

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
September 8, 2020

The Edgerton Planning Commission met in regular session with Chairperson John Daley calling the meeting to order at 7:00 PM.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were Chairperson John Daley, Commissioner Jeremy Little, Commissioner Tim Berger, and Commissioner Deb Lebakken via telephone. Commissioner Charlie Crooks was absent from the meeting. Also present were Development Services Director Katy Crow and Planning and Zoning Coordinator/City Clerk Chris Clinton.

The Planning and Zoning Coordinator/City Clerk announced a quorum was present.

CONSENT AGENDA

MINUTES

The approval of the minutes from the Regular Session held on August 11, 2020 were considered.

Commissioner Berger motioned to approve the consent agenda. Commissioner Little seconded the motion. The consent agenda was approved, 4-0.

NEW BUSINESS

PUBLIC HEARING – REZONING FOR 33364 W. 191ST STREET – APPLICATION ZA2020-01

Chairperson Daley introduced the application. Ms. Katy Crow, Development Services Director, stated this property was annexed into the City on March 27, 2014. The rezoning is being requested for a future fire station with truck bays, a bunk house for the fire crew, administrative offices, and meeting rooms. She said the fire station will serve the Logistics Park development along with any residences or commercial developments in the response area. The Burlington Northern Santa Fe Railway (BNSF) intermodal facility is located adjacent to the subject site. Ms. Crow stated the first Phase of Logistics Park Kansas City (LPKC), is a 1,700-acre master-planned distribution and warehouse development anchored by the BNSF Railway intermodal facility, which opened in late 2013. The location of a fire station to LPKC is to provide service delivery in that area of Edgerton along with southeast Johnson County. This fire station will serve Edgerton in conjunction with the current station located near downtown Edgerton.

Ms. Crow explained the subject property is surrounded by BNSF operations to the north and east. There is a developed L-P zoned parcel to the south which contains Inland Port (IP) XXI, UPS. There is also Johnson County zoned RUR parcels to the south and west of the parcel. She stated the parcel is located between the existing 191st Street and the vacated section of 191st Street. The parcel has frontage along 191st Street. Ms. Crow said access will be from 191st Street and Water Service will be provided by Johnson County Water District #7. Sanitary sewer will be supplied by the City of Edgerton, electrical service will be from Evergy, Kansas Gas Service will supply gas to the parcel and police service will be provided by the City through the Johnson County Sheriff's Office. The property is located within the Bull Creek Watershed. She explained the parcel retained the Johnson County zoning of RUR

from when it was annexed into the City.

Ms. Crow stated the Unified Development Code (UDC) outlines the purpose of the L-P zoning district, which is what the applicant has requested, is to create a limited multimodal industrial zone that provides for modern type industrial uses or industrial park to support activities related to trade, rail, and other transport services. Limitations are placed on the uses in the district to significantly restrict the outside activities and outside storage of materials, noise, vibrations, and other nuisances. Any activities conducted outside should be screened and buffered, and external effects such as excessive noise or odor should not extend beyond the property lines. Ms. Crow explained a fire station would be an appropriate use for the L-P zoning as it is a support function for the tenants at LPKC, nearby commercial developments and residential buildings.

Ms. Crow informed the Planning Commission that City Staff has reviewed the rezoning application with respect to the UDC, the laws of Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. Ms. Crow outlined City Staff's review for the "Golden Criteria."

1. **Need for the Proposed Change.** The applicant has requested L-P Zoning District designation to support construction of the project. Given the property's proximity to LPKC, BNSF Railway intermodal facility, and Interstate 35 (I-35), L-P Zoning District zoning is the most compatible designation for this use.
2. **Magnitude of the Change.** The existing RUR zoning is considered a holding designation. The Future Land Use Map contained in the Comprehensive Plan has the property designated as appropriate and acceptable for Business Park/Industrial uses. The proposed rezoning is compatible with the spirit and intent of future development outlined by the Comprehensive Plan and depicted by the Future Land Use Map. Due to the property's proximity to LPKC, the BNSF Railway intermodal facility and I-35, the magnitude of the change is not considered extreme or rare when property is being developed for its designated and planned end use, in this case a fire station facility.
3. **Whether or Not the Change Will Bring Harm to Established Property Rights.** The subject property is adjacent to parcels containing L-P and Johnson County RUR zoning designations. 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.
4. **Effective Use of Land.** The L-P zoning designation at this location provides for a permitted use which is an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC, and I-35 where new commercial development is occurring at the Homestead Lane interchange. A fire station will provide a necessary public service to the surrounding community.
5. **The Extent to Which There is a Need in the Community for the Uses Allowed in the Proposed Zoning.** Construction of a fire station in this area allows for increased service delivery to the warehouses at LPKC, commercial development along the Homestead Lane interchange corridor, Big Bull Creek Park, and nearby residences.
6. **The Character of the Neighborhood, Including but not Limited to Zoning, Existing and Approved Land Use, Platting, Density (Residential), Natural Features, and Open Spaces.** Continued development of the area will continue to include intermodal related uses and functions which support them. With extensive, recently completed road improvements and

the interchange at I-35 and Homestead Lane, the character of the area has changed from rural to industrial. The parcel to the north contains the BNSF intermodal facility and the parcel to the south contains Inland Port XXI where UPS is located. An undeveloped parcel to the south contains an RUR designation. However, all development occurring in the immediate area has occurred on parcels containing an L-P zoning designation.

