

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING

January 10, 2017

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, Leslie Hardin, Juliann Hunter, Joshua Lewis, and Erik Erazo. Absent was: Commissioner Desiree Goans. Also present were Community Development Director Kenneth Cook, City Administrator Beth and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

CONSENT AGENDA

Mr. Conus requested Items B and C of the consent agenda be considered separately. Motion by Conus, seconded by B. O'Neill, to approve the consent agenda with noted exceptions.

A. Minutes – December 13, 2016

Meeting Minutes of December 13, 2016 were considered and approved.

B. Temporary Construction Activities – Inland Port XV/Temporary Office Trailer

A request from NorthPoint Development to place a temporary office trailer at 19321 Montrose to support staff needed to execute start up functions relating to the permanent facility under construction at Inland Port XL, 31301 W. 181st Street, was considered.

Mr. Cook overviewed the request for the Cold Point temporary office until the facility at Inland Port XL is complete. It was noted the applicant desires to keep all employees together. Mr. Cook indicated staff recommends approval with conditions through July 15, 2017 or until the main structure is complete.

Motion by B. O'Neill, seconded by M. O'Neill, to approve the request with the following stipulations: 1.) Trailer must be removed no later than July 15, 2017 or when the tenant improvement is completed, whichever occurs first; 2.) Site and trailer must be maintained in good condition; 3.) All waste must be disposed of in accordance with all applicable regulations; and 4.) The site must be returned back to existing conditions following completion of the use. Motion was approved, 8-0.

C. Temporary Construction Activities – Portable Concrete Mixing Plant

A request from NorthPoint Development to place a portable concrete mixing plant at 18661 Waverly Road, property located to the southeast of 185th Street and Waverly Road, was considered.

Mr. Cook noted the this item is similar to past approvals at the same location and indicated this use will be used for a couple projects.

Mr. O'Neill asked if this will provide savings of truck trips, if allowed. Mr. Cook indicated it would provided quicker responses within the area, with fewer concrete trucks responding. Mr. John Thomas, applicant, noted other materials could be scheduled for delivery during off-peak traffic hours.

Mr. Cook noted staff approval of this request with conditions.

Motion by Hunter, seconded by Erazo, to approve the request with the following conditions: 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 a.m to 7:00 p.m. 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 ending November 1, 2017. Motion was approved, 8-0.

UNIFIED DEVELOPMENT CODE - AMENDMENT

A recommendation of amendment change pertaining to Article 5, Section 5.2 (P), Logistics Park, Signage of the Unified Development Code in regards to sign regulations. Applicant: City of Edgerton

The Community Development Director stated this item has been discussed for several meetings. He indicated this compiles those discussion matters, which include six (6) regulations. He stated this amendment pertains to monument signage, other signs will be addressed later this year.

Mr. Cook overviewed a table addressing the monument signs, which include: number, location, size, material design, illumination, and landscaping.

Commissioners were supportive of the draft update.

Mr. Conus asked for a clarification between translucent backlight vs. halo lighting around cut-reverse channel letters. Mr. Cook overviewed.

Motion by Conus, seconded by B. O'Neill, to recommend approval to the Council. Motion was approved, 8-0.

PUBLIC HEARING – REZONING AT 183RD AND WAVERLY, ZA2016-03

Opening of a public hearing in regards to an application submitted for the rezoning of property from A-G to City of Edgerton L-P (Logistics Park) located at the northeast corner of 183rd and Waverly Road, containing approximately 81.989 acres, was considered. Applicant: ELHC, LLC Engineer: Renaissance Infrastructure Consulting.

The Community Development Director overviewed the site of this request. It was noted this property was originally annexed in with the Burlington Northern and Santa Fe Railroad (BNSF) annexation. Mr. Cook indicated that when annexed, the City rezoned the property to A-G as a place-holder until future consideration. Mr. Cook overviewed the Future Land Map Use of the Comprehensive Plan which noted this property as "Logistics Park East." Mr. Cook explained the differences between the zoning classifications of B-P, L-P, and Industrial. He stated staff believes the L-P zoning appears consistent with the Comprehensive Plan/Future Land Use Map. He also spoke briefly about the area of transition.

Mr. Cook discussed the compatibility in regards to the Golden Criteria and focused on five points of the 18 points:

- Effective use of the land, noting this is adjacent to the BNSF Intermodal Facility, with the lead tracks and other industrial property.

