

EDGERTON CITY HALL  
PLANNING COMMISSION MEETING  
REGULAR SESSION  
April 9, 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 Josh Beem, Secretary Jeremy Little, and Commissioner Charlie Crooks. Absent was Commissioner Tim Berger. Also present were: Mayor Donald Roberts, City Administrator Beth Linn, Development Services Director Katy Crow, City Engineer David Hamby, and Planning and Zoning Coordinator Chris Clinton.

The Planning and Zoning Coordinator announced a quorum was present.

**CONSENT AGENDA**

Mr. Crooks motioned to approve the item as presented in the Consent Agenda, Mr. Little seconded. The consent agenda was approved, 4-0.

**MINUTES**

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

**NEW BUSINESS**

**PUBLIC HEARING – PP2019-02 (PRELIMINARY PLAT FOR THE GENERAL AREA AROUND 207<sup>TH</sup> STREET AND WAVERLY ROAD)**

Chairman Daley explained that the Planning Commission, staff, and applicant will attempt to answer any questions that are asked during the public hearing, and it might not be possible to answer all questions at this moment in time. He told everyone in attendance that all comments are welcome, and speakers will need to give name and address.

Katy Crow, Development Services Director, introduced the application PP2019-02 for Inland Port 51 through 54 which will be located along the north side of 207<sup>th</sup> Street and the east and west side of Waverly Road south of Interstate (I-35) as part of Logistics Park Kansas City (LPKC) Phase II. She informed the Commission that the parcel was annexed into Edgerton in 2018 and was rezoned to L-P last month. The application shows the parcel being split into four lots with one tract. There is a new road that is proposed that will be referred to as Street A. The request is to move forward with continued expansion of Phase II of LPKC.

Ms. Crow said the proposed access to the property and development will be from 207<sup>th</sup> Street and Street A. The applicant has indicated plans to continue Street A to 199<sup>th</sup> Street. Future access to the area could be off Waverly Road. Water will be provided by Johnson County Rural Water District #7. The City of Edgerton will provide sanitary sewer to the development. Kansas City Power & Light will be responsible for electrical service. Kansas Gas Service will be providing natural gas to the buildings. Johnson County Sheriff will be responsible for police protection that is in conjunction with the City.

Johnson County Fire District #1 will provide fire protection. All of the parcels are located within the Bull Creek watershed.

Ms. Crow told the Commission prior to any road construction, the applicant is required to submit public infrastructure plans for the proposed Street A. The City Engineer will review the infrastructure plans to ensure there is adequate Right-of-Way provided and the City standards are met on the street design. She explained the applicant will also need to indicate on the Preliminary Plat that Tract A will be used for storm drainage retention purposes only.

She explained City staff recommends approval of the application with compliance with stipulations. Those stipulations are all Preliminary Plat requirements of the City outlined shall be met or addressed, all infrastructure requirements of the City are to be met, a stormwater management plan will need to be submitted, and the Pre Plat will 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 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.

Ms. Crow informed the Commission that the applicant and City Engineer are present and available for questions.

Chairman Daley asked Mr. Powell, applicant, if he would like to make any comments. He stated he does not have any comments to make but is available for questions.

Chairman Daley opened the public hearing.

Tom Mertz, 20233 Waverly Road, stated there is a detention pond planned but before the concrete culvert is placed in the detention pond, water will flow over the road and cause wash outs. He is concerned about the detention pond not being engineered properly or maintained. He explained there is less crop ground to soak up the water so there will be more water than before. Mr. Mertz said concrete trucks have been tearing up Waverly Road, and the road has not been maintained to handle the traffic. He prefers the gravel trucks take the new road at Homestead Lane and 207<sup>th</sup> Street to the concrete batch plant. Mr. Mertz is worried about 199<sup>th</sup> Street will not be accessible when the overpass across I-35 is updated.

Richard Singleton, 20115 Waverly Road, informed the Commission of the is a safety issue with all of the dust that was coming off of Waverly Road. He stated he had called the City, but got no response, and to call his county commissioner to get dust control measures in place.

Chris Reed, 20295 Waverly Road, said the rock crushing operation will create a lot dust. A south wind can carry silica and other debris to neighboring properties. He asked if and how the air quality will be monitored?

There were no further comments.

Mr. Crooks motioned to close the public hearing, Mr. Little seconded. Public hearing was closed, 4-0.

Chairman Daley reminded the commissioners they can ask any questions to City staff or the applicant.

Chairman Daley asked who would be responsible for Waverly Road maintenance.

Beth Linn, City Administrator, stated that this application and hearing is for the platting of the land. The Final Site Plan, to be presented later, would address the storm water concerns. Ms. Linn informed the Commission there are applications for a rock crushing operation and concrete batch plant that will be presented later. The comments regarding dust and maintenance of Waverly Road will be addressed during those applications.

Chairman Daley asked for any questions from the commissioners regarding division of land. Ms. Linn commented the intersection of 199<sup>th</sup> Street and Waverly Road is close to the overpass. This plat is showing a new road that will have a connection farther east than it is today. This would show any ROW and storm water easements.

Mr. Beem motioned to approve the application with the stipulations, Mr. Little seconded. Preliminary Plat application PP2019-02 approved, 4-0.

