

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING
Regular Session
July 12, 2016
Minutes

The Edgerton Planning Commission met in regular session with Chair Davis calling the meeting to order at 7:20 p.m.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were: Commissioners Chuck Davis, Ron Conus, Elliot Lahn, Leslie Hardin, and Desiree' Goans. Absent were: Maria O'Neill, Bob O'Neill, and Andrea Lucero. Also present were Community Development Director Kenneth Cook, City Administrator Beth Linn, City Engineer David Hamby and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

MINUTES

Minutes of June 14, 2016 were considered.

Motion by Conus, seconded by Hardin, to approve the minutes. Motion was approved, 5-0.

GUESTS

Charlie Troutner, Edgerton City Council, representatives from North Point, and J.B. Hunt were present.

COMMUNICATIONS

None

AMENDED FINAL SITE PLAN – FS2016-05

Amended final site plan, FS2016-05, requesting approval of an amendment to approved Final Site Plan S-11-18-2014 from December, 2013 for property located at 30650 West 191st Street, in Section 35, Township 14, Range 22 located approximately .2 miles east of Waverly Road on the north side of 191st Street containing 20 acres, more or less, was considered. Applicant: Derek Kenneman, J. B. Hunt, LLC. Engineer: Michael R. Osbourne, Kaw Valley Engineering. The Community Development Director spoke about the updated plans which include elevations, storm shelter, and covered seating. He noted staff agrees with these matters. He then reviewed the container stacking area and displayed drawings of the approved location allowing for stacking of containers, with only two high allowed on the north side adjacent to residential property. It was questioned if the original request for allowance of stacked containers is large enough to contain for on-going future years. Mr. Cook indicated the Planning Commission could allow an extension to the west, which was suggested to go approximately half-way to the west in the parking area, which the applicant agreed. Mr. Cook also noted staff requires drawings and elevations "to scale," work on building separation, and structure compliance on the container stacking.

The applicant proposed the use of shipping containers to create an enclosed storage/safety building, and indicated this would be a building within a building. Samples of proposed façade materials were distributed to the Planning Commissioners. It was noted the containers would be sided along three sides with the cargo doors remaining unfinished for access.

Mr. Lahn questioned the back-up plan for this facility if use of the containers is not allowed. J. B. Hunt representatives indicated this request would be constructed for storage and security containment of tools, adding no offices would be constructed with same material.

Mr. Troutner indicated he toured the facilities and spoke about the container quality. The applicant also indicated Burlington Northern and Santa Fe (BNSF) officials have overviewed the product, adding this design was based upon the company's uses in other intermodal sites nationwide.

In response to comments of the Planning Commissioners, the J.B. Hunt representatives acknowledged their actions, adding they take responsibility for not properly permitting for structures and indicated they want to do the right thing.

City Administrator Linn addressed this matter and concerns for safety. She addressed past requests by others for use of containers and various construction materials. Ms. Linn also addressed past exceptions in the Logistics Park (L-P) zoning area for temporary use of existing facilities and requirements for such.

Pictures of storage containers used for constructing storage facilities were displayed. Comments regarding regulations in place for L-P zoning, concerns with exceptions and precedents were discussed.

The applicant spoke about compliance with regulations and stated they would be disappointed if other entities are allowed similar exceptions. They asked for favorable consideration with this request.

Ms. Linn spoke about the use of shipping containers, indicating these were not allowed for years before the L-P zoning, adding they are a non-compliant use for building structures. It was noted other requests with proposed exterior facades were denied.

Mr. Cook addressed the use of cementitious products and the requirements for use.

The J.B. Hunt representatives spoke about the contractor for the first building indicating they did a fine job, but noted they dropped the ball on the second building. It was noted this contractor has been involved with many of the projects and this was not how they generally operate.

Staff indicated that originally with the first building, only one fire hydrant was necessary, but noted with an allowed additional building, a second hydrant would be needed. Mr. Cook cited the Fire Chief's comments regarding non-sprinkled buildings.

The applicant stated their desire is to hide the containers by enclosing and could change the entry doors for more concealment.

Commissioners Hardin and Goans were supportive of the request.

Mr. Conus asked the Community Development Director of his ideas for potential use of covered containers, which was addressed.

