

EDGERTON PLANNING COMMISSION AGENDA
REGULAR SESSION
Edgerton City Hall
November 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
Bob O'Neill	Present/ Absent
Andrea Lucero	Present/ Absent
Cliff Withrow	Present/ Absent
Randal Gifford	Present/ Absent
Bill Braun	Present/ Absent
Elliott Lahn	Present/Absent
4. Minutes
 - A. Consideration of Regular Session Minutes of August 11, 2015
 - B. Consideration of Special Session Minutes of August 18, 2015
5. Guests Present
 - A.
 - B.
6. Communications from Staff
 - A. Update on moratorium of issuance of building permits for residential structures with proposed use of non-traditional building materials.
7. New Business

PRELIMINARY PLAT - EXTENSION

- A. Consideration of a request to extend the expiration date of Preliminary Plat, PP-09-26-13, Lot 2, Edgerton Logistics Park, located north of 191st Street, east of Homestead, to November, 2016. Applicant: Edgerton Logistics, LLC.

Action requested: Consider motion to approve, deny, or table the extension request.

8. Future Meeting – Regular meeting – December 8, 2015
9. Commissioners Comments
10. Adjournment:

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING

Regular Session
August 11, 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, Maria O'Neill, Bob O'Neill, Andrea Lucero and Bill Braun. Absent were: Commissioners Missy Drinkard, Randal Gifford, 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 July 14, 2015 were considered.

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

GUESTS:

Charlie Troutner, Edgerton City Council, announced his presence.

COMMUNICATIONS FROM STAFF

The Community Development Director informed the Commissioners the date for future meetings was in error in the agenda. He announced a special session would be convened for August 18, 2015 regarding a public hearing. Mr. Cook announced the hiring of Kenny Wiseman as the City's City Inspector, informing them he came from the City of Gardner, where he was the plans examiner.

Mr. Cook also updated the status of several projects within the Logistics Park Kansas City:

- A. Today was the grand opening of Kubota (Inland Park XI);
- B. He indicated Jet.com, an on-line retailer opened and is operating;
- C. Excel Industries, Hesston, KS is opening a distribution center for lawn mowers. He noted the potential for future manufacturing for this business within this park;
- D. Training Center for LPKC is in process;
- E. Water Tower for Water District No. 7 is going up and should be complete by end of year; and
- F. Waverly Road construction is in progress, with the bridge structure in the beginning status.

ELECTION OF OFFICERS FOR 2015-2016

After a short discussion, the following members were nominated: Chuck Davis, Chair; Ron Conus, Vice-Chair; and Maria O'Neill, Secretary.

Motion by Braun, seconded by M. O'Neill, to close the nominations and approve the nominated officer officers. The motion was approved, 6-0.

SITE PLAN – FENCING MATERIAL OPTIONS

A request to allow installation of vinyl coated chain link fencing material for a project site, located at 30901 W. 191st Street (IP XI – Kubota) was considered. Applicant: North Point, John Thomas.

The Community Development Director overviewed the letter received from the applicant. He noted the request was to allow the use of one- inch vinyl coated chain link fence, eight-feet in height, in order to work toward compliance for the C-TPAT (Customs-Trade Partnership Against Terrorism) program (based upon the inspector's recommendation versus a prescribed specification.)

Mr. Cook noted this property is along the 191st Street Corridor with current standards not allowing this request, but noted the facility has a larger set-back from 191st Street due to drainage. It was also noted due to topology, and with appropriate landscaping, the fencing may not appear within view from 191st Street.

The applicant, John Thomas, was present.

Mr. Braun questioned the actions of the inspectors for C-TPAT and in particular for current projects in the park.

Mr. Thomas indicated Flex-Steele has made an application, outcome not yet known. He also noted that Kubota is pursuing an application. Mr. Thomas stated the construction standards and requests for changes are being made with all intentions to meet the C-TPAT code (for imported/export products. He overviewed the landscaping plan and screening net for the fencing on the north elevation. He indicated the netting is manufactured for outdoor use and has a 10-15 year life-time. He noted any repairs or replacements would be made, similar to replacement of dead plan materials.

Mr. Conus stated that basically the applicant is asking for the change due to the differences between the LPKC zoning regulations and the federal regulations for import/export. That was noted as a correct summary.

Mr. Cook informed the Commissioners that staff is exploring potential changes to LPKC zoning in order to keep current with the newer federal regulations.

Mr. B. O'Neill stated BNSF has security concerns, but noted the fencing appears to be of a lesser quality. It was noted the BNSF is a 24-hour operation with security, which may require different options.

Mr. Cook overviewed the options. He noted this is acting like a final site plan, in particular, now with a known applicant and its needs. He stated a stipulation regarding focus on 191st Street, due to its prominence, with a higher quality of materials and landscaping could be considered.

Commissioner Conus left the meeting at 7:43 p.m.

Commissioner Conus returned at 7:44 p.m.

Mr. Thomas noted that some of the projects may need to be addressed case-by-case, due to nature of business.

It was also noted discussion should be had in regards to C-TPAT standards after the federal inspections/approvals are known.

