

EDGERTON COMMUNITY BUILDING  
PLANNING COMMISSION MEETING

April 11, 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, Maria O'Neill, Bob O'Neill, Jamie Cunningham, John Daley, Eric Erazo, Leslie Hardin. Absent was: Joshua Lewis. Also present were Community Development Director Kenneth Cook, City Administrator Beth Linn and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

**ELECTION OF VICE-CHAIR**

Chair Davis indicated with the resignation of Ron Conus last month, the position of Vice-Chair is vacant. He also noted the annual election is in June, so the election Commissioner would only serve until after the election.

The members briefly discussed.

Motion by Hardin, seconded by Daley, to nominate Maria O'Neill to serve at Vice-Chair until completion of June, 2017 election process. The motion was approved, 7-0.

**CONSENT AGENDA**

Motion by B. O'Neill, seconded by M. O'Neill, to approve the consent agenda. Motion was approved, 7-0.

A. Minutes – March 14, 2017

Meeting Minutes of March 14, 2017 were considered and approved.

**REZONING, 183RD STREET AND MONTROSE (ZA2017-02) – PUBLIC HEARING**

Opening a public hearing in regards to an application submitted for the rezoning of property from Johnson County RUR to City of Edgerton L-P (Logistics Park) located in the southeast quadrant of 183<sup>rd</sup> and Montrose Street, containing approximately 79.359 acres, more or less was considered. Applicant: ELHC, LLC and Engineer: Renaissance Infrastructure Consulting.

Commissioner Lewis arrived at 7:07 p.m.

Mr. Davis opened the hearing.

Kenneth Cook, Community Development Director, overviewed application for rezoning with regards to the Golden Criteria as included in the staff report, including items such as characteristics of the neighborhood, compatibility of the proposed zoning and uses allowed with the zoning and uses of nearby properties.

Commissioner Daley asked if this goes right up against residential zoned property. Mr. Cook indicated the property is zoned for residential, but is vacant.

Chair Davis spoke about potential factors to interact with residential zoned property adjacent to this site.

Commissioner Lewis questioned if the recent rezoning to the north a couple months ago was the same. Mr. Cook indicated it is. Mr. Lewis stated favor with similar recommendations as before.

John Thomas, applicant, spoke about the property and briefly reviewed characteristics of the site.

City Administrator Beth Linn reminded the Commission the public hearing is in regards to the request for rezoning. Items related to the vertical development of the site will be considered at time of submittal of the site plan.

Fred Fraley, 18845 Waverly Road, informed the Commissioners he has a working farm adjacent to this location. He stated concern with water run-off, adding it is impossible to drain. He stated he has seen no plans regarding how this will be addressed. He requested the Planning Commission consider his concerns.

Mr. Thomas responded indicating the handling of stormwater for the site is being reviewed.

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

There were no further comment from the Commissioners.

Motion by Lewis, seconded by B. O'Neill, to approve the rezoning request with 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. The motion was approved, 8-0.

### **PRELIMINARY PLAT, 183<sup>RD</sup> AND MONTROSE STREET (PP2017-02) – PUBLIC HEARING**

Opening of a public hearing in regards to Preliminary Plat application, PP2017-02, requesting approval of a preliminary plat for Logistics Park Kansas City Phase VI,

Second Plat, located south of 183<sup>rd</sup> Street, east of Montrose, a part of the northwest quarter of Section 35, Township 14S, Range 22 East, consisting of three (3) lots, containing approximately 160 acres; more or less, was considered. Owner/Edgerton Landholding Company, LLC Engineer: Renaissance Infrastructure Consulting

Chair Davis opened the public hearing.

The Community Development Director noted this request includes previous property as well as additional property. He indicated the previous property was preliminarily platted with two lots. He noted that with the acquisition of this additional tract, a new preliminary plat was drafted. He spoke about the vacation of 183<sup>rd</sup> Street right-of-way and overviewed the proposed preliminary plat. Mr. Cook noted some items staff will address on the plat with the applicant include: need or table showing lot area, setbacks and building envelope; update setbacks based on proposed building heights; show drainage easement for detention plan; update the trail easement on the east side of property; and update wording for the dedication instrument.

