

EDGERTON CITY HALL  
PLANNING COMMISSION MEETING  
REGULAR SESSION  
January 12, 2021

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 via video conference, Commissioner Deb Lebakken via video conference, Commissioner Charlie Crooks via video conference, and Commissioner Tim Berger via video conference. Also present were City Administrator, Beth Linn, Marketing and Communications Director Kara Banks, Development Services Director Katy Crow, City Attorney Lee Hendricks and Planning and Zoning Coordinator Chris Clinton.

The Planning and Zoning Coordinator announced a quorum was present.

**CONSENT AGENDA**

**MINUTES**

The approval of the minutes from the Regular Session held on October 13, 2020 were considered.

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

**NEW BUSINESS**

**PUBLIC HEARING – REZONING APPLICATION ZA2020-02 THROUGH ZA2020-08**

Chairperson Daley stated the role of the Planning Commission is that of a recommending body. A public hearing will be conducted to hear public comment and concerns and allow the applicant to present their information in order to make a recommendation to the Governing Body about the application before the Planning Commission. He stated the Planning Commission (the Commission) action is not final as it is a recommendation to the Governing Body who will make the final determination during a future City of Edgerton City Council meeting. Chairperson Daley explained any public comments will be taken and each speaker will be allotted three (3) minutes. He said due to Covid-19 and the social distancing constraints placed upon the meeting hall, overflow capabilities are available at Edgerton Library where the meeting is on speaker. Comments must be provided at City Hall.

Chairperson Daley introduced the item. He stated the public hearing will be opened and City Staff will review the applications. If the applicant is present, they will introduce their side of the proposal. At the conclusion of the applicant's presentation, public comment will be taken. City Staff will keep a list of the questions asked and the applicant will respond after all public comment has been received. Chairperson Daley stated public comment is only allowed during the public hearing. Once the hearing has been closed, the time for comment has passed and no further comments from the audience will be taken. He again stated each speaker is allowed 3 minutes.

Chairperson Daley reminded those in attendance the public hearing is regarding the rezoning

application. He explained that rezoning is about the change in use allowed on the land. Anything related to development of the land like the roads or what the building looks like or the stormwater plan will be discussed at a later meeting.

Chairperson Daley opened the public hearing.

Ms. Katy Crow, Development Services Director, stated the commissioners were each provided copies of the staff reports prior to the meeting. She explained the Golden Criteria were established by the Supreme Court of Kansas in 1978 and each parcel and application was reviewed using these Criteria. Ms. Crow said the entire Staff Report will be read for ZA2020-02, then for each following application, only the items that change between the properties will be highlighted.

Ms. Crow stated Application ZA2020-02 is an application to rezone from Johnson County Rural, RUR, to City of Edgerton Logistics Park, L-P, district that is generally located southeast of the intersection of West 199<sup>th</sup> street and South Gardner Road. The applicant is Brett Powell, an agent of NPD Management and the property is owned by Wellsville Farms, LLC. This parcel was annexed on December 17, 2020 as a part the expansion of Logistics Park Kansas City (LPKC). LPKC is a 2,300-acre master planned distribution and warehouse development anchored by the Burlington Northern Santa Fe Railway (BNSF) intermodal facility. The facility opened in late 2013 and is located approximately two miles north and west of the subject site. Ms. Crow explained maps and figures outlining the nearby zoning designations surrounding the subject parcel and the proximity to other L-P locations. She said the last figure provided outlines the nearby roads that Johnson County has designated as arterial roadways in the Comprehensive Arterial Road Network Plan (CARNP).

Ms. Crow stated the subject property was annexed into the City of Edgerton on December 17, 2020 and was in unincorporated Johnson County and was zoned Johnson County Rural (RUR), which it still holds. She explained the City's Unified Development Code (UDC) states the purpose of the Logistics Park (L-P) District 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 store of material, noise, vibration, et cetera. The UDC also states manufacturing uses should be conducted within a totally enclosed building. The conduction of outdoor activities and outdoor storage is not allowed. External effects such as excessive noise or odor should not extend beyond property lines. Ms. Crow explained permitted uses within the L-P District include warehousing/distribution centers; motor freight transportation terminals; manufacturing, processing, fabrication, or assembly of commodity – limited; along with other permitted uses.

Ms. Crow then went through each of the Golden Criteria for application ZA2020-02:

1. **Need for the Proposed Change** – When the parcel was annexed into Edgerton, it contained a RUR zoning designation as assigned by Johnson County. That zoning designation is only a holding designation and a rezoning is necessary prior to any land development occurring. The applicant has requested L-P Zoning District designation to allow future construction of projects similar to other projects in L-P zoned areas. Given the parcels' proximity to LPKC Phases I and II, the BNSF Railway intermodal facility and I-35, L-P District zoning is the most compatible designation for these uses.

2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (106 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial development.
3. **Whether or not the change will bring harm to established property rights** - The subject property is surrounded by undeveloped acreage and low-density rural single-family residential. L-P zoning designations require significant berming and landscaping adjacent to any residential developments. If rezoned L-P, as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Part of a Site Plan review would include attention to buffering and setbacks, stormwater management and transition of uses between adjoining properties and any proposed industrial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.
4. **Effective use of Land** - L-P District permitted uses at this location are an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the I-35 interstate system.
5. **The extent to which there is a need in the community for the uses allowed in the proposed zoning** - Construction of warehousing, distribution, limited manufacturing and related uses near the 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.
6. **The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space** – This parcel is located near the new 207<sup>th</sup> Street corridor, Kubota Tractor North American Distribution Center, and the Hostess Distribution Center. Continued development of the area includes intermodal related uses. With the extensive road improvements, including the interchange at I-35 and Homestead Lane and the improvements on 207<sup>th</sup> Street, the character of the area is changing from rural to industrial. Some nearby parcels zoned Johnson County RUR contain single family homes. However, the residential density in this area is lower than some of the parcels adjacent to development in Phase I of LPKC. As noted previously, the Site Plan review process can mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.
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 planned future uses of nearby parcels, specifically to the southwest. 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 Site Plan review process is designed to mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.

8. **Suitability of the uses to which the property has been restricted under its existing zoning** - The existing Johnson County RUR zoning of the applicant property is viewed as a holding designation related to the annexation of the parcel. Johnson County RUR zoning is primarily for agricultural and low-density residential use. An industrial use on a property zoned for agriculture would not be a permitted use therefore, a rezoning to the L-P District is the most appropriate designation for the proposed use indicated by the applicant.
9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, the property has been used for agricultural purposes in unincorporated Johnson County dating back to at least 2006.
10. **The extent to which the zoning amendment may detrimentally affect nearby property** - The proposed zoning is compatible with the planned future uses of the surrounding property, specifically to the southwest. The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that 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 Site Plan review process can mitigate impacts to adjacent properties with the 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 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** – Utility providers have extended service to Hostess Distribution Center at the northeast corner of Waverly and 207<sup>th</sup> Street. As development continues in the area, the developer will be responsible for extending any additional necessary utilities not already in their service area. The City of Edgerton Municipal Code requires that all properties within city boundaries connect to City of Edgerton sanitary sewer service. Should this parcel be developed, the developer would be responsible for the extension of and connection to City of Edgerton wastewater infrastructure.
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** – Today 199<sup>th</sup> Street is a two-lane road from Waverly Road to Moonlight Road. However, the Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type III/4-Lane Arterial Roadway designation to 199<sup>th</sup> Street and designates it as a main thoroughway. As this area continues to develop, 199<sup>th</sup> will be a crucial component to providing transportation access across southern Johnson County. Additionally, Homestead Lane and 207<sup>th</sup> Street to just east of Waverly Road have been constructed to accommodate the traffic that will accompany the Phase II expansion of LPKC. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part



of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.