Motion by Conus, seconded by M. O'Neill, to allow the requested 8-foot, one-inch vinyl-coated chain-link fence, with fabric, for IP XI as it faces 191st Street. Motion was approved, 6-0.

SITE PLAN – EXTENSION REQUEST

A request for extension of surfacing for parking facility at the southwest corner of 191st Street and Waverly Road was considered. Applicant: Tom Hastings, TranSpec Leasing, Inc. (TSL)

The Community Development Director overviewed the request. Mr. Cook reminded them of the approval for extension for Arrowhead (CY Edgerton, LLC) until December, 2015.

He noted the request from Mr. Hastings is a similar extension. He informed the Commissioners that the drainage plan is needed, and noted the applicant's receipt of plans from FEMA and Johnson County was delayed.

Chip Corcoran, R-I-C., engineer for TSL, informed the Commissioners that TSL will go forward with hard surface parking lot, consisting of concrete, with some asphalt in certain places.

Motion by Lucero, seconded by B. O'Neill, to approve the extension to December 1, 2015 to come into compliance with completed hard surface. The motion was approved, 6-0.

The next two items were discussed together.

FINAL PLAT – LOGISTICS PARK KANSAS CITY – SOUTHEAST, THIRD PLAT

Final Plat, FP2015-05, requesting approval of a final plat for Logistics Park Kansas City – Southeast, Third Plat (Inland Port XV), located approximately 1700 feet south of 191st Street and Montrose Road, on a tract of land consisting of two (2) lots, containing approximately 36.638 acres was considered. Applicant: John A. Thomas, ELHC XV, LLC. Engineer: Mick Slutter, R-I-C.

FINAL SITE PLAN – LOGISTICS PARK KANSAS CITY – SOUTHEAST, THIRD PLAT

Final Site Plan, FS2015-04, requesting approval of a final site plan for Logistics Park Kansas City – Southeast, Third Plat (Inland Port XV), located approximately 1700 feet south of 191st Street and Montrose Road, on a tract of land consisting of two (2) lots, containing approximately 36.638 acres was considered. Applicant: John A. Thomas, ELHC XV, LLC. Engineer: Mick Slutter, R-I-C.

Mr. Cook informed the Commissioners these projects were originally scheduled for July consideration, but applicant requested more time to revise. Mr. Cook stated, the items as presented, mostly comply. He indicated there were a few items highlighted within the provided packet, which are narrowed to: printing to scale, access easement, and parking area/utility easement.

Mr. Thomas overviewed the area and spoke about a private drive to serve the buildings and access easement. He stated the additional parking may not be needed. He also talked about concessions to drainage and easements. Mr. Thomas briefly spoke about future pedestrian easement/sidewalk.

Mr. Cook overviewed the comments for the plat which include: comments from Water District No. 7; need for plat printed to scale; wording for dedication of access easement; users, and maintenance responsibility; and utility easement for Kansas Gas in regards to parking area.

Mr. Cook then overviewed items in regards to the Final Site Plan.

He reminded the Commissioners they approved an Alternative Landscape Plan, which needs to be included in the final site plan to also indicate time-frame for the plantings.

Comments from Sheet #3 included:

Parking areas removed, but verification if parking comes back in the future, should the utility easement should be adjusted so that future parking would not encroach. It was also requested a note be included which specifies a sidewalk provided from Montrose to the east side, when and if, the property is divided – may need to review in future. Mr. Thomas spoke about future parking lot/curb and trees, overviewed the alternative landscape plan, and reviewed proposed trees.

Photometric Plan not submitted, but due to future tenant's needs, this could be addressed administratively. At that time, the Zoning Administrator could assure the applicant meets or exceeds the standards.

Mr. Cook indicated the City Engineer commented about the ADA spaces on the west side are not located adjacent to corner entrances.

Comments from Design Guidelines:

Orientation of side elevation (including dock doors) toward I-35 due to configuration of the public streets would need to be approved as an exception.

Alternative Landscape Plan for property was approved, but staff noted a condition be placed which allows staff review if additional screening is needed once the facility for future trailer parking spaces are constructed. Staff recommends wording to be added to landscape plan which specifies additional screening if that happens.

Pedestrian access along northern portion. Staff recommends wording indicating sidewalk will be provided if structure is split.

Comments from Architectural Design Standards:

Horizontal and vertical articulations were addressed. Mr. Cook noted the plan does not fully comply with the standards, it is recommended the Planning Commission approve exceptions to match existing structures located nearby in order to maintain consistency.

Comments from Parking and Loading:

The square footage of proposed structure requires 275 spaces; plan shows 209 regular spaces and 7 ADA spaces. Discussion noted that proposed employees number less than spaces required, and also noted that shiftwork hours require fewer spaces. It was noted there is room allowed for expansion of parking spaces should the need arise.

Comments from Photometrics:

Earlier comments were made, notation that applicant provide photometric plan for administrative approval prior to installation of exterior lighting.

Motion by B. O'Neill, seconded by Braun, to approve both Final Plat, FP2015-05, and Final Site Plan, FS2015-04, with the following stipulation (divided between plat and final site Plan):

Stipulations for Final Plat, FP2015-05: 1) All Final Plat requirements of the City noted shall be met or addressed prior to recording of 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.