### **FINAL PLAT – FP2019-02 (FINAL PLAT FOR INLAND PORT 51)**

Chairman Daley stated this application is for Building One of Preliminary Plat PP2019-02 which was just approved. Ms. Crow stated that the Preliminary Plat showed 4 (four) lots and this application is for one of those lots. A Preliminary Plat shows the overall picture of what is proposed for the area and the Final Plat outlines what will actually occur as development moves forward.

Ms. Crow introduced Application FP2019-02 as the Final Plat for Logistics Park Kansas City South, Second Plat. The Final Plat application depicts one lot. This new lot would have frontage along the north side of 207<sup>th</sup> Street right-of-way and the east side of Waverly Road right-of-way. This Final Plat request is being made to move forward a project which is part of the expansion of Phase II of LPKC. This Final Plat would also result in the split of the existing parcel. The current parcel is shaped like the letter 'L' and this new lot would be rectangular in shape.

Ms. Crow stated the utility providers will be the same for PP2019-02. The applicant will need to confirm monuments have been set once the plat has been recorded. It is possible that the utility companies will require more easements than what is shown on the plat, so the applicant will need to update the plat if needed.

Ms. Crow informed the Commission that staff recommends approval of application FP2019-02 with some stipulations. Those stipulations are the commencement of any improvement shall not occur prior to the approval and endorsement of the Final Plat and the submittal of construction plans for all streets, sidewalks, stormwater sewers, sanitary sewer, and water mains contained within the Final Plat by the governing Body, a public improvement inspection fee, established by the Fee Schedule for the UDC, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements, the applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC, including payment of excise tax, the applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC, a stormwater management plan needs to be submitted and approved by the City Engineer, all Final Plat requirements of the City listed shall be met or addressed prior to recording the Final Plat, and

the approved Final Plat expires one year after acceptance by the Governing Body. Planning Commission re-approval and Government Body re-acceptance is required to expire initial plats.

Ms. Crow told the Planning Commission this Final Plat will go to the Governing Body on the 25<sup>th</sup> of April for final acceptance

Chairman Daley asked for comments and questions from the commissioners and applicant. There were no comments or questions.

Mr. Crooks motioned to recommend approval to the Governing Body of Application FP2019-02, Final Plat for Logistics Park Kansas City South, Second Plat with the stipulations listed, Mr. Beem seconded. Motion carried, 4-0.

### **PUBLIC HEARING – FS2019-03 (FINAL SITE PLAN FOR INLAND PORT 51)**

Ms. Crow introduced application FS2019-03, a final site plan for Inland Port 51 located along the north side of 207<sup>th</sup> Street and east side of Waverly Road. This location is the plat that was just heard by the Planning Commission. The property owner is Hillsdale Farms, LLC and the applicant is Brett Powell from NPD Management. The site is 62.27 acres. A proposed 765,000 square foot warehouse that would contain intermodal related development similar to existing operation in LPKC Phase I that is north of I-35. She explained the utility providers are the same as listed for the preliminary plat. The applicant is proposing access to the property from 207<sup>th</sup> Street via two private drives and one private drive off of Waverly Road. The drives off of 207<sup>th</sup> Street will be used for truck traffic, while the drive off Waverly Road will be employee traffic to avoid a mixing of the traffic in parking lots.

Ms. Crow told the Commission upon review of the final site plan, the zoning designation of the land is listed as A-G, but the parcel was rezoned L-P on March 28<sup>th</sup>, 2019. The applicant is proposing an employee entrance off of Waverly Road. The applicant is proposing to pave Waverly Road from 207<sup>th</sup> Street to the entrance. Asphalt maintenance due to degradation will be the responsibility of the applicant. City staff is requiring a barrier arch to be installed on Waverly Road at 207<sup>th</sup> Street and 199<sup>th</sup> Street. This arch will deter trucks from driving along Waverly Road. It will be constructed to where farm implements and small delivery trucks will be able to pass through, but it will not allow semitrucks with cargo containers access.

Along with the accesses on Waverly Road, there are two proposed drive entrances on 207<sup>th</sup> Street. The improvements along 207<sup>th</sup> Street will need to be continued east of the intersection of Waverly Road and 207<sup>th</sup> Street. The plans for the improvements must be provided to the City Engineer to review. The infrastructure plans will need to meet City standards. Chairman Daley asked how far the improvements will be required to be along 207<sup>th</sup> Street. Ms. Crow replied the length of the building.

Ms. Crow stated there is a proposed new street along the east side of the property. This new street will require a submission of public infrastructure plans for review by the City Engineer and City Staff. Ms. Crow informed the Commission there were no signs placed on the site plan, so any signage brought forth will require permits and will have to be approved by the Zoning Administrator according to the provisions of the UDC. All of the accessible parking spaces and access area should not exceed 2% slope in any direction and will meet ADAAG requirements.

Ms. Crow said the applicant meets the horizontal articulation intent of the UDC by changes in paint color that occur on all sides of the building. There are midpoint panels that do change plane as well as the corner. The midpoint entries will also have landscaping and glass windows and doors. The vertical articulation is similar to other projects in LPKC. The smaller, more frequent articulation provided by the applicant does meet the spirit and intent of the UDC. This vertical articulation should also help screen any rooftop equipment. If the equipment is visible from the ground, street level parapets or screen will be required.