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, etc., 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** - 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. During the Covid-19 pandemic, supply chain logistics were instrumental to delivering food and supplies to areas across the United States. This type of commercial industry continues to be an important contributor to the economy of this area.
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 these zoning applications. 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.
17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. This parcel is located 1.1 miles from I-35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be in compliance with the City of Edgerton UDC. L-P Zoning does not allow tenants to conduct exterior operations or have exterior storage. The review of strict parameters related to the aesthetics of development on L-P zoned parcels is conducted as part of a Site Plan review, including an evaluation of building materials, screening between adjacent parcels and parking requirements.
18. **Recommendation of professional staff** – City Staff recommends approval of proposed rezoning Application ZA2020-02 from Johnson County Rural (RUR), to City of Edgerton Logistics Park (L-P) with the following stipulations:
  - a. All infrastructure requirements of the City shall be met;
  - b. All platting requirements of the City shall be met;
  - c. All Site Plan application requirements of the City shall be met;
  - d. Prior to issuance of building permits, the property shall be developed within accordance with a Site Plan reviewed and approved by the City.

Ms. Crow explained for application ZA2020-03, the reviews of the Golden Criteria stayed the same, but

the different information will be explained. She stated the application is for rezoning a parcel of land generally located northeast of the intersection of West 207<sup>th</sup> Street and South Gardner Road. The applicant is Brett Powell, who is an agent from NPD Management. The property is owned by Hillsdale Land & Cattle, LLC. The applicant has requested the same rezoning from Johnson County RUR to City of Edgerton L-P and the parcel is about 59.51 acres. She explained the maps in the Staff Report of showing nearby zoning designations and the proximity of the parcel to other L-P uses. She stated the last figure outlines the CARNP. She explained this parcel does not have any access from nearby streets. Access to the parcel would have to be constructed during development.

Ms. Crow outlined the Golden Criteria that were different from the previous application:

2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (60 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial 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** – Today this parcel is landlocked with no access to a major arterial. Should any development occur, it would need to be coordinated with the use of an adjacent parcel for roadway access. Homestead Lane and 207<sup>th</sup> Street east to Waverly Road have been constructed to accommodate the traffic that will accompany the Phase II expansion of LPKC. Today 199<sup>th</sup> Street is a two-lane road from Waverly Road to Moonlight Road. However, the Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type III/4-Lane Arterial Roadway designation to 199<sup>th</sup> Street and designates it as a main thoroughway. As this area continues to develop, 199<sup>th</sup> will be a crucial component to providing transportation access across southern Johnson County. Gardner Road is a paved 2-lane road from 199<sup>th</sup> Street south to 215<sup>th</sup> Street. The Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type II/2-Lane Arterial Roadway designation to Gardner Road and designates it as a main thoroughway. As this area continues to develop, Gardner Road will be a crucial component to providing transportation access to southern Johnson County. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.

17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. This parcel is located 1.3 miles from I-35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be in compliance with the City of Edgerton UDC. L-P Zoning does not allow tenants to conduct exterior operations or have exterior storage. The review of strict parameters related to the aesthetics of development on L-P zoned parcels is conducted as part of a Site Plan review, including an evaluation of building materials, screening between adjacent parcels and parking requirements.
18. **The recommendation of professional staff** – City Staff recommends approval of proposed rezoning Application ZA2020-03 from Johnson County RUR to City of Edgerton L-P with the following stipulations:
  - a. All infrastructure requirements of the City shall be met;
  - b. All platting requirements of the City shall be met;
  - c. All Site Plan application requirements of the City shall be met;
  - d. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Ms. Crow stated ZA2020-04 is an application for the same rezoning change on a parcel of land generally located northeast of the intersection of West 207<sup>th</sup> Street and South Gardner Road. She said it was applied by Brett Powell, agent of NPD Management, and is owned by Hillsdale Land & Cattle, LLC. The parcel is 58.36 acres in size. She explained the maps in the Staff Report of showing nearby zoning designations and the proximity of the parcel to other L-P uses. She stated the last figure outlines the CARNP. She explained access to this parcel is from 207<sup>th</sup> Street.

Ms. Crow outlined the different analysis of the Golden Criteria:

2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (58 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial 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 – 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** – This parcel contains direct access to 207<sup>th</sup> Street. 207<sup>th</sup> Street to east of Waverly Road and Homestead Lane have been improved to accommodate the traffic that will accompany the Phase II expansion of LPKC. Gardner Road is a paved 2-lane road from 199<sup>th</sup> Street south to 215<sup>th</sup> Street. The Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type II/2 Lane Arterial Roadway designation to Gardner Road and designates it as a main thoroughway. As this area continues to develop, Gardner Road will be a crucial component to providing transportation access to southern Johnson County. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.
17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. This parcel is located 1.4 miles from I-35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be in compliance with the City of Edgerton UDC. L-P Zoning does not allow tenants to conduct exterior operations or have exterior storage. The review of strict parameters related to the aesthetics of development on L-P zoned parcels is conducted as part of a Site Plan review, including an evaluation of building materials, screening between adjacent parcels and parking requirements.
18. **The recommendation of professional staff** - City staff recommends approval of proposed rezoning Application ZA2020-04 from Johnson County Rural (RUR), to 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 requirements of the City shall be met;
  - c. All Site Plan application requirements of the City shall be met;
  - d. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Ms. Crow stated ZA2020-05 is an application for the same rezoning change on a parcel of land generally located southwest of the intersection of West 207<sup>th</sup> Street and South Gardner Road. She said it was applied by Brett Powell, agent of NPD Management, and is owned by Hillsdale Land & Cattle, LLC. The parcel is 38.21 acres in size. She explained the maps in the Staff Report of showing nearby zoning designations and the proximity of the parcel to other L-P uses. She stated the last figure outlines the CARNP. She explained access to this parcel is from 207<sup>th</sup> Street and Gardner Road.

Ms. Crow outlined the different analysis of the Golden Criteria:

2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (38 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial 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** – Both Homestead Lane and 207<sup>th</sup> Street to just east of Waverly Road have been constructed to accommodate the traffic that will accompany the Phase II expansion of LPKC. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.
17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. The parcel is located 1.4 miles from I-35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be in compliance with the City of Edgerton UDC. L-P Zoning does not allow tenants to conduct exterior operations or have exterior storage. The review of strict parameters related to the aesthetics of development on L-P zoned parcels is conducted as part of a Site Plan review, including an evaluation of building materials, screening between adjacent parcels and parking requirements.
18. **The recommendation of professional staff** - City staff recommends approval of proposed rezoning Application ZA2020-05 from Johnson County Rural (RUR), to 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 requirements of the City shall be met;
  - c. All Site Plan application requirements of the City shall be met;

- d. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Ms. Crow stated ZA2020-06 is an application for the same rezoning change on a parcel of land generally located southwest of the intersection of West 207<sup>th</sup> Street and South Gardner Road. She said it was applied by Brett Powell, agent of NPD Management, and is owned by Hillsdale Land & Cattle, LLC. The parcel is 38.98 acres in size. She explained the maps in the Staff Report of showing nearby zoning designations and the proximity of the parcel to other L-P uses. She stated the last figure outlines the CARNP. She explained access to this parcel is from Gardner Road.

Ms. Crow outlined the different analysis of the Golden Criteria:

2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (approximately 39 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial 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** – As this area continues to develop, 207<sup>th</sup> Street and Gardner Road will be crucial components to providing transportation access across southern Johnson County. Both Homestead Lane and 207<sup>th</sup> Street to east of Waverly Road have been constructed to accommodate the traffic that will accompany the Phase II expansion of LPKC. The Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type II/2 Lane Arterial Roadway to Gardner Road designating it as main thoroughway. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.
17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. This parcel is located 1.4 miles from I-35. Development in the area is driven

by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be in compliance with the City of Edgerton UDC. L-P Zoning does not allow tenants to conduct exterior operations or have exterior storage. The review of strict parameters related to the aesthetics of development on L-P zoned parcels is conducted as part of a Site Plan review, including an evaluation of building materials, screening between adjacent parcels and parking requirements.

