

EDGERTON COMMUNITY BUILDING  
PLANNING COMMISSION MEETING  
Regular Session  
April 14, 2015  
Minutes

The Edgerton Planning Commission met in regular session with Chair Davis calling the meeting to order at 7:15 p.m.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were: Commissioners Chuck Davis, Maria O'Neill, Randal Gifford, Bob O'Neill, and Andrea Lucero. Absent were: Commissioners Ron Conus, Missy Drinkard, Cliff Withrow and Bill Braun. Also present were Community Development Director Kenneth Cook and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

**MINUTES**

Minutes of March 10, 2015 were considered.

Motion by B. O'Neill, seconded by M. O'Neill, to approve the minutes as presented. Motion was approved, 5-0.

**GUESTS:**

Guests attending introduced themselves.

**COMMUNICATIONS FROM STAFF**

The Commissioners were informed of a training session for "Effective Meetings – Response to Common Citizen Concerns" scheduled for May 13, 2015 beginning at 6:00 p.m. at the MARC Conference Center.

**SITE PLAN – FENCING MATERIALS**

A request in regards to installation of fencing material for project site located at Kill Creek Road and 191<sup>st</sup> (31608 W. 191<sup>st</sup>) was discussed. Applicant: Flexsteel.

Community Development Director Kenneth Cook indicated this request of installation of a chain link fence within the Logistics Park District is not typically allowed. He informed the Commissioners the restrictions create a couple issues; namely, substantial cost for installation of wrought iron fence (or other options) that would be located along Kill Creek, which would be seen primarily by employees and truck drivers; and federal regulations in order to be considered Customs-Trade Partnership Against Terrorism (C-TPAT) compliant. He noted the City's regulations need to be reviewed to address federal regulations (adding the requested use of chain link may eliminate the need for barbed wired) required under C-TPAT. Mr. Cook overviewed and displayed two types of chain link proposed for the site. He noted the vinyl coated chain link fence would provide additional screening of the loading dock area due to its tight pattern.

Commissioner Lucero stated favor with the smaller scale netting, but stated concern with the use of barbed wire and how it would appear.

Mr. Cook indicated this is a federal department decision, adding that even with the use of wrought iron, the barbed wire may be necessary.

Patrick Robinson informed the Commissioners that C-TPAT is part of the Patriot Act and concerns international shipping. He stated C-TPAT requires certain regulations/customs that will only be known after inspections and whether or not all the construction materials and methods are accepted. He noted this also applies to ingress and egress. He also stated that while C-TPAT is not required, it is essentially needed for shipping internationally because the majority of shippers require this for the vendors.

Commissioner Davis stated that as far as maintenance, the fencing choice appears nice. He stated can be comfortable with the chain link. He also asked if staff could contact the congressional representatives to talk about more definitive direction with these issues.

The consensus was to accept the tighter chain link fencing material with an eight (8) foot height. It was the request of the Commissioners that if barbed wire, or other security measures, are required, to bring this back to the Commission for review and updates.

#### **TEMPORARY CONSTRUCTION ACTIVITIES**

Temporary Construction Activities at the proposed TSL property located at the southwest corner of 191<sup>st</sup> Street and Waverly Road for the placement of a Concrete Batch Plant was discussed. Applicant: Tom Hastings, TSL.

The Commissioners were informed Quicksilver Readymix, LLC is leasing a portion of property (approximately 3 acres) from TSL in order to set up a plant to construct the necessary surfacing for TSL and to serve the needs in the LPKC area. Portions of the Unified Development Code (Chapter 1, Article 9) were discussed which notes the Planning Commission is authorized to review and approve use of property during times of construction, reconstruction or changes to permit temporary uses of various activities.

Commissioner Lucero questioned the time-frame. The response was three years, beginning this summer.

Mr. Cook noted the Planning Commission, in the past three years, previously granted authority for the use of other property in the area for similar temporary construction activities. He also indicated Clarkson may make a similar request for a site for Waverly Road construction.

Mr. Cook commented that since this request is on property outside the Intermodal Facility and due to the intensity of the proposed use, two additional conditions should be added: Quicksilver Readymix, LLC be required to maintain a valid city business license; and due to the possibility the concrete plant could supply concrete to other construction sites within the area, a time limit of three (3) years from time of approval. Mr. Cook also questioned if the Planning Commission would allow this activity prior to the permit for TSL activities. Mr. Cook noted staff does not see many concerns for the temporary use.

Commissioner B. O'Neill asked about the use only for LPKC or outside projects.

Quicksilver Readymix, LLC representatives indicated this company is local with six (6) fixed plants and several temporary concrete plants. It was indicated the company will be providing concrete for TSL, with the intent to provide services to other projects nearby. It was also noted that in case of breakdowns at the Olathe Plant, this would provide back-up assistance. The representatives also noted temporary concrete plants are high volume and would not sit idle.

