

EDGERTON COMMUNITY BUILDING  
PLANNING COMMISSION MEETING  
REGULAR SESSION  
February 13, 2018  
Minutes

The Edgerton Planning Commission met in regular session with Chair John Daley 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 John Daley, Katee Smith, Josh Beem, Andrew Merriman and Erik Erazo via telephone. Also present were: City Administrator Beth Linn, Assistant City Administrator Scott Peterson, Development Services Director Katy Crow, and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

**CONSENT AGENDA**

Motion by Merriman, seconded by Smith, to approve the items as presented in the Consent Agenda. Motion was approved, 5-0.

**MINUTES**

- A. Minutes for the Regular Session of October 10, 2017 were considered and approved.

**TEMPORARY CONSTRUCTION ACTIVITIES – 18861 Waverly Road**

- B. A request to extend a Temporary Construction Activities use, which was originally approved by the Planning Commission on January 10, 2017 for a concrete batch plant for property located to the southeast of 185<sup>th</sup> Street and Waverly Road was considered and approved. Applicant: Concrete Strategies

**UNIFIED DEVELOPMENT CODE – PLANNING COMMISSION BY-LAWS**

- C. Resolution No. PC2018-01 amending the Organization and Bylaws of the Edgerton Planning Commission to reflect approved changes to Article 8, Section 8.2A of the Uniform Development Code regarding size and composition of the Planning Commission was considered and approved. Applicant: City of Edgerton

Commissioner Erik Erazo left the meeting at 7:03 p.m.

**OLD BUSINESS**

**FINAL PLAT, PILOT TRAVEL CENTER – EDGERTON, FP2017-07 – continued from November 14, 2017 meeting – WITHDRAWN AT THE REQUEST OF THE APPLICANT**

An application in regard to Final Plat, FP2017-07, tabled from the November 14, 2017 meeting, requesting approval of a final plat for Pilot Travel Center – Edgerton, located at 20080 Homestead Lane, located within a part of the NE ¼ of Section 9, T15S, R22E, City of Edgerton, Johnson County, Kansas, consisting of one (1) lot, with approximately 5.43 acres, more or less, was withdrawn at the

request of the applicant. Property Owner: JST Properties, LLC Developer: Todd Smutz – Pilot Travel Centers, LLC Engineer: Payne & Brockway, P.A.

**FINAL SITE PLAN, PILOT TRAVEL CENTER – EDGERTON, FS2017-06 – continued from the November 14, 2017 meeting – WITHDRAWN AT THE REQUEST OF THE APPLICANT**

AN application for Final Site Plan, FS2017-06, and requesting approval of a final site plan for Pilot Travel Center – Edgerton, located at 20080 Homestead Lane, within a part of the NE ¼ of Section 9, T15S, R22E, City of Edgerton, Johnson County, Kansas, consisting of one (1) lot, with approximately 5.43 acres, more or less, was withdrawn at the request of the applicant. Property Owner: JST Properties, LLC Developer: Todd Smutz – Pilot Travel Centers, LLC Engineer: Payne & Brockway, P.A.

**NEW BUSINESS**

**PUBLIC HEARING – AMENDMENTS TO UNIFIED DEVELOPMENT CODE – UDCA2017-02 THROUGH 05**

The opening of a public hearing to consider comments regarding amendment to the Unified Development Code pertaining to Article 4 – Commercial Zoning Districts and Article 10 – Site Plans and Design Standards was considered. Applicant: City of Edgerton

The public hearing was opened by Chair Daley.

The Development Services Director briefly overviewed the request. She indicated it was staff's recommendation to continue this matter until March in order to devote necessary time and commitment to the process.

Motion by Merriman, seconded by Beem, to continue hearing to March 13, 2018. Motion was approved, 4-0.

**PUBLIC HEARING – ZA2018-01 (REZONING FOR SOUTHEAST CORNER OF I-35 AND HOMESTEAD LANE)**

The opening of a public hearing in regard to an application submitted for rezoning of property from Johnson County RUR to City of Edgerton L-P (Logistics Park) located in the southeast corner of I-35 and Homestead Lane, containing approximately 255.841 acres, more or less, was considered. Applicant: NPD Management LLC Engineer: Renaissance Infrastructure Consulting.

Mr. Daley opened the public hearing.