The parking showed future parking stalls in the calculations to meet the minimum number of spaces required for this project. A phased parking plan which outlines what the impetus is for the construction of future parking spaces and why they are not needed at this time needs to be provided. The UDC also outlines loading space minimum dimensions as 12 feet by 65 feet with a height of 14 feet. The dimensions of the loading spaces provided are 13 feet by 60 feet. This is consistent with what has been done on other projects in LPKC. If the 60 feet is not adequate for the tenant, the applicant acknowledges that the spaces will have to be restriped.

Regarding landscaping, the west side of the project is well screened with an adequate berm and landscaping. Along the north side of the project, the applicant has not provided enough landscaping to screen the project from Waverly Road right-of-way. Landscaping will be required to be added from the east and west to the building line along the north property line. The east side landscaping and berm does meet the requirements outlined in the UDC. The south property line along 207<sup>th</sup> Street meets the UDC requirements as well. There is no information regarding screening of a dumpster or compactor. Before a building permit for the tenant finish will be available, the applicant will have to provide information as to how the dumpster or compactor will be screened from public view, especially related to the adjacent residential property. Ms. Crow stated the applicant is aware of the diesel emission requirements and will meet all regulations from the City and State.

Ms. Crow informed the Commission about other comments that were found when reviewing the site plan. There is a label for "Proposed Storm Sewer" on page C06. The applicant acknowledged there was a storm sewer located on the plans, but it had been moved and the label was not. The applicant stated they will update the site plan. A holding tank is proposed for sanitary sewer. A note needs to be added stating the proposed tank will be registered with the City and the appropriate fees will be paid. A line of flow and the slope of the sewer lines around the holding tank needs to be added. It has been confirmed that the tank is in the correct location to tie into the sanitary sewer once it is completed. The applicant has submitted a stormwater management plan and the City Engineer has made comments regarding that and is available for any questions regarding the stormwater plan.

Ms. Crow stated City staff recommends approval of application FS2019-03 with the stipulations of the staff recommendations and comments noted related to infrastructure, landscaping, the stormwater plan and all else discussed in the Staff Report are included as stipulations as part of approval of the final site plan. Signage proposed later shall receive separate approval according to the provisions of the UDC; all construction plans for any public infrastructure shall be prepared to City standards and approved by the City. The property owner and/or developer shall work with City staff to determine the best possible placement for a stormwater easement and shall dedicate said stormwater easement on the final plat. Any items added as part of a tenant finish must comply with the Edgerton UDC and it is the building owner's ultimate responsibility to ensure code compliance. The site plan, a scale map of proposed buildings, structures, parking area, easement, 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. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein.

Mr. Crooks requested more information about the barrier arch. He wanted to know what it would look like and the exact location of the archways. Ms. Linn replied the City will approach Johnson County to have an arch put into the intersection of 199<sup>th</sup> Street and Waverly Road and have it on Waverly Road. She continued by stating the City does not want trucks along Waverly Road at all and the City wants the arches on Waverly Road off of 207<sup>th</sup> Street and 199<sup>th</sup> Street.

Mr. Little asked for clarification on how farm equipment will be allowed to bypass the barriers as you can look down at semitrucks while using some of the equipment. Ms. Linn answered the barrier will allow the cab of the truck but will not allow the container on a chassis to go under the barrier. Patrick Robinson, NorthPoint, came before the Commission and stated a gate will be installed to the side of the roadway and barrier to allow larger agriculture equipment to go around the barriers and would also allow fire trucks and tractors to get through. He said NorthPoint is committed to keeping truck traffic off of Waverly Road. Mr. Robinson stated NorthPoint spends a lot of time on these projects and is very appreciative for the time of Planning Commission and a big household name is tied to this particular project. He continued that a dog park for truck drivers is on the east side of the project and amenities such as this will continue to bring business to LPKC. The barrier would actually cause damage to the truck and container so with that in mind, NorthPoint believes intermodal drivers do not want to harm their trucks and the merchandise they are hauling.

Ms. Linn acknowledged nobody wants Waverly Road to be a truck route and the City and NorthPoint wanted something to make it a painful experience for trucks to go down Waverly Road. This will also help ensure employee traffic does not integrate with truck traffic. The fire department does require a continuous loop around the site. Ms. Linn believes Edgerton can be on the cutting edge with the barriers and force LPKC traffic will be on the proposed Street A.

Chairman Daley commented he is happy to see the blocking of trucks on Waverly Road and the overall improvement on the phases of LPKC but does not see retention basins for stormwater.

Patrick Cassity, Project Engineer, came before the Commission and stated there will be 2 retention basins that have 2 existing draws that will be discharged into them. A large berm will allow water to hold and release slowly to prevent flooding. Chairman Daley requested more information as to when the retention basins will be built. Mr. Cassity stated there will be temporary basins and there are areas planned for stormwater.

Ms. Linn asked the Commissioners if the City Engineer should explain the stormwater. She explained Mr. David Hamby is an engineer with BG Consultants that the City has on retainer.

Mr. Hamby stated all of the basins will be for all the buildings. He has submitted comments regarding the basins on the site plan and has been in talks with the project engineer to make sure the basins are engineered correctly and in the correct spots. Mr. Hamby explained a 100-year storm is used to calculate the size of the basins and to make sure that no water is pushed onto neighboring properties. A 100-year storm is a large storm that has a 1% chance of happening every year.