Stipulations for Final Site Plan, FS2015-04: 1.) Approval of exceptions to the Horizontal and Vertical Articulation Requirements as has been submitted in the typical façade elevation; 2.) A photometric plan must be approved by the Zoning Administrator for compliance with the Standards specified in the Logistics Park District prior to the installation of any exterior lighting; 3.) All Site Plan requirements of the City shall be met as listed above, particularly including: a) Construction plans for future public infrastructure be submitted and approved by the City. Any necessary permits obtained; b) Resubmittal of the Alternative Landscape Plan for the property as part of the Final Site Plan for the property. All landscaping shall be maintained in good condition and plants shall be replaced when dead. When the project is complete, new trees shall be added to fill any gaps in the existing trees to fulfill the screening requirements. When

the future trailer parking spaces are constructed, the applicant will provide the necessary screening (berms, fencing, landscaping) to screen this use from I-35, as approved by the Zoning Administrator; 4.) All infrastructure requirements of the City shall be met; 5.) All building permit and sign permit requirements of the City shall be met; 5.) All building permit and sign permit requirements of the City shall be met; and 6.) 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.

The motion was for both items was approved, 6-0.

COMMISSIONERS COMMENTS

Commissioner Conus asked about the status of the water tower.

John Thomas updated the Commissioners on the status of the water tower being constructed for Water District No. 7 in the LPKC area. He indicated a problem was found with the vertical alignment, and noted the contractor will rework the tower. He noted the project will be brought back to schedule, and new steel will be installed. All indications were the project, with the tower tank and building, should be ready by December 1, 2015

FUTURE MEETINGS

The next scheduled meeting is a special session on August 18, with a regular session on September 8, 2015.

ADJOURNMENT

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

The meeting adjourned at 9:15 p.m.

Submitted by:

Debra S. Gragg
Recording Officer

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING

Special Session
August 18, 2015
Minutes

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

The Recording Officer announced a quorum was present.

COMMUNICATIONS FROM STAFF

The Community Development Director informed the Commissioners that Commissioner Conus had a death in the family and would not be attending tonight.

PUBLIC HEARING - CONDITIONAL USE PERMIT

A public hearing to consider recommendation for Conditional Use Permit Case No. CU2015-01, requesting a change in paving materials for property located at 32355 W 191st Street, part of the northwest one-quarter of Section 3, Township 15, Range 22, was considered.

Owner/Applicant: CY Edgerton, LLC/Arrowhead Intermodal Services LLC. Engineer: Roger L. Cassity, Renaissance Infrastructure Consulting.

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

Josh Cooley, owner of Arrowhead Intermodal Services, LLC, was present. Mr. Cooley overviewed the request to change paving surface material to asphalt millings, which would be more financially feasible. He stated the asphalt millings (groundings) make stronger stacking areas. He indicated the entrance would be comprised of concrete, asphalt for the drive areas, and millings located at the stacking sites for containers/chassis. Mr. Cooley also overviewed other locations of his company's container yards. He informed the Commission the BN&SF has millings where the containers are stacked. He requested favorable support.

Mr. B. O'Neill noted the single advantage for this request is the cost. He inquired into the maintenance for this surface. Mr. Cooley indicated maintenance is usually completed two to three times per year, which includes hot rolling which smooths, compacts and leaves the surface dustless. He stated during the first few years, the surfacing material requires more maintenance until the material settles/hardens. Mr. Cooley overviewed the problems he has encountered with asphalt, and in particular how it is impacted with heavy weight, heat, freeze and thaw.

Mr. B. O'Neill questioned if there are any container yards in the area with no concrete/asphalt parking.

Mr. Cooley noted the entrance into the container yard would be concrete, with asphalt drives and aisles, and asphalt millings in the stacking areas.

Ms. Lucero asked if there were any container yards which were fully concrete. Mr. Cook indicated those with asphalt/concrete are J. B. Hunt and KC Piggyback; TSL will be installing same.

Mr. B. O'Neill asked Mr. Cooley about the dust impacts. Mr. Cooley indicated with the proper sealant and maintenance, the surface generally will not create much dust. He stated his company hires contractors for maintenance. He also noted they will probably not stack many containers.

Mr. Lucero questioned Mr. Cooley if the most ideal surface would be concrete. Mr. Cooley responded that yes, concrete would be the most ideal, but with 31 acres, it would be cost prohibitive for most companies.

Ms. Lucero questioned if there are other ways to help with financing. The Community Development Director spoke about industrial revenue bonds, but noted the costs associated with issuance may not make it feasible. Mr. Cooley indicated that after a cost benefit analysis, it did not make sense for this action.

Mr. Braun asked if there are any performance standards with the material. Mr. Cooley stated he was not aware of any.

Mr. Cook overviewed comments from the City Engineer which overviewed recycled asphalt pavement (RAP) and reviewed the structural numbers for hot mix asphalt, noting an inch of hot mix asphalt has over twice the strength as RAP.

