

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
March 12, 2019

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, Commissioner Tim Berger, Secretary Jeremy Little, and Commissioner Charlie Crooks. Absent was Commissioner Andrew Merriman. Also present were: Mayor Donald Roberts, City Administrator Beth Linn, Development Services Director Katy Crow, Planning and Zoning Coordinator Chris Clinton, and Assistant City Administrator Scott Peterson.

The Planning and Zoning Coordinator announced a quorum was present.

CONSENT AGENDA

Motion by Berger, seconded by Crooks, to approve the item as presented in the Consent Agenda. Motion was approved, 3-0.

MINUTES

The minutes for Regular Session of February 12, 2019 were considered and approved.

NEW BUSINESS

**PUBLIC HEARING – ZA2019-01 (REZONING FOR ONE (1) PARCEL OF LAND
GENERALLY LOCATED SOUTH OF 199th STREET AND WAVERLY ROAD)**

Katy Crow, Development Services Director, introduced all of the rezoning applications (ZA2019-01 through ZA2019-04) on tonight's agenda. Ms. Crow stated that Brett Powell, an agent of the property owner NPD Management, LLC, applied for all of the rezonings. Mr. Powell has requested that all four of the parcels be rezoned from City of Egerton A-G (Agricultural) Zoning District to City of Edgerton L-P (Logistics Park) Zoning District. Permitted uses within the requested zoning designation include warehousing/distribution centers; motor freight transportation terminals; manufacturing, processing, fabrication or assembly of commodity – limited; along with other permitted uses.

Ms. Crow said that the property was annexed into the City of Edgerton on March 15, 2018 and has not had any improvements on any of the parcels that total approximately 200 acres. Application ZA2019-01 measures 41.91 acres, ZA2019-02 is 38.72 acres, ZA2019-03 contains 119.47 acres, and ZA2019-04 encompasses 0.9 acres. The standard providers for utilities and service providers as well as fire and police protection are the standard providers for the City of Edgerton and Johnson County.

Ms. Crow stated that access to the property will be from 207th Street, Waverly Road, and 199th Street. She also explained that in the staff report that there are three maps representing the area (Figures 1, 2, and 3). Figure 1 shows the outline of the parcels, Figure 2 details the zoning designations of the neighboring parcels, and Figure 3 shows neighboring structures with a green circle. Ms. Crow pointed out that the subject properties are surrounded by parcels zoned either Johnson County RUR or City of Edgerton AG to the north, east and south; and a parcel with City of Edgerton LP District zoning to the west.

Ms. Crow explained that each application was reviewed with respect to the Edgerton Unified Development Code, the laws of Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. Ms. Crow stated that because so much of the criteria was the same for each application, one staff report was written to help avoid redundancy. Through an independent review of each parcel staff found the following:

Based upon available aerial photography, these parcels were agricultural use in unincorporated Johnson County, prior to their annexation into the City of Edgerton in 2018. The existing A-G zoning is considered a holding designation when an annexation occurs.

Applicant has requested the proposed change in order to allow construction of projects similar to other projects containing LP District zoning. Construction of warehousing, distribution, limited manufacturing and related facilities near the BNSF intermodal facility allows an inland port for goods in transit, by reducing truck traffic in the surrounding area and allowing for more efficient use of the supply chain.

Due to the unexpected pace of development in Phase I of LPKC, the need to expand the logistics park has grown. These parcels are part of the area which would continue the development of the Phase II expansion.

Given the proximity of the parcels to LPKC Phase I and II, the BNSF facility, I-35 and the Homestead Interchange, an LP zoning designation is the most compatible for these uses.

While the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35, the proposed LP zoning designation is compatible with the spirit and intent of future development as outlined by both the Edgerton Comprehensive Plan and the Southwest Johnson County Area Plan.

The magnitude of the change is not considered extreme or rare when property is being developed for its planned end use, industrial development and the proposed zoning is compatible with the planned future uses of the surrounding property, specifically to the west.

The City's Unified Development Code (UDC) states that the purpose of the L-P District is to create a limited multimodal industrial zone which provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc.

The subject properties are surrounded by undeveloped acreage with some low-density rural single-family residential. However, residential density in this area is lower than some of the parcels adjacent to development in Phase I of LPKC.