Chairman Daley opened the public hearing. There were no comments made.

Mr. Crooks motioned to close the public hearing, Mr. Little seconded. Public hearing was closed, 4-0.

Chairman Daley stated Waverly Road will be paved and 207<sup>th</sup> Street improvements will be continued. Ms. Crow agreed. Chairman Daley also commented the blocking of truck traffic on Waverly Road is a wonderful idea.

Mr. Crooks asked about Building 2 shown on the site plan to the north. Chairman Daley stated this site plan is only regarding Building 1. Ms. Linn stated that is current and no information available at this time regarding Building 2.

Mr. Crooks motioned to approve application FS2019-02 with the stipulations outlined, Mr. Beem seconded. FS2019-02 was approved, 4-0.

**TEMPORARY CONSTRUCTION USE – TU2019-01 (TEMPORARY CONSTRUCTION USE FOR ROCK CRUSHING FOR INLAND PORT 51)**

Chairman Daley stated this operation will be for the final site plan that was just approved. Ms. Crow stated no land disturbance has been issued at this time, so the operations cannot start until the permit has been issued.

Ms. Crow introduced application TU2019-01, rock crushing operations at Inland Port 51, to be located near the northeast corner of 207<sup>th</sup> Street and Waverly Road. The UDC allows the Planning Commission to approve the use of property during times of constructions, reconstruction, or adaptation to permit temporary living quarters for construction, personnel, offices, buildings for storage, outdoor storage, machinery yards, portable concrete or asphalt mixing plants, sanitary facilities, and similar uses.

Haupt Construction, applicant, is proposing constructing a temporary rock crushing operation for Inland Port 51. They are asking for rock crushing activities to take place Monday through Saturday, 7:00 AM to 7:00 PM. The property owner is Wellsville Farms, LLC as represented by NPD Management, LLC, which provided a letter granting permission for the operations. The applicant explained mobile rock crushing equipment that moves around the site as rock is excavated will be utilized, similar to the operations at Project Mustang. The equipment has a dust containment system and the Kansas Department of Health and Environment (KDHE) will be engaged to test the air prior to the start of the operations. Without this permit, the on-site blasting required to remove the rock will equate to a total of 22,000 truck loads between hauling the rock and aggregate material for construction which will be detrimental to the flow of local traffic, per the applicant.

Ms. Crow stated City staff recommends approval of application TU2019-01 with the following stipulations:

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 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. This shall include compliance with City Regulations and Policies with regards to the tracking of debris onto public streets. Improvements for a construction entrance and the access road shall be required prior to operation and must be continually maintained in good condition;
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 period of time;
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 AM to 7:00 PM, Monday through Saturday;
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. Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan;
15. Property owner and/or general contractors shall provide a Construction Management Plan to the City;
16. Applicant shall maintain a valid City of Edgerton Business License;
17. Staff retains the ability to establish reasonable requirements for their operation;
18. All activities will be performed in compliance with KDHE and the requirements of the KDHE Bureau of Air;
19. Permission for temporary construction activities is granted for a period ending August 9, 2019.

Justin Haupt of Haupt Construction came before the Commission and stated air quality testing will be done by a third party. He explained the people running the rock crushers are tested and the air at the property lines are tested. The area will be tested for 3 days and if all quality measures are approved, then testing will be complete. Haupt Construction will use water that is sprayed to lessen the dust. Mr. Beem asked if air quality test results can be made public. Mr. Haupt replied they will be happy to provide the results upon request.

Chairman Daley asked about when and where the rock crushing will be taking place. Ms. Crow answered the request is to operate from 7:00 AM to 7:00 PM every Monday through Saturday. Ms. Linn explained the land disturbance application will go through the State and the City before any work can begin. All the of the crushing is in dark red on a map in the packet. Mr. Haupt explained if rock is found outside the designated crushing area, it will be moved to keep the dust away from nearby residents.

Chairman Daley stated the rock crushing operations is not ideal for close by neighbors, but the large number of trucks that would be required if the permit is not approved will be more detrimental to all the neighbors. He stated it was done on the Kubota project nearby and other projects in LPKC. Ms. Crow pointed out the application is for April to August of this year.



Mr. Crooks asked about dust that will be kicked up on-site from trucks driving in the dirt and soil. Mr. Haupt replied water trucks will spray water to keep the dust to a minimal level.

Mr. Beem motioned to approve the rock crushing application, TU201-01, with stipulations, Mr. Little seconded. Application TU2019-01 was approved, 4-0.

**TEMPORARY CONSTRUCTION USE – TU2019-02 (TEMPORARY CONSTRUCTION USE FOR CONCRETE BATCH PLANT FOR INLAND PORT 51)**

Ms. Crow introduced application TU2019-02, a concrete batch plant for Inland Port 51 to be located at 20520 Waverly Road. The application is for Concrete Strategies (CSI) to continue operating the batch plant that was used for the Kubota project for Inland Port 51 through June 30, 2020.

The property owner, Wellsville Farms, LLC, as represented by NPD Management, LLC, provided a letter granting conditional permission to allow batch plant operations on the parcel. The conditions outlined in the letter include a fixed end date of June 30, 2020, the restriction of the batch plant to be used for LPKC projects only, the requirement that CSI be under contract to provide more than 50% of the concrete needed for LPKC projects, and the right to evict CSI from the property at any time with 30 days advanced notice.