- Extent to which there is a need in the community for the uses allowed in proposed zoning: the City has seen significant demand for warehouse, distribution, and similar types of industrial uses.
- Economic impact on community from uses allowed in the purpose of zoning: Uses allowed in the L-P District have the ability to provide needed services, jobs and tax revenues. The property is located in an area where significant investments have already been made in infrastructure to serve this type of facility.
- Relative gain to public health, safety, and welfare from a denial of rezoning as compared to hardship imposed upon rezoning applicant from denial: There would be little gain to the public health, safety and welfare of the City if zoning is denied. A denial would create a hardship for applicant as other uses might be considered as more acceptable to residential property to the East would possibly conflict with uses to the West.
- Consistency with City of Edgerton Comprehensive Plan: Future Land Use Map from Comprehensive Plan for the City of Edgerton show subject property as Business Park/Industrial, and more specifically is shown as "Logistics Park East." The Preferred Land Use Plan in the Southwest Johnson County Area Plan also shows the western portion of the site as being warehousing and distribution with east portion shown as business park. The uses which are permitted in the L-P District and B-P District are both similar in intensity.

Mr. Cook indicated a negative factor to which the zoning amendment could affect nearby/adjacent residential property include uses that are permitted within the proposed zoning amendment which could contribute to traffic, noise and other impacts. He noted the L-P District provides specific requirements to try to mitigate some of the concerns and the Planning Commission has the ability to consider those requirements as part of the Site Plan process. He also noted that L-P district zoning is not "heavy industrial."

Mr. Cook addressed matters which would be addressed at the final site plan, and particularly in regards to adjacent residential or other zonings. He stated staff supports this request with stipulations. He also mentioned that a number of uses are allowed under L-P zoning, but indicated any "conditional" uses would require a separate application for consideration of a conditional use.

Patrick Robinson, NorthPoint, informed the Commissioners the property is owned by BNSF and ELHC, LLC. He provided a history of the Intermodal and Logistics Park. He echoed this is the best use for this site.

Tara King, 18336 Butternut, informed the Commissioners she purchased her property in September 2012, and was told this site would always be agricultural. She stated concerns with property values, noise, traffic, and impacts to families. She is not in support of the zoning change.

Ken Pragman, unknown address, stated his property backs up along the site, adding he purchased the property in 2010, and he has concerns with the change in zoning.

Mr. Davis opened the public hearing.

Mr. Zani, 441 W. Acorn, stated agreement with the concerns to families and supported the two previous speakers. He stated favor with a recreation park or extension of an industrial park.

Ms. Hunter indicated she is not from this area and questioned if the train tracks were there before the intermodal. Staff indicated yes, the tracks have been there for a long time, with some slight change in configuration. She questioned what the zoning designation was when it was in the unincorporated area. Staff indicated Johnson County Rural Residential.

Mr. Robinson stated this location's intent was well known earlier through the Comprehensive Plan- Future Land Use Map. He stated this area has been well contemplated, and might have been rezoned sooner, but other property acquisition was addressed, leaving this for later. He stated this use has always been part of the plan.

Kasey Willnouer, 872 S. Poplar, informed the Commissioners he purchased his property a few years ago. He asked, if property is rezoned, to think of the people and families within the area, and do the right thing.

Motion by B. O'Neill, seconded by M. O'Neill, to close the public hearing. Motion was approved, 8-0.

Motion by Hunter, seconded by B. O'Neill, to recommend approval of rezoning property from A-G, Agricultural District to L-P, Logistics Park District to the Council based upon staff's recommendations and findings of fact and the following stipulations: 1.) All Site Plan application requirements of the City shall be met; 2.) All infrastructure requirements of the City shall be met; and 3.) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City. Motion was approved, 8-0.

FINAL PLAT – MIDWEST GATEWAY, FP2016-04

An application for Final Plat, FP2016-04, requesting a recommendation of approval of a final plat for Lot 1 Midwest Gateway, Final Plat; located at 32180 W. 191st Street, on a tract of land consisting of one (1) lot, containing approximately 32.445 acres, was considered. Applicant: Midwest Gateway Venture, LLC. Engineer: Shafer, Kline & Warren.

Mr. Cook reviewed the preliminary plat process/final plat. He indicated these were approved and an extension was granted in December, 2016. He noted there are four items to be addressed by the applicant, which include: 1.) table showing lot area,

setbacks and building envelope, to show setback with a 50 foot front setback and 25 foot side setbacks; 2.) Show a drainage easement for the detention pond; 3.) Update wording of instrument of dedication; and 4.) Include certificate for Zoning Administrator.

Staff recommended approval with stipulations.

Aaron Schlagel, applicant, thanked the Commissioners for their dedication and attention.

Motion by B. O'Neill, seconded by Hardin, to recommend approval subject to the following stipulations: 1.) All Final Plat requirements of the City noted 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, 8-0.

FINAL SITE PLAN – MIDWEST GATEWAY, FS2016-010

An application for Final Site Plan, FS2016-010, requesting approval of a final site plan for Lot 1 Midwest Gateway, Final Plat; located at 32180 W. 191st, on a tract of land consisting of one (1) lot, containing approximately 31.14 acres, was considered. Applicant: Midwest Gateway Venture, LLC. Engineer: Shafer, Kline & Warren.

The Community Development Director overviewed the request and spoke of items of concern in regards to sidewalk, buildings, landscaping, parking and site access, and stormwater management.

