of the curb adjacent to the road pavement. There shall be no minimum width requirement for a parkway buffer.
- b. **Perimeter Buffer.** A landscape buffer that is wholly contained within private property, is adjacent to internal property lines, and does not abut a public right-of-way.
- c. **Right-of-Way Buffer.** A landscape buffer that is wholly contained within private property with the purpose of providing a buffer between a land use and the adjacent street or thoroughfare and is adjacent to public Right-of-Way.

**Figure 1. Landscape Buffer Types**



2. **Maintenance.** All landscaping shall be planted and perpetually maintained by the property owner, except where maintained by another entity such as a Property Owner's Association (POA).
3. **Parkway Buffer Planting Requirements.** Planting other than sod or another



- equivalent groundcover shall not be required within the parkway buffer.
4. **Right-of-Way Buffer Width Requirements.** The total width of the right-of-way buffer shall depend on the width of the adjacent right-of-way, as indicated in Table 1, Right-of-Way Buffer Requirements. Additionally, required trees within the Right-of-Way buffer shall be provided in accordance with the guidelines in Table 1, Right-of-Way Buffer Requirements. (See Table 3, Buffer Planting Standards, for minimum planting requirements.)

**Table 1. Right-of-Way Buffer Requirements**

Street Type	Buffer Width	No. of Trees Required <sup>1</sup>
2 Lane / 4 Lane Undivided	10 feet	1 tree per 50 LF of ROW frontage
4 Lane Divided	15 feet	Minimum Spacing: 12 feet
6 Lane Divided	20 feet	Maximum Spacing 50 feet

The clustering of trees shall be allowed and encouraged to create a more natural appearing environment.

5. **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. (See Table 3, Buffer Planting Standards, for minimum planting requirements.)

**Table 2. Perimeter Landscape Buffer Requirements**

Adjacent Use	Required Buffer <sup>1</sup>	Width	Minimum Screen Height <sup>2</sup>
Industrial	Type 1	5 feet	3 feet
Utilities/Transportation	Type 1	5 feet	3 feet
Agricultural	Type 2	10 feet	3 feet
Public/Civic	Type 3	15 feet	4 feet
Commercial/Retail	Type 3	15 feet	4 feet
Residential	Type 4	20 feet	6 feet

**Comment [KC24]:** Update the formatting below as this appears to be referring to the following item 'a'

**Comment [KC25]:** Update the formatting below as this appears to be referring to the following item 'b'

- a. Type 1 and Type 2 Buffers shall not be required along rear property lines or along interior side (not abutting public right-of-way) property lines behind the front face of the building.
- b. In cases where landscape material is used to provide screening, the material used must provide a continuous opaque screen within one (1) growing season. Minimum screen height may be achieved solely through planting material or a combination of berming and plant material. (and/or decorative fencing and walls comprised of stone and painted metals).
6. **Buffer Composition Requirements.** Required plant material within each type of landscape buffer shall be in accordance with the provisions set forth in Table 3, Buffer Planting Standards.

**Table 3. Buffer Planting Standards**



Buffer Type	Plant Type	Maximum Spacing at Installation	Minimum Height/Caliper Inches at Installation	Minimum Percentage of landscaping within Buffer Area	Minimum Height at Maturity <sup>1</sup>
Type 1 Perimeter Buffer	Canopy Tree Evergreen	50 feet	12 feet/ 2.5" caliper	100%	25 feet
	Hedge/Shrub Evergreen	48 inches	24 inches	25%	36 inches
Type 2 Perimeter Buffer	Canopy Tree Evergreen	50 feet	12 feet/ 2.5" caliper	100%	25 feet
	Hedge/Shrub Evergreen	48 inches	24 inches	35%	36 inches
Type 3 Perimeter Buffer	Canopy Tree Evergreen	50 feet	12 feet/ 2.5" caliper	100%	25 feet
	Hedge/Shrub Evergreen	48 inches	24 inches	75%	36 inches
Type 4 Perimeter Buffer	Canopy Tree Evergreen	50 feet	12 feet/ 2.5" caliper	100%	25 feet
	Hedge/Shrub Evergreen	48 inches	24 inches	100%	36 inches
ROW Buffer	Canopy Tree Evergreen	50 feet	12 feet/ 2.5" caliper	100%	25 feet
	Hedge/Shrub Evergreen	48 inches	24 inches	25%	36 inches

**Comment [KC26]:** Update the formatting below as this appears to be referring to the following item 'a'

- a. Hedges/Shrubs must achieve their minimum height within three (3) growing seasons.
- b. No single species of tree or plant material shall comprise more than 30% of the cumulative total of plantings on a site.
- c. The clustering of trees and shrubs shall be allowed and encouraged to create a more natural appearing environment.