Donald Roberts, Mayor of Edgerton, overviewed the history regarding surfacing for this type of operation regulations. He stated the intent was to have A-class facilities within the Logistics Park – to be the best in the country. He stated it was known the intent was for an economically higher material requirement to ensure quality development in the area.

Mr. Cook read a note into the record from George J. Schlagel:

The City in this instance is in unenviable position of wanting to balance the encouragement of intermodal driven development while maintaining existing standards for that development.

I want the City to carefully consider the standards that they want to exist at the intermodal with the eye towards having a development that will build value for the area while being sensitive to whether those standards make sense going forward. Exceptions to those standards probably should be respected on future applications with similar facts.

I can respect any decision that the City makes in this situation. I would encourage thoughtful consideration of the impact this decision will have going forward with respect to maintaining value and setting a precedent.

Thank you for having the Planning Commission consider my thoughts.

Mr. Cook updated the Commissioners about the original request which was approved on December 10, 2013. He overviewed conditions noted at the time. He also quoted from the Unified Development Code (UDC) regarding the applicant's ability to request deviation and the process (Section 7.2D.14). Mr. Cook noted this request is to amend a portion of the original conditional use permit (Ord. 967). He reviewed the project and its alternative landscape plan. He reviewed the 2015 actions and spoke about staff research of other locations/community container yard standards, which included: Gardner, KS; Riverview, MI; Romeoville, IL, Wilmington, IL; and Shorewood, IL. He noted the development standards varied and highlighted some of the standards. He added concrete/asphalt is not the normal standard for most, but added Edgerton has some lesser requirements, which would be more costly elsewhere. It was noted the City does not want to do anything to make development impossible, but desires certain qualities within this development park.

Mr. Cook stated staff recommends denial. He noted should the Planning Commission approve a recommendation of approval, there would need to be a discussion of appropriate conditions. The Commissioners were informed the City Engineer was present to address any questions.

Mr. Cooley responded to information presented by Mr. Cook. He noted the only major intermodal container yard noted was Wilmington. He noted very few of these yards are located within major intermodal or portal communities. He stated he understands to intent is not to have dirt yards similar to those found in Kansas City Kansas Argentine area. He stated he believes the millings meet the City's intent, and encouraged looking at the "real world" application. He stated he believes this will hold up better than asphalt.

Mr. B. O'Neill questioned the dust containment upon the maintenance of the surface. Mr. Cooley spoke about the tacky nature of the millings, adding it will not work like gravel. He requested the chance to prove the project for a couple years, then analyze.

No other persons appeared to speak in favor or opposition.

Chair Davis closed the hearing.

Ms. Lucero stated concrete would be best, adding she wants what is best for the community.

Mr. B. O'Neill spoke about the existing standards.

Mr. Braun indicated the requirements are noted, he added he does not see need for changing.

Mr. Davis stated the standards should be followed.

Motion by Braun, seconded by M. O'Neill, to follow staff's recommendation of denial of the application. Motion was approved 5-0.

Mr. Cook informed the audience a two-week protest period begins on August 19, 2015. He indicated this would be submitted to the Council for consideration on September 10, 2015.

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

The meeting adjourned at 8:23 p.m.

Submitted by:

Debra S. Gragg
Recording Officer

STAFF MEMO

November 6, 2015

To: Edgerton Planning Commission
Fr: Kenneth Cook, AICP, CFM, Community Development Director
Re: November 6, 2015 Planning Commission Meeting

Earlier in the year, staff had presented information on a number of possible amendments to the Unified Development Code (UDC). The previous discussions had been more focused on updates in regards to the Industrial Districts and also the Site Plan and Design Standard section. In the last few months, staff met with an individual that was interested in the possibility of demolishing an existing home and replacing it with a metal building that would be used as a residence. Staff brought up this item to the City Council and made a recommendation that the City Council adopt a moratorium on the use of nonconventional building materials for residential structures to provide the city with the opportunity to discuss and possibly adopt amendments to the UDC that would address this item. While the party that was interested in the use of a metal building as a residence has now expressed that they have changed their plans to include conventional type of siding material, staff is recommending that we proceed with the discussion of the type of siding material that is considered as appropriate for residential structures. With the approval of a moratorium on this item, the city is required to proceed expeditiously to study, approve and remove the moratorium.

As part of this conversation, this would also be an appropriate time to include discussion on other changes in the UDC which might have an impact on residential properties. Some of the additional items that staff plans to bring up as part of this discussion include updates to the regulations involving accessory structures, fencing and the projection of roofs and other structures into setbacks. Staff is proceeding with the publishing of public hearings for the discussion of these items at the Planning Commission's December 8, 2015 meeting.