Mr. Cook informed the Commissioners the City Engineer will review the plan before the final plat is submitted.

Fred Fraley, 18845 Waverly Road, voiced concern with the road closure of 183<sup>rd</sup> because it impacts travel east and west, since the other streets will be constructed around the buildings.

John Thomas, applicant, noted the plat includes the intended vacation of 183<sup>rd</sup> Street. He also addressed preliminary characteristics for handling of stormwater and screening along the south line of Lot 2.

Mr. Fraley stated this is the same as he heard from the J.B. Hunt project. He noted the engineers stamped approval of the water design and it has failed. He added this area is larger, which can cause more issues. He stated all out there is negative – he stated he just wants fairness and consideration of water concerns.

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

Chair Davis questioned how Mr. Fraley's concerns could be addressed.

Mr. Cook indicated the City Engineer will review the stormwater study submitted during the site plan process and provide comments for consideration by Planning Commission. Ms. Linn reviewed items for the Commission to consider as part of this public hearing in regards to a preliminary plat.

Mr. Thomas provided a summary of measure for handling stormwater used by the applicant on other projects.

Motion by B. O'Neill, seconded by Lewis, to recommend approval to the Governing Body, with the following exceptions.

The Commission was advised this does not go before the Council.

Motion by B. O'Neill, seconded by Lewis, to approve the preliminary plat with the following stipulations: 1.) The property is successfully rezoned from RUR to L-P; 2.) All preliminary plat requirement of the City noted shall be met or addressed; 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. The motion was approved, 8-0.

**PRELIMINARY SITE PLAN, 183<sup>RD</sup> AND MONTROSE STREET (PP2017-02) – PUBLIC HEARING**

Opening of a public hearing in regards to Preliminary Site Plan Application, PS2017-02, requesting approval of a preliminary site plan for Logistics Park Kansas City, Phase VI, Second Plat, located at the southeast corner of 183<sup>rd</sup> Street and Montrose Road, a part of the northwest quarter of Section 35, Township 14S, Range 22 East, consisting of one lot (Lot 3), on approximately 50 acres, more or less. Owner: Edgerton Land Holding Company, LLC. Engineer: Renaissance Infrastructure Consulting.

Chair Davis opened the public hearing.

The Community Development Director informed the Commissioners tonight's request is only for Lot 3 under the preliminary plat. He overviewed a few items which deviate from the L-P District regulations and some items for recommendation of changes for the final site plans. Those items include pedestrian access with the request the trail easement be updated to 20 feet. He also noted rooftop equipment should be screened from public review and details showing how guard shack will match the architectural character and materials types of the principle building. Mr. Cook spoke about the applicant's need to review landscaping requirements and to provide additional landscaping, fencing – berming for screening of the truck courts and in particular, when adjacent to residential uses; staff recommends preparation of perspective drawings for better visualization of the site in relation to the city limit/trail area west as part of the final site plan. He also noted topography needs updating to provide elevation values; and screening requirements for dumpsters and compactors. Mr. Cook also noted the entrance/intersection at the southwest area needs to be updated as the intersection was developed when it was anticipated the roadway network would be extended north and south, suggested applicant work with City Engineer on this design. He also indicated the Section line and south right-of-way line along 183<sup>rd</sup> Street location be verified. It was

also noted the parking plan should note a condition that additional parking spaces can be added in the loading dock area if future tenants of the building require additional spaces. He also mentioned a storm water management report and public improvement plans are needed.

Applicant John Thomas stated this building will be similar to the one adjacent. He spoke about the existing wetland and landscaping wrapping around truck stalls and 20' pedestrian easement. He noted there could be security issues with pedestrian trails and the responsibility of addressing. Mr. Cook indicated that usually the property owners with concerns will need to address. Mr. Thomas noted potential desire to add fencing along the trail, with landscaping and screening.

Mr. O'Neill spoke about the roadway access on 183<sup>rd</sup> Street. It was noted staff and applicant will need to review and address, but actions should not impact City of Gardner.

Motion by Hardin, seconded by Erazo, to close the public hearing. Motion was approved, 8-0.