18. **The recommendation of professional staff** - City staff recommends approval of proposed rezoning Application ZA2020-06 from Johnson County Rural (RUR), to 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 requirements of the City shall be met;
  - c. All Site Plan application requirements of the City shall be met;
  - d. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Ms. Crow stated ZA2020-07 is an application for the same rezoning change on a parcel of land generally located southeast of the intersection of West 207<sup>th</sup> Street and South Gardner Road. She said it was applied by Brett Powell, agent of NPD Management, and is owned by East Kansas Land & Cattle, LLC. The parcel is 118.70 acres in size. She explained the maps in the Staff Report of showing nearby zoning designations and the proximity of the parcel to other L-P uses. She stated the last figure outlines the CARNP. She explained access to this parcel is from 207<sup>th</sup> Street.

Ms. Crow outlined the different analysis of the Golden Criteria:

2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (approximately 120 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial 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** – This parcel contains direct access to 207<sup>th</sup> Street which along with Homestead Lane has been improved to east of Waverly Road to accommodate the traffic that will accompany the Phase II expansion of LPKC. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the

applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.

17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. This parcel is located 1.6 miles from I-35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be in compliance with the City of Edgerton UDC. L-P Zoning does not allow tenants to conduct exterior operations or have exterior storage. The review of strict parameters related to the aesthetics of development on L-P zoned parcels is conducted as part of a Site Plan review, including an evaluation of building materials, screening between adjacent parcels and parking requirements.
18. **The recommendation of professional staff** - City staff recommends approval of proposed rezoning Application ZA2020-07 from Johnson County Rural (RUR), to 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 requirements of the City shall be met;
  - c. All Site Plan application requirements of the City shall be met;
  - d. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Ms. Crow stated ZA2020-08 is an application for the same rezoning change on a parcel of land generally located northeast of the intersection of West 2157<sup>th</sup> Street and South Gardner Road. She said it was applied by Brett Powell, agent of NPD Management, and is owned by East Kansas Land & Cattle, LLC. The parcel is 215.94 acres in size. She explained the maps in the Staff Report of showing nearby zoning designations and the proximity of the parcel to other L-P uses. She stated the last figure outlines the CARNP. She explained access to this parcel is from 215<sup>th</sup> Street, Gardner Road, and Moonlight Road.

Ms. Crow outlined the different analysis of the Golden Criteria:

2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (approximately 216 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate



berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial 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** – As this area continues to develop, 207<sup>th</sup> Street, Gardner Road, and 199<sup>th</sup> Street will be crucial components to providing transportation access across southern Johnson County. Both Homestead Lane and 207<sup>th</sup> Street east to Waverly Road have been constructed to accommodate the traffic that will accompany the Phase II expansion of LPKC. Today 207<sup>th</sup> Street is paved half a mile past Waverly Road. The Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type II/2 Lane Arterial Roadway to Gardner Road and a Type III/4 Lane Arterial Roadway designation to 199<sup>th</sup> Street, designating them both as main throughways. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.
17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. This parcel is located 1.9 miles from I-35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be in compliance with the City of Edgerton UDC. L-P Zoning does not allow tenants to conduct exterior operations or have exterior storage. The review of strict parameters related to the aesthetics of development on L-P zoned parcels is conducted as part of a Site Plan review, including an evaluation of building materials, screening between adjacent parcels and parking requirements.
18. **The recommendation of professional staff** - City staff recommends approval of proposed rezoning Application ZA2020-08 from Johnson County Rural (RUR), to 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 requirements of the City shall be met;
  - c. All Site Plan application requirements of the City shall be met;
  - d. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

Chairperson Daley requested the applicant to address the Commission and provide any additional information.

Mr. Patrick Robinson, Vice President of NorthPoint Development, spoke before the Commission. He said there is a total of about 640 acres requesting rezoning. At this time, NorthPoint does not have tenants

for buildings to utilize this land. He added the demand is there for additional buildings in the future. The COVID-19 pandemic has increased the demand of distribution and e-commerce and that demand will be there throughout 2021 and beyond. UPS is one of largest BNSF customers and the proximity to the BNSF intermodal has been extremely beneficial for the warehouses in Edgerton. Mr. Robinson thanked City Staff for their work and agreed with the Staff Reports and stipulations outlined. He explained Phase I and Phase II of LPKC have expanded quicker than expected and the rezoning applications are being done out of an abundance of caution so NorthPoint can develop the land as development progresses.

Chairperson Daley stated public comment will now be received. He asked if City Staff has received any written comments. Mr. Chris Clinton, Planning and Zoning Coordinator, stated testimony was received prior to the meeting. He read the list and addresses of those who provided written testimony:

- Dennis L. and Mary C. Koch – 27445 W 215<sup>th</sup> Street, Spring Hill, KS 66083
- Mary Koch – No address provided or found in the Johnson County database
- Brynn Brinkman – 207<sup>th</sup> Street and Moonlight provided, Johnson County shows a Brynn Brinkman at 277765 W 207<sup>th</sup> Street, Gardner, KS 66030
- Mark Hall – 23506 S Gardner Road, Spring Hill, KS 66083
- John Ingle – 28255 W 215<sup>th</sup> Street, Gardner, KS 66030
- Ben Johnson – 21365 S. Moonlight Road, Gardner, KS 66030
- Curt and Debra Kennon – 28155 W 215<sup>th</sup> Street, Spring Hill, KS 66083
- Staci Cook – 30103 Pinecrest Drive, Spring Hill, KS 66083
- Andrew Wayman – 28740 W 199<sup>th</sup> Street, Gardner, KS 66030
- Betsy Klinefus – PO Box 386, Spring Hill, KS
- LaDonna Buchman – No address provided or found in the Johnson County database
- Frank Bannister – 19815 S Gardner Road, Gardner, KS 66030
- Lisa Sutcliffe – 223<sup>rd</sup> Street in Spring Hill, KS
- Matt Combs – 20950 Moonlight Road, Gardner, KS 66030
- Paula Gardner – 22326 W 221<sup>st</sup> Street, Spring Hill, KS 66083
- Brandon Cain – 24795 Harmony Road, Paola, KS 66071
- Sarah Cain – 24795 Harmony Road, Paola, KS 66071
- Joyce Ghaisarnia – 21725 S Waverly Road, Spring Hill, KS 66083
- Brett Kuper – 22241 Moonlight Road, Spring Hill, KS 66083
- Christina Potter – near Harmony Road and 249<sup>th</sup> Street in Miami County

Mr. Clinton stated that all of the correspondence has been provided to the Commissioners and will be attached to the minutes.

Chairperson Daley said if a person is present to speak, they were to sign in and provide their name and address for the record and a phone number for City Staff to contact the speaker if they are not present in the meeting space when they are to speak. He stated each speaker will have 3 minutes and requested each speaker to speak loudly and clearly so those attending virtually can hear and understand each speaker.

Mr. Ben Johnson, 21365 S Moonlight Road, Gardner, KS 66030, spoke before the Commission. He said he lives to the east of the parcel addressed in application ZA2020-08. He understands the information and comments provided by the applicant, but states there are areas still available in Phase I for development. Mr. Johnson said the growth of LPKC has outpaced the demand of more warehousing. He

has noticed there are other warehouses available that are not located in LPKC as well. He stated if the pandemic has increased the draw for more distribution, that demand will decrease as the vaccine is made more readily available. Mr. Johnson stated the land use that surrounds the parcel in Application ZA2020-08 is all residential. He has seen the property value decrease in last year. All but maybe (one) 1 house faces the subject property of Application ZA2020-08. Mr. Johnson stated unless there is a large piece for residential development, the neighboring property values will go down and the nearby residents of the parcel are the ones who are going to suffer. He claimed that the City of Edgerton's City Code advises not to build near residences, but this is what will happen. He wants to know what will be done to protect those who live near LPKC. He claimed that nobody in the meeting room are current Edgerton residents but they are now neighbors of Edgerton. Mr. Johnson concluded the property owners are hiding behind the LLC's and their true causes.