If rezoned L-P as requested, a separate Site Plan review and approval will be required before building permits can be issued. Part of a Site Plan review will include attention to buffering and setbacks, stormwater management and transition of uses between adjoining uses and any proposed industrial use. This Site Plan review will help mitigate impacts that might occur to adjacent properties.

Continued development of the area includes intermodal related uses. Homestead Lane and 207th Street are currently being upgraded into a four-lane, concrete roadway built to accommodate the Phase II expansion of LPKC. This upgrade includes the installation of new utility services to adjacent properties. Water 7, Kansas Gas, KCPL and Century Link have all updated their infrastructure to service adjacent parcels.

The City is in discussions regarding any improvements that will be required for Waverly Road or other adjacent streets. On-street parking will not be allowed, and the developer will need to provide adequate off-street parking for any development projects.

The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process.

Uses allowed in the L-P District, have the potential to benefit the residents and community in a positive way by providing jobs, economic opportunities and tax revenues to respective jurisdictions.

There would be little relative gain, if any, to the public health, safety, and welfare from the denial of this zoning application. However, the City would be adversely impacted due to the lost opportunities for jobs, economic activity and tax revenue if the anticipated logistics park uses and facilities were to locate in another community.

With the "Golden Criteria" reviewed for each application, Ms. Crow stated that City staff recommends approval of the proposed rezoning of the subject properties from City of Edgerton Agricultural (A-G), to City of Edgerton Logistics Park District (L-P) 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.

Ms. Linn stated that it is unique to have four (4) parcels so close together to come before the Planning Commission for a rezoning at the same time, but each application would have its own

public hearing. She informed everyone in attendance that the rezoning is purely about the use of the land and not what might be built on the land.

Chairman Daley requested a larger map of the area be placed for all to see the area easier. Ms. Linn displayed a map of the area and explained what was adjacent to the parcels that are the subject of the applications. Chairman Daley opened the public hearing for Application ZA2019-01, reminding the audience that only matters pertaining to the rezoning of the parcels are pertinent to this public hearing.

Mr. Lynn Baker, 23173 Old KC Road, Spring Hill, KS 66083, addressed the Planning Commission. Mr. Baker stated he owns 82 acres at 199th Street and Interstate 35 (I-35) and thinks the rezoning and development in this area is beneficial. He asked if there have been any tenants book for the development in this area. Ms. Crow stated that no projects have been brought before the Planning Commission at this time. Chairman Daley reiterated that the public hearing is only about the use of the land and they can't speculate as to what will be built on the land at this time.

Ms. Linn stated it would be best for Mr. Baker to ask all of his questions at one time, so staff and the Commissioners can write them down and answer them at once. She said that this would also help any of the other residents who have similar questions and save time.

Mr. Baker asked his remaining questions. He asked if a road will be built in the 60-foot section that connects to 199th Street and if there will be sewer service along that section. Mr. Baker wanted to know when the 199th Street bridge over I-35 would be updated. He also wanted to know if the County or the City maintains Waverly Road and 199th street. Mr. Baker asked if the City of Edgerton would annex his property. He asked how residents who are not for this project can protest it going forward.

With there being no further comments from the public, Mr. Berger motioned to close the public hearing, Mr. Crooks seconded. Motion approved 4-0.

Ms. Crow stated that all annexations are voluntary, and the City will not force any annexation. Ms. Linn explained that rezoning is just about land use and is the first step in the development process. The second step will plan what will be developed on the 60-foot section. Ms. Linn explained that the 199th Street bridge that spans I-35 is owned by the Kansas Department of Transportation (KDoT). She stated that it is her understanding KDoT is looking into repairing the bridge, but she does not know the timeline for the repair. Ms. Linn seconded what Ms. Crow stated about annexation and if a property owner does decide to protest the project going forward, the owner may contact City Hall for further information.

Chairman Daley asked about any nearby housing. Ms. Crow pointed out that on Figure 3 of the staff report, all of the nearby structures have been circled by staff.

Mr. Berger moved to recommend approval of Application ZA2019-01 to the Governing Body with the stipulations that (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, Mr. Crooks seconded. Motion approved 4-0.