The City Administrator informed the Planning Commission the property was annexed into the corporate boundary on December 28, 2017. She overviewed the request and noted this project will construct and operate warehouse and distribution facilities and that it could include limited manufacturing. She noted this request refers to the horizontal view, adding this is an appropriate use. She then highlighted the project with respect to the Unified Development Code, laws of Kansas, and the Golden Criteria, established by the Supreme Court of Kansas in 1978. She noted the applicant's request is within the proximity of the BNSF Railway intermodal facility and the highway L-P Zoning District is the most compatible designation for these uses. Ms. Linn also indicated the magnitude of the change with

the rezoning request is compatible with the spirit and intent of future development as outlined by the Comprehensive Plan in similar neighborhoods. It was also noted the property is surrounded by undeveloped acreage and low-density rural single-family residential, adding site plan review will note buffering, setbacks, stormwater management, and transition between uses. Ms. Linn also overviewed the characteristics of the area and noted Logistics Park KC across I-35 is nearing full build-out, which is all zoned L-P, with properties south of the applicant's property remaining unincorporated with a mixture of residential acreage, vacant land and agriculture use. She also indicated the proposed zoning is compatible with the planned future uses of the surrounding property, especially to the north. She noted the existing Johnson County RUR zoning of the property is not suitable for the proposed distribution warehouse and limited manufacturing, which is sought by the applicant, adding the L-P district is the most appropriate designation for the proposed use. In regard to required utilities and services to provide for the applicant's needs, the City Administrator noted that Homestead Lane, 207<sup>th</sup> Street and Waverly Road adjacent to the property are currently gravel, but noted the City is in discussion regarding anticipated improvements to a standard which could accommodate the anticipated development. Utilities will be provided by the developer or city, as necessary for development. She indicated the anticipated development would not be allowed to have on-street parking and adequate parking for the project would be required. The Commissioners were also informed the City will follow the National Pollutant Discharge Elimination System guidelines and stormwater management requirements. Mitigation of air, noise, light, and other items will be addressed as part of the site plan. It was also noted the uses with the proposed zoning will have the potential to benefit residents and community in a positive way. It was noted that staff recommends approval with a few stipulations.

Patrick Robinson, NPD Management, stated this is the first application for the recent annexation of 575 acres. He stated most of this property falls within the Hillsdale Watershed. He also added that due to the development of sewers within the watershed, more types of development may occur. He also spoke about the KDOT interchange and allowances for movements within the area. He added this request also provides for the expansion of an existing company within Logistics Park KC. He requested consideration of approval of the request.

Jim Parsons, 21175 Waverly Road, stated development within the Logistics Park and increased traffic and safety concerns, and potentially crime will increase. Ms. Linn noted she understands the concerns, and also noted public safety concerns could be addressed by the Sheriff's Office.

Another resident within the area stated she was not in support of the changes, asking why not keep the area as is and leave the development to the north side. She noted this will change the area, and asked how it could be stopped. She questioned the ultimate boundaries, and added the area cannot support the traffic.

A resident along 207<sup>th</sup> Street spoke about the comprehensive plan, transportation, and the southwest area plan.

Tom Mertz, 20235 Waverly, stated concerns with Waverly Road.

Robert Klutts, 32957 W. 207<sup>th</sup>, stated he wants to see progress and advancement, but chose his current residence to live and remodel. He stated concern with "way of life." He questioned no control

over the need to hold the developments accountable. He also stated concern with the watershed and impacts of concrete coverage.

The owner of nearby farmland asked about the FEMA reports. The City Administrator advised him to address this through the website.

Ms. Linn overviewed the annexation request and process actions supported by the Kansas Statutes. She also overviewed the rezoning and petition processes.

Motion by Merriman, seconded by Smith, to close the public hearing. Motion was approved, 4-0.

Ms. Smith questioned why the development should go south. Mr. Robinson stated a majority of the property to the north has been acquired. He stated this applicant's needs are for approximately 3,000,000 square feet and the only way to accommodate the applicant's needs is to expand into this area. He noted the ultimate boundary for potential development on the south side of I-35 is not yet determined. He stated that development long-term will go north and east toward 175<sup>th</sup> Street, but also may have some to the south.

Motion by Beem, seconded by Merriman, to table this matter. The City Administrator recommended that if the Commission would choose to table the application, that it provide direction to staff on additional research or items that needed to be addressed prior to the next meeting.

Chair Daley stated all matters are to be discussed in open meetings.

Ms. Smith questioned the stormwater impacts. Ms. Linn explained the rezoning, preliminary plat, and final plat processes.

Mr. Merriman asked about the justification not to recommend approval. Ms. Linn noted the 18 factors the Golden Criteria. Mr. Merriman asked about Factor 3 and harm to the area. Mr. Daley noted the City has the ability to require NorthPoint to mitigate.

Mr. Merriman rescinded his second; Mr. Beem rescinded his motion.

Motion by Smith, seconded by Merriman, to recommend approval of the rezoning request with the following stipulations: 1.) All infrastructure requirements of the City shall be met; 2.) All platting requirements of the City shall be met; 3.) All Site Plan application requirements of the City shall be met; and 4.) 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, 4-0.

