

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
November 13, 2018

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: Chair John Daley and Commissioners Tim Berger, Jeremy Little, and Charlie Crooks. Absent was Commissioner Andrew Merriman. Also present were: Mayor Donald Roberts, City Administrator Beth Linn, Development Services Director Katy Crow, and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

ELECTION OF 2018-2019 VICE CHAIR

An election to fill the vacancy for the 2018-2019 Planning Commission Vice-Chair was considered.

After brief discussion, Commissioner Berger volunteered to be nominated.

Motion by Crooks, seconded by Little, to approve the nomination and appoint Commissioner Berger as noted Vice-Chair. Motion was approved, 4-0.

CONSENT AGENDA

Motion by Berger, seconded by Crooks, to approve the item as presented in the Consent Agenda. Motion was approved, 4-0.

MINUTES

A. The minutes for Regular Session of October 9, 2018 were considered and approved.

NEW BUSINESS

FINAL SITE PLAN- FS2018-08 (LOGISTICS PARK KANSAS CITY SOUTH) – REVISIONS TO APPROVED FINAL SITE PLAN FS2018-04 AT THE NORTHEAST CORNER OF 207TH STREET AND HOMESTEAD LANE

Final Site Plan, FS2018-08, regarding revisions to approved Final Site Plan, FS2018-04, for property consisting of one (1) lot and two (2) tracts, on approximately 205.951 acres, more or less, located on the northeast corner of the intersection at 107th Street and Homestead Lane, was considered.

Applicant: NorthPoint, represented by Brett Powell and Kubota Tractor Corporation, represented by Mark Bright

Katy Crow, Development Services Director, overviewed the Final Site Plan action from April 10, 2018. Ms. Crow informed the Commissioners of an updated application from NorthPoint Development, which requested 38 changes to the originally approved site plan. She noted that several changes were approved at staff level; but due to the several changes that were significant, staff determined consideration by the Planning Commission was needed for others.

Ms. Crow informed the Commission that after staff review, the changes were combined into four sections. Section 1 notes changes considered by staff and given staff approval; Section 2 changes - which received conditional approval by staff; Section 3 changes – significant change requiring Planning Commission approval with recommendation from staff; and Section 4 consists of changes which need further staff review for presentation at the December 11, 2018 Planning Commission meeting.

The Commissioners were briefly informed of the items which staff approved.

The Development Services Director then overviewed the items which received conditional staff approval. Those changes include:

- Change 6) *reduction of height of the corner element in the northwest corner of Building 1*. Staff noted that if rooftop equipment is visible from the ground and street level, parapets or screening to conceal it would be needed;
- Change 7) *minor dimensional changes to the corner elements of both buildings*. Staff noted if the rooftop equipment is visible from the ground or street level, parapets or screening to conceal would be required;
- Change 15) *height of the northwest corner of Building 2 reduced to accommodate transition from north to west elevations*. Staff provided conditional approval; but noted, if rooftop equipment is visible from ground and street level, parapets or screening to conceal would be required; and
- Change 28) *guard shack and related striping and paved sidewalk access added along the east drive*. Staff noted the Uniform Development Code requires 100% of the surface of each exterior wall facing a public street, residential use or public open space will consist of particular materials, adding the use of cementitious products is limited to 50% of the exterior finishes where it is deemed important as a design feature where it will be applied under the highest standards for quality and durability, additionally noted that stucco may not be located in the first eight (8) feet above grade on a façade visible from public right-of-way. Ms. Crow noted the staff will review this items as part of the building permit submission to ensure compliance with the UDC.