CSI has indicated the normal hours of operation will be from 6:00 AM to 5:00 PM. However, some overnight operations will occur from 10:00 PM to 9:00 AM from June to September to allow the concrete to set correctly. In order to access the site, CSI is proposing crossing Waverly Road. Mr. Hamby requested stop signs be placed to keep cross traffic safe. If CSI is wanting uninterrupted access to the site, flaggers will be needed, and the City and Johnson County Sheriff's office will need to be notified in advanced.

CSI has indicated dust remediation procedures will be in place on all haul roads used for the project, which includes Waverly Road. The City will work with CSI to help maintain Waverly Road while aggregate trucks are brought to the site for the batch plant. Once Homestead Lane and 207<sup>th</sup> Street are finished and opened, Waverly Road will no longer be available for hauling.

Ms. Crow stated staff recommends approval for application TU2019-02 with the following stipulations:

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 for the City of Edgerton, including traffic control signage;
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 any other applicable chapter of City Code;
7. Off-site impacts from on-site construction-related activities shall be minimized to the extent possible. This shall include compliance with City Regulations and Policies in regard to the tracking of debris onto public streets. Applicant agrees to not trail concrete onto paved

- roadways used for haul route and will clean up any spillage due to the improper use/cleaning of equipment;
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. 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;
  11. Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan;
  12. Property owner and/or general contractors shall provide a Construction Management Plan to the City;
  13. Applicant and any subcontractors agree to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable time period;
  14. Applicant shall provide a road maintenance and dust control plan for city staff to approve prior to the commencement of batch plant activities and agrees to work with City Staff on any plan adjustments which may be deemed necessary as the project progresses;
  15. Applicant shall provide a routing plan to use when Homestead Lane reopens to City Staff for review by June 1, 2019.
  16. Stop Signs must be placed at both sides of haul road adjacent to Waverly. Should applicant wish to have an uninterrupted haul across Waverly, flaggers must be present to manage cross traffic on Waverly Road. Applicant must notify City staff and Public Safety of the presence of flaggers prior to implementing use;
  17. Hours of operation shall be limited to from 6:00 AM to 5:00 PM unless otherwise approved by staff for special use weather dependent hours;
  18. Applicant shall maintain a valid City of Edgerton Business License;
  19. Upon removal of the batch plant when permit expires, the property must be restored to a planted condition and no debris, equipment, concrete, etc. may be left behind; and
  20. Permission for temporary construction activities is granted for a period ending June 30, 2020.

If this batch plant is to be used for project outside of LPKC, then another application will be needed.

Chairman Daley asked where CSI needs to maintain Waverly Road. Ms. Crow replied CSI will have to maintain from the entrance that the trucks hauling aggregate use to 199<sup>th</sup> Street.

Ms. Linn stated the applicant was not present during the public hearing for the preliminary plat when a neighbor stated concerns about the dust and traffic associated with the construction uses. Waverly Road needs to be improved slightly and dust control measures need to be in place before operations the batch plant can start. City of Edgerton Public Works Department will closely monitor the condition of Waverly Road and contact CSI when maintenance is required. Ms. Linn recalled another comment about the 199<sup>th</sup> Street overpass. She stated it a KDOT project for 2020 and Homestead Lane is to open soon and long before the project at 199<sup>th</sup> Street starts. She explained Johnson County was adding structure shoulders to the area but that has been postponed until it can be done in conjunction with the 199<sup>th</sup> Street bridge project. She expects the tenant to be in the building before any of the impacts of those projects happen.

Mr. Beem asked for clarification on the route trucks use to get to project noting there is a structure close to the proposed route. Ms. Crow replied that all that property and structures are owned by NorthPoint.

Mr. Crooks motioned to approve application TU2019-02 with the stipulations, Mr. Little seconded. TU2019-02, concrete batch plant, was approved, 4-0.

### **PUBLIC HEARING – FS2019-02 (FINAL SITE PLAN FOR TSL EDGERTON)**

Ms. Crow introduced Application FS2019-02, an application for a Final Site Plan for TSL Edgerton Phase II located along the south side of 191<sup>st</sup> Street and west side of Waverly Road. The site plan is for an expansion of the current TSL Edgerton operations which include cargo container storage, maintenance facility and truck yard. The proposed expansion would be onto the four adjacent parcels located to the south of current operations. Proposed with Phase II is a 10,000 square foot maintenance and fueling facility located close to the southwestern corner of the property and a guard shack. The facility is to include 6 fueling pumps and 3 above ground fuel tanks with containment basins. These basins are to be screen from view with vinyl fencing. The guard shack is on the east side of the project, adjacent to Waverly Road. This expansion is in demand due to an increase in need of container storage and maintenance.

Cargo container storage facilities require a conditional use permit. That permit request is to be heard by the Planning Commission later during this meeting. The access to this area will be from 191<sup>st</sup> Street from one (1) existing private drive and two (2) private drives off Waverly Road. The applicant is proposing to remove their existing Waverly Road drive and add the two new drives further south. The utility providers are the same for other projects in LPKC.