STAFF REPORT

November 5, 2015

To: Edgerton Planning Commission
 Fr: Kenneth A. Cook, AICP, CFM, Community Development Director
 Re: Application PP-09-26-2013 for Edgerton Logistics Park (Lot 2), North side of 191st Street approximately one-quarter mile east of Homestead Road

APPLICATION INFORMATION

Applicant/Property Owner: Edgerton Logistics LLC

Requested Action: Extension of Time - Preliminary Plat for Edgerton Logistics Park (Lot 2)

Legal Description: Part of Section 34, Township 14, Range 22

Site Address/Location: Approximately 31 acres on the north side of 191st Street, located approximately one-quarter mile east of Homestead Road

Existing Zoning and Land Uses: Vacant

Surrounding Zoning and Uses:

	ZONING	LAND USE	USER/OWNER
SITE	LP, Logistics Park District	Agricultural	RSC 09 Trust LLC
NORTH	A-G, Agricultural District	Industrial	BNSF Railway Company
SOUTH	RUR, Rural Residential District (County)	Agricultural	Prairie Tree, LLC
EAST	RUR, Rural Residential District (County)	Industrial	Eagle Exchange Company LLC (Flexsteel)
WEST	I-H, Heavy Industrial District	Agricultural	Export

Existing Improvements: None

Site Size: Approximately 31 acres

PROJECT DESCRIPTION AND BACKGROUND: On November 12, 2013 the Edgerton Planning Commission approved Preliminary Plat application No. PP-09-26-2013 for Edgerton Logistics LLC for a one-year period expiring November 12, 2014. On September 9, 2014 an additional extension for one year was granted by the Planning Commission. A copy of the approved Preliminary Plat is attached to this staff report. The west 12 acres of that original preliminary plat has completed final plat for the Trans Coastal Supply Co. project. The eastern approximately 31 acres remains under the approved preliminary plat.

The City has received a request from George Schlagel, Schlagel Kinzer LLC to renew the approved preliminary plat for an additional year. That request is attached to this staff report for your reference.

STAFF ANALYSIS

Article 13-3 B of the Edgerton Uniform Development Code states that the Preliminary Plat is the review instrument used by the Planning Commission. The Planning Commission must approve the preliminary plat, with any notations, variances and changes, before the applicant can proceed with the Final Platting Stage. Article 13-3 E describes the steps for the Planning Commission in the approval process for a preliminary plat.

1. The Planning Commission shall approve or deny the preliminary plat as submitted or may approve the plat as submitted subject to specified changes. Upon denial, the Planning Commission must give reason for the denial. If a preliminary plat is denied the applicant shall not submit the same proposal again for a period of one year without written approval of the Planning Commission.
2. Tentative approval shall not constitute a final acceptance of the plat, but authorizes preparation of the final plat. No grading for streets or construction of improvements shall take place in the subdivision prior to approval and endorsement of the final plat and the submittal to and approval of construction plans and drainage plans by the Governing Body.
3. The preliminary plat shall be approved for a one-year period and shall be extended for an additional year upon the 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.
4. The Planning Commission upon submittal and approval of a written request may grant a one-year extension on the approval of the preliminary plat.

RECOMMENDATION

Staff recommends approval of the renewal of preliminary plat for Edgerton Logistics LLC for one year to expire on November 12, 2016. Staff would also recommend the renewal of that Preliminary Plat reference the stipulations previously placed on Preliminary Plat application No 09-26-2013 incorporated by reference on the attached Staff Report dated November 10, 2013.

City staff recommends **approval** of the Edgerton Logistics Park, Lot 2 Preliminary Plat, with the following stipulations:

1. The Preliminary Plat shall be revised to address all requirements of the City as referenced in the staff report regarding application no. PP-09-26-2013 dated November 10, 2013 during final plat submittal.
2. Revised Preliminary Plat shall be submitted to the City prior to recording of final plat.
3. The preliminary plat shall be revised to show drainage easements, streamway buffers, floodplain restrictions, and NPDES (stormwater management) requirements, according to and as may be required by the City Engineer.
4. The preliminary and final plat shall be revised with a note indicating public water and sewer provision as required by Article 13.3 D 9.
5. Preliminary plat be approved for a one-year period and shall be extended for an additional year upon the 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.

Attachment:

Request for Renewal of Preliminary Plat Application PP-09-26-13 Edgerton Logistics Park, Lot 2
Staff Report dated November 10, 2013 regarding PP-09-26-2013
Preliminary Plat Edgerton Logistics Park

SCHLAGEL KINZER LLC

ATTORNEYS AT LAW

GEORGE J. SCHLAGEL, P.A.*/AEP®
LANCE Y. KINZER, P.A. *
BENJAMIN E. LONG

*Admitted in Kansas and Missouri
AEP® Accredited Estate Planner

201 E. Loula St.
P.O. Box 10
Olathe, KS 66051-0010
www.schlagelkinzer.com

Phone: 913.782.5885
Fax: 913.782.0123

Paralegal: Rebecca I. Stutzman, CP
(Not Licensed to Practice Law)

October 5, 2015

Kenneth Cook
404 E. Nelson
Edgerton, KS 66021

Sent via Email to kcook@edgertonks.org

Re: Extension of Preliminary Plat
Edgerton Logistics Park Lot 2
PP-09-26-13

Dear Mr. Cook:

This is to follow up on our conversation of this morning.

As we discussed, the Preliminary Plat and Preliminary Plans for Lot 2 Edgerton Logistics Park were approved by the Edgerton Planning Commission on November 12, 2013. The preliminary plat PP-09-26-13 was renewed for one year on September 9, 2014 to expire in November 2015. You indicated that the preliminary plans do not need to be renewed.