Mr. Clifford Hunt, 21355 S Moonlight Road, Gardner, KS 66030, addressed the Council. He stated he does not have much to add what his neighbor, Mr. Johnson, said. He explained there are already trucks going down Moonlight Road and that will only increase. Mr. Hunt said he too is concerned about his property value decreasing. He warned that if nothing was done to improve Moonlight Road, there will be more accidents due to small one-lane bridges on that road.

Senator Molly Baumgardner, 29467 Master Court, Louisburg, KS 66053, spoke before the Commission. She said she is being responsive to constituents in the 37<sup>th</sup> district. She said Planning Commission meetings are to be perfunctory in process with people who are passionate about the community. She explained she has received calls and emails from constituents stating their hopes and dreams are being wasted away. She said transparency is to be a part of the process. Property owners are concerned as the rezoning applications were submitted before the property was annexed by the City of Edgerton. She said she is concerned about City Staff's analysis of Golden Criterion number thirteen (13). The roads in this area are not main thoroughways. The roads are simply two-lane roads and are designed for residential traffic and not for heavy freight traffic. She explained the issue of roads being used by farm equipment has been addressed at the State level. Some main thoroughways may be acceptable, but these roads are not designed as such at this time.

Mr. Dennis Kauffman, 25577 W. 215<sup>th</sup> Street, Spring Hill, KS 66083, next spoke to the Commission. He said he lives on 215<sup>th</sup> Street, east of Moonlight Road. He voiced his concern regarding the developer. He stated that notification letters were only sent a certain distance away from the property. He stated he saw the public notification signs and found on social media, a group of people trying to stop the development. He stated if the developer actually cared about the community, they should have gone door to door to notify residents and speak with them, but this did not happen. All this was done without anyone knowing about it. He explained 215<sup>th</sup> Street is chip and seal and is not for semis even though they drive that way now. Even as early as 6:00 AM. He stated that the people who vote on this do not live near these developments and they need to take the neighbors into consideration. Low density residential is only a term but this development will cause people to change their plans. He recommended people to go onto social media to fight the development and donate to help stop the development.

Mr. Timothy Smith, 21175 S Moonlight Road, Gardner, KS 66030 addressed the Commission. He said he and his family moved into the rural area in 2014 and lived in Gardner before then. They bought ten (10) acres to retire on, they purchased what he described as their forever home, and they absolutely love everything about where they live now. He explained this will all change with development

happening and that is what they are concerned about. This is the first time they have lived in a rural area and found out what it is like to have dark nights and being able to see many more stars in the night sky. He explained that will all be lost. He said as a homeowner, he is unsure how NorthPoint and the City did some of the things that were done. He alleged that NorthPoint hid their true identity by purchasing properties under LLC's. He asked why NorthPoint felt the need to hide and not be transparent. He stated the property was annexed on December 17, 2020. On December 23, 2020, a certified letter was sent by NorthPoint and he received a few days after Christmas. He referenced an article from the Gardner News that was published on December 25, 2020 which he stated had a quote from Ms. Kara Banks, Marketing and Communications Manager, stating no development plans have been provided at this point. He stated the timeline does not add up.

Mr. Jim Miller, 28755 W 215<sup>th</sup> Street, Gardner, KS 66030, approached the Commission. He said he and his wife live on 215<sup>th</sup> Street next to the water tower. He said there is a good possibility that they might see the back end of a warehouse. There are trucks going up and down 215<sup>th</sup> Street and they stop on Gardner Road and end up going down dirt roads. The City has been unable to get drivers to use the expensive intersection that was constructed at Homestead Lane. Traffic is horrendous on Gardner Road and I-35 and that will just continue to get worse. He said property values have already dropped by 50%. He stated he wanted to be on the record as opposing the rezoning.

Mr. Ronald Rockel, 28920 W 199<sup>th</sup> Street, Gardner Road, Gardner, KS 66030, addressed the Commission. He stated he has lived in this area for forty-seven (47) and a half years. The watershed goes across his property and he is concerned about the increase of water that might go across his property. There are slight problems with this now, but he alleged it will increase due to the blacktop roads, buildings, and the changes in grading which he claimed will change the watershed. He wondered where the watershed changed routes. He does not know how far it goes now before it enters a tributary. He claimed it will be expensive to redo the ditches along the roads. He wants to know who will bear that expense. He stated looking at a warehouse is not appealing for any property owner.

Mr. Frank Bannister, 198155 S Gardner Road, Gardner, KS 66030, spoke before the Commission. He stated he opposes the rezonings for all the previous reasons, but primarily because of the impact on the neighboring residences. He likes living in the country and likes to be able to see livestock and animals. He claimed he found it very interesting that the City Staff analysis does not mention the detrimental impact placed on the people. He said the Staff Reports are all about the City of Edgerton and LPKC and therefore is biased. He explained that he believes there will be a devaluation of property and it is not addressed in any Staff Report. He claimed the residential properties have not been selling on the north for a couple years. He has spoken with many people who have paid a premium price to live in this area and nobody is in favor of the development. He said it is not right. He requested the Planning Commission either vote no or table the vote so City Staff can correctly address the issue with residents. He claimed that if the Commission votes yes, then they are drawing a deep line of animosity between themselves and the residents. He wants Staff Reports to be done accurately.

Mr. Wayne Davis, 29080 W 199<sup>th</sup> Street, Gardner, KS 66030, approached the Council. He said he lives across the street from the parcel in Application ZA2020-02. He said he knows NorthPoint has volunteered to answer questions, but he is not sure if everybody in attendance is aware of a master plan for the area. He said it is solid enough to be posted on the LPKC website. He said the master plan shows no room for berming or screening of any kind. A 1,300,000 square foot warehouse is shown

near his property that he bought property twenty-two (22) years ago. He has enjoyed raising kids on the property. He said the public should be privy to a recording of the City Council meeting held on December 17, 2020. He did state someone had the desire to show concern about the rural residential in the area. When he looks at the Kubota facility and the houses across the street, he does not see berming or screening. He said when each Staff Report was explained, each property will have berming and screening so the residents will not view a nuisance. It is a consideration that is not addressed in the master plan. He said there needs to be more input from NorthPoint.

Mr. Ron Dove, 22933 Bedford Road, Spring Hill, KS 66083, addressed the Commission. He said he lives south of the rezonings. He explained most people understand they are unable to stop the process but when it is not managed properly then land is not adequately used. He said was listening in the library, where it is hard to hear, but heard a traffic study will be done. He said he has lived here for nine (9) years and has yet to see a traffic study. He has been ran off the road and cut off from trucks using Gardner Road. The old saying of watch out for deer has changed to watch out for trucks. The drivers are not using the correct roads, and nobody is monitoring the traffic. The GPS maps the truckers are using do not show the correct route, just the fastest route. He is worried about his son driving in the area. Especially with the Gardner Road exit being so horrific and dangerous. He said there needs to be some sort of buffering and five (5) foot trees in front of a 1,000,000 square foot building is horrendous and not enough. He claimed the City code says there is to be no leapfrog development, but that is what this is. It will lead to a huge decrease in property values.

Mr. Shawn Winslow, 28640 W 207<sup>th</sup> Street, Gardner, KS 66030, spoke to the Commission. He said NorthPoint purchased property west of his. He claimed that the NorthPoint master plans shows a proposed building of 925,000 square feet and it is right on top of his property. He has lived there for fifteen (15) years and raised a family on a beautiful property and where they view beautiful sunsets. He and his family have poured a lot of money and work into the property. He claimed they will suffer from pollutants and does not see anybody wanting to buy this house with the warehouse there. He said there has been one death at Gardner Road and 207<sup>th</sup> Street. A man was hit who was trying to help direct a trucker who was lost.

