

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING
Regular Session
May 12, 2015
Minutes

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

All present participated in the Pledge of Allegiance.

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

The Recording Officer announced a quorum was present.

MINUTES

Minutes of April 14, 2015 were considered.

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

GUESTS:

Guests were attending, but none identified themselves.

COMMUNICATIONS FROM STAFF

The Community Development Director informed the Commissioners that Commissioner Gifford has a new baby and is home adjusting.

FINAL PLAT – LOGISTICS PARK KANSAS CITY, FOURTH PLAT

Final Plat, FP2015-02, requesting approval of a final plat for Logistics Park Kansas City, Fourth Plat, located in the northwest corner of 191st and Waverly, on a tract of land consisting of two (2) lots, containing approximately 43.076 acres, was considered. Applicant: John A. Thomas, ELHC V, LLC Engineer: Chip Corcoran, R-I-C.

Community Development Director Kenneth Cook informed the Commissioners this is part of Inland Port V which is part of the preliminary plat which includes Demdaco, Smart Warehouse, and Flexsteel. He noted the proposed warehouse will be approximately 654,656 square feet. Mr. Cook indicated the applicant is working on bringing the other projects to fruition, such as final site plans, etc. He stated that the plats do not cause as much concern as the other pieces of development. Mr. Cook informed the Commissioners the right-of-way for Waverly Road would be donated as a dedication on the plat, which is the easiest process. He stated staff recommends approval.

Mr. Cook stated comments from the city's engineer were very few, noting language should be added regarding execution of an agreement not to protest the formation of benefit districts, if needed; compliance with flood development regulations; and sewer easements.

Mr. Braun asked if there is a time-frame of when the buildings would connect to the sewer. Mr. Cook stated staff is working with the city engineer to create a plan to explore options to build-out of the lines. Patrick Robinson identified the locations of sewers and lift stations.

Motion by B. O'Neill, seconded by Withrow, 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 the recoding 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; and 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, 6-0.

FINAL PLAT – C Y EDGERTON, LLC

Final Plat, FP2015-03, requesting approval of a final plat for C Y Edgerton, LLC, located at 32355 W 191st Street, containing approximately 31.86 acres, was considered. Applicant: Rusty Williams, C Y Edgerton, LLC., Arrowhead Intermodal Engineer: Roger Cassity, R-I-C.

Mr. Cook informed the Commission this property was annexed in 2013. He noted this property was preliminarily platted under ITL, Lot 1, and the final plat for ITL, Lot 1 was accepted by the Governing Body in early 2014. The Commissioners were informed this property was sold to Arrowhead and updates are submitted for this plat, noting the changes include new ownership and how the property will be developed. In addition, other minor changes would include the use of an access easement from the subject property and crossing the property to the west to provide an access to Homestead Lane; and a few other noted utility easements and verbiage for flood plain and benefit district uses. It was also noted the lift station near the Holtgraver property is in review for potential services; as well as looking at potential for force main or gravity main, with possible extension to the east property line.

Mr. O'Neill asked if the business is currently operating. Dave Monsell, Arrowhead, stated that Illinois Tool Works has been in operation for over 25 years with operations in Chicago and Wilmington, Ill. He informed the Commissioners the company primarily works with refrigeration cars for repairs and storage.

Mr. Withrow questioned how many times for the processes of this property. Mr. Cook indicated June 30, 2015 would be the final date for the extension of hard surfacing.

Sam Stahnke, Arco Construction, indicated this time-frame would be difficult, adding the extension was with ITL, but this request is for Arrowhead. He noted the company will be

investing the dollars for completion based on plans. He added it will be a lot of work, but by the end of the year, it should be complete.

Motion by B. O'Neill, seconded by Conus, to approve the final plat with the following stipulations: 1.) All Final Plat requirements of the city shall be met or addressed prior to the 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; and 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, 6-0.