7. **Compatibility of the Proposed Zoning and Uses Permitted Therein with the Zoning and Uses of Nearby Properties.** The proposed zoning is compatible with the existing development to the north, south, and east. The undeveloped parcels to the south and west contain a RUR zoning designation. As is noted in the Future Land Use Map for this area, this area is designated as appropriate and acceptable for Business Park/Industrial uses. The City's 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, and other nuisances. The Site Plan review process can mitigate impacts to adjacent properties with proper attention to buffering and setbacks, stormwater management, and transition of uses.
8. **Suitability to the Uses to Which the Property Has Been Restricted Under its Existing Zoning.** The existing Johnson County RUR zoning of the applicant property is not suitable for the proposed fire station facility use sought by the applicant. The Johnson County RUR zoning is primarily for single family rural residential. This type of use on a property annexed by the City, but zoned for agriculture, would not be compatible or appropriate. Therefore, a rezoning to the L-P district is the most appropriate designation for the proposed use.
9. **Length of Time the Subject Property has Remained Vacant Under the Current Zoning Designation.** Based upon available aerial photography, the property was vacant land with a possible agricultural use in unincorporated Johnson County, prior to its annexation into the City in 2014.
10. **The Extent to Which the Zoning Amendment may Detrimentially Affect Nearby Property.** A fire station facility is a public service entity which provides a much-needed emergency response function to the community. The proposed zoning is compatible with the uses occurring on the surrounding properties. The City's 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, and other nuisances. The Site Plan review process can mitigate impacts to adjacent properties with proper attention to buffering and setbacks, stormwater management, and transition of uses.
11. **Consideration of Rezoning Applications Requesting Planned Development Districts (PUD) for Multifamily and Non-residential Uses Should Include Architectural Style, Building Materials, Height, Structural Mass, Siting, and Lot Coverage.** This application is not a request for a PUD.
12. **The Availability and Adequacy of Required Utilities and Services to Serve the Uses Allowed in the Proposed Zoning. 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.** The subject property is located on 191st Street. This street is a heavyweight corridor roadway which has the capacity to support development of the property. Utilities will be provided by the developer or the City in conjunction with development.
13. **The Extent to Which the Uses Allowed in the Proposed Zoning Would Adversely Affect the Capacity or Safety of that Portion of the Road Network Influenced by the**

Uses, or Present Parking Problems in the Vicinity of the Property. 191st Street is designated as a heavyweight corridor roadway and it is improved to a standard which can accommodate industrial development traffic in the area including large fire apparatus and emergency equipment. There are no known functional or safety issues occurring with the surrounding transportation network.

14. **The Environmental Impacts that the Uses Allowed in the Proposed Zoning 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 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, and other pollutants will be addressed as part of the Site Plan review process.
15. **The Economic Impact on the Community from the Uses Allowed in the Proposed Zoning.** A fire station provides a much-needed public service to the community in a positive way. Emergency response times will be diminished with a fire station in the area and this in turn positively impacts the community.
16. **The relative gain (if any) to the Public Health, Safety, and Welfare From a Denial of the Rezoning Application as Compared to the Hardship Imposed Upon the Rezoning Applicant From Such Denial.** 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 loss of a valuable community service related to emergency and fire response activities.
17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, Ordinances, Policies, and Applicable City Code of the City of Edgerton.** The Comprehensive Plan for the City has the area which the property is in designated as appropriate for zoning and uses associated with business park and industrial zoning. City Staff believes that the requested rezoning is compatible with the spirit and intent of future development outlined in the Comprehensive Plan and Future Land Use Map.
18. **The Recommendation of Professional Staff.** City Staff recommends approval of the proposed rezoning of the subject property from Johnson County RUR, to the City of Edgerton Logistics Park District (L-P) with the following stipulations:
 - a. All infrastructure requirements of the City shall be met,
 - b. All platting requirement of the City shall be met,
 - c. All Site Plan application requirements of the City shall be met,
 - d. And prior to issuance of building permits, the property shall be developed with a Site Plan reviewed and approved by the City.

Deputy Chief Dennis Meyers, Johnson County Fire District #1, said the fire department likes to get to everything in LPKC in under five (5) minutes, but they currently are unable to do that with the current locations of their stations. He explained the District's headquarters will be moved to this facility as well and this new station will also serve the residential area of Edgerton as it is the closest to back up the current location in downtown Edgerton. Chairperson Daley inquired to where the current location of the District's headquarters is. Deputy Chief Meyer answered it is in New Century.

Chairperson Daley opened the public hearing. No public comments were made. Commissioner Berger motioned to close the public hearing. Commissioner Little seconded the motion. The public hearing was closed, 4-0.

Commissioner Berger motioned to recommend approval of the rezoning of **Application ZA2020-01**, 33364 W 191st Street from Johnson County RUR to City of Edgerton L-P to the Governing Body. Commissioner Lebakken seconded the motion. Application ZA2020-01 was approved, 4-0. Ms. Crow stated this will now go before the Governing Body on October 8, 2020. She explained the reason for the date being next month is due to the protest petition timeframe of fourteen (14) days.

FUTURE MEETING

The next Planning Commission meeting is scheduled for October 13, 2020 at 7:00 PM. Ms. Crow explained there is a Final Site Plan and Plat applications regarding the same parcels the rezoning case that was just passed will be presented to the Planning Commission.

ADJOURNMENT

Motion by Commissioner Berger to adjourn the meeting, Commissioner Little seconded. Motion was approved, 4-0. The meeting was adjourned at 7:22 PM.

Submitted by Chris Clinton, Planning and Zoning Coordinator/City Clerk