Ms. Lucero stated she favors the three-year approval, but would prefer one-year annual reviews. The members discussed this and requirement of submittal of final site and final plats prior to issuance of temporary permit.

Motion by B. O'Neill, seconded by M. O'Neill, to approve the request with the following stipulations: 1.) Temporary living quarters are not permitted on-site unless prior authorization has been provided by the Planning Commission; 2.) All occupied buildings shall have access to potable water from an approved water source; 3.) All signage shall be placed pursuant to applicable sign regulations in Chapter 1, Article 12 of the Unified Development Code of the City of Edgerton; 4.) All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use; 5.) All vertical structures shall require a building permit pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton prior to being occupied; 6.) Contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or other applicable chapter of City Code; 7.) Off-site impacts from on-site construction-related activities shall be minimized to the extent possible; 8.) On-site Stormwater Management Plan shall be approved by City prior to the disturbance of land; 9.) Land disturbance activities shall be done pursuant to Article 12 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton; 10.) Contractors agree to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable time period; 11.) All blasting shall be done according to Article 13 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton; 12.) Hours of operation shall be limited to from 7:00 am to 7:00 pm unless otherwise approved by staff; 13.) Holding tanks shall be used in lieu of sanitary sewer service, and shall be permitted and inspected pursuant to the Johnson County Environmental Sanitary Code; 14.) Portable concrete and asphalt plants shall be approved by staff prior to use on-site, and staff shall have the ability to establish reasonable requirements for their operation; 15.) Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan; 16.) Property owner and/or general contractors shall provide a Construction Management Plan to the City; 17.) Maintain a valid City of Edgerton Business License; 18.) Permission for temporary construction activities is granted for a period of three (3) years from date of approval by Edgerton Planning Commission, with annual application review by Planning Commission prior to yearly anniversary; and 19) Final Site and Final Plat submittal by TSL prior to issuance of permit.

The motion was approved, 5-0.

### **PUBLIC HEARING - REZONING**

A public hearing in regards to Rezoning Case No. ZA2015-01, requesting a change in zoning from Johnson County Rural Residential (RUR) to City of Edgerton Logistics Park District (L-P) on property located on a portion of land within the northwest quarter and a portion of land located in the southwest quarter of Section 2, Township 15 South, Range 22 East, Johnson County, Kansas, with a general location of 19645 Waverly Road, containing approximately 63

acres, more or less was considered. Applicant: Patrick Robinson, ELHC. Engineer: Chip Corcoran, R-I-C.

The public hearing was opened by Chair Davis.

Patrick Robinson, applicant, addressed the Commission and overviewed the status of the area, adding this property adds 825,000 square feet of speculative property. He stated his concurrence with staff report with one clarification. He indicated the traffic study was performed and in the past and noted this is a continuation and asked that the existing traffic study be accepted.

Mr. Cook noted Mr. Robinson's notations were correct.

Lynn Baker appeared and stated he owns property across from this site, with Interstate 35 in between. He questioned how his property could be annexed in and provided with sewer services.

Mr. Cook and Mr. Robinson talked about the potential extension of sewer services.

Motion by B. O'Neill, seconded by Randal, to close the hearing. Motion was approved, 5-0.

Motion by Gifford, seconded by B. O'Neill, to approve the rezoning with the following stipulations: 1.) All site plan application requirements of the City shall be met; 2.) All infrastructure requirements of the City shall be met; and 3.) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City. Motion was approved, 5-0.

Mr. Cook announced this would be submitted to the Governing Body on May 7, 2015.

#### **PUBLIC HEARING – PRELIMINARY PLAT**

A public hearing in regards to Preliminary Plat Case No. PP2015-01 requesting approval of a preliminary plat for Logistics Park Kansas City Phase II consisting of five (5) lots containing 206.13 acres more or less located on a portion of land located in the northwest and southwest quarters of Section 2, Township 15 South, Range 22 East, Johnson County, Kansas, in an area along the east side of Waverly Road and north of Interstate 35 was considered. Applicant: Patrick Robinson, Edgerton Land Holding Company. Engineer: Chip Corcoran, R-I-C.

Chair Davis opened the hearing.

The Community Development Director reviewed the past actions of the preliminary plat, noting this is a revised preliminary plat to include new property and proposed Montrose Street. He then described the overlapping projects and access points were discussed. He spoke about another issue, namely the grade for Waverly Road. Mr. Cook informed the Commissioners the Design-Build Team is looking at cutting down the elevations to accommodate trucks and cost impacts. He indicated the entrances may need to change due to roadway build.

Patrick Robinson, applicant, spoke and readdressed the past traffic study, adding it was an exhaustive study, and he requested the support of the Commission.