Commissioner Hardin left at 8:56 p.m. and returned at 8:58 p.m.

Mr. Davis stated he was supportive with a roll-up door, but indicated the rock material as presented would need to change, adding the project would need two points of access to address fire/safety emergencies.

Mr. Cook noted after staff discussion, the Planning Commission could deviate, but stated he would need to speak with the City Attorney to determine if the interpretation is valid.

Mr. Conus indicated he has concerns with approving a deviation unless the City Council makes changes.

Motion by Lahn, seconded by Conus, to approve the covered seating area, storm shelter, and weight scales, and disapprove the maintenance office and shop.

The vote on the motion: YEA: Lahn and Conus. NAY: Hardin, Goans, and Davis. Motion failed, 2-3.

Motion by Lahn, seconded by Conus, to table this matter until the City Attorney can offer an opinion determining whether or not the Planning Commission has authority to deviate. Motion was approved, 5-0.

The meeting recessed at 9:10 p.m. for comfort break.

The meeting reconvened at 9:20 p.m.

PUBLIC HEARING – PRELIMINARY PLAT PP2016-01

The public hearing, continued from June 14, 2016, for Preliminary Plat application, PP2016-01, requesting approval of a preliminary plat for Logistics Park Kansas City, Phase V located west of Waverly Road, north of Burlington Northern Santa Fe Railroad (Rail Serve) within the southeast quarter of Section 27, Township 14 South, Range 22 East containing approximately 61.996 acres, more or less, was considered. Owner/Applicant: Edgerton Land Holding Company. Engineer: Renaissance Infrastructure Consulting.

Chair Davis opened the public hearing.

Mr. Cook indicated he would address issues stemming from last month's hearing.

The first matter addressed was definition of cul-de-sac, adding the City Attorney indicated the code addressed residential zoning. Mr. Cook noted this area would have two access points and overviewed the preliminary plat. He also noted that emergency access was provided in 2010, located in agreements between the City of Edgerton, Edgerton Land Holding Company and BNSF. He also noted this matter was discussed with emergency responders, of which indicated a favorable comfort level, with a limitation of hazardous materials. The Fire Department indicated support of a requirement of hard packed gravel emergency access roadway when half of the length of the roadway is complete. It was also noted since the Fire Department responds to rural areas, the department has equipped vehicles to work in these types of situations.

Mr. Davis questioned if the cold storage would be using ammonia. Mr. Burkes, North Point, indicated that is correct and addressed the proposed suppression system, which is not yet fully complete.

Mr. Cook addressed the traffic and road design. It was noted the *Traffic Study of the Proposed Logistics Park in Johnson County, Kansas* was reviewed in addition to several other studies dealing with development of the intermodal facility, freight, and other transportation concerns. It was noted this corridor was considered from the beginning, and spoke about the partnership with the Kansas Department of Transportation in the development of Waverly Road and grade separation.

Mayor Roberts overviewed the history, indicating emergency access was an original concept from the beginning involving agreements between the City of Edgerton, Johnson County and developers in regards to adequacy of size and capacity.

Patrick Robinson, North Point, thanked the Planning Commission for spending late hours with these meetings. He spoke about this project for cold storage of protein exports which encouraged the State to make decisions with this area. It was noted protein products from many surrounding states would be transported via rail from this facility, limiting trucking transportation. He asked for approval of this request.

Motion by Hardin, seconded by Goans, to close the hearing. Motion was approved, 5-0.

Motion by Goans, seconded by Lahn, to approve the preliminary plat with the following stipulations: 1.) All Preliminary Plat requirements of the City shall be met or addressed; 2.) A hard packed gravel road will be required to be constructed no later than when the proposed 181st Street has been constructed half the distance to Four Corners Road. Such road will be required to be maintained as an emergency access road and may be required at an earlier point in time as part of the consideration of additional projects along the rail served area if it is determined that the number of employees or anticipated traffic volumes warrant the improvement; 3.) 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; and 4.) All infrastructure requirements of the City shall be met. Motion was approved, 5-0.