During review the staff did have some notes to bring to the attention of the Planning Commission. A typical driveway throat in LPKC is 30 feet. On Phase I of the TSL Edgerton project, it was agreed that driveway throats could be 36 feet. The proposed driveway throats on Phase II are 36 and 34 feet which meet the agreement that was made for Phase I. There are no signs provided for in the site plan. Any signage request will receive separate approval from the Zoning Administrator according to the provisions in the UDC. The building elevations for the maintenance facility show exterior HVAC units on the west side. The units will need to be screened from public view, either by fencing or landscaping. On the east side of the facility, the façade is shown to be 100% stone veneer, while the west is 100% stucco. The north and south have stone veneer for the first 8 feet above grade and then stucco, which is what the UDC requires when it comes to stucco. The east and west side should match the north and the south facades. If any rooftop equipment is added, it will have to be screened from public view along any right-of-way. The dimensions for vehicular parking are missing from the site plan and needs to be added.

The east, west, and north side of the project meet the UDC in terms of landscaping. The south side could not be fully evaluated by staff due to the lack of line of sight drawings. The line of sight drawings will be used by staff to approve the current landscaping which stops at a retaining wall on the parcel to the south. The applicant's parcel is significantly lower than the adjacent parcel to the south. Staff requested line of sight drawings to show that due to the grade change, no landscaping would be beneficial with that change in height. If the drawings are not provided, then staff will require landscaping be installed along the southern border regardless.

The site plan does indicate a dumpster will be located on the west side of the project adjacent to Waverly Road right-of-way and landscape berm. Dimensions for the dumpster and line of sight drawings were not provided. Staff is unable to evaluate if the dumpster will be fully screened from view. If deemed required, applicant may use landscaping or screening materials similar to those for the building to screen the dumpster from public view. Prior to issuance of a building permit, this information must be provided to insure adequate landscaping and screening is used.

Applicant acknowledge the diesel emissions and idling requirements by the State and City. There is a proposed black galvanized fence that encloses the property. The UDC requires fencing to be black vinyl coated fencing with 1" mesh openings. There has been a stormwater management plan submitted, but the increase runoff from the impervious surface this project entails has not been addressed. The runoff cannot be greater than what is existing.

Ms. Crow stated City Staff recommends approval of FS2019-02 with the stipulations that the staff recommendations and comments noted related to building materials, landscaping, the stormwater plan and all else discussed are included as stipulations as part of approval of the Final Site Plan; a corrected Final Site Plan must be submitted and approved prior to commencement of uses and the property shall be developed in accordance with the approved Final Site Plan, landscape plan, photometric plan, stormwater study and SWPP; a Public Improvement Inspection Fee, established by the Fee Schedule for the UDC, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements; signage proposed later shall receive separate approval according to the provisions of the UDC; all construction plans for any public infrastructure shall be prepared to City standards and approved by the City, which will include the stormwater easement placement to be dedicated on the Final Plat; and all comments about the stormwater management plan be addressed to the satisfaction of the City Engineer.

Chairman Daley asked for any questions or comments from the Planning Commission. There were no questions or comments.

Chairman Daley opened the public hearing. Chris Stara, applicant, approached the Commission and stated he agrees with the City's comments and TSL is working on addressing all comments listed.

Mr. Crooks motioned to close the public hearing, Mr. Little seconded. The public hearing was closed, 4-0.

Mr. Crooks motioned to approved Application FS2019-02 with the outlined stipulations, Mr. Beem seconded. FS2019-02 was approved with the stipulations, 4-0.

### **PUBLIC HEARING – CU2019-01 (CONDITIONAL USE PERMIT FOR CARGO CONTAINER STORAGE LOT FOR TSL EDGERTON)**

Chairman Daley stated this application is for the same lot that the Final Site Plan that was just approved for.

Ms. Crow introduced Application CU2019-01 as an application for a Conditional Use Permit (CUP) for a cargo container storage lot for TSL Edgerton. A cargo container storage lot is not permitted by right in L-P zoned areas and operation of one requires a Conditional Use Permit with a public hearing. Application review for a CUP is similar to a rezoning since it is a higher intensity use for the ground

than a permitted by right use. On January 9, 2014, City Council approved a CUP for Phase I. This application would wrap the Phase I and Phase II operations into one Conditional Use Permit. Instead of having two CUPs that have different expiration dates, TSL Edgerton is requesting one CUP with one expiration date.

Phase II operations include a fueling station with a 10,000 square foot maintenance building in the southwestern corner of the parcels. A guard shack is also proposed in the southeastern portion of the lot. The maintenance facility will have restrooms and a driver lounge as well as an area for storage of parts. The BNSF intermodal facility is located about ½ mile to the northwest of the proposed location and LPKC industrial park operations and L-P District zoned parcels surround this project. The applicant is requesting a 10-year CUP as that time frame has been granted for similar projects.