Ms. Staci Cook, 30103 Pine Crest Drive, Spring Hill, KS, 66083, addressed the Commission. She stated after reading all of the documents, she believes there are some issues with the Staff Reports. She asked how likely somebody is to purchase a property next to a warehouse. Concerning Golden Criterion 6, the properties are located in the middle of a rural and conservation plan per the Johnson County plan for the area. The Southwest Area Plan does not show LPKC going south of 199<sup>th</sup> Street. In regard to the seventh criterion, the City of Edgerton Comprehensive Plan says this is not an efficient use of land. The plan says compact roads help build communities and does not encourage leapfrog development such as this. She stated that the Comprehensive Plan shows this land not being used for commercial development and only used agricultural. She said the land should remain in the County. The rezoning would continue to the uncontrolled urban sprawl. Criterion 10 is not addressed and use future development will lead to lower property values. She said Criterion 13 is not addressed properly as well because anyone who drives Gardner Road knows truck drivers are using roads not designed for that kind of traffic. The fourteenth criterion should state the Miami County Conservation has addressed the fact the development would have a detrimental effect will have on the Hillsdale Watershed.

Mr. Jeff Julian, 28466 W 207<sup>th</sup> Street, Gardner, KS 66030, approached the Commission. He said he is new to the area as he bought his property in October. Since he is a software developer, he researched

plans for the area. He lived in Lenexa in a private neighborhood but wanted to live in rural area. He said he knew the City of Gardner's residential plan was stopped at 199<sup>th</sup> Street. He wanted to know who did research for the City of Edgerton. The area was mapped as conservation and what it is designed as. He closed his business in downtown Kansas City. He looked at the map for LPKC and laid it over a map of downtown Kansas City. He said LPKC expands from the River Market to the Liberty Memorial and to Children's Mercy Hospital. He said 2 weeks is not enough time to notify the neighbors. He stated that City Staff did not do enough research. He requested the Commission to deny NorthPoint and the companies they hide behind.

Mr. James Oltman, President of ElevateEdgerton!, spoke to the Commission. He said he is in support of project. He said one thing that needs to be considered is what the project would provide for community. LPKC has created 4,500 jobs with an average wage of \$20.00 an hour with full benefits for Edgerton and the surrounding area. The community has seen opportunities that have come up because of LPKC. There has been growth in Edgerton and other neighboring cities. New grocery stores, hotels, and restaurants have been constructed because of the growth and success of LPKC. Mr. Oltman knows and understands the concerns, but one of the main goals of LPKC is creating opportunity. The unprecedented growth has allowed the City to bring forth future growth and opportunities because of LPKC.

Ms. Tara Ingle, 28255 W 215<sup>th</sup> Street, Gardner, KS 66030, addressed the Commission. She said she lives across the street from the parcel addressed in Application ZA2020-08. She said Golden Criteria number 13 addresses the roads. Currently, 215<sup>th</sup> Street is chip and seal and is not a double lane road. She claimed that a truck and any another car will not fit down that road. Very few truckers take Homestead Lane to get to where they are going. She explained 207<sup>th</sup> Street east of the Hostess Distribution Center is a gravel road. She said she has almost been hit head on many times from trucks going down roads they should not be using. She claimed that Gardner Road is not made for semis and parts have been left on the side of roads. There has been a fatality on 207<sup>th</sup> Street. This development has been a detriment to families. She is trying to raise a family in the country. They have named cows nearby and her family has grown accustomed to seeing the animals. She is scared for kids getting off school buses. She said she does not want to see development in her front or back yard.

Mr. Chris Cardwel, Miami County Conservation, approached the Commission. He said they have heard many stories and personal testimony. He explained his purpose to have the Miami County Conservation's presence known. He said their goal is to help make these difficult decisions and bridge the gap from all stakeholders all the while preserving green spaces and water quality assets. He stated any zoning changes made regarding land use are made in an isolated watershed. Water should be Number 1 priority of everybody, especially in a closed loop watershed. All zoning and land use and impervious services built have stormwater impact and will affect the Hillsdale watershed. He said Miami County Conservation wants to work with all stakeholders to help build green infrastructure. He is aware the City of Edgerton doing a stormwater master plan with Olsson. He explained as LPKC continues to grow there has been a loss of six (6) delineated wetlands, not to mention the working lands. He said in the lake watershed, agricultural and work lands cannot be replaced.

Ms. Jennifer Williams, 21993 Moonlight Road, Gardner, KS 66030, spoke before the Commission. She claimed that there are some major items that need to be addressed regarding the Golden Criteria. Ms. Williams said the criteria are outdated and cannot be applied to this case. The original case was about office space being turned into a strip mall. It is not applicable to use the Golden Criteria in this case.

She stated the Staff Report calls the RUR zoning designation has a holding designation, but she said that is their life. She explained the people living in this area would lose their livelihood compared to the City losing the project. She said this is leapfrog development and NorthPoint is trying to squeeze out the little guys. Ms. Williams said there is money in their homes, but they are left with nothing when the land is bought for the square footage and not the entire property. She questioned the Staff Report saying there was little gain to denying the rezoning. She explained there is a lot to be gained if it is denied. She said the neighboring properties do not have representation as they are not within the City limits of Edgerton. She stated each neighbor has property and constitutional rights. Ms. Williams stated the rezoning is not American and fair. She said America was founded on representation and now the neighboring properties have none. It was their choice to move away from the city. She stated she is also worried about possible sex trafficking.

Mr. Devin Self, 27200 W 215<sup>th</sup> Street, Spring Hill, KS 66030, addressed the Commission. He said he and his wife moved into the area less than three (3) years ago. They would have never guessed the development was happening this close to them. They can barely see warehouses off Gardner Road as of right now. He stated the rezoning should not be done without more information first. The roads and infrastructure, there is no stormwater drainage, and no lighting which has already led to one death. They have not seen an increased law enforcement presence even with more people from out of town coming into the area. Mr. Self questioned the timeline of the applications. He said the fees were paid on December 11, 2020 then the annexation of the property was done on December 17, 2020. The newspaper comment said no development was planned, but that was obviously not the truth. He believes the whole process has been dishonest. He requested the Commission deny the rezonings until more plans and information can be provided.

Mr. Rod Murrow, 12228 S Gallery Street, Olathe, KS 66062, approached the Commission. He said he grew up in a house that his father built that is close to these properties. He said there are two (2) gas wells that border the parcel in application ZA2020-02. Those wells supply gas to eight (8) houses. He said it is inconceivable that the gas pocket does not extend under that property. He is concerned about any construction that could affect that pocket and cut off the gas supply to the houses nearby. He explained he has seen Gardner and Edgerton grow. People would be disturbed by the stories that have been shared here. He stated he understands some of the roads are a county issue but there has been one death and that could and most likely will increase with additional trucks in the area. Mr. Murrow said he was a lawyer and helped open LLC's for people before. He strongly recommended NorthPoint not to label their LLC's as land and cattle or farms as it just infuriates the neighbors when items like this come up.

Mr. Larry Wymer, 805 W 4<sup>th</sup> Street, Edgerton, KS 66021, spoke to the Commission. He stated he does not have to deal with property concerns as many other people who have spoken do. His family moved to Edgerton in 1978 and he grew up in Edgerton. He loves the community and the childhood he had here. As he became adult had to leave Edgerton as there were no jobs or housing, he did not want to leave but had to. He explained now his kids do not have to leave Edgerton. There are jobs nearby and opportunities for housing are growing. He understands the property concerns that have been raised but does not want to see the growth stop. He would like to see the growth be shaped to benefit everybody and done legally and just.