PUBLIC HEARING – ZA2019-02 (REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED ON THE NORTHEAST CORNER OF 207TH STREET AND WAVERLY ROAD)

A public hearing regarding Application ZA2019- 02, pertaining to the rezoning of one (1) parcel from City of Edgerton A-G (Agricultural) Zoning District to City of Edgerton L-P (Logistics Park) Zoning District, generally located on the northeast corner of 207th Street and Waverly Road was considered. Applicant: Brett Powell, Agent of NPD Management, LLC.

Chairman Daley opened the Public Hearing.

There were no comments from the public or staff.

Motion by Mr. Berger, seconded by Mr. Little, to close the Public Hearing. Motion was approved, 4-0.

Mr. Berger moved to recommend approval of Application ZA2019-02 to the Governing Body with the stipulations that (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, Mr. Little seconded. Motion approved 4-0.

PUBLIC HEARING – ZA2019-03 (REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED ON THE NORTHEAST CORNER OF 207TH STREET AND WAVERLY ROAD)

A public hearing regarding a rezoning Application ZA2019-03, pertaining to the rezoning of one (1) parcel from City of Edgerton A-G (Agricultural) Zoning District to City of Edgerton L-P (Logistics Park) Zoning District, generally located on the northeast corner of 207th Street and Waverly Road was considered. Applicant: Brett Powell, Agent of NPD Management, LLC.

Chairman Daley opened the Public Hearing.

There were no comments from the public or staff.

Motion by Mr. Little, seconded by Mr. Crooks, to close the Public Hearing. Motion was approved, 4-0.

Mr. Berger moved to recommend approval of Application ZA2019-03 to the Governing Body with the stipulations that (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, Mr. Little seconded. Motion approved 4-0.

PUBLIC HEARING – ZA2019-04 (REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED ON THE NORTHEAST CORNER OF 207TH STREET AND WAVERLY ROAD)

A public hearing regarding Application ZA2019- 04, pertaining to the rezoning of one (1) parcel from City of Edgerton A-G (Agricultural) Zoning District to City of Edgerton L-P (Logistics Park) Zoning District, generally located on the northeast corner of 207th Street and Waverly Road was considered. Applicant: Brett Powell, Agent of NPD Management, LLC.

Chairman Daley opened the Public Hearing.

There were no comments from the public or staff.

Motion by Mr. Berger, seconded by Mr. Little, to close the Public Hearing. Motion was approved, 4-0.

Mr. Berger moved to recommend approval of Application ZA2019-04 to the Governing Body with the stipulations that (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, Mr. Little seconded. Motion approved 4-0.

Ms. Linn stated that all four applications heard tonight would be recommended to the Governing Body at the March 28, 2019 City Council Meeting.

PUBLIC HEARING – PP2019-01 (PRELIMINARY PLAT FOR TSL EDGERTON)

A public hearing in regard to Application PP2019-01, pertaining to the property located on the southwest corner of 191st Street and Waverly Road was considered. Applicant: Transpec Leasing Incorporated.

Chairman Daley stated that TSL Edgerton is wanting to expand their current cargo container storage operations to parcels to the south. Ms. Crow stated that was correct as she showed the map provided in the staff report. She stated that the parcels were rezoned to the correct LP (Logistics Park) District zoning in October of 2018. Ms. Crow explained that a Preliminary and Final Plat were approved for Phase I by the Planning Commission in 2014. Pursuant to City of Edgerton Unified Development Code, that final plat has now become null and void since it was not filed with the County within one year. With the expansion to Phase II, the applicant has requested platting both phases together into one single plat.

Ms. Crow stated that the result will be a plat which contains one lot and two tracts. The resulting combined lot would have frontage along the south side of 191st Street right-of-way and the west side of Waverly Road right-of-way. This Preliminary Plat request is being made to move forward with a project which is seeking to expand the operations of the existing cargo container storage facility and truck yard. Ms. Crow informed the Commission that TSL Edgerton will also be reapplying for a Conditional Use Permit which will include the Phase II expansion of operations.

She explained that the utilities are the typical providers and that the parcels are located in the Big Bull Creek watershed. Ms. Crow said that there will be two private drives off of Waverly Road and two from 191st Street.