Concerns noted were:

- Sidewalk
Needs to be included connecting sidewalks located on site and extended to location of future sidewalk along 191st Street; should include sidewalk that will connect to north side of building; and
An agreement for not protesting the formation of a benefit district for improvements along 191st Street
- Buildings

Elevations, vertical and horizontal articulation updated to meet City standards;
Store front/windows provided at some portion of the Southern façade, which faces public ROW – L-P District requires “buildings should be orientated so that the front or side of the building faces the public street frontage of the property;”
Screen all rooftop equipment from public view; and
Detail showing how guard shack will match architectural character and materials of the principle building.

- Landscaping

Applicant needs to review landscaping requirements for L-P District – provide additional landscaping and/or berming for screening of truck courts;
Screening required for dumpster and compactors; and
Proposed fencing comply with L-P District;

- Parking and Site Access

City Engineer recommendation that East drive be moved further west to provide greater separation from drive to the east;
West access point possibly should be centered on property line as this is a shared entrance;
Determine if appropriate stacking space provided to keep traffic from backing onto 191st Street;
Determine if separated drive needs to be provided for vehicular traffic, especially if north side of building is developed as main entrance;
Parking spaces should meet minimum required size and construction of mezzanine will need to be included in calculation of parking spaces; and
Parking plan would require additional spaces which can be added in the loading dock areas if future building user require additional spaces.

- Storm Water Management

Report and public improvement plans required.

Mr. Cook indicated staff recommends approval with stipulations.

Discussion was had regarding the items noted and additional stipulations were discussed regarding the concerns noted.

Aaron Schlagel, representative for Midwest Gateway Venture, LLC, displayed a rendering of the project. Mr. Schlagel informed the Commissioners a pedestrian plan will be addressed. He noted the plan will be similar to Demdaco or Flexsteel.

Mr. Schlagel did note desire with the two (2) entrances as shown in the annexation agreement. He stated agreement with staff's comments.

Patrick Robinson, NorthPoint Development, LLC, stated there has been a strong precedent to preserve view along 191st Street, noting a guard shack impacting 191st Street needs to be studied, if considered. He also spoke about entrances/exits along 191st Street.

City Administrator Beth Linn addressed past actions within the area. She noted the annexation agreement requires traffic study review by the Planning Commission for a third entrance.

Motion by Lewis, seconded by Hardin, to approve the final site plan request 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 and articulation requirements; c.) Submittal of photometric lighting plan for Midwest Gateway in conformance with UDC especially with regard to maximum average foot-candles and foot-candles at property line; d.) Submittal of architectural plans depicting the proposed office spaces; e.) Construction plans for future public infrastructure be submitted and approved by the City. Any necessary permits obtained; f.) 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.) 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 the sidewalk improvements adjacent to the 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; 6.) On-site sidewalk to connect/extend to 191st Street or to north side of building is contingent based on final design (single tenant vs. multiple tenants); 7.) Any changes to the site plan regarding fencing/guard shack or similar changes must be approved administratively and by the traffic engineer; 8.) Articulation of the building designed similarly (vertical and horizontal) to surrounding facilities; and 9.) If middle access point is requested, an amended final site plan is required. Motion was approved, 8-0.

FINAL PLAT – LOGISTICS PARK KANSAS CITY – SOUTHEAST, FOURTH PLAT, FP-2016-03

Final Plat, FP2016-03, requesting recommendation of approval of a final plat for Logistics Park Kansas City – Southeast, Fourth Plat located at 30700 W. 193rd Street, on a tract of land consisting of two (2) lots, containing approximately 56.21 acres, was

considered. Applicant: ELHC XIII, LLC Engineer: Renaissance Infrastructure Consulting

Mr. Cook informed the Commissioners the final site plan was approved in December, 2016. He overviewed the access easement on Lot 2 for Lot 3 access. He overviewed a few items that need to be addressed by the applicant, which include: 1.) Legal Description needs updating; 2) Update Final Plat to show previously set monuments and those set as part of this request; 3.) Update how access easement is shown in the Northeast corner of Lot 2 to more clearly represent what is proposed; and 4.) Update dedications to include dedication of cross access easement.

Aaron Burks, ELHC XIII, LLC, addressed the shared access and noted staff's comments for changes have been submitted.

Motion by Hardin, seconded by Hunter, to recommend approval of the final site plan with the following stipulations: 1.) All Final Plat requirements of the City noted shall be met or addressed prior to recording of the Plat; 2.) The commencement of any improvements shall not occur prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat by the Governing Body. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements; 3.) A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements; 4.) The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax; 5.) The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code. Motion was approved, 8-0.

FUTURE MEETING

The next meeting scheduled is February 14, 2017 at 7:00 p.m.; with a work session beginning at 6:00 p.m.

ADJOURNMENT

Motion by M. O'Neill, seconded by Hardin, to adjourn. The motion was approved, 8-0.

The meeting adjourned at 9:55 p.m.

Submitted by:

Debra S. Gragg
Recording Officer