Chairperson Daley stated those who have signed in have been called upon to speak. He asked if there were others who wish to speak and stated that it is not an opportunity for previous speakers to add on

to their statements, but an opportunity for anybody else who wishes to speak to do so.

Mr. Ron Freund, 19880 S Gardner Road, Gardner, KS 66030, addressed the Commission. He said he was born in this area and could always find jobs. He asked Chairperson Daley how long he has lived in the area. Chairperson Daley responded forty-three (43) years. Mr. Freund said there is a good community here. He has seen the growth. He attempts to please everybody but that cannot always be done. He said the intermodal needs infrastructure for every road that can be built and drove on. He requested the infrastructure be improved all the way out.

Chairperson Daley recessed the meeting for a short break at 9:17 PM. The meeting resumed at 9:26 PM.

Chairperson Daley requested the applicant respond to the questions and concerns that were proposed.

Mr. Robinson approached the Commission. He stated NorthPoint is happy to respond to questions and concerns raised by members of the public and the Planning Commission. He addressed the comment of land being available in Phase I for development. Mr. Robinson explained all of the buildings that are owned by NorthPoint are currently leased. There is some land available for future rail served development but NorthPoint does not have any vacant buildings north of I-35. The concern of the need for warehouses decreasing once the pandemic is over will not change how Americans shop. Mr. Robinson explained the pandemic accelerated the transition to a more e-commerce economy. This leads to more tenants and the need for additional warehouses. He next addressed the notification requirements. Mr. Robinson stated NorthPoint complied with City's requirements set forth by the UDC and affidavits of required notifications were provided. He said NorthPoint looks to the ordinance and statutes that state how far the notifications need to be sent out and the time frame to send them. Ms. Beth Linn, City Administrator, requested clarification of the NorthPoint concept plan available online. Mr. Robinson replied that it is only a concept and nothing final. The plans are regularly produced to reflect acquired property to get an idea of what could be built. He explained what was shown on a concept plan and what actually is built varies greatly. He said the plan that was brought up is not exactly how or where the warehouses will be built. Mr. Robinson explained the concept plans are mostly for internal use only. Ms. Linn stated a concept plan from any developer is not a full submittal to the City. She explained any full submittal would have notification to the public and City Staff analysis completed.

Mr. Robinson added there is landscaping and a berm in front of the Kubota facility that is intended to provide screening from 207<sup>th</sup> Street. He said there is a trail system that will be accessible to the public that will be constructed as well.

Ms. Linn addressed the concerns regarding the road infrastructure. She said many of the roadways discussed by those present are outside of the City of Edgerton and understands the roads were not constructed for truck traffic. City Staff has attempted to work with neighbors and partners in regulating the traffic. The City has attempted to get help from other jurisdictions, such as the County and State, but have not received enough help in regulating traffic on roadways outside of the City. She explained 207<sup>th</sup> Street has been paved south of I-35 that is within City limits and the gravel part of 207<sup>th</sup> Street is not in Edgerton.

Chairperson Daley stated the public will now be able to respond to the applicant. He stated each



speaker will be allowed two (2) minutes for their rebuttals. Chairperson Daley requested each speaker to state their name and address once more for the record and to have the speaker yield the floor to the next speaker. He explained this process will be continued until all those who wish to respond have done so. Chairperson Daley asked for those who are listening to the meeting outside of City Hall to inform City Staff if they wish to speak.

Mr. Bannister spoke before the Commission. He stated the key issue of those who live in the area is that not a lot of attention has been paid to the interest and devaluation of their property. He questioned if the Commission wanted to make friends with their new neighbors in Johnson County. He warned not many people would speak highly of the City. He stated he does not like an approval of the rezonings and wants long term information provided to the residents nearby. He explained this will happen to many families and the City and NorthPoint needs to come up with a better plan. He requested a win for both sides and not only Edgerton and NorthPoint.

Mr. Johnson addressed the Commission. He said NorthPoint says their properties are full but there is still land available. There is even a land for sale sign across the street from the entrance to the BNSF Intermodal.

Mr. Hunt approached the Commission. He inquired as to how the City can annex ground and not care about the road and infrastructure. He asked if the road can be annexed so the infrastructure can be constructed correctly. He stated people who come to work in LPKC mostly travel in and have not moved into the area.

Ms. Mary Freund, 19880 S Gardner Road, Gardner, KS 66030 spoke to the Commission. She said she is concerned about the right to the roads and wondered who has all of the responsibilities regarding the roads. She explained truck drivers are using roads unsuitable for truck drivers. She said taxpayers paid for the new interchange at Homestead Land and the City needs to be held accountable for the roads and traffic.

Mr. Smith addressed the Commission. He stated when the applicants spoke, the neighbors were not addressed, wildlife was not addressed. He said everything the applicant addressed was in their corner of business. Mr. Smith implored the residents to control the growth. He claimed he is still questioning the timeline of the rezoning applications that were filed on December 11, 2020, six (6) days before the land was annexed into Edgerton.

Mr. Self said to the Commission that if another traffic death occurs that it will not be at the fault of the residents.

Mr. Davis approached the Council. He said the City has not answered if the Kubota development was held to the same requirements of the berming and screening. He said there is no protection from the warehouse for the residents across the street. He does not want that to happen to anybody else, especially since there are more rural residents near these rezonings than the Kubota facility. He does not see any protection for the rural neighbors.

Chairperson Daley requested any comments from City Staff.

Ms. Linn stated there is a development schedule that indicates when a rezoning application is due. She

explained that an application was received on December 11, 2020 but was not considered complete until the legal descriptions were verified by the City Engineer, the notification letter addresses were verified, and the affidavit of the notification was received. The affidavit was the last piece to be received by the City and was received after the annexation was approved by the City Council on December 17, 2020. The annexation was a request made by the property owners and is contiguous to property within the City limits. This does not require a public hearing when those criteria are met, per city code and Kansas law.

Ms. Linn stated Kubota was held to the same requirements and stated there is berming and landscaping at that facility and at the Hostess Distribution Center.

Chairperson Daley explained the applicant will now have the ability to address and respond to any further questions or concerns brought up by the public. He reminded those in attendance that this is not a time for debate and requested that each speaker only address the Commission during their allotted time.

Mr. Robinson addressed the Commission. He stated he attempted to take notes during all of the public comment to address all of the concerns. He stated the Block real estate for sale signs are not on NorthPoint owned property. It stated the property owner is wanting to retain the property for possible commercial or retail development in the area. He restated that NorthPoint does not own that property and all of the property owned by NorthPoint has been developed at this point. Mr. Robinson stated he wished Senator Baumgardner was still in attendance to address the infrastructure. He stated this project started in 2007. There was conversation about relocating to 188<sup>th</sup> Street with the City of Gardner. The City of Gardner did not move forward and de-annexed the property. The City of Edgerton has been proactive on street infrastructure that is under their jurisdiction. Mr. Robinson wants ask Senator Baumgardner to help in having the infrastructure be completed throughout this area. He encouraged discussions to be held between Edgerton and Senator Baumgardner to help the infrastructure be constructed. He requested the audience to reach out to her for this help as well.

Mr. Robinson explained he and his family grew up in Allen County, Kansas and would be excited to have land sold for development in that area. He said he is not out of touch and is a Kansan who cares deeply about this area. He knows there was a lot of opposition raised by neighbors to the development north of I-35, but those parcels contain garages larger than his own house. He stated none of the homes in the City of Gardner were constructed until the warehouses built. He understands this is a big change, but there is opportunity for everybody. He said 1 out of every seven (7) or eight (8) employees in LPKC is a manager and could live closer to work as development continues. He said NorthPoint concurs with the Staff Reports and requested a recommendation for approval by the Planning Commission.

Chairperson Daley closed the public hearing after all testimony and responses had been heard. He inquired if any Commissioners had any questions or items to discuss.

