

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING
Regular Session
June 9, 2015
Minutes

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

All present participated in the Pledge of Allegiance.

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

The Recording Officer announced a quorum was present.

MINUTES

Minutes of May 12, 2015 were considered.

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

GUESTS:

Guests were attending, but none identified themselves.

COMMUNICATIONS FROM STAFF

The Community Development Director informed the Commissioners that Commissioner Drinkard is resigning from the Commission due to personal commitments, but indicated she would remain until replaced.

FINAL SITE PLAN AMENDMENTS – C Y EDGERTON, L.L.C.

Final Site Plan, FS2015-003, requesting approval for an amendment to the final site plan for C Y Edgerton, L.L.C. located at 32355 W 191st, a tract of land containing one (1) lot, consisting of 31.86 acres more or less, in regards to landscaping, parking surfacing, building and fencing materials was considered. Applicant: Rusty Williams, Arrowhead Intermodal. Engineer: Roger Cassity, R-I-C.

The Community Development Director discussed the actions of last month.

Mr. Cook noted the applicant submitted updates for an 8' berm along the front property line. He noted this will add more screening to the site. He stated the applicant is questioning if there is a need to completely reface the three sides since the berming will add concealment.

The Commissioners were informed the applicant is also requesting consideration of a black vinyl coated chain link fencing in the public view, which would be similar to Flexsteel. Mr. Cook also indicated they are requesting regular chain link fencing along the back, which is out of the sight of public view.

Mr. Cook spoke about the sewer extension and noted it is being reviewed by staff, city engineer, and applicant to determine the best way to connect to either the existing line or build new.

Also discussed were the requirements for asphalt paving and request for extension of time, perhaps to September.

Mr. Conus questioned if the City is giving up on improvements to the current buildings in exchange for higher berming. Mr. Cook overviewed the Unified Development Code pertaining to building materials within the Logistics Park zoning. He reviewed the requirements of exterior improvements facing a public street, residential use or public open space. It was also noted exceptions may be allowed on a case by case basis.

Mr. Braun questioned the stipulations of the conditional use.

Mr. Josh Cooley, ITW/owner, stated the reason for the change, indicating his company took over the site in December, 2014. He stated the company is making the best out of the situation. He stated the four (4) items requested mirror sites at the company's other facilities across the nation. He spoke about the hard surface, adding the asphalt millings used at other locations have had acceptance. Mr. Cooley stated the building exterior will not be seen due to stacking of containers/landscaping. He noted the organization wants to spend "smart dollars." The Commissioners were informed the extension request is due to the constraints from the previous owner. He noted they are ready to start when approvals are issued. Staff of the organization displayed landscape depictions of the site. They also overviewed comments from neighboring property owners, which were supportive.

The Community Development Director spoke about the storage of motorized machinery by addressing UDC 5.2 H3 in regards to storage, visibility, landscaping, and surfacing.

The project owner spoke about expansion to a larger facility; and use of pre-cast materials. It was noted renovation to the interior would meet code and the exterior would be freshened.

The applicant displayed a sample of the hard surfacing material, which use is requested with the amendment.

Mr. Conus asked if the City Engineer has reviewed. Mr. Cook stated there was a cursory review, but he has some questions and will complete further review. He added that if this is approved/allowed, it would probably be requested at similar container yards.

Mr. O'Neill stated he had no problem with the request for the building part which is out of the public view, but does have an issue with the requested paving material. He added if it is cost effective and the material design is acceptable, he would be okay (with a professional opinion). He stated this needs to be addressed soon.

Mr. Cook indicated staff would review the parking material. He overviewed the highlights from tonight's discussion: alternative landscape plan; fencing (vinyl coated, regular 3-strand barbed wire); allow building to remain as is with increased screening; and increase of time due to change of ownership which caused a delay.

Mr. Conus asked about staff's recommendation. Mr. Cook overviewed and indicated the company has been diligent in dealing with matters, but questioned if paving could be completed by October 1, 2015.

Other discussion involved inspections, J.B. Hunt, etc. Mr. Braun stated he was not in favor with the proposed surface material.