**Comment [KC27]:** The clustering of trees does not work when the maximum spacing is 50'.

7. **Screening from Residential Uses.** Property adjacent to or across from residential uses shall be landscaped in accordance with the standards set forth in this Section.
8. **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.
9. **Fencing.** All fencing visible from a public right-of-way shall be either masonry of a type and style complementary to the primary materials of the building, wrought iron, decorative metal, living plant material or a combination of these. Fencing containing barbed wire, razor wire, or an equivalent shall be prohibited where adjacent to a residential use or visible from a public right-of-way. No fencing visible from a public right-of-way shall be located within a Parkway Buffer or a Right-of-Way Buffer as described in this Section.
10. **Alternative Landscape Plan.** In lieu of the requirements set forth in Section 1.1., Landscaping Standards, an Alternative Landscape Plan (ALP) may be submitted to the Planning Commission for approval. An ALP shall utilize an innovative use of

**Comment [KC28]:** Wrong reference – Section 5.20



plant materials and design techniques in response to the unique characteristics of a particular site. At a minimum, an ALP shall contain equivalent landscaping as is required by these regulations.

11. **Xeriscaping Credit.** Landscape Plans developed with sound xeriscaping principles as outlined in Kansas Smartscape® or other published materials shall be eligible for a reduction of landscaping up to 20% of the overall requirements. Applicants wishing to request credit must prepare an ALP, clearly outlining the xeriscaping principles being utilized. The final determination of credit granted shall be discretionary and based upon the final determination made by the City Administrator or designee.

**Comment [KC29]:** Should this be changed to CDD/Zoning Administrator?

## **P. Signage**

**Comment [KC30]:** Should this be located with the other sign requirements (Article 12)?

1. **General.** The intent of this article is to promote the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:
  - a. The safety of the citizens of the City by prohibiting signs which create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or to read traffic signs.
  - b. To preserve landscape quality in the protection of the public welfare and to enhance the appearance and economic value of the landscape by providing that a sign does not create a nuisance to occupancy of adjacent and contiguous property by its brightness, height, size, or movement.
2. **Applicability and Effect.** A sign may be erected, placed, established, painted, created or maintained in the L-P District only in conformance with the standards, procedures, exemptions and other requirements of this ordinance. These regulations apply to all signs and their effect is:
  - a. To establish a permit system to allow a variety of types of signs subject to the standards and the permit procedures of the code; and
  - b. To prohibit all signs not expressly permitted by these regulations, except as approved through the appeals process established by these regulations.
3. **Exempted Signs.** The following signs shall be exempt from the requirements of this article with the exception of set-back from property lines.
  - a. Signs of a duly constituted governmental body, including traffic or similar regulatory services, legal notices, warnings at railroad crossings, and other institutional or regulatory signs having to do with health, hazards, parking, swimming, dumping and of a similar nature.
  - b. Scoreboards, municipal golf course tee signs, sports field fencing, and park signs.
  - c. Signs incorporated on the inside of ~~thea~~ building/lease space on a window that is not readable from right-of-way.
  - d. Permanent signs designating historic tours, permanent direction signage, government facility or operation locations.
  - e. All City and State directional and traffic control signs.
  - f. One temporary sign not exceeding twelve (12) square feet in area.
  - g. The changing of messages or copy of signs designed and intended to be changed on a regular basis provided the sign is not altered. Examples of these type signs are theater marquees, menus, fuel prices, directories, and the like.
  - h. Signs which display date, time and temperature are permitted, providing they do not exceed six (6) square feet in addition to other signage on the property.
  - i. On-site directional signs necessary for the movement and circulation of traffic



which are three (3) square feet or less in size.

- j. Signs which display "help wanted," and do not exceed six (6) square feet.