Chairperson Daley asked why the development did not go south closer to the Kubota facility. Mr. Robinson answered NorthPoint attempted to acquire the property there but were unable to do so. He said it takes two parties to make a deal and not everybody was a seller at that moment in time.

Commissioner Berger said there is a request for more information from many residents. He asked if there is a negative to meeting that request and not vote tonight on the rezonings. When information is

requested, then there is a point in trying to find and provide that information. He inquired if there is an immediate need that requires a vote on the rezonings tonight. Commissioner Berger wanted to know what the risk is to listen to concerns and complaints. He believes it is good to know NorthPoint attempted to purchased properties to eliminate leapfrog development. He explained his background is to mitigate business risks and he is trying to find the immediate need for the rezonings. He stated if there were little losses and gains to vote on the rezoning's, then data should be gathered and provided. He said the residents want more information and he wants to know how much more information is needed to reach a decision and how much time would be required to get that information. Commissioner Berger said those are extremely valid questions and taking a minute to answer those questions is a valid option for the Planning Commission to take. Chairperson Daley stated the focus is on the rezoning of the land and not what is being done on the land. There will be a public hearing for that. Commissioner Berger recognized that and said that is not the information he is seeking. He explained he wanted to know what the impact of the rezoning is on the land and not the development of buildings.

Chairperson Daley said with the Commissioners questions and discussion time concluded, each rezoning application will require its own motion and vote.

Commissioner Berger inquired if there are different values of differently Rezoning properties and motioned to continue the vote of Application ZA2020-02 to February 9, 2021 at 7:00 PM when that information could be provided. Mr. Lee Hendricks, City Attorney, requested Commissioner Berger specify the focus of the information he is requesting to aid City Staff in understanding exactly what information is being requested and how it is to be presented. Commissioner Berger withdrew the motion.

Commissioner Berger motioned to continue the vote of Application ZA2020-02 to February 9, 2021 at 7:00 PM and requested City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning. Commissioner Little seconded the motion. Application ZA2020-02 was continued to the February 9, 2021 Planning Commission meeting to be held at 7:00 PM, 4-0.

Commissioner Berger motioned to continue the vote of Application ZA2020-03 to February 9, 2021 at 7:00 PM and requested City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning. Commissioner Little seconded the motion. Application ZA2020-03 was continued to the February 9, 2021 Planning Commission meeting to be held at 7:00 PM, 4-0.

Commissioner Berger motioned to continue the vote of Application ZA2020-04 to February 9, 2021 at 7:00 PM and requested City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning. Commissioner Little seconded the motion. Application ZA2020-04 was continued to the February 9, 2021 Planning Commission meeting to be held at 7:00 PM, 4-0.

Commissioner Berger motioned to continue the vote of Application ZA2020-05 to February 9, 2021 at 7:00 PM and requested City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning. Commissioner Little seconded the motion. Application ZA2020-05 was continued to the February 9, 2021 Planning

Commission meeting to be held at 7:00 PM, 4-0.

Commissioner Berger motioned to continue the vote of Application ZA2020-06 to February 9, 2021 at 7:00 PM and requested City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning. Commissioner Little seconded the motion. Application ZA2020-06 was continued to the February 9, 2021 Planning Commission meeting to be held at 7:00 PM, 4-0.

Commissioner Berger motioned to continue the vote of Application ZA2020-07 to February 9, 2021 at 7:00 PM and requested City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning. Commissioner Little seconded the motion. Application ZA2020-07 was continued to the February 9, 2021 Planning Commission meeting to be held at 7:00 PM, 4-0.

Commissioner Berger motioned to continue the vote of Application ZA2020-08 to February 9, 2021 at 7:00 PM and requested City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning. Commissioner Little seconded the motion. Application ZA2020-08 was continued to the February 9, 2021 Planning Commission meeting to be held at 7:00 PM, 4-0.

Chairperson Daley stated any rezoning application heard by the Commission during this meeting that were recommended to be continued will be discussed further by the Planning Commission and City Staff at the February 9, 2021 Planning Commission Meeting. He said the action to be taken on Rezoning Applications ZA2020-02 through ZA2020-08 has concluded. He explained there is still business for the Commission to discuss and invited anybody who wants to stay to do so and requested if an audience member does leave, they do so quietly so the Commission may continue with the business agenda.

## **PUBLIC HEARING – UNIFIED DEVELOPMENT CODE AMENDMENTS – APPLICATION UDCA2020-01**

Chairperson Daley introduced the item and opened the public hearing.

Ms. Crow stated the City of Edgerton's Unified Development Code (UDC) was adopted for the purpose of encouraging the most appropriate use of land and to ensure the logical and compatible growth of various districts within the City. The UDC is intended to implement the planning goals and policies contained in the Comprehensive Plan as well as other planning documents and policies set by the Commission and City Council. She said to date, the City has received 3 requests from Logistics Park Kansas City (LPKC) tenants to place above ground fuel tanks on their sites. 2 of the requests were made after the initial Final Site Plan was approved by the Commission. As noted in UDC Article 10 – *Site Plans and Design Standards*, these changes were considered significant modifications which required review and approval by the Commission. As part of the approval process, it was stipulated that the equipment be fully screened from the view of all adjacent parcels and any public right of way.

Ms. Crow said due to City Staff having multiple requests for the same type of Site Plan Amendment, City Staff has evaluated the UDC to see how above ground tanks should be addressed. Within the City of Edgerton, a Logistics Park (L-P) zoning designation specifically states that limitations are placed on

the uses in this district to significantly restrict the outside activities and outside storage of materials, noise, vibration, smoke, pollution, fire and explosive hazards, glare, and other potentially adverse influences. This zone is intended for industrial parks and larger, cleaner types of industries and any manufacturing uses should be conducted within a totally enclosed building. She explained while the above ground fuel tanks that have been approved by the Commission process have been screened from view, the presence of this type of equipment, even with screening, detracts from the overall aesthetics of parcels in LPKC. In addition, above ground tanks can become a safety hazard if not properly maintained.

Ms. Crow explained City Staff requests the Commission review the provided amendment to the district regulations for L-P zoned parcels. In keeping with the spirit and intent of the zoning designation description, the amendment would require any fuel tanks to be buried underground. This would help retain the clean look and feel of these sites and would contribute to the overall safety of having an onsite fuel tank. She said tanks installed below ground would require identification on either the Final Site Plan or a Revised Final Site Plan if installed after the initial Site Plan approval. Installation of any below ground fuel tanks would require adherence to all applicable building codes and all plans would be reviewed for code compliance.

Ms. Crow read the amendment. The additional regulation reads, "Any exterior fuel tank(s) must be located below ground. All below ground fuel tanks must meet, at a minimum, International Building Code (IBC), International Fire Code (IFC), and Kansas Department of Health and Environment (KDHE) requirements. Below ground fuel tanks must be shown on Final Site Plans and must meet the appropriate code requisite building line and property line setbacks. Below ground tanks may only be installed once Final Site Plan approval has been received and a building permit has been issued. This section applies to all fuel tanks installed after January 1, 2021. Any above ground fuel tanks installed prior January 1, 2021 which are moved, repaired or replaced, must be located underground and must comply with this section."

Ms. Crow stated the amendment has been reviewed and approved by the City Attorney and any changes made to the provided version will be reviewed by the City Attorney prior being presented to the Governing Body for adoption.

Chairperson Daley asked if the fuel tank would be underground and not required to be screened. Ms. Crow stated that is correct.

Commissioner Crooks asked what the benefit is of the tank being below ground. Ms. Crow replied an above ground tank distracts from the aesthetics of LPKC. Other equipment is not allowed to be exterior and thus requires screening and the tank being underground is safer than installed above ground. She stated requests have come forward for this equipment, so City Staff wanted to call out fuel tanks specifically to maintain the aesthetics and safety of LPKC.

Chairperson Daley inquired if there was any written testimony received by City Staff. Mr. Clinton answered there was not.