Please accept this as a request that the above referenced preliminary plat be renewed for one year, through 2016.

Please contact me if I have misunderstood any part of the process or if you need anything further. Also, please advise of the date of the hearing to extend.

Very truly yours,

SCHLAGEL KINZER LLC



George J. Schlagel

GJS/sjm

STAFF REPORT

November 10, 2013

To: Edgerton Planning Commission
Fr: Beth Linn, City Administrator
Mike Mabrey, Zoning Administrator
Re: Application PP-09-26-2013 for Edgerton Logistics Park (Lots 1-2), southwest corner of 191st Street and Waverly Road

APPLICATION INFORMATION

Applicant/Property Owner: Schlager Family, LLC

Requested Action: Preliminary Plat for Edgerton Logistics Park (Lots 1-2)

Legal Description: Part of Section 34, Township 14, Range 22

Site Address/Location: Approximately 43 acres on the north side of 191st Street, located approximately one-quarter mile east of Homestead Road

Existing Zoning and Land Uses: Vacant

Surrounding Zoning and Uses: BNSF Intermodal Facility to the north and west in the City of Edgerton; L-P zoned land under warehouse development to the east; I-H zoned land to the west, a few homes on rural acreage, farming, and vacant land to the south and southeast, across 191st Street, in unincorporated Johnson County and the City of Edgerton; and farming and vacant land to the southeast and east in unincorporated Johnson County. The City of Gardner lies about one mile to the east.

Existing Improvements: None

Site Size: Approximately 43 acres

PROJECT DESCRIPTION AND BACKGROUND: This land was annexed into the City of Edgerton on February 14, 2013, and was zoned L-P Logistics Park on March 21, 2013. Lot 1 was rezoned I-H, Heavy Industrial on September 12, 2013. The Preliminary Plat is being requested to divide the land for a property sale of Lot 1 to accommodate a proposed agricultural storage and processing facility similar to the I-H-zoned facility (DeLong) recently opened to the west. The City's Unified Development Code (UDC) defines I-H zoning as designed to accommodate heavy

industrial uses. Agricultural storage and processing facilities, such as the applicant's anticipated use, are allowed uses in this district.

The recently completed BNSF intermodal facility is adjacent to the north boundary of the subject site. The purpose of the intermodal facility's is to transfer loaded cargo containers from trains to trucks. BNSF owns 1,000 acres, annexed into the City in 2010, to develop both the intermodal facility and an adjacent warehouse industrial (logistics) park. The subject property is surrounded by parts of this 1,000 acres on all three sides not abutting 191st Street; by the intermodal facility itself (on the north), by a grain transfer facility (to the west), and by 191 acres zoned for logistics park use in 2012 (to the east). Please see Figures 1 and 2, below.

Figure 1: Subject Property

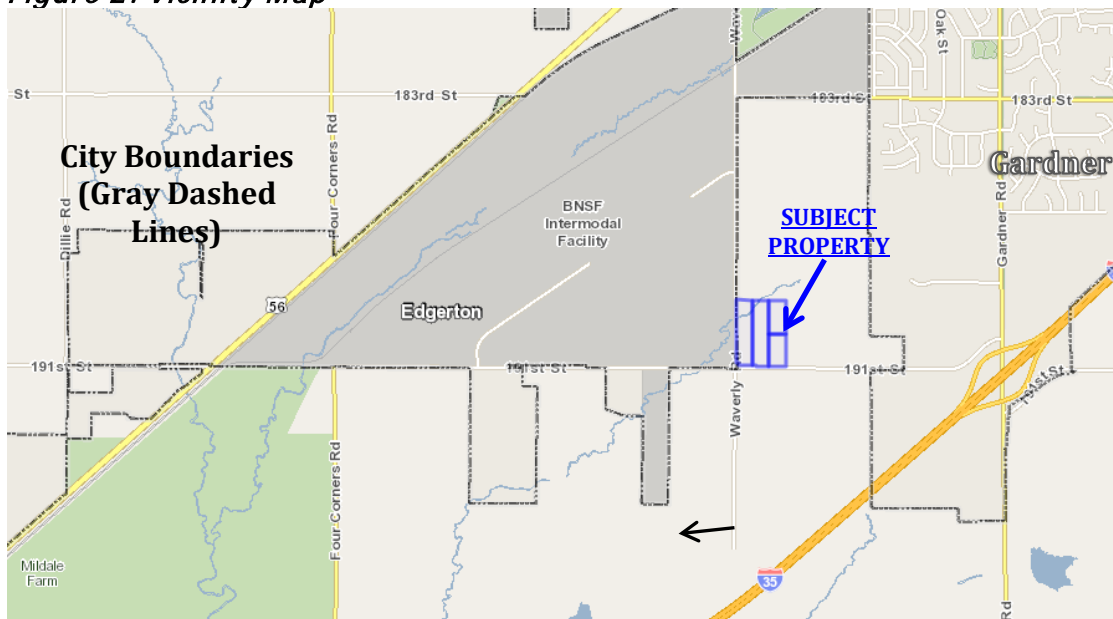


Infrastructure and Services: For information only – infrastructure was reviewed and found to be adequate as part of the rezoning application.