#### 4. Prohibited Signs.

- a. Off-Premise Billboards. Off-premise pole signs and billboards are prohibited in the L-P District.
- b. Trailer Mounted and Portable Read-a-Board Signs. Trailer mounted and portable read-a-board signs are strictly prohibited, and subject to the following:
  - 1. **Enforcement**. The owner or occupant of any property upon which there is located a trailer mounted, or non-trailer mounted, portable read-a-board sign in violation of this Sub-Section or the owner or lessee of any trailer mounted, or non-trailer mounted, portable sign which is in violation of this Sub-Section as herein defined shall be given notice by the Building Official or designee, stating the nature of the violation and ordering that the violation be corrected or removed from said property within seventy two (72) hours.
  - 2. **Notice**. Notice shall be given by one of the following methods:
    - a. A written notice may be attached to the sign in violation of this Sub-Section, or
    - b. Verbal notification may be made by telephone or in person.
    - c. No Response. If the owner, lessor, lessee, or the representative of the lessor of the trailer mounted or non trailer mounted portable sign fails to remove such sign within seventy two (72) hours of the notification, the owner, lessor or lessee shall be issued a citation.
    - d. Entrance onto Property. The Building Official or any duly authorized agent may enter upon private property which is accessible to the public for the purposes specified in this SubSection to examine signs or their location, obtain information as to the ownership of such signs and to declare the sign to be a violation pursuant to this Sub-Section.
  - c. Obscene and Immoral Matter. It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral behavior, as defined in the Black's Law Dictionary Fifth Edition.
  - d. Painting or marking on streets, sidewalks or utility poles. No person shall attach any sign, paper or other material, or paint, stencil or write any name, number (except address numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure except as otherwise allowed by the code.
  - e. Hand Bills and Placards. No person, firm, corporation or association of persons, shall paste, stick, tack, nail or otherwise place any advertisement, handbill, placard or printed, pictured or written matter or thing for any purpose upon any fence, railing, sidewalk or public telephone, electric or other utility pole, or any other public property, including trees thereon.
  - f. Flashing Signs. Signs of any type with flashing, revolving or rotating lights shall not be permitted.
  - g. Pole Signs/Pylon Signs. Pole signs shall be prohibited in the L-P District.
- 5. Illuminated signs are permitted in nonresidential districts, provided that they shall not be erected within one hundred (100) feet of any residential zoning district unless properly and adequately shielded so that light from such sign is not directed toward such residential district.
- 6. In no case can a sign be placed closer than fifteen (15) feet from a residential property.

Comment [KC31]: Define

Comment [KC32]: Should this be the CDD

Comment [KC33]: Is the Numbering correct (items 5-16) . These items appear to need to be moved to the next level (h-s)

Comment [KC34]: This should be reworded. "shall not be erected in or within"



7. No high intensity lights shall be permitted as part of a sign display visible from an adjacent street.
8. No sign shall be illuminated to intensity greater than two hundred (200) foot-candles. The restrictions of luminance in this Sub-Section shall be determined from any other premise or from any public street right-of-way other than an alley.
9. The maximum size of any temporary construction/development sign, that is not adjacent to a highway, is ninety (90) square feet per side, with a maximum height of twenty (20) feet and a maximum length of fifteen (15) feet.
10. The maximum size of a temporary construction/development sign adjacent to a highway is three hundred twenty five (325) square feet per side, with a maximum height of thirty (30) feet and maximum length of fifteen (15) feet.
11. No sign shall be located as to obstruct the vision or sight distance of vehicle operators or pedestrians at any intersection or street crossing. In order to maintain visual clearance and sight distance for vehicle operators and pedestrians:
  - a. A 20' x 20' Visibility Triangle shall be provided.
  - b. A sign in direct line of vision of any signal light, traffic control sign, or any other such device from any point in a moving traffic lane must be at least fifty (50) feet from such device, unless the Superintendent of Public Works, or designee, approves the placement of such sign.
12. No sign shall be constructed nearer than three (3) feet from any public or private underground utilities. No ground sign or accessories to such sign shall be located within ten (10) feet vertically and six (6) feet horizontally of electrical wires or conductors in free air carrying more than forty eight (48) volts, whether or not such wires or conductors are insulated or otherwise protected.
13. Signs Posted on Poles and Fences. No sign shall be posted upon any tree, utility pole, fence post, or any style or type of fence. No detached sign shall be suspended over any building or structure.
14. No cloth, paper, banner, flag, device, or other similar advertising matter shall be permitted to be attached, suspended from or allowed to hang loose from any sign, building, or structure, except as allowed by other provisions of this Section. Such advertising matter shall be a violation of this Section and shall be removed immediately upon notice by the Building Official. No person shall place on, or suspend from any building, pole, structure, sidewalk, parkway, driveway, or parking area, any goods, wares, merchandise, or other advertising object or structure for the purpose of advertising such items, except as otherwise permitted.
15. No portion of any sign shall be erected upon or over public property or public right-of-way, except as otherwise specifically permitted.
16. No signs shall be attached to a motorized vehicle, where the primary use of such vehicle is for sign purposes. Signs attached to or upon any motorized vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of using the vehicle for signage. Vehicles operating under a city Franchise shall be excluded from this provision. This provision does not restrict the identification signing of vehicles used for delivery service, interstate commerce, or any bona fide transportation activity.