Motion by B. O'Neill, seconded by Gifford, to approve the alternative landscape plan in lieu of building improvements, extend the time frame to December 1, allow fencing as proposed, and table surfacing materials request until review by staff and city engineer. Motion was approved, 5-0.

FINAL SITE PLANS – LANDSCAPE AND PHOTOMETRICS

Previously approved Final Site Plans FS-08-021-2014 (Inland Port XI), FS-11-06-2014 (Inland Port XII), and FS2015-01 (Inland Port XIV), in regards to submitted landscape and photometrics plans and further requesting approval of same for property identified, located in the vicinity of the southeast corner of 191st Street and Waverly Road was considered. Applicant: John A. Thomas, ELHC V, LLC Engineer: Chip Corcoran, R-I-C.

The Community Development Director addressed this topic as closure to several projects and overviewed the UDC section regarding alternative landscape plan. He indicated the letter received from the applicant outlined the primary needs and identified features to incorporate, focusing on the full development, rather than individual lots.

Patrick Robinson, ELHC/applicant, addressed the request pertaining to completion of this phase. He provided the background of the project and the UDC codes. He stated more storage container lots will be coming due to changes with Burlington Northern Santa Fe.

Commissioner Braun asked the applicant if they will be doing more landscaping along I-35. Mr. Robinson indicated they will be doing some monument/landscaping in the area, which is under process of planning.

Motion by Braun, seconded by B. O'Neill, to approve as submitted with the following stipulations: 1.) Compliance with all conditions for the original Final Site Plans for Inland Ports XI, XII and XIV; and 2.) Compliance with any requested changes by the City Engineer in regards to the Photometric Plans. Motion was approved, 5-0.

FINAL SITE PLAN – INLAND PORT V

Final Site Plan, FS2015-002, requesting approval for a final site plan for Inland Port V located in the northwest corner of 191st and Waverly Road, a tract of land consisting of two (2) lots, containing approximately 43.076 acres, more or less, was considered. Applicant: John Thomas, ELHC V, LLC. Engineer: Chip Corcoran, R-I-C.

The Community Development Director reviewed key points. He indicated the preliminary plan needs to be addressed in regards to a standard numbering/phasing for consistency. He also noted the photometric plan was submitted, adding the city engineer indicates it meets criteria.

Mr. Cook highlighted items from the Site Plan:

- Notation that acreages identified on the front page for Lot 4 do not match information on the final plat – requested site data table be updated.
- Under district regulations, the need for Planning Commission to review the alternative landscape plan due to unique characteristics of this site in regards to all operations and storage of motorized machinery; integration of this site's landscaping with nearby facilities and focus landscaping at the entrances/intersections; and horizontal and vertical articulation exceptions to allow property to match existing structures in this phase to maintain consistent appearance.
- With Parking and Loading – it was noted applicant is looking at shifting the building to the back property line, this would closely comply. Staff noted it is better to waiver on the back side, rather than on the front. Applicant's letter requested a variance to reduced set back due to additional right-of-way provided for Waverly Road. Also noted were the number of required parking spaces – proposed structure would require 327 spaces, while final site plan shows 201 regular and 9 ADA spaces; with future 110 parking spaces for a total of 311 spaces.
- Photometrics - with any adjustments to the building, not expected to impact the plan.

Patrick Robinson, ELHC/applicant, addressed the stipulation of shifting the building to the west, which was positive.

Motion by M. O'Neill, seconded by Braun, 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.) Construction plans for future public infrastructure be submitted and approved by the City. Any necessary permits obtained. b.) Resubmittal of revised landscaping plans including screening for adjacent public roads and trash enclosures. All landscaping shall be maintained in good condition and plants shall be replaced when dead; 2.) All infrastructure requirements of the City shall be met; 3.) The building permit and sign permit requirements of the City shall be met; 4.) The City will not require at time of site plan approval the construction of sidewalks along 191st Street adjacent to the subject property. Prior to obtaining a building permit, the property owner will execute the necessary agreement to waive and relinquish any right he/she may have under K.S.A. 12-6a06 to protest the formation of a benefit district to pay for the construction of those sidewalks and street improvements adjacent to the above described property for a period of thirty (30) years, and that such agreement is intended to be a covenant running with the land for said period of time; 5.) Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein; and 6.) Provide for modification to meet set back requirements by shifting the building to the west. Motion was approved, 5-0.