Ms. Crow spoke about the requested changes staff deemed to be more significant. These changes are recommended by staff for consideration and approval by the Planning Commission. She also noted the requested changes are not in conflict with the Architectural Design Standards in Article 5 of the UDC but are significantly different from the April 10, 2018 approval. She also noted these changes could result in code violation if implemented inappropriately at construction. These changes include:

- Change 11) *parapet and scuppers changed to gutters and downspouts on south side of Building 2*. It was noted this change is the result of removing the parapet from roofline of the south side of Building 2. The L-P district requires all rooftop mounted equipment shall not be visible, adding rooftop equipment must be screened from ground and street level with parapets or other design features constructed of same materials of exterior walls. If the Planning Commissioners approve this request, the project will be required to have screen for any visible rooftop equipment.
- Change 14) *northwest corner of Building 2 adjusted to 45-degree corner instead of 90-degree corner*. Staff noted this change is requested for the corner with greatest public exposure and highest visibility from I-35. The applicant provided color blocking on the corner to achieve both horizontal and vertical articulation. In addition, the applicant identified the corner as potential location for signage and submitted renderings for staff and Planning Commission to visualize. Staff requested Planning Commission review this item to determine if the change meets the

spirit and intent of the Architectural Design Standards required by the Uniform Development Code;

- Change 19) *drive at northwest corner of Building 2 was widened and hardscape and docs were adjusted to accommodate the 45-degree angled corner.* The Commissioners were informed this change is contingent upon approval of the previous requested change; adding it is the driveway which navigates around the corner of the building.

Brett Powell, NorthPoint Development, addressed the requested changes from parapet and scuppers to gutters/downspouts. He noted the request is due to limited visibility of rooftop equipment and cost savings. He also indicated the change in the slope and widening of the drive allows for the reconfiguration of the northwest corner of Building 2 to a 45-degree corner in lieu of the 90-degree corner. Mr. Powell noted the Fire Department staff has no issues with the changes.

The Development Services Director informed the Commissioners of three additional items needing further staff review; indicating the matters will be placed on the Planning Commission's agenda for December 11, 2018. Those items include:

- Change 25) addition of berm along 207th Street reflecting discussion during previous Planning Commission meeting, adding the berm and landscaping were adjusted to accommodate the waterline; plan species and total did not change;
- Change 29) landscape trees along 207th Street are shown in linear installation to account for a linear peak of the berm; and
- Change C) natural gas meter/regulator sets will be located east of the east drive along 207th Street as required by Kansas Gas.

Commissioner Crooks asked about the KUBOTA sign on the northeast corner of Building 2. Ms. Crow indicated that signage is addressed at the staff level. She did note that if the request does not meet the signage standards for the district, it would be a request to be considered by the Board of Zoning Appeals.

Motion by Berger, seconded by Little, to approve the revisions of Site Plan FS2018-08 based on the following criteria: Staff approval of changes a) revised paint pallet, b) added exterior louvers to accommodate mechanical design, c) updated preliminary dock/dock door quantity, size and location based on user needs, d) coordinated scupper and downspout location with structure and roof design, 1) Height of Building 2 was reduced by 4 feet; 2) Drive-in-door size was increased in one location in both Building 1 and Building 2; 3) Exterior metal canopies were eliminated in both Buildings; 4) Reveals above windows were removed at office pods/bump out in both buildings; 5) The office pods/bump out locations were adjusted in Building 1; 8) The second story windows in the northwest corner of Building 1 were removed. 9) The drive-in overhead doors, buttress elements, and entrance door were shifted, and the recessed element was removed on the west elevation of Building 2; 10) Plan views for the east side of both buildings were adjusted to match the previously approved elevations; 12) Windows were added to the SW corner of Building 2 to accommodate an interior office; 13) A horizontal reveal was added to the north side of Building 2; 16.) The retaining wall at the NW corner of Building 2 was removed and the slope continued to the drive. Staff has received a letter from the applicant indicating that the slope is maintained at 3:1. This change has been reflected in an updated Stormwater Management Plan which has been reviewed by the City Engineer; 17) Rip Rap along the car parking area on the west side of Building 2 was replaced with concrete curb and flumes; 18) The finished floor elevation of Building 2 was lowered 6". 20) Fire department access lanes were added to the east side