FINAL SITE PLAN – C Y EDGERTON, LLC

Final Site Plan, FS2015-003, requesting approval for a final site plan for C Y Edgerton, LLC, located at 32355 W 191st, a tract of land containing one (1) lot, consisting of approximately 31.86 acres, was considered. Applicant: Rusty Williams, Arrowhead Intermodal. Engineer: Roger Cassity, R-I-C.

The Community Development Director informed the applicant made substantial changes to the past final site plan. The updated plan was distributed for review. Mr. Cook overviewed a few of the requirements for this final site plan. He noted the data table now complies with the BOCA or Uniform Building Code, NFPA 101 Life Safety Code Occupancy Design Load. He noted the plan now complies with showing the trash containers and screening, and sidewalks from building to street. He stated the "Planting Schedule" can be worked with staff for up to one year from issuance of permit. Mr. Cook indicated pedestrian access needs have been noted. Mr. Cook spoke about the location of easements and spoke about landscaping outside of the easement area and potential conflicts with the sewer easement. Mr. Cook indicated the requirements for setbacks in particular as they relate to the language for stacking heights will need to be reviewed. He spoke about the one accessory structure located approximately 750 feet south of the front property line, adding the façade is metal but only partially visible from the street due to topography. He noted the structure may be more visible when the grading plan is completed or when the dirt pile on the adjacent property is removed or developed. He noted it is also possible the building will be screened from view off 191st Street by stored containers. He added this is similar to J.B. Hunt's property, but different due to the topography. Mr. Cook also indicated the Commission may desire to determine if modification to requirement of the exterior walls of the accessory building is needed. He stated staff would suggest some modification could be warranted for the doors and the direct adjacent area, but would not recommend any modification to the requirement for other portions of the building. Mr. Cook also noted the Planning Commission may need to approve an alternative landscape plan due to the unique characteristics of the site.

Mr. Cook spoke about the location of this site in relationship with a residential house located on the adjacent property. He noted the current plan does not include any screening from the adjoining residential use and also notes operations being located within the setback area. It was suggested and exception could be made if an agreement was executed between the applicant and the adjoining landowner. He also suggested that if no agreement is made, the area noted could not be built-out.

The Community Development Director informed the Commissioners the photometrics plan was submitted. Mr. Cook indicated the review of the landscape standards has not received the full review at this time.

Mr. Cook also noted the CTPAT regulations may require barbed wire for container uses.

Mr. Cook also reviewed comments from the City Engineer in regards to utilities and sanitary sewer.

Mr. Withrow questioned if approval for requested exceptions is made, is this unique or will it set a precedence.

Mr. Cooks stated yes, but noted this is trying to adapt to the area, which may not be "duplicated in same situations" if this is argued in the future.

Mr. Conus asked about the decision with the refacing of the existing accessory buildings. Mr. Cook indicated this was originally approved.

Mr. Conus questioned the landscaping in the area. Mr. Cook addressed and noted there are no additional landscape requirements, adding NorthPoint is exceeding the standards.

The Commissioners and staff discussed actions by the applicant and staff in regards to updates after the publication of the agenda. Members stated they trusted staff at this time with the recommendations.

Motion by Conus, 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, particularly including: a) Submittal of a plan for pedestrian access to and within the development; b) Updated drawings of all building elevations showing compliance with building material standards; and c) Submittal of landscaping plans including screening for adjacent public roads, trash enclosures and the adjacent residential property. All landscaping shall be maintained in good condition and plants shall be replaced when dead; 2.) All construction plans for any public infrastructure shall be prepared to City standards and approved by the City; 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, easements, roads and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein; and 5.) Signed agreement/waiver between the applicant and

adjoining landowner in regards to use, landscaping, and setback of property adjacent to residential property. Motion was approved, 6-0.

The meeting recessed at 9:25 p.m. for short break.

The meeting reconvened at 9:35 p.m.