Mr. Cook indicated the comments added in the staff report were minor issues.

Commissioner B O'Neill questioned the weight limitations for Waverly Road. Mr. Robinson indicated it is for heavy haul to accommodate rail serve (96,500 pounds) for rail cars.

Motion by B. O'Neill, seconded by Lucero, to close the hearing. Motion was approved, 5-0.

Motion by B. O'Neill, seconded by M. O'Neill, to approve the preliminary plat with the following stipulations: 1.) All preliminary plat requirements of the City noted shall be met or addressed; 2.) Preliminary plat be approved for a one-year period and shall be extended for an additional year upon approval of a final plat for the same parcel of land or any part thereof. If a final plat is not approved for a portion or all of the land covered under the preliminary plat within one year, the preliminary plat shall be ruled null and void. The Planning Commission upon submittal and approval of a written request may grant a one-year extension on the approval of the preliminary plat; and 3.) All infrastructure requirements of the City shall be met. Motion was approved, 5-0.

### **FINAL PLAT**

Final Plat Case No. FP2015-01 requesting approval of a final plat for Logistics Park Kansas City – Southeast 2<sup>nd</sup> Plat consisting of one (1) lot containing 56.013 acres, more or less, located at 19645 Waverly Road, was considered. Applicant: Patrick Robinson, Edgerton Land Holding Company. Engineer: Chip Corcoran, R-I-C.

The Community Development Director informed the Commissioner this is a continuation of the previous matter. He noted the revisions include adding 26.6 acres which adds to the majority of Lot 3 and Tract D along Interstate 35.

Motion by M. O'Neill, seconded by Lucero, to approve the final plat with the following stipulations: 1.) All final plat requirements of the City noted shall be met or addressed prior to recording of the plat; 2.) The commencement of any improvements shall not occur prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat by the Governing Body. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements; 3.) A Public Improvement Inspection fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements; 4.) The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax; 5.) The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code. Motion was approved, 5-0.

### **PUBLIC HEARING – FINAL SITE PLAN**

A public hearing in regards to Final Site Plan Case No. FS2015-01 requesting approval of final site plan for Inland Port XIV consisting of one (1) lot containing 56.013 acres, more or less, located on a portion of land commonly known as 19645 Waverly Road, east of Waverly Road, north of Interstate 35, was considered. Applicant: Patrick Robinson, Edgerton Land Holding Company. Engineer: Chip Corcoran, R-I-C.

The public hearing was opened.

The Community Development Director overviewed a few items in regards to this request. He noted the access from the center area will be reviewed, adding staff will work with the applicant. He also noted the photometric and landscape plans would need to be submitted before going forward with the project. He also noted that a detailed landscape plan for the overall area needs to be filed prior to progressing on new applications.

Commissioner Lucero questioned approval of the final site plan with some of the items lacking. Mr. Cook addressed the design of the speculative buildings. He noted from staff's perspective, the layout, parking and all difficult items are addressed. He indicated the remaining items, photometrics and landscaping, are included in City standards and may not necessarily need Planning Commission approval.

Patrick Robinson, applicant, spoke about the lighting and landscaping.

Motion by B. O'Neill, seconded by M. O'Neill, to close the hearing. Motion was approved, 5-0.

Motion by B. O'Neill, seconded by M. O'Neill, to approve the final site plan with the following stipulations: 1.) All Site Plan requirements of the City shall be met as noted, particularly including: (a) Submittal of photometric lighting plan for Inland Port XIV, and all prior projects, in conformance with UDC especially with regard to maximum foot-candles at the property line. No further projects will be allowed to proceed until such plans have been approved; (b) Construction plans for future public infrastructure be submitted and approved by the City. Any necessary permits obtained; and (c) Re-submittal of revised landscaping plans (including landscaping plan for entire phase, especially IP XI, XII and XIV) including screening for adjacent public roads and trash enclosures. All landscaping shall be maintained in good condition and plants shall be replaced when dead. No further projects will be allowed to proceed until such plans have been approved; 3.) All building permit and sign permit requirements of the City shall be met; 4.) Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easement, roads and other city requirement (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein. The vote on the motion: YEA: Davis, M. O'Neill, B. O'Neill, and Gifford. NAY: Lucero. Motion was approved, 4-1.

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

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

Motion by M. O'Neill, seconded by Lucero, to table the public hearing until May 12, 2015. Motion was approved, 5-0.

### **FUTURE MEETING**

The next scheduled meeting is May 12, 2015.

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**ADJOURNMENT**

Motion by B. O'Neill, seconded by M.O'Neill, to adjourn. Motion was approved, 5-0.

The meeting adjourned at 9:35 p.m.

Submitted by:

Debra S. Gragg  
Recording Officer