### **PUBLIC HEARING – PP2018-01 (PRELIMINARY PLAT FOR LOGISTICS PARK KANSAS CITY SOUTH)**

Opening of a public hearing in regard to Preliminary Plat Application, PP2018-01, requesting approval of a preliminary plat for Logistics Park Kansas City South, located at the southeast corner of I-35 and Homestead Lane, consisting of one (1) lot and two (2) tracts, containing approximately 255.841 acres, more or less, was considered. Agent/Developer: NorthPoint Development LLC Engineer: Renaissance Infrastructure Consulting.

The Chair opened the public hearing.

Ms. Linn reviewed the preliminary plat consisting of two lots and two tracts. She noted some additional right-of-way and easements may be needed.

Patrick Robinson, NorthPoint Development, LLC, stated agreement with staff's recommendations, adding this is the next stage. He requested the Planning Commission recommend approval.

Mr. Daley added this action is the division of the land.

Mr. Dick, 32640 W. 207<sup>th</sup>, stated concerns with the watershed and the creek, adding there has been additional storm water falling on their property since the wastewater treatment plant began operation.

Motion by Smith, seconded by Beem, to close the public hearing. Motion was approved, 4-0.

Motion by Merriman, seconded by Smith, to recommend approval of the preliminary plat with the following stipulations: 1.) All Preliminary Plat requirements of the City noted 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 of all 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, 4-0.

**PUBLIC HEARING – PS2018-01 (LOGISTICS PARK KANSAS CITY SOUTH FIRST PLAT – PROJECT MUSTANG)**

Opening of a public hearing in regard to Preliminary Site Plan Application, PS2018-01, requesting approval of a preliminary site plan for Logistics Park Kansas City South First Plat (Project Mustang), located at the southeast corner of I-35 and Homestead Lane consisting of one (1) lot and two (2) tracts containing approximately 205.91 acres, more or less, was considered. Applicant: NPD Management, LLC Engineer: Renaissance Infrastructure Consulting

Chair Daley opened the public hearing.

City Administrator Linn overviewed the project consisting of three buildings. She noted the staff report addresses only those items that do not fully meet the UDC regulations. She noted the plan is not final and overviewed those items which need more review.

Section 10.1 Site Plan Requirements: Exterior lighting – applicant acknowledges and will provide required documentation. Site entrance and connections – access for western two-thirds of Lot 1 along 207<sup>th</sup> Street and Waverly Road, truck entrance width – Applicant acknowledges proximity of entrances and will work with City, applicant has provided documentation for the deviation and staff will review. Connection points for utilities – Applicant acknowledges the final site plan will provide for proposed sewer line improvement plans, after which staff will submit to KDHE for approval. Signage – Applicant will submit proposed signage for separate approval under the UDC, staff will review.

Section 5.2 Logistics Park District regulations: Outside activities or outside storage of materials should be screened and buffered, and external effects such as noise or odor should not extend beyond property lines – Applicant acknowledges.

Design Guidelines: Building orientation/Loading and Service areas – orientation of buildings which contain dock doors facing right-of-way will be mitigated using berms or landscaping, similar to previously approved applications adjacent to residential uses.

Architectural Design Standards: Horizontal Articulation – If the Planning Commissioners determine a waiver/variance is appropriate, it is recommended they also determine if the right-of-way landscaping buffering proposed will offer adequate screening for the portion of 207<sup>th</sup> Street right-of-way exposed to dock doors. Vertical Articulation – The articulation between the tops of the shortest and tallest walls exceed the requirement, overall articulation does not comply with 10% change in height requirement; vertical articulation is similar to other approved projects. Screening of Rooftop Equipment – Rooftop equipment is not shown; if equipment is visible from the ground and street level is planned, parapets to conceal equipment from the ground and street shall be required.

Warehouse and Loading: The preliminary site plan depicts 1,011 employee stalls and 20 ADA parking stalls. Based on the three buildings square footage, city parking standards require 1,508 employee and 26 ADA stalls, five of which must be van accessible. The applicant estimates employees at 900. The parking analysis submitted by applicant is under review and comments will be available with the Final Site Plan. Planning Commission must determine if an exception to parking requirement is merited.

Photometrics: The photometric plan cannot be evaluated with this preliminary plan; the plans submitted in future shall satisfy the requirements, applicant acknowledges this.

Landscape Standards: Buffer composition requirements – applicant acknowledges that where possible planted landscaping will be placed in a way that appears natural, they will reserve, maintain, and utilize the wooded areas on the north and west sides of the site line in lieu of new landscaping, and will fulfill the requirement for species variety of composition. Screening from residential uses – Lot 1 abuts residential zoning/land uses. City regulations require Type 4 Landscaping buffer and landscape plan that provides that - applicant acknowledges that where possible planted landscaping will be placed in a way that appears natural, they will reserve, maintain, and utilize the wooded areas on the north and west sides of the site line in lieu of new landscaping, and will fulfill the requirement for species variety of composition. Dumpster screening – Final Site Plan will provide dumpster screening requirement in Article 5.2 Section 5.2.K.8.