FINAL PLAT – 196th STREET WATER TOWER

Final plat, FP2015-04, requesting approval for a final plat for 196th Street Water Tower, located approximately 865 feet west of Waverly Road on 196th, consisting of one (1) lot, containing approximately 6.651 acres was considered. Applicant: John Thomas, Edgerton Land Holding Company, Inc. Engineer: Chip Corcoran, R-I-C.

The Community Development Director informed the Commissioners this plat is part of a preliminary plat with four sites. He stated that upon completion by the applicant, the water tower will be dedicated to Johnson County Rural Water District No. 7. He added the plat will include dedicated right-of-way for Waverly Road.

Mr. Cook also noted the name of the plat should be changed to reflect all the lots. Mr. Thomas displayed a revised plat and overviewed the history of the site.

Motion by B. O'Neill, seconded by M. O'Neill, to approve the final plat with the following stipulations: 1.) All Final Plat requirements of the City 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; and 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, 6-0.

TEMPORARY CONSTRUCTION ACTIVITIES – CLARKSON CONSTRUCTION COMPANY AND QUICKSILVER READYMIX, LLC

The next three items on the agenda were discussed together.

- (A) Temporary Construction Activities at 18501 Waverly Road, located in the northwest quarter of Section 34, Range 22, Township 14, south of 183rd and east of Waverly Road for the placement of a temporary Concrete Batch Plant for Waverly Road Improvements were considered. Applicant: Patrick Weaver, Clarkson Construction.
- (B) Temporary Construction Activities located in the north one-half of the southeast one-quarter of Section 3, Range 22, Township 15, north of 199th Street and west of Waverly Road, for the placement of a temporary construction site for the production of batch

slaked lime for sub-grade stabilization and cement treated base for Waverly Road improvements were considered. Applicant: Patrick Weaver, Clarkson Construction Company.

- (C) Temporary Construction Activities located at 18501 Waverly Road, located in the northwest quarter of Section 34, Range 22, Township 14, south of 183rd and east of Waverly Road for the placement of a temporary Concrete Batch Plant to supply concrete materials/services for projects within LPKC area was considered. Applicant: Quicksilver Readymix, LLC.

John Thomas, NorthPoint, overviewed the request and explained the proposed plants and lime sub-grade stabilization.

The Community Development Director addressed the hours of operation and need for some potential night work.

Motion by M. O'Neill, seconded by Conus, to approve all three noted requests with the following stipulations per project:

Item A – 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; and 18.) Permission of temporary construction activities is granted for a period ending June 1, 2016.

Item B – 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; and 18.) Permission of temporary construction activities is granted for a period ending June 1, 2016.

Item C – 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; and 18.) Permission for temporary construction activities is

granted for a period of three (3) years from date of approval by Edgerton Planning Commission with a required annual renewal to be taken before the Planning Commission.

The motion to approve all three temporary construction activities was approved, 6-0.

TEMPORARY CONSTRUCTION ACTIVITIES – HARTMAN EXCAVATING

Temporary Construction Activities located in the southeast corner of 191st and Homestead Lane, located in Section 3, Range 22, Township 15, for loading and removing construction materials for off-site construction purposes were considered. Applicant – Omar and India Holtgraver/Hartman Excavating.

The Community Development Director indicated this request is for allowing the removal of rock materials from the Holtgraver property, which is west of Arrowhead (C Y Edgerton). He noted there would be no crushing of rock material and the applicant would comply with erosion control. Mr. Cook indicated the limitation of one (1) year from time of approval, if granted, to allow staff and Planning Commission to review operations.

Motion by Braun, seconded by B. O'Neill, to approve the temporary construction activities 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; and 18.) Permission for temporary construction activities is granted for a period of one (1) year from date of approval by Edgerton Planning Commission. The motion was approve the temporary construction activities was approved, 6-0.

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 Conus, seconded by M. O'Neill, to table the public hearing until June 9, 2015. Motion was approved, 6-0.

FUTURE MEETING

The next scheduled meeting is June 9, 2015.

ADJOURNMENT

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

The meeting adjourned at 10:35 p.m.

Submitted by:

Debra S. Gragg
Recording Officer