**17. Specific Sign Regulations**

- a. **Attached Sign.** A sign attached to, painted on, or erected against a wall of a building which extends no more than twelve (12) inches from the wall surface upon which it is attached and whose display surface is parallel to the face of the building to which the sign is attached and may not extend above the roof line or roof façade, and must be at least eight (8) feet from grade.
- b. **Directional Signs.**
  1. Directional signs shall be allowed in the L-P District subject to the following:

**Comment [KC35]:** Should this be based upon ASSHTO

**Comment [KC36]:** CDD

**Comment [KC37]:** No maximum area, size or number of signs. An attached sign would also appear to be the same as a 'wall sign' other than an attached sign specifies that it must be at least 8 feet from grade.



- a. Directional signs shall be limited to six (6) square feet in area for institutional uses, with one (1) sign per street entrance allowed.
- b. Identification of services is permitted on such a sign, such as “emergency services entrance.” Such signs are limited to two (2) square feet or less in area for non-institutional uses, with no limit on the number of signs permitted for such uses. For non-institutional uses, identification of services is not permitted on such sign.
- c. **Monument Signs.**
  1. Maximum height: Fifteen (15) feet including monument base along thoroughfares with an ultimate typical right-of-way width of seventy-two (72) feet or greater, measured to ground level at base; and eight (8) feet elsewhere in the L-P District.
  2. Maximum area ~~allowe~~: Sixty (60) square feet of sign area.
  3. Placement: Fifteen (15) feet from property lines from out board edge of sign face or sign edge abutting a street. Twenty five (25) feet on corners for Visibility Triangles.
  4. Maximum Number: One (1) per six hundred (600) feet of each frontage, or fraction thereof, along thoroughfares with an ultimate right-of-way width of seventy-two (72) feet or greater, and five hundred (500) feet in the remainder of the L-P District.
- d. **Wall Signs.**
  1. Construction: Attached signs that are illuminated internally shall be constructed only of materials that are noncombustible or slow burning in the case of plastic inserts and faces.
  2. Maximum height: A wall sign shall not extend above the roofline or facade of a building.
  3. Maximum area:
    - a). Frontage: Total square footage is equal to one (1) times the length of the building frontage or lease space frontage;
    - b). Sides: Total square footage is equal to one half (0.5) times the length of the side wall of building.
  4. Minimum area: A wall sign shall be a minimum of twenty four (24) square feet.
  5. Depth: A wall sign shall not extend more than twelve (12) inches from the building wall to which it is attached.
  6. Placement: Painted or attached directly on the wall surface on a building intended to be viewed from the ground. Signs above roofline, fascia, or top of roofs are strictly prohibited.
- e. **Portable Signs, Temporary Banners, Flags, or Inflatable Signs.** Prior to the use or placement of any portable sign, temporary banner, flags or inflatable signs, a permit must be obtained from the City. The maximum size of any such sign is 12 square feet. A permit for such signs can only be issued for a maximum continuous period of fourteen (14) days, and for a maximum number of four (4) times per calendar year. A minimum time of sixty (60) days must be elapsed between expiration and issuance of such permits. None of these signs shall be located in city rights-of-way, in any Visibility Triangle, or in any other location so as to impair traffic or pedestrian vision or safety. All such signs must be set back a minimum distance of five (5) feet from the property line. Such signs may be internally lighted; however, such lighting shall not be flashing or intermittent. Temporary electrical requirements shall be subject to the adopted electrical code.
  1. Banners and other wind devices shall be securely attached to a wall surface or building element and shall not project above the apparent roof or building eave line. A fence or railing shall not be considered to be a building element.

**Comment [KC38]:** Does this just mean outside 25' x 25' triangle at the corner or along the entire frontage of a corner property .

**Comment [KC39]:** Is this the same as an Attached sign?

**Comment [KC40]:** What about attaching to the ground or other locations such as gas pumps?



A banner shall not be used in lieu of a permanent sign, except in the case of new businesses where it may be used for a period not exceeding thirty (30) days. Banners shall be secured at all points of attachment. Torn or severely weathered banners shall not be permitted.

2. The number of banners displayed on any premises shall not exceed two (2).
3. No individual banner shall contain more than forty (40) square feet of area.
4. Banners found in violation of this Section must be removed or made to conform within 24 hours of notification.

f. **Kiosk Signs.**

1. Kiosk signs provide a uniform, coordinated method of providing information while minimizing the negative impacts to the City and its residents. A Kiosk sign is a sign containing individual panels and is generally used to provide direction to residential subdivisions from major thoroughfares or to provide direction to schools, amenities, information centers, community facilities and neighborhoods within a residential subdivision. Kiosk signs shall conform to the requirements set forth below. A "Sign Panel" is an individual sign placard displaying directional information on a kiosk sign.
2. All kiosk signs must have approval by the Planning Commission. Placement of Kiosk signs shall not distract traffic or create a traffic hazard. The Superintendent of Public Works must approve the placement of all kiosk signs prior to installation. Kiosk sign structures shall not exceed 12 feet in height and 4 feet in width. Kiosk sign structures shall be ladder type with individual sign panels of uniform design. The color of all kiosk sign structures and panel background color will be approved by the City. The City may, by a duly executed services contract, grant to a qualified person or company the right to design, erect and maintain directional kiosk signs within the City.