Ms. Crow pointed out that the driveway widths for two new drives to be constructed off of Waverly Road indicate a width which exceeds Edgerton standard width of 30 feet. The City Engineer recommends limiting drive width to 36 feet to match the width of drive being vacated which was approved for Phase I. The City Engineer has indicated that he would approve making the 20' radii, which is how the drive curves, smaller in order to hit the 36' maximum. This would not affect turning movements as striping would indicate that is a non-driving area. Another option is for the 50' radii to be made smaller. Ms. Crow also requested that a copy of any proposed restrictive covenants be provided at Final Site Plan approval.

Ms. Crow stated that City staff recommends approval of Application PP2019-01 for TSL Edgerton Phase II, subject to compliance with the following stipulations; (1) all Preliminary Plat requirements of the City listed shall be met or addressed, (2) all infrastructure requirements of the City shall be met, (3) a Stormwater Management Plan has been submitted. However, all comments must be addressed to the satisfaction of the City Engineer, (4) 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.

Mr. Crooks asked if the drive that is proposed to be removed was part of an access easement for another property. Ms. Linn stated that was for another cargo container storage lot on neighboring parcels to the ones that this application is for.

Chairman Daley opened the public hearing. There were no comments made by the public or Staff. Mr. Berger moved to close the public hearing, Mr. Crooks seconded. Motion approved 4-0.

Mr. Berger moved to approve Application PP2019-01, with the stipulations of (1) all Preliminary Plat requirements of the City listed above shall be met or addressed, (2) all infrastructure requirements of the City shall be met, (3) a Stormwater Management Plan has been submitted. However, all comments must be addressed to the satisfaction of the City Engineer, (4) 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. Mr. Crooks seconded. Preliminary Plat approved, 4-0.

FINAL PLAT – FP2019-01 (FINAL PLAT FOR TSL EDGERTON)

An application of a Final Plat, FP2019-01, requesting recommendation of approval of a final plat for the property located on the southwest corner of 191st Street and Waverly Road was considered. Applicant: Transpec Leasing Incorporated.

Chairman Daley introduced the Final Plat application. Ms. Crow stated that this is for the same parcels as the Preliminary Plat that was just approved by the Planning Commission. She stated that Lot 1 is comprised of 44.34 acres, Tract A is 1.27 acres, and that Tract B is made up of 1.45 acres.

Ms. Crow explained that confirmation of monument set will need to be provided once placed by surveyor, and it is possible that other easements may be required. She also stated that the existing sanitary sewer easement has not been recorded with Johnson County. Staff recommends that this easement be indicated on the Final Plat so that it can be recorded at the time the plat is recorded. Applicant must confirm sanitary sewer location and confirm with City Staff prior to approval by the Governing Body.

Ms. Crow stated that City staff recommends approval of Application FP2019-01 Final Plat for TSL Edgerton Phases I & II, subject to compliance with the following stipulations; (1) 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, (2) 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, (3) 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 recording of the Final Plat within one year of approval, (4) the applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code, (5) the applicant has submitted a Stormwater Management Plan. All staff comments must be addressed to the satisfaction of the City Engineer at Site Plan review, (6) all Final Plat requirements of the City listed shall be met or addressed prior to recording of the Plat.

Chairman Daley asked if the lot was to be paved. Ms. Linn answered that the lot has to be asphalt or concrete in order to meet Code. Chairman Daley clarified that a Final Site Plan will be submitted at a later time. Ms. Linn stated that is correct.

Mr. Berger move to recommend approval to the Governing Body of Application FP2019-01 with the following stipulations; (1) 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, (2) 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, (3) 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 recording of the Final Plat within one year of approval, (4) the applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code, (5) the applicant has submitted a Stormwater Management Plan. All staff comments must be addressed to the satisfaction of the City Engineer at Site Plan review, (6) all Final Plat requirements of the City listed shall be met or addressed prior to recording of the Plat. Mr. Crooks seconded. Motion approved, 4-0.

FUTURE MEETING

The next meeting is scheduled for April 9, 2019.

ADJOURNMENT

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

The meeting adjourned at 7:39 p.m.

Submitted by: Chris Clinton, Planning and Zoning Coordinator