FINAL SITE PLAN, FS2016-06

Final Site Plan, FS2016-06, requesting approval of a final site plan for Inland Port XL (Rail Serve), Logistics Park Kansas City Phase V, located at 13101 W 181st Street consisting of 59.882 acres, more or less, and located west of Waverly Road, north of Burlington Northern Santa Fe Railroad, was considered. Owner/Applicant: Edgerton Land Holding Company, LLC. Engineer: Mick Slutter, Renaissance Infrastructure Consulting.

Mr. Cook reminded the Commissioners the preliminary site plan for this project was tentatively approved last month pending approval of the preliminary plat, which just happened. He indicated there are a number of items to be addressed. He discussed the materials for this use and focused on the paint/exterior finish. He indicated this first phase project would be

constructed of two concrete tilt-up walls on the south and east sides with insulated metal panels on the west and north sides.

Aaron Burke and Patrick Robinson, North Point, spoke about the desire was to paint the insulated metal panela with a similar light color to make the metal façade less noticeable, but due to tenant needs and requirements, white is the only color option. It was noted since this color is baked on, it is not feasible to paint (will not cling) the panels, but use accent (almond) colors on the concrete portions. The need to mesh code with deviation for subsequent requirements was briefly discussed. Mr. Robinson asked the Planning Commission to approve this project.

Mr. Cook indicated the drawings are for full build out with Phase 2 beginning in 18 months of first phase.

Landscaping, alternative landscaping plans, and roof articulation changes were discussed.

Staff and Commissioners discussed aspects of phased –in projects from a future perspective, adding notations for stipulations may address.

Motion by Conus, seconded by Lahn, 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 photometric lighting plan for Inland Port XL in conformance with UDC especially with regard to maximum foot-candles at property line; b.) Construction plans for future infrastructure be submitted and approved by the City. Any necessary permits obtained; c.) 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.) All building permit and sign permit requirements of the City shall be met; and 4.) Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easements, road 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. Motion was approved, 5-0.

PUBLIC HEARING – PRELIMINARY PLAT PP2016-02

The public hearing, continued from the June 14, 2016, in regards to Preliminary Plat application PP2016-02, requesting approval of a preliminary plat for LPKC Phase VI, 1st Plat, east of Waverly Road, south of 183rd Street, containing two (2) lots within the west half of the northwest quarter of Section 35, Township 14 South, Range 22 East containing approximately 70.99 acres, more or less, was considered. Owner/Applicant: Edgerton Land Holding Company, LLC. Engineer: Renaissance Infrastructure Consulting.

Chair Davis opened the hearing.

The Community Development Director overviewed the location and uses and stated there were not many concerns noted. Mr. Cook focused primarily on comments from the City Engineer, which noted: a) no connection will be permitted onto Waverly Road from this site. Site plan currently shows three (3) connection points. b.) The south end of Montrose Street should not be

used as a private driveway connection. If future public road extension South is not desired the apron should be removed. Driveway connection should be moved further west. 3.) The Northeast driveway connection for Lot 1 should be moved further south away from the 183rd Street intersection. 4.) Spacing between driveway entrances and intersections should meet access control requirements. Coordination regarding the vacation of 183rd Street may be needed between the City of Edgerton, Johnson County Public Works, and the applicant.

David Hamby, City Engineer, stated staff can work with applicant with an agreement prior to the consideration of the final site plan.

John Thomas, North Point, spoke about the storm water study, drainage plan, and conversations to limit, not eliminate, connections onto arterial streets.

Motion by Hardin, seconded by Goans, to close the hearing. Motion was approved, 5-0.

Motion by Lahn, seconded by Goans, to approve Preliminary Plat, PP2016-02, with the following stipulations: 1.) All Preliminary Plat requirements of the City shall be met or addressed; 2.) 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; and 3.) All infrastructure requirements of the City shall be met. Motion was approved, 5-0.

PUBLIC HEARING – PRELIMINARY SITE PLAN, PS2016-02

A public hearing, continued from June 14, 2016, in regards to Preliminary Site Plan application, PS2016-02, requesting approval of a preliminary site plan for Logistics Park Phases VII and VIII, located east of Waverly Road, south of 183rd Street, containing two (2) lots within the west half of the northwest quarter of Section 35, Township 14 South, Range 22 East containing approximately 70.99 acres, more or less. Applicant: Edgerton Land Holding Company, LLC. Engineer: Renaissance Infrastructure Consulting.