18. **Maintenance of Signs.** All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be maintained in a proper state of preservation. No sign will be allowed to be kept in a dilapidated or deteriorated condition. Signs with broken or missing faces shall be repaired or replaced within fifteen (15) days of notice by the Building Official.

- a. Freestanding sign panels advertising a business that has vacated the premises must be replaced with the new business or a blank panel within thirty (30) days of vacancy.
- b. Any sign which the Building Official determines no longer serves a bona fide use conforming to this code, shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such signs is located within fifteen (15) days after written notification to do so from the Building Official. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incident~~al~~ thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon where it is erected.
- c. If the Building Official shall determine that any sign is unsafe or unsecure, or is a menace to the public, he shall give written notice to the person or persons responsible for such sign. If the permittee, owner, agent or person having the beneficial use of the premises fails to remove or repair the sign within fifteen (15) days after such notice, such sign may be removed by the Building Official at the expense of the permittee or owner of the property upon which it is located. The Building Official may cause any sign that is an immediate hazard to persons to be removed summarily and without notice.

19. **Illegal Signs.** An illegal sign is any sign that meets any of the following criteria:



- a. A sign erected without first obtaining a permit from the City and complying with all regulations in effect at the time of its construction or use;
- b. A sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises;
- c. A nonconforming sign for which the amortization period has expired;
- d. A sign that was legally erected but which later became nonconforming and then was damaged to the extent of 50% or more of its current replacement value;
- e. A sign that is a danger to the public or is unsafe; or
- f. A sign that pertains to a specific event that has not been removed within five (5) days after the occurrence of the event.

**20. Non-Conforming Signs.**

- a. Non-conforming signs, except as otherwise provided by these regulations, may be continued subject to the following limitations:
  - 1). The owner of a non-conforming sign, upon receipt of a notice of non-conformity, may register the sign with the City as an existing, non-conforming sign.
  - 2). Registered, non-conforming signs may be maintained and repaired with like materials and the sign message may be changed, provided that there is no extension, enlargement, change in location, or structural modification to any non-conforming aspects of the sign.
  - 3). When a non-conforming sign is demolished or damaged to the extent that the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location, such sign shall be eliminated or made to conform to the current sign regulations.
- b. Removal of Non-conforming Signs. The following non-conforming signs shall be eliminated or made to conform to the current sign regulations within thirty (30) days of the receipt of a notice of nonconformity. Signs subject to this Section are those whose characteristics constitute a public safety hazard.
  - 1). Signs that violate the sight triangle provision.
  - 2). Signs using the words "stop," "slow," "caution," "danger" or any other word, phrase, symbol or character in such a manner as is reasonably likely to be confused with traffic, directional and regulatory signs.
  - 3). Signs erected so that by their location, color, nature or message are likely to be confused with or obstruct the view of traffic signals or signs, or is likely to be confused with the warning lights of an emergency or public safety vehicle.
  - 4). Strings of lights not permanently mounted to a rigid background.
  - 5). Signs affixed to trees or utility poles.
  - 6). Temporary and portable signs, except those provisionally exempt signs listed in this Section as Exempted Signs, which violate building code provisions for wind loading, structural stability, electrical wiring or other code provisions.

- 21. Forfeiture of Signs.** Any sign installed or placed on public property, except in conformance with the requirements of these regulations, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

**22. Computation of Area of Individual Signs**

- a. The area of a sign shall be computed as the entire advertising area of the sign, including any framing or trim, contained within the respective sign cabinet. For the purposes of this computation the sign cabinet shall be defined as the



structure or border used to differentiate a sign face from the structure against which a sign face is placed.

- b. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning or wall and all such elements are located in the same plane, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the wall.
- c. The permitted area for all monument signs shall not include the sign base or sign structure. In no case shall the overall sign structure, including the base, exceed the maximum allowed height nor the maximum allowed sign area. In no case shall the sign face of a monument sign exceed 50% of the overall sign structure.

**Comment [KC41]:** First sentence states that sign base of monument is not included for area. Second sentence states that sign including base shall not exceed sign area.

23. **Computation of Area of Multi-faced Signs.** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are substantially similar, and when such sign faces are part of the same sign structure the sign area shall be computed by the measurement of one of the faces.