The UDC outlines the requirements for a CUP in Section 7.1(c) of Article 7. The following includes what the UDC requires (underlined), staff comments and staff determinations:

- a. The extent to which there is a need in the community for the proposed use. Demand for businesses to store and maintain cargo containers and chassis, such as the facility proposed here, is a by-product of the activity in and around the intermodal facility. LPKC's primary function is to transport and redistribute containers and the products they contain. There is a need for companies that specialize in storage and truck parking/maintenance. The proposed use would fill a need for this type of support service in LPKC. Staff determination: **Positive**
- b. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space. The character of the neighborhood is established as a transportation and logistics hub. The BNSF Intermodal Facility is across 191<sup>st</sup> Street to the west and north of this proposed location. Land use zoning for the parcels comprising this project is L-P Logistic Park District. The lot would be wholly contained within Site Plan FS2019-02 as submitted for Planning Commission review. Staff determination: **Positive**
- c. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening. The existing parcel zoning of LP Logistics Park and the adjacent property uses are similar in nature to other Logistics Park support services. The proposed Final Site Plan FS2019-02 meets the Edgerton UDC requirements with stipulations for a Right-Of-Way landscape buffer and berming along Waverly Road and 191<sup>st</sup> Street. Proposed fencing of 1" black galvanized chain link to be installed around the perimeter of the operation will be changed to black vinyl coated chain link to meet L-P zoning design guidelines per Article 5.2 of Edgerton's Uniform Development Code. Staff determination: **Positive**
- d. Suitability of the uses of the property without the proposed conditional use permit. The property is zoned L-P district. Cargo container storage and truck yards are an important support function at the Logistics Park Kansas City. Staff determination: **Positive**
- e. Length of time the subject property has remained vacant without the proposed conditional use permit. Phase I of the project was approved for the same conditional use in 2014, with that permit set to expire on January 9, 2024 (Ordinance 965). Currently, there is no development on the land that will be used for the Phase II expansion of TSL Edgerton. Staff determination: **Positive**
- f. The extent to which the proposed use may detrimentally affect nearby property. No long term detrimental effects are expected for the use of the property as the use requested is not extraordinary at Logistics Park Kansas City. There are currently three other cargo container storage

use facilities in operations at the Logistics Park and approval for a fourth operation that has not yet been constructed directly to the west of this project. Staff determination: **Positive**

- g. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions. During the approval process for the Preliminary and Final Plat for this project, Access Limitations were added to allow two entrances on 191<sup>st</sup> Street and a maximum of two entrances from Waverly Road. The existing entrance off of Waverly Road will be removed and two additional entrances further south are part of the proposal of Final Site Plan FS2019-02, also presented before the Planning Commission during the April 9, 2019 meeting. Staff determination: **Positive**
- h. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services. As addressed in FS2019-02, Phase I of TSL's cargo container operations are currently served with standard Edgerton utilities. Staff determination: **Positive.**
- i. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property. The application is not anticipated to adversely affect the capacity or safety of the road network as the project is located on 191<sup>st</sup> Street and Waverly Road which are designated Heavy Haul Corridors. Staff determination: **Positive**
- j. The environmental impacts that the proposed use would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm. The City will follow NPDES (stormwater management requirements) guidelines that require the developer to address runoff and water pollution mitigation measures as part of the development of the property. As part of the stipulations for conditional approval of Final Site Plan FS2019-02, the applicant was required to submit a stormwater study for the City Engineer to review, submit documentation and obtain a Land Disturbance Permit, and complete a City of Edgerton Floodplain Development Permit. Staff determination: **Neutral**
- k. The economic impact of the proposed use on the community. Prior to the development of the BNSF intermodal and logistics park, there were few commercial and industrial uses within the City. Warehousing and related uses in the L-P District have the potential to benefit the residents and community in a positive way by providing needed jobs and tax revenues. This type of use is seen as necessary support for warehousing and other related Logistics Park uses. Staff determination: **Positive**
- l. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial. The proposed Final Site Plan application FS2019-02, with stipulations, will meet the requirements of the UDC. Due to the nature of the request, there would be little gain to the public health, safety and welfare of the City of Edgerton and the property owner should this request be denied. Staff determination: **Positive**
- m. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community. The Future Land Use Map (attached) within the Comprehensive Plan designates the subject property for industrial development. Staff determination: **Positive**

In addition, the UDC outlines the requirements for CUPs for the L-P Zoning District in Section 7.2(d) of Article 7. The following includes what the UDC requires, staff comments and staff determinations:

1. Access: No cargo containers or semi-trailers (either on or off a chassis), or a chassis, may be stored in a manner that impedes access to public rights-of-way, public utility or drainage easements, structures, and buildings. ***Final Site Plan FS2019-02 complies.***
2. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved. ***Final Site Plan FS2019-02 complies.***
3. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres. ***Property complies with 50.64 acres.***
4. Noise: Noise from businesses and facilities shall not exceed 60 dB(A) in any adjacent residential district or 70 dB(A) in any adjacent commercial or industrial district or property. ***Noise issues are not addressed in the applicant's proposal; however, if approved, the use must continuously comply with these noise maximums in the conduct of business.***
5. Paving: All interior driveways, parking, loading, and storage areas shall be paved and dust-free. For purposes of this stipulation:
  - a. Paving shall mean concrete or asphalt: and
  - b. Dust-free shall mean that all interior driveways and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.***FS2019-02 is in compliance with City of Edgerton UDC and APWA recommended standards as it indicates 11" Portland concrete pavement and 4" concrete sidewalk.***
6. Parking: Facilities shall comply with the Article 5.2 L-P District Off Street Parking and Loading regulations. No portion of any required off-street parking or loading/unloading areas shall be used for the storage of cargo containers, semi-trailers (either on or off a chassis), chassis or similar storage devices. ***The proposed use shall continuously comply with parking requirements.***
7. Cargo Container Stacking: Cargo containers shall not be stacked more than five (5) in number. ***The proposed use must continually comply and not exceed the maximum stacking number. Additionally, Final Site Plan FS2019-02 indicates specific areas where cargo containers will be stacked. Cargo containers may not be stored outside of approved areas indicated on FS2019-02.***
8. Chassis Stacking/Racking: Empty chassis may be stored on end (racking) or may be stacked. When stacked, chassis shall not be more than five (5) in number. ***The proposed use must continually comply with and not exceed the maximum stacking number. Additionally, Final Site Plan FS2019-02 indicates specific areas where cargo containers will be stacked. Cargo containers may not be stored outside of approved areas indicated on FS2019-02.***
9. Screening and Landscaping: Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping. Screening shall comply with requirements Article 5.2 L-P District Landscape Standards. ***Submitted Final Site Plan FS2019-02 complies. The proposed use shall continuously comply with landscaping requirements.***
10. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property, shall be subject to the setback requirements in Article 5.2 L-P District Setback, Yard, Area Regulations, except, however, the parking or storage of cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked) shall be subject to the following setback standards that may vary depending upon the difference scenarios set forth below:
  - b. When abutting (touching, or across the street from non-residentially zoned property, such parking or storage shall be setback from any exterior property line of the subject

property a distance equal to the height of the cargo container or semi-trailer (either on or off a chassis), and chassis (racked and stacked). ***Final Site Plan FS2019-02 complies. The proposed use shall continuously comply with setback requirements.***

- c. When abutting (touching public right-of-way, such parking or storage shall be setback from any exterior property line of the subject property a distance equal to the height of the cargo containers or semi-trailers (either on or off a chassis), and chassis (racked or stacked). ***Final Site Plan FS2019-02 complies. The proposed use shall continuously comply with setback requirements.***
  - d. When abutting (touching), or across the street from, residentially zoned property, such parking and storage shall be setback a minimum of 250 feet from the nearest property line of the residentially zoned property. ***This requirement is not applicable as there is no property adjacent to this project that is residentially zoned.***
  - e. When abutting (touching), or across the street from, a habitable dwelling, such parking and storage shall be setback a minimum of 300 feet from the nearest dwelling. ***There is a warehouse to the south of the proposed cargo storage area. The warehouse is over 300 feet away from the closest container. There is also a warehouse to the east of the proposed cargo container storage area. That facility is also over 300 feet from the closest proposed container stack. Final Site Plan FS2019-02 complies.***
11. Signage: Business signs shall be allowed according to Article 5.2 L-P District Signage regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis. No signage is proposed with this application. ***Signage proposed later shall receive separate approval according the provisions of the UDC.***
  12. Site Plan: A site plan shall be submitted with the application. The site plan shall be prepared in accordance with the requirements of Article 9 (B) (3) of these regulations. ***Final Site Plan FS2019-02 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.***
  13. Other Rules and Regulations. All facilities shall abide by any and all governmental rules, regulations, codes and specifications now in effect or hereafter adopted that would be applicable to this permit or the use of the property by the applicant/landowner. ***The proposed use must continuously comply with these requirements.***

If applicant is not found to be in compliance with any one of the requirements, then the Governing Body can revoke the CUP.

Ms. Crow informed the Commission staff does recommend approval of Application CU2019-01 with the following stipulations:

1. The Conditional Use Permit CU2019-01 approval shall be transferable, but it must stay with the ownership of these parcels for which its use is approved (Final Plat FP2019-01);
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 FS2019-02, to be 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 FS2019-02.
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. This Conditional Use Permit shall be valid for 10 (ten) years from date of approval by the City of Edgerton Governing Body.

Ms. Crow stated if the Commission recommends approval, the City Council will hear the CUP Application for final approval at the City Council meeting scheduled for April 25, 2019.

Chris Stara, applicant, told the Commission he sent notices to tenants as well as the property owners. He did not receive any comments against the proposed expansion, only an inquiry from Dave Nickell who owns a cargo container storage facility on the northwest corner of Waverly Road and 191<sup>st</sup> Street. Mr. Nickell's inquiry was a basic inquiry about the expanded operations.

Chairman Daley opened the public hearing. There were no comments made. Mr. Crooks motioned to close the public hearing, Mr. Beem seconded. The public hearing was closed, 4-0.

Chairman Daley stated that this CUP has been approved before, it is just expanding to include Phase II.

Mr. Crooks motioned to recommend approval to the City Council with the stipulations, Mr. Little seconded. The Planning Commission recommended approval of CU2019-01 to the City Council, 4-0.

### **FUTURE MEETING**

The next meeting is scheduled for May 14, 2019.

Ms. Crow stated at this time there are a few temporary construction use renewals and a new request that she believes will be beneficial. There will also be revised copies of the UDC before the Commission next meeting. She hopes to have around 5 articles ready for review. Staff used the suggestions of the Planning Commission and real-life scenarios from site plan review to help draft the articles.

Ms. Linn informed the Commission if it is possible, the agenda will be posted before the usual time.

### **ADJOURNMENT**

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

The meeting adjourned at 9:06 p.m.

Submitted by: Chris Clinton, Planning and Zoning Coordinator