Chair Davis opened the hearing.

Mr. Cook indicated this site is the same as the previous preliminary plat. He indicated that comments are standard. He noted that Renaissance Infrastructure Consulting is developing documents to address these standard comments, so the reports may not be as intricate as the final site plans.

Mr. Cook indicated this project probably will have an alternative landscape plan.

Mr. Thomas, North Point, informed the Commissioners landscaping designs are incorporated as previously approved on another project.

Mr. Cook noted there were some concerns with setbacks on roadway between lots.

Mr. Thomas addressed changes in circulation for the setbacks and indicated he will work with staff.

Motion by Conus, seconded by Hardin, to close the hearing. Motion was approved, 5-0.

Motion by Hardin, seconded by Goans, to approve the preliminary site plan with the following stipulations: 1.) The recommendations of staff need to be incorporated into a Final Site Plan; 2.) A final Site Plan must be submitted and approved prior to commencement of uses and the property shall be developed in accordance with a Site Plan, Landscaping Plan, and Photometric Plan as required by City approval of the submitted preliminary site plan, as amended by these stipulations, and approved by the City; 3.) All Preliminary Site Plan requirements of the City noted shall be met or addressed during Final Site Plan submittal as noted; 4.) No signage is proposed with the application. Signage proposed later shall receive separate approval according to the provisions of the UDC; and 5.) All construction plans for any public infrastructure shall be prepared to City standards and approved by the City. Motion was approved, 5-0.

The Community Development Director spoke to the Commissioners regarding the next topics. He spoke about the progress and steering toward exceptions, need for review of commercial standards and overhaul. He noted staff is working with consultant George Butler & Associates to work toward this accomplishment.

Ms. Goans left at 10:23 p.m. and returned at 10:24 p.m.

Mr. Cook questioned if the Planning Commission would like to meet at an early work session prior to a scheduled meeting or meet in a special session on a Saturday morning or another Tuesday to discuss these matters.

Mr. Lahn suggested tapping into Mid America Regional Council resources.

PUBLIC HEARING – UNIFIED DEVELOPMENT CODE AMENDMENT

A public hearing, continued from June 14, 2016, in regards to UDCA2015-01, Unified Development Code Amendment 01, pertaining to Article 3 in regards to use of acceptable building materials and accessory structures was considered. Applicant: City of Edgerton. Chair Davis opened the hearing.

Motion by Hardin, seconded by Goans, to table the hearing to August 9, 2016. Motion was approved, 5-0.

PUBLIC HEARING – UNIFIED DEVELOPMENT CODE AMENDMENT

A public hearing, continued from June 14, 2016, in regards to UDCA2015-02, Unified Development Code Amendment 02, pertaining to fencing standards, setback, and bulk and yard requirements was considered. Applicant: City of Edgerton.

Chair Davis opened the hearing.

Motion by Hardin, seconded by Goans, to table the hearing to August 9, 2016. Motion was approved, 5-0.

PUBLIC HEARING – UNIFIED DEVELOPMENT CODE AMENDMENT

A public hearing in regards to UDCA2016-01, Unified Development Code Amendment 01, pertaining to Article 9 regarding building permit requirements, accessory structures, fences, and short-term special uses and permits was considered. Applicant: City of Edgerton.

Chair Davis opened the hearing.

Motion by Hardin, seconded by Goans, to table the hearing to August 9, 2016. Motion was approved, 5-0.

DISCUSSION – COMMISSION REQUEST

A discussion in regards to residential/commercial use facilities (C-1 mixed uses) and function which could reside within the same facility was considered.

Motion by Hardin, seconded by Goans, to table discussion to August 9, 2016. Motion was approved, 5-0.

OTHER COMMENTS

The City Administrator reminded all in attendance not to forget to vote at the August 2, 2016 primary election.

ADJOURNMENT

Motion by Hardin, seconded by Goans, to adjourn. The motion was approved, 5-0.

The meeting adjourned at 11:38 p.m.

Submitted by:

Debra S. Gragg
Recording Officer