24. **Computation of Height.** The height of a sign shall be computed as the mean distance from the base(s) of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

25. **Computation of Sign Setback.** The spacing between a sign and a lot line or two (2) signs. The distance is measured horizontally from a vertical plane at the outer extremity of each sign.

26. **Computation of Maximum Number of Signs.** Pursuant to the standards provided in the L-P District, each lot is allocated the maximum number of signs allowed. Where indicated, additional signs beyond the identified allowance shall be determined by the lineal frontage of the lot or of the "artificial lot".

**Comment [KC42]:** Define.

27. **Sign Permits, Applications and Inspections.**

- a. It shall be unlawful for any person to paint on any wall or surface, construct, erect, alter, enlarge or repair any sign within the legal boundary of the L-P District without first obtaining a permit from the Building Official and paying the fee as listed elsewhere in the City Code.
- b. Signs to be illuminated are subject to the electrical code, permit and fee requirements.
- c. Applications for permits shall be made upon forms provided by the Building Official, and shall contain or have attached thereto the following information:
  - 1). Name, address and telephone number of the applicant.
  - 2). Location of building, structure, or lot to which or upon the sign or other advertising structure is to be attached or erected.
  - 3). Two (2) sets of plans to scale shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences, and sidewalks, and two sets of plans and specifications showing method of construction and attachment to the building or ground, size, type, height, construction materials, and such other information as the Building Official may require. The plans shall be one-eighth inch (1/8") to one foot (1'). Signs over ten (10) feet in height shall be



- engineered design.
- 4). Name and address of person, firm, corporation, or association erecting any structure.
- 5). Electrical permit shall be required for illuminated sign.
- 6). Zoning classification carried by the property.
- 7). Such other information as the Building Official may require in order to show full compliance with this and all other laws and ordinances of the city and state.
- d. The Building Official may require plans to be prepared by a registered professional engineer. Original signature of engineer required. Engineer shall be certified by the State of Kansas.
- e. It shall be the duty of the Building Official upon the filing of an application for a sign permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed structure is in compliance with all the requirements contained in the building code, and all other laws and ordinances of the City of Edgerton. The Building Official shall then issue the sign permit. If the work authorized under a sign permit has not been completed within ninety (90) days after issuance, the said permit shall become null and void.
- f. The Building Official shall be notified by the permittee when erection of the sign is complete and he shall make an inspection to determine if the sign conforms to city ordinances and codes.
- g. Signs or signs with moving parts shall be approved by the Planning Commission.
- h. Signs shall meet all adopted building codes and fire codes.
- i. Signs in excess of fifty (50) square feet in area and taller than ten feet in height shall be designed by a structural engineer registered in the State of Kansas; these signs shall be constructed to withstand a minimum wind load of thirty (30) pounds per square foot and a minimum dead load as required by the adopted building code.

**Q. Diesel Emission Requirements** The following diesel emission requirements shall apply to warehouse/distribution, manufacturing including heavy duty diesel trucking and courier services, warehousing and storage, and motor freight transportation terminals, truck stops, and maintenance facilities located within the L-P (Logistics Park Zoning) District:

1. Except for loading/unloading operations, heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds shall be restricted from idling on-site for no more than 5 minutes in any 60 minute period. For loading/unloading operations, idling shall be restricted to no more than 30 minutes in any 60 minute period. The following exceptions shall apply to this section:
  - a. Emergency vehicles performing their emergency duties;
  - b. Vehicles that must idle to operate auxiliary equipment to accomplish the intended use of the vehicles such as mixing, refrigerating, or operating a hydraulic lift. The exemption does not apply when the vehicle idling is solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions except in the case of a safety or health emergency;
  - c. Vehicles in extreme hot or cold weather;
2. One electrical hook-up shall be provided for "trucker plug-ins" equal to a minimum of one-third (1/3) of the total number of truck bays at the facility to eliminate excessive idling by heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds. Approval to use alternative technologies to eliminate excessive idling may be requested, but shall not be approved unless the applicant demonstrates that they



are at least as effective as electrical hook-ups;