of both buildings until the future parking is built. This was required by the Fire Department; 21) Concrete paving was added on west elevation of Building 1 to match the architectural rendering presented to Planning Commission; 22) The parking lot west of Building 1 was adjusted to accommodate the added concrete paving; 23) The stormwater piping design was adjusted. Specifics are included below as noted under B) Other Corrections: a.) Storm line AA (west detention discharge) was reduced from a double box culvert to a single box culvert; b.) Storm line V was eliminated; c.) Storm line S was adjusted; d.) Storm line T was eliminated; e.) Storm line L was reduced in length; f.) Storm line DD was added. Staff has received a letter from the applicant indicating that these changes have been reflected in an updated Stormwater Management Plan which has been reviewed by the City Engineer; 24) The grading to the SW of Building 1 was adjusted to accommodate a future pond. Storm sewer was added to control stormwater. Staff has received a letter from the applicant indicating that these changes have been reflected in an updated Stormwater Management Plan which has been reviewed by the City Engineer; 26) Relocation of the Flag Poles originally west of Building 1 is being considered; 27) A pedestrian island was added at the east drive entrance per city staff comment; 30) The widening of an internal drive lane is being considered; A) Fire hydrant locations were added/deleted/relocated to accommodate fire department request; B) Storm line changes as noted as part of item 23; and D) There are two 2" water meters and taps in lieu of one; conditional staff approval of 6) The reduced height of the corner element in the northwest corner; 7) Minor dimensional changes were made to the corner elements of both buildings; 15) Height of the northwest corner of Building 2 reduced to accommodate the transition from north to west elevations; and 28) A guard shack and related striping and paved sidewalk access added along the east Drive; and staff recommendation with Planning Commission approval of 11) Parapet and scuppers changed to gutters and downspouts on the south side of Building 2 (rendered viewpoints are provided in addition to the architectural elevations); 14) The northwest corner of Building 2 adjusted to a 45-degree corner in lieu of a 90-degree corner (Rendered viewpoints are provided in addition to the architectural elevations); and 19) The drive at the northwest corner of Building 2 widened and the hardscape and docs adjusted to accommodate the 45-degree angled corner; and approval of staff to conduct further review for submission to the Planning Commission on December 11, 2018; namely, 25.) A berm addition along 207th Street to reflect discussion during previous Planning Commission meeting. The berm and landscaping were adjusted to accommodate the waterline; plant species and total did not change; 29.) Landscape trees along 207th Street are shown in linear installation to account for a linear peak of the berm; and C.) Natural gas meter/regulator sets will be located east of the east drive along 207th Street as required by Kansas Gas. Motion was approved, 4-0.

PUBLIC HEARING – CONDITIONAL USE PERMIT, CU2018-01, LPKC LOGISTICS SUPPORT

A public hearing in regard to conditional use permit application, CU2018-01, pertaining to the consideration of a Conditional Use Permit for cargo container storage/maintenance facility and truck yard located along the south side of 191st Street, one-half mile west of Waverly Road; directly east of 32285 W. 191st Street, consisting of one (1) lot, and containing 36.27 acres, more or less, was considered. Applicant: NPD Management, LLC, Aaron Burkes representative.

Katy Crow, Development Services Director, reminded the Commissioners that the final plat and Final Site Plan (FS2018-07) were considered and approved at the October 2018 meeting. She noted the applicant desires to use the property for cargo container storage, maintenance facility, and truck yard

purposes. Ms. Crow indicated these uses are allowed in the Logistics Park zoning but requires a conditional use permit to operate the facility under the approved Final Site Plan. She further noted the western storage lot would contain a 17,000 square-foot office building, guard shack for access control, canopied area for truck arrivals with guard enclosure, and fueling station. She indicated the BNSF intermodal facility is located approximately ½ mile to the northwest of this location and the Logistics Park Kansas City industrial park surrounds this parcel.