- a. Johnson County's *Comprehensive Arterial Road Network Plan* (CARNP) designates 191st Street as a Type I Arterial Road, which will provide access for traffic from the development to the Intermodal Facility and Homestead Lane and the new I-35 interchange to the south.
- b. A new interchange and road improvements to I-35 have been recently been completed.

- c. 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.
- d. There are no designated floodplain areas on the property.
- e. The property has access to sanitary sewer service.
- f. The property is located within the service area of Rural Water District No. 7. A 12-inch water main is located along the 191st Street property frontage.
- g. 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 3.5 miles to the southwest.

Figure 2: Vicinity Map



STAFF ANALYSIS

Staff has reviewed the Preliminary Plat submittal for compliance with the requirements in Section 13.3 of Article 13 of the Edgerton UDC. Review comments are listed below.

1. A North point and scale which is appropriate to the size of the development: one inch equals 50, 100, 150 or 200 feet is typical. **Preliminary Plat complies.**
2. A legal description; and current zoning. **Preliminary Plat complies.**
3. Names of: Applicant, Subdivision & Streets. **Preliminary Plat complies.**
4. Name and seal of surveyor/engineer. **Surveyor's name has not been shown. Preliminary plat has not been sealed.**
5. Date surveyed. **Preliminary Plat complies.**
6. Adequate legend; vicinity map. **Preliminary Plat complies.**
7. Signature block and date for review of Zoning Administrator. **Preliminary Plat complies.**
8. Signature block and date for review of City Engineer. **Preliminary Plat complies.**
9. Signature block and date for review of Chair of Planning Commission. **Preliminary Plat**

complies.

10. Signature block and date for review of Mayor. *Preliminary Plat complies.*
11. Complete outline drawing of all boundaries, lots, and streets, together with courses, distances and areas. Boundaries must be shown as solid lines and all easements as dashed lines. *Courses have not been shown on the north line of the property. The existing easements along 191st Street are not labeled clearly.*
12. Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities, walkways, access, and other purposes. *Proposed utility easements have not been shown.*
13. Proposed location of streets, sidewalks, sanitary sewers, storm water sewers, water mains, and fire hydrants. Plat must show that the water distribution system and the sanitary sewer collection system touch upon each lot, or in an easement appurtenant to each lot. *Property Owner shall sign an agreement to not to protest formation of benefit district for installation of sidewalks along 191st Street adjacent to the property. Plans do not show proposed sidewalks, sanitary sewer, storm sewer, water main and fire hydrants.*
14. Total acreage, and size of each lot. *Preliminary Plat complies.*
15. Contours at vertical intervals of 4 feet or less. *Proposed contours have not been shown.*
16. Setbacks, yards and any entrance restrictions. Setbacks shall be shown as a building envelope representing that portion of the lot within the yards and setbacks that can reasonably contain, depending upon watercourses, topography or geology, the principal structure and the lateral field (if a lateral field is used). *Proposed entrances have not been shown.*
17. A copy of the proposed restrictive covenants. *Not provided.*

Other Comments

- A storm water study has not been provided.
- A traffic study should be provided for the site.
- Add a preparation date to the document so it can be tracked.

General Design Standards

1. Rights-of-way must conform to the current standards of the American Public Works Association, and greater widths may be required by the Zoning Administrator after preliminary review; utility easements must be a minimum of fifteen (15) feet wide or, 7.5 feet for appurtenant utility easements on interior lots. Street lighting and fire hydrants must be indicated in areas planned for residential use. Cul-de-sacs are limited to 800 feet in length. *New public street rights-of-way or private access easements have not been shown. Utility easements have not been shown. New right-of-way dedication is not shown. Sidewalks have not been shown. Underground utilities are required. A right-of-way landscape buffer is required per Article 5.2, Part K.*
2. All portions of the tract being subdivided shall be taken up in lots (or phases), streets, planned open areas or other uses so that remnants and landlocked areas are not created. *Preliminary Plat complies.*
3. All lots must front on a public right-of-way. When a subdivision is located along arterial roads adequate buffers must be maintained between the right-of-way and the building line. Residential structures shall have their front on interior roads. *Preliminary Plat complies.*

4. Corner lots shall have minimum side-yard setbacks of twenty (20) feet to the street right-of-way and nine (9) feet to the property line of the adjacent interior lot unless approved by the Zoning Administrator. ***Buildings proposed later will have to comply with the setback requirements.***
5. Side lot lines shall be substantially at right angles to street lines. ***Preliminary Plat complies.***
6. Drainage and watercourse easements are required. Building setbacks from watercourses should be measured from the thread of the stream. Flowage easements may be used to calculate required minimum lot sizes. ***Drainage/storm sewer and detention area easements have not been shown.***
7. The lot depth to front lot width ratio shall be no more than 3 to 1. ***Preliminary Plat complies.***
8. If the development is to be served with public water or sewer, the plat must bear a notation that the subdivision is to be served by these facilities. The Zoning Administrator may not issue a building permit for a lot notated "SERVICED BY PUBLIC WATER/SEWER" without written verification from the public water or sewer district that all distribution or collection lines have been installed and that all lots are either connected or are capable of being connected to central utilities. ***There is no such notation on the plat. The preliminary shall be revised to show a note indicating public water and sewer provision as required by this regulation.***
9. Building Setbacks. ***The building setbacks in the area zoned I-H Heavy Industry needs to be changed to 35 ft. front, 20 ft. side and 25 ft. rear yard.***
10. Restrictive Covenants. ***A copy of the proposed covenants needs to be provided.***