3. Signs shall be posted by owner(s) of the facility at each vehicle entrance to the facility notifying drivers of heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds to turn-off engines when not in use;
4. The operation and idling of heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds, including circulation, shall be restricted within 300 feet of any property zoned for or committed to residential use, or the owner/developer shall provide alternative measures including the possible installation of a wall or other mitigating measures to assure buffering of residences from heavy-duty truck operations, unless the owners of property located adjacent to said heavy duty diesel truck operations consent and agree, in writing to:
  - a. Allow the location of heavy-duty diesel truck operations within 300 feet of their property zoned for and committed to residential use, and
  - b. Restrict areas of their property located within 300 feet of adjacent trucking operations to only non-residential uses;
5. Warehouse managers and employees shall be trained by the employer(s) or operator(s) of the facility to use efficient scheduling and load management to eliminate unnecessary operation, queuing, or idling of heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds.
6. Warehouse managers and employees shall be provided by the employer(s) or operator(s) of the facility with information about the possible effects of diesel emissions on their own health and the importance of being a good neighbor by minimizing idling and avoiding other potentially adverse impacts on adjacent or nearby residences.
7. Where feasible, on-site services should be made available to vehicle drivers to reduce idling. These services may include restroom facilities, seating for drivers waiting for their cargo to be loaded or unloaded, and/or food/beverage vending machines.
8. Where feasible, any motorized equipment used within the proposed development should utilize clean technology propulsion and/or alternative fuels such as electricity or propane.
9. Where feasible and, if fuel dispensing facilities are provided on-site, alternative clean fuels should be provided at these dispensing facilities. (Ord. 888, 2010)

### 5.3 I-G General Industrial District

- A. Purpose. This district is intended primarily for basic industry; warehousing, distributing, processing, and assembly of goods and products. The activities found in this district are typically conducted so that noise, odor, dust, and glare are confined within the district. The size and volume of the materials, finished products, and freight generated by the uses of this district are such that they can be located adjacent to non-industrial uses.
- B. Use Restrictions. In ~~District~~the I-G District, no building, structure, land or premises shall be used, and no building or structure shall be erected, constructed, reconstructed, moved, or altered, except for uses listed as permitted, conditional, or special.



C. Permitted Uses. The following uses shall be permitted within I-G-General Industrial District.

1. Automotive repair and service.
2. Auction yards and auction houses.
3. Bottling works; food and beverage packaging.
4. Bus storage buildings or lots.
5. Building construction trades.
6. Fabrication and assembly, building materials.
7. Distribution center; freight.
8. Manufacturing, limited.
9. Warehouse and processing, limited.
10. Laundry, cleaning and dyeing works.
11. Sign shops and service.
12. Printing and publishing; paper products.
13. Research facility.
14. Any other industries or businesses that are in keeping with the intent of the district and are compatible with the permitted uses.
15. Accessory Uses

D. Uses Permitted by Condition (Conditional Uses). The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.

1. Communication towers greater than 60 feet in height (exclusive of antenna).
2. Transportation storage and trucking yards
3. Recycling center
4. Construction equipment storage
5. Chemical and allied products – manufacturing and storage
6. Solid waste transfer stations.
7. Mining or quarrying
8. Oil and gas extraction.
9. Salvage yards.

E. Property Development Regulations. The following regulations shall apply to each site in the I-G, General industrial District.

**Comment [KC44]:** Match formatting with other districts

Table of Setbacks, Yards, and Area for I-G District					
Use	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height	Minimum Open Space
Principal Buildings	30 feet.	No side yard shall be less than 10', except when adjacent to a residential district then 20' shall be required.	No rear yard shall be less than 15', except when adjacent to a residential district then 20' shall be required.	35 feet.	25%

**Comment [KC43]:** What about accessory structures



F. Appearance Codes. All new industrial uses established after the effective date of this ordinance shall comply with the following requirements:

1. Scrap materials, non-operative motor vehicles or machinery, dis-assembled machinery, debris, solid waste containers, construction materials or equipment, and used machinery parts must be stored within a defined area behind a screening fence. At a minimum, the screen must be a solid six-foot wood or slat filled metal fence; the Zoning Administrator is authorized to substitute shrubbery, trees, or earth-berms, or a combination of these methods. The Board of Zoning Appeals is authorized to grant waivers when unusual conditions prevent storage and screening.
2. All parking, drives, and entrances shall be surfaced with asphalt, or concrete except that parking lots located in the rear yard of the principal building used exclusively for the storage of vehicles, or for remote, reserve parking may use recycled asphalt or gravel on compacted earth.
3. Reserved for future change.
4. All entrances to the public right-of-way shall maintain a clear vision triangle calculated 45° either direction measured twenty (20) feet from the point of intersection to the delineated stop line.
5. All outdoor lighting must be shielded and focused to direct light onto the premises and away from adjoining residential properties.
6. Multiple businesses in one structure are permitted provided that adequate parking and circulation are maintained.

**Comment [KC45]:** Verify how this is measured. Add a figure. Should this be a general requirement for all industrial or commercial uses and placed in Article 10.