Other Comments: A stormwater management report and SWPPP will be reviewed by the City Engineer, the report will be provided with the Final Site Plan.

Staff recommends approval of the request with additional stipulations.

Patrick Robinson and Chris Chancellor, NorthPoint, LLC, indicated this application comes from a company already investing at Edgerton. They noted this project will offer a variety of jobs and wages beyond warehouse uses, which includes office and sales opportunities. They also spoke about the

stormwater run-off and 207<sup>th</sup> Street. In addition, they spoke of promises made in 2007 that projects would not add additional traffic onto 56 Highway and 183<sup>rd</sup> Street. Mr. Robinson spoke about choices made to develop this project and its needs. Mr. Chancellor displayed a Site Plan depiction of the three buildings, identified the FEMA Flood plain, and pointed out additional modified Type 4 buffering along 207<sup>th</sup> Street with berming and evergreens. He displayed a landscape rendering along 207<sup>th</sup> Street looking toward the east, with the goal to hide trailers on chassis with berm, evergreen, canopy, and shrubs. He also displayed conceptual renderings of the building façades with more to be presented with the Final Site Plan. He also overviewed the ridgelines and drainage basins/detention basins, adding these will be reviewed with the stormwater plan.

Carl Pier, 32695 W. 215<sup>th</sup> Street, questioned the calculations of the stormwater. Ms. Linn addressed how the stormwater plan is considered with the Final Site Plan.

Carol Welsh, 32105 W. 207<sup>th</sup>, indicated this project is being built across from them – what noise remedies are addressed. Ms. Linn spoke about past experiences with development adjacent to residential. She added comments about proposed parking, and buildings as buffering. Mr. Robinson also spoke about the sound.

An unidentified guest stated - why not have the trucks go on Homestead instead of 207<sup>th</sup>.

Ms. Welsh stated that the applicants did not address the truck turning movements.

Chris Chancellor overviewed the configuration of the buildings to address truck turns.

Tom Mertz, 20233 Waverly, asked about the expectations for 207<sup>th</sup> Street. Ms. Linn stated this is not yet developed and is still under review. She also noted that the City of Edgerton constructs the infrastructure before the improvements/developments.

Tara Hale, 31615 W. 213<sup>th</sup>, stated concern with the notifications of changes in property, adding how is one to know. Ms. Linn addressed how the process works and notification procedures.

Mr. Dick, 32640 W. 207<sup>th</sup>, stated concern with truck traffic, noise and road realignment. He asked the Commissioners to consider not approving the request as presented.

Patrick Robinson spoke about development along section line roads, which he noted is common in Johnson County.

Motion by Smith, seconded by Merriman, to close the public hearing. The motion was approved, 4-0.

Ms. Smith asked about trucks idling in the area. The City Administrator addressed idling issues which is governed under state laws. She indicated diesel emissions are regulated within the City's UDC. Ms. Smith asked about landscaping along roadways due to headlights impacting homes to the south. Ms. Linn stated that it can be noted to incorporate a line of sight requirements. Ms. Smith also asked about the tract line for detention/retention basin, which staff addressed.

Mr. Daley stated this is the time to add more stipulations.

The City Administrator also suggested to add any particular items to address concerns.

Ms. Smith asked the developer to look at entrances/alignment from Homestead Lane. The City Administrator stated this is a conversation needed, adding there may be reasons whether or not there is an ability to address this location.

Mr. Merriman stated he believed all was done as required with due diligence provided.

Motion by Merriman, seconded by Beem, to approve the Preliminary Site Plan with the following stipulations: 1.) The recommendations provided are stipulated to as a part of approval and incorporated into the Preliminary Development/Site Plan document set; 2.) A Final Development/Site Plan must be submitted and approved prior to commencement of uses and the property shall be developed in accordance with a Final Development/Site Plan, Landscaping Plan, and Photometric Plan as required as required by City approval of the Preliminary Development/Site Plan, as amended by these stipulations, and approved by the City; 3.) All Preliminary Development/Site Plan requirements of the City noted shall be met or addressed during Final Development/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; 5.) All construction plans for any public infrastructure shall be prepared to City standards and approved by the City; 6.) Provide line-of-sight at southbound egresses; and 7.) Review alignment of truck entrances from Homestead Road. Motion was approved, 4-0.

#### **FUTURE MEETING**

The next meeting is scheduled for March 13, 2018.

#### **ADJOURNMENT**

Motion by Merriman, seconded by Smith, to adjourn. Motion was approved, 4-0.

The meeting adjourned at 10:02 p.m.

Submitted by:

Debra S. Gragg  
Recording Officer