FINAL SITE PLAN – AMENDMENTS

Amendment to previously approved Final Site Plan, FS-09-16-13, (TransSpec Leasing) in regards to ingress/egress changes and requesting approval of same for property located at the southwest corner of 191st Street and Waverly Road was considered. Applicant: Tom Hastings, TSL Companies. Engineer: Chip Corcoran, R-I-C.

Mr. Cook overviewed the final site plan and briefly addressed the following items on the final site plan:

Items reviewed include, but not limited to: need to update final site plan to indicate location of future fueling station; update pedestrian access needs, parking and ADA spaces, revise or remove legend for designations; review access drive (second) with applicant's request to widening to 60' – to be updated with recommendation of city engineer. He noted that most of these type of businesses place the storage containers to the back of the property. He indicated this case and J.B. Hunt, are placing the parking/stacking toward the front, closer to the roadway. He also stated the plan indicates a higher berm, but complies with the height restrictions of the federal electrical line regulations.

The Community Development Director informed the Commissioners the applicant requested a waiver from the requirement of incorporating a landscape buffer along the southern property line. He noted the property to the south is currently owned by the Hastings Family Holdings (Tom Hastings), with zoning use potentially changing to be consistent with City's master plan. Modification of fencing materials was also discussed.

Mr. Cook indicated the applicant submitted the photometric plans, which were sent to the city attorney for review.

Mr. Corcoran discussed the reason for the wider entrance. He indicated they could work currently with the 36' driveway, but may be requested to widen in the future due to truck traffic/turning maneuvers.

The applicant shared pictures of a proposed check-in building (proposed at about 300' back) at the entrance. It was noted the structure will be constructed to code.

Mr. O'Neill asked if the alternative landscape plan would match the North Point scheme. It was noted, yes with a thicker tree plan.

Conversation ensued regarding the proposed hard surface parking material proposed by C Y Edgerton (Arrowhead Intermodal).

Motion by B. O'Neill, seconded by Gifford, to approve the final site plan amendments with the following stipulations: 1.) All Site Plan requirements of the City shall be met as noted, 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.; 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; d.) Submittal of a

Photometric Plan in compliance with the standards listed in the L-P District; 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.) The City will not require at time of site plan approval the construction of sidewalks along 191st Street adjacent to the subject property. Prior to obtaining a building permit, the property owner will execute the necessary agreement to waive and relinquish any right he/she may have under K.S.A. 12-6a06 to protest the formation of a benefit district to pay for the construction of sidewalk improvements adjacent to the above described property for a period of thirty (30) years, and that such agreement is intended to be a covenant running with the land for said period of time; 5.) Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance withal 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 6.) Allow vinyl chain link fencing along 191st, chain link after the gate, with the entrance fencing to code. Motion was approved, 5-0.

TEMPORARY CONSTRUCTION ACTIVITIES – HARTMAN EXCAVATING

Amendment of 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 to add rock crushing of existing materials activities. Applicant – Omar and India Holtgraver/Hartman Excavating.

The Community Development Director overviewed this request for the rock crushing activities.

Mr. Hartman appeared to address his request.

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, with continuation of operation considered with a new request. Motion was approved, 5-0.

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.

Vice-Chair Conus opened the meeting. No one appeared

Motion by M. O'Neill, seconded by B. O'Neill, to table the public hearing until July 14, 2015. Motion was approved, 5-0.

FUTURE MEETING

The next scheduled meeting is July 14, 2015.

Mr. Conus questioned if maps and owners could be included in future cases. Mr. Cook indicated he would look into it and try to comply.

ADJOURNMENT

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

The meeting adjourned at 10:55 p.m.

Submitted by:

Debra S. Gragg
Recording Officer