Motion by B. O'Neill, seconded by M. O'Neill, to approve the preliminary site plan for Lot 3 with the following stipulations: 1.) Recommendations contained in staff report are incorporated as stipulations and conditions of approval to the Final Site Plan for applicant property, Lot 3, LPKC – Phase VI (Inland Port VI); 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, Landscape Plan or Alternative 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 identified; 4.) No signage is proposed with this 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, 8-0.

**FINAL PLAT, MIDWEST GATEWAY, FP2016-04 (RECONSIDERATION)**

A request from the Edgerton City Council to reconsider a recommendation of Final Plat, FP2016-04, requesting recommendation of approval of final plat for Lot 1, Midwest Gateway; located at 32180 W. 191<sup>st</sup> Street, on a tract of land consisting of two (2) lots, containing approximately 32.445 acres, at the request of the applicant was considered. Applicant: Midwest Gateway Venture, LLC Engineer: Shafer, Kline & Warren.

Kenneth Cook, Community Development Director, reviewed the past actions regarding this project. He informed the Commissioners the plans of the applicant changed this project from one (1) lot to two (2) lots. He noted the applicant requested the Governing Body to remand the plat back to the Planning Commission to consider the change to two lots. He indicated staff recommends approval with stipulations.

Commissioner Hardin left the meeting at 8:50 p.m. and returned at 8:52 p.m.

Mr. Cook spoke about the applicant's agreement not to protest a benefit district for future sidewalks.

Commissioner B. O'Neill questioned the drainage easement for the detention pond. Staff addressed.

Aaron Schlagel, applicant, noted that if all goes well, the project will break ground within 45-60 days.

Motion by Lewis, seconded by Daley, to approved the revised final plat (FP2016-04) with the following stipulations: 1.) The plat is configured such that Lot 1 and Tract A have no frontage on public right-of-way (191<sup>st</sup> Street). Only Lot 2 has frontage along 191<sup>st</sup> Street. General design standards outlined in city ordinances provide that all lots must "front on public right-of-way," however, city ordinances also provide "the Zoning Administrator may grant a waiver from this requirement and allow permanent travel easement when appropriate." In this instance, city staff is willing to waive frontage requirement only if a cross access easement that includes both vehicular and pedestrian traffic can be established; 2.) All Final Plat requirements of the City noted shall be met or addressed prior to recording of the Plat; 3.) 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; 4.) 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; 5.) 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; 6.) 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 7.) 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 (RECONSIDERATION)**

Consideration of a request for approval of a Final Site Plan, FS2016-04, located at 32180 W. 191<sup>st</sup> Street, on a tract of land consisting of two (2) lots, containing approximately 32.445 acres, at the request of the applicant was considered. Applicant: Midwest Gateway Venture, LLC Engineer: Shafer, Kline & Warren.

Mr. Cook spoke about this request and noted it is similar to other facilities and focused on the articulation of the building. He overviewed applicant's plans to address the

articulation, screening and general compliance. He also spoke about items in the annexation agreement.

Motion by Hardin, seconded by Daley, to approve the reconsideration 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, articulation requirements and color of buildings; c.) Submittal of photometric lighting plan for Midwest Gateway in conformance with UDC especially with regard to maximum average foot-candles at property line. Property lines are not easily identifiable; d.) Construction plans for future public infrastructure be submitted and approved by the City. Any necessary permits obtained; 3.) Submittal of architectural and landscaping plans will be required for trash enclosures if they become necessary. 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 the time of site plan approval the construction of sidewalks along 191<sup>st</sup> 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. 12-06a06 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; and 5.) Applicant/Owner Obligation: The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein. Motion was approved, 8-0.

### **FUTURE MEETING**

The next meeting scheduled is May 9, 2017 at 7:00 p.m.; with a work session beginning at 6:00 p.m. Members were asked to advise staff of any known absences.

Mr. Cook informed the Commissioners about the selection process for a consultant for the Downtown Edgerton Street Plan. He noted the City will be incorporating the Planning Commission and public in engagement meetings.

### **ADJOURNMENT**

Motion by Hardin, seconded by Daley, to adjourn. The motion was approved, 8-0.

The meeting adjourned at 9:15 p.m.

Edgerton Planning Commission

April 11, 2017

Page 8

Submitted by:

Debra S. Gragg  
Recording Officer