Chairperson Daley asked if there was anybody from the public who wished to address the Commission regarding the proposed amendment. No public comment was heard at this time. Chairperson Daley closed the public hearing.

Commissioner Lebakken motioned to recommend approval Application UDCA2020-01 which contains UDC Amendments to Article 5, Section 5.2 – *L-P Logistics Park District* of the UDC of the City of Edgerton. Commissioner Berger seconded the motion. Application UDCA2020-01 was recommended for approval, 3-1, with Commissioner Crooks voting nay.

Chairperson Daley stated the amendment will go before the Governing Body on February 11, 2021.

### **FUTURE MEETING**

The next Planning Commission meeting is scheduled for February 9, 2021 at 7:00 PM and will be held virtually as well due to Covid-19 restrictions.

### **ADJOURNMENT**

Motion by Commissioner Lebakken to adjourn the meeting, Commissioner Little seconded. Motion was approved, 4-0. The meeting was adjourned at 10:24 PM.

Submitted by Chris Clinton, Planning and Zoning Coordinator

Correspondence has been received from:

Dennis L. and Mary C. Koch – no address provided and unable to locate a property owner with this name in the Johnson County AIMS database.

Mary Koch – No address provided; unable to locate a property owner with this name in the Johnson County AIMS database.

Brynn Brinkman – 207 and Moonlight given as address; Johnson County AIMS shows a Brynn Brinkman at 27765 W. 207<sup>th</sup>, Gardner, KS 66030

Mark Hall – 23506 S. Gardner Road, Spring Hill, KS 66083

John Ingle – 28255 W. 215<sup>th</sup> Street, Gardner, KS 66030

Ben Johnson – 21365 S. Moonlight Road, Gardner, KS 66030

Curt and Debra Kennon – 28155 W. 215<sup>th</sup>, Spring Hill, KS 66083

Staci Cook – 30103 Pinecrest Drive, Spring Hill, KS 66083

Andrew Wayman- 28740 W 199<sup>th</sup> St, Gardner, KS 66030

Betsy Klinkefus-no address provided and unable to locate a property owner with this name in the Johnson County AIMS database

LaDonna Buchman- no address provided and unable to locate a property owner with this name in the Johnson County AIMS database

Frank Bannister- 19815 South Gardner Road, Gardner, KS 66030

Lisa Sutcliffe-223<sup>rd</sup> Street in Spring Hill

Matt Combs- 20950 MOONLIGHT RD, Gardner, KS 660300

Paula Gardner- 22326 W 221st ST, Spring Hill, KS 66083

Brandon Cain-no address provided and unable to locate a property owner with this name in the Johnson County AIMS database

Sarah Cain- 24795 Harmony Rd, Paola, KS 66071

Joyce Ghaisarnia - 21725 S. Waverly Road, Spring Hill KS 66083

Brett Kuper - 22241 Moonlight Rd, Spring Hill, KS 66083

Christina Potter- no exact address provided but lives near Harmony and 249<sup>th</sup> Street in Miami County

**From:** [Dennis L. Koch](#)  
**To:** [Kara Banks](#)  
**Cc:** [PLN-PlannerOnDuty@jocogov.org](mailto:PLN-PlannerOnDuty@jocogov.org)  
**Subject:** Rezoning  
**Date:** Wednesday, December 30, 2020 1:35:34 PM

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I am writing in opposition the rezoning of the farm land located between 207th St. and 215th St. & Gardner Rd. To Moonlight Rd. In Johnson County.

I read that this land was a voluntary annexation by Edgerton and that the city of Edgerton would not force annexation on any property owners. That is a very noble statement, but does not take into consideration the effect that this annexation and rezoning has on the people that live in the area.

The Edgerton website says that THE property owners in the vicinity have petitioned for rezoning. The request for rezoning was made by NPd Management who purchased the center out of a two-mile-long tract between 199th & 215th, through a number of LLCs, with the intention of Edgerton Annexing it and the subsequent rezoning. No resident landowners got together and decided that rezoning would be good for the neighborhood. No resident in the area wants the land to be rezoned and the changes to the area that comes with that.

I don't think that this proposed rezoning will benefit any of the land owners on any of the streets surrounding the proposed site. Many of the affected land owners moved out here to live in a quite peaceful neighborhood. They have paid their taxes for years and do not deserve to have their County allow Edgerton to fill their back yards with warehouses and fill our roads with trucks.

In the last few years new residents have purchased existing homes on Moonlight Road as well as the general area around the land being considered for rezoning. The new residents, along with the residents who have lived in the area for decades, have built their homes and their lives around the understanding that the area was a quite country setting. I understand that sometimes things change and development happens over time. But it does strike me as deceitful to rezone the area in a way that causes such a drastic change. A changed from country living to living among an industrial warehouse district. A change from neighbors waving as they pass on the road to worrying about the safety of children and pets among heavy truck traffic.

If the land is to be developed, I believe it would be much more reasonable to re-zone in a way that it could be developed as a large-lot residential area. A subdivision of lots ranging 1 – 3 acres would allow the land to be developed without completely changing the core characteristics of the area. It would be a much more equitable to the people who currently call the area home and much more equitable to the many new residents who purchased their homes in the last few years.

I've spoken to several of the new residents and none of them were aware that there was a possibility that this quite country area in which they chose to live would soon include an industrial warehouse district. Who would purchase a home knowing that the neighbors would soon include several warehouses and the quite country road would soon be filled with semi-trucks?

I have lived in this area for nearly forty years and many of my neighbors just as long. In all that time we have supported the school systems and local governments and think we deserve to have some consideration when our home values and peaceful existence is being threatened.

I'll bet that if you took a poll, no homeowners or farmers in this area would be in favor of this unreasonable and probably unlawful zoning proposal. The people in favor of rezoning are not the residents of the area

The mayor of Edgerton may not be forcing us to annex our land, but his annexation and rezoning is adversely affecting our property and our way of life.

The city of Edgerton decided to adopt the intermodal into their way of life but we did not.  
Keep it west of Gardner Rd.

Dennis L. & Mary C.Koch



**From:** [Mary Koch](#)  
**To:** [Kara Banks](#)  
**Subject:** Rezoning  
**Date:** Monday, January 11, 2021 2:37:10 PM

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Dear Ms Banks

I recently noticed a sign on my neighbors acreage stating notice that this land is being rezoned. We read in the Gardner New the week before that this tract of land had been annexed by Edgerton at the landowners request and that there was no plan for rezoning. I had heard by rumor that this land had been purchased from the farmer years ago by a development company. For years we have heard that it would be developed for use in conjunction with the intermodal at Edgerton. Those rumors included that they would build an airport to be used by FedEx, that they would be building warehouses there. Both of these uses of this land are very frightening to those of us who have lived quiet country lives here for 30 years or more. On the Edgerton website we learned that the tract of land was being rezoned for light manufacturing and distribution. I am not sure what this means. We have seen huge warehouses build up all around this area. We have seen semi truck/trailer traffic increase on our country roads making it dangerous for us walk, ride bicycles or even drive our cars on the roads by our homes. My family car was nearly hit by a semi that ran the stop sign at 207th and Gardner road just last weekend.

I understand that the plan for progress of the Intermodal at Edgerton is set by the state of Kansas, Johnson County and the City of Edgerton. I further understand that the notice of annexation and rezoning of the above stated tract of land is merely a formality. I also understand that there is little that we the taxpayers and property owners around this tract of land can do about the forward trajectory of the Plan. However, I don't understand why there is so much secrecy about the Plan. I believe that we the taxpayers and property owners who will be impacted by how this tract of land is developed have a fundamental right to know what the 5, 10, 15, 20 year plan is. I believe we have a right to know so that we can have our own plan for our future. I think it is unfair for this plan to go forward and destroy the land by covering this tract of land with concrete and steel. I think it is unfair that the Intermodal and developers