G. Parking and Loading.

1. 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 spaces shall be at least nine (9) feet by twenty (20) feet.
2. Light manufacturing shall provide one parking stall per one hundred (100) sq. ft.; general manufacturing shall provide one parking stall per one hundred fifty (150) sq. ft.; and, heavy manufacturing shall provide one parking stall per 200 sq. ft.
4. Minimum parking standards may be adjusted to greater or lesser capacities to account for location, expected circulation flows, and conversion probabilities by the Planning Commission or Zoning Administrator. Each establishment shall provide adequate loading space within a building or in a side or rear yard, in such a way that all storage, standing and maneuvering of trucks shall be off the public right-of-way.
5. No portion of a parking or loading space, including maneuvering areas, except the necessary drives, shall be located closer than 30 feet from a public street right-of-way.
6. All parking shall be on a surface prepared from concrete or asphalt.
7. All commercial buildings shall provide a designated off-street space for the loading and unloading of goods and merchandise.
8. See Article 10 for additional parking requirements.

## 5.4 I-H Heavy Industry District.



A. Purpose and Intent. This district is designed to accommodate heavy industrial uses not otherwise provided for in the I-G General Industrial district. The intensity of uses permitted in this district requires separation from residential and commercial uses.

B. Uses Permitted. The following uses shall be permitted in the I-H, Heavy Industrial District:

1. Agricultural storage and processing facilities, including elevators and dehydrators.
2. Sale and bulk storage of agricultural fuels, feed, fertilizers, and pesticides.
3. Asphalt, cement plants.
4. Heavy construction trades.
5. Manufacture and processing of chemicals.
6. Pottery and porcelain products (bulk manufacturing).
7. Public safety services.
8. Public utilities or facilities.
9. Scrap metal storage yard.
10. Stone products.
11. Transfer station, solid waste.
12. Wire rope and cable.
13. Any manufacture, processing, or fabrication activity that involves substantial heat, light, and glare from welding, pressing, stamping, food preparation, assembly lines, or excessive noise from moving, machinery, or assembly.
14. Any other use similar in character to the above as approved by the Planning Commission.

**Comment [KC46]:** Manufacturing?

**Comment [KC47]:** Manufacturing?

**Comment [KC48]:** How does this occur. I have worked with other regulations that specify that the Planning Board and Governing body may approve other uses as Special or Conditional uses but have not seen this for permitted uses.

**Comment [KC49]:** Should Accessory Uses be included

C. Uses Permitted by Condition (Conditional Use). The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.

1. Acid manufacture or reclamation.
2. Pesticide or herbicide manufacture.
3. Explosives manufacture or storage.
4. Slaughtering, rendering, packing operations
5. Fertilizer manufacture.
6. Petroleum refinery.
7. Smelting of base metals.
8. Adhesive manufacture.
9. Incineration.
10. Stockyards.
11. Wholesale/storage (bulk) of gasoline and other petroleum products.

D. Setback, Yard and Area Regulations.

**Comment [KC51]:** Match formatting with other districts

Table of Setbacks, Yards, and Area for I-H District				
Use	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height



Principal Buildings	35'	20 feet, except that a 40-foot setback shall be established on all parcels adjacent to a residential zone or use.	25-foot setback shall be established for structures with access or service from the rear. Within this setback an alley, service court or drive is allowed.	40'
---------------------	-----	---	--	-----

**Comment [KC50]:** What about accessory structures

- E. Special Regulations. The use of all property and buildings in the I-H district shall be conducted in a manner such that all operations, display or storage of material shall be screened by ornamental fences, walls and/or permanent tree plantings in accordance with Section 6-9.

**Comment [KC52]:** Appears to be incorrect reference

F. Parking and Loading.

1. 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 spaces shall be at least nine (9) feet by twenty (20) feet.
2. Light manufacturing shall provide one parking stall per one hundred (100) sq. ft.; general manufacturing shall provide one parking stall per one hundred fifty (150) sq. ft.; and, heavy manufacturing shall provide one parking stall per 200 sq. ft.
3. Minimum parking standards may be adjusted to greater or lesser capacities to account for location, expected circulation flows, and conversion probabilities by the Planning Commission or Zoning Administrator. Each establishment shall provide adequate loading space within a building or in a side or rear yard, in such a way that all storage, standing and maneuvering of trucks shall be off the public right-of-way.
4. No portion of a parking or loading space, including maneuvering areas, except the necessary drives, shall be located closer than 30 feet from a public street right-of-way.
5. All parking shall be on a surface prepared from concrete or asphalt.
6. All commercial buildings shall provide a designated off-street space for the loading and unloading of goods and merchandise.
7. See Article 10 for additional parking requirements.

**Comment [KC53]:** Should a loading & unloading space be defined with a standard size?