RECOMMENDATION

City staff recommends **approval** of the Edgerton Logistics Park, Lots 1-2 Preliminary Plat, with the following stipulations:

1. The Preliminary Plat shall be revised to address all requirements of the City listed above or addressed during final plat submittal.
2. Revised Preliminary Plat shall be submitted to the City prior to recording of final plat.
3. The preliminary plat shall be revised to show drainage easements, streamway buffers, floodplain restrictions, and NPDES (stormwater management) requirements, according to and as may be required by the City Engineer.
4. The preliminary and final plat shall be revised with a note indicating public water and sewer provision as required by Article 13.3 D 9.
5. Preliminary plat be approved for a one-year period and shall be extended for an additional year upon the 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.

Attachment:

Preliminary Plat Application PP-09-26-13 Edgerton Logistics Park, Lots 1-2
Preliminary Plat Edgerton Logistics Park

PRELIMINARY PLAT OF
EDGERTON LOGISTICS PARK
PART OF THE SW 1/4, SECTION 34, TOWNSHIP 14, RANGE 22,
CITY OF EDGERTON, JOHNSON COUNTY, KANSAS

LEGAL DESCRIPTION FROM TITLE COMMITMENT: (PARENT PARCEL)

All that part of a tract of land described as the J.A. Pearce Tract in the Southwest Quarter of Section 34, Township 14 South, Range 22 East as said tract is shown and described in the 1892 Re-Survey of said Section Township and Range, Johnson County, Kansas, said tract of land being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section 34; thence South 88 degrees 10 minutes 27 seconds West, along the South line of the Southwest Quarter of said Section 34, a distance of 360.36 feet (5.46 chains as shown in said Re-Survey) to the Southeast corner of said J.A. Pearce Tract and the Point of Beginning of the tract of land to be herein described; thence continuing South 88 degrees 10 minutes 27 seconds West, along the South line of said Section 34, a distance of 1,520.50 feet to the Southwest corner of said J.A. Pearce Tract, said point being 754.38 feet (11.43 Chains as shown in said Re-Survey) East of the Southwest corner of said Section 34, as measured along the South line thereof; thence North 01 degrees 52 minutes 40 seconds West, along the West line of said J.A. Pearce Tract, a distance of 785.11 feet; thence North 53 degrees 52 minutes 24 seconds East, no longer along said West line, a distance of 1,824.27 feet to a point on the East line of said J.A. Pearce Tract; thence South 02 degrees 16 minutes 32 seconds East along the East line of said J.A. Pearce Tract, a distance of 1,813.21 feet to the Point of Beginning. Subject to all covenants, restrictions, reservations, and easements now of record thereon. And except that part in roads.

LEGEND

- ⊕ FH = FIRE HYDRANT
- ⊕ GA = GUY ANCHOR
- ⊕ PP = POWER POLE
- ⊕ UMH = UNKNOWN MH
- ⊕ WV = WATER VALVE
- T — = UNDERGROUND CABLE TELEPHONE
- P — = OVERHEAD POWER
- X — = FENCE
- — = GRAVEL
- W = WATER MARKER
- TEP = TELEPHONE PEDESTAL
- = TELEPHONE MARKER
- ⊕ = WELL

GENERAL NOTES:
The Re-Survey of Johnson County, Townships 14 and 15 has an entry for Section 34 in said Township 14 South dated March 28 to 31, 1892. We have honored said Re-Survey in regard to the adjacent parcels of this surveyed premises and found the property lines to fit the occupation lines reasonably well. The Stone Monument found at the Northeast corner of this survey is referenced in both the Deed and Re-Survey.

The bearings shown hereon are based upon the State Plane Coordinate System, Kansas North Zone, NAD83

Contour information shown hereon as provided by Johnson County, AIMS.

Field survey was completed August 2013.

FLOOD NOTE:

This property lies within Flood Zone X, defined as areas determined to be outside the 500-year flood, as shown on the Flood Insurance Rate Map, prepared by the Federal Emergency Agency's National Flood Insurance Program for Johnson County, Kansas, Map Number 20091C0290F and dated June 17, 2002.

APPROVED by:

Zoning Administrator _____ Date _____
City Engineer _____ Date _____
Planning Commission, Chairman _____ Date _____
Mayor _____ Date _____

SHAFER, KLINE & WARREN, INC.
ENGINEERS ~ SURVEYORS

11250 CORPORATE AVENUE
LENEXA, KANSAS 66219
(913) 888-7800 www.skw-inc.com

OWNER/APPLICANT
SCHLAGEL FAMILY LLC
P.O. Box 10
Olathe, KS 66051