Ms. Crow stated the request from the applicant is for approval of the conditional use for a period of ten (10) years, as has been for similar projects. She also noted that consideration of this request be based similarly as a rezoning, in that the compliance with the Unified Development Code and with respect to general criteria under the "Golden Criteria." Ms. Crow compared the project request with the general criteria, which noted staff determinations rating from positive to neutral. In addition, Ms. Crow indicated that all cargo container storage and cargo container repair and maintenance facilities are subject to performance provisions of 7.2(d) of Article 7 of the Unified Development Code. She noted in respect to access, exterior lighting, minimum lot size, the application complies. She noted the noise issues were not addressed in the proposal, however indicated the use must continuously comply with the noise maximums in the conduct of business. Ms. Crow also indicated that in regard to the paving performance, all surfaces included in FS2018-07 must be asphalt or concrete and lined with concrete curb and gutter in compliance with American Public Works Association (APWA) recommended standards. In regard to parking, it was noted the proposed use shall continuously comply with parking requirements. She noted cargo container stacking, as well as chassis stacking/racking must continually comply and not exceed the maximum stacking number, and additionally, FS2018-07, indicates specific areas where cargo containers will be stacked, and may not be stored outside of approved areas indicated on the aforementioned Final Site Plan. Screening and landscaping plans were submitted with FS2018-07 which complies, adding the proposed use shall continuously comply with the landscaping requirements. Setbacks and Separation distance was reviewed and noted the Final Site Plan complies with both abutting, touching or across the street from non-residentially zoned property, as well as abutting, touching public right-of-way, then parking or storage shall be setback a distance equal to the height of the cargo container or semi-trailer and chassis, adding the Final Site Plan complies with both and the proposed use shall continuously comply with the setback requirements. It was also noted this property does not abut, touch, or is located across from residential-zoned property or habitable property, adding this requirement is not applicable. Ms. Crow noted no signage is proposed with this request, and indicated that if proposed later, it will be reviewed and approved according to provisions of the UDC. The Commissioners were informed the Final Site Plan, FS2018-07, shall be revised to comply with all stipulations as required through the approval of the Planning Commission and as part of the Conditional Use Permit review. She also noted the proposed use must continually comply with other rules and regulations that would be applicable to this permit. She noted staff is favorable with the recommendation of approval with several stipulations.

Chair Daily opened the public hearing.

No one appeared in support or opposition.

Motion by Berger, seconded by Crooks, to close the hearing. The motion to close the hearing was approved, 4-0.

Aaron Burkes, NPD Management, LLC, appeared. He indicated that at the Logistics Park Kansas City grows, the need to provide the area with parking operations to include trucks, containers, refrigerated units for both short and long terms will continue. He also spoke about the property's flood plain and how the requested use fits in with this area. He indicated the request is for ten years.

Commissioner Daley asked about areas in violation in the future – how can this be addressed. Staff noted that the City could take actions to revoke the conditional use permit, if not resolved.

Motion by Berger, seconded by Little, to recommend approval of the conditional use permit for transportation storage and trucking yard with the following stipulations: 1.) The Conditional Use Permit CU2018-01 approval shall be transferable, but it must stay with the ownership of these parcels for which its use is approved (Final Plat 2018-05); 2.) The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements. The applicant shall comply with height requirements by limiting cargo container stacking to not exceed the maximum of 5 (five) cargo containers. This condition shall be continually met for the duration of the conditional use permit; 3.) The property shall be developed in accordance with the Site Plan FS2018-07, as approved by the Planning Commission, prior to commencement of the cargo container storage use. Landscaping material shall be continuously maintained and replaced when dead; 4.) Cargo containers and chassis may only be stored in the designated areas shown on Site Plan FS2018-07; 5.) No other outside storage of equipment or materials shall be allowed on the property; 6.) Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a new, revised Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans; 7.) The applicant and/or property owner, shall continue to work with LPKC, Inc., to dedicate a cross access easement to the parcels located south and east of this project currently owned by Harrold J. Curry, with said access transferable to future owners of the Curry property; and 8.) This Conditional Use Permit shall be valid for 10 (ten) years from date of approval by the City of Edgerton. The motion was approved, 4-0.

FUTURE MEETING

The next meeting is scheduled for December 11, 2018. Ms. Crow also informed the Commissioners, a call for the Board of Zoning Appeals would also be scheduled for the same evening.

ADJOURNMENT

Motion by Berger, seconded by Crooks, to adjourn. Motion was approved, 4-0.

The meeting adjourned at 7:47 p.m.

Submitted by: Debra S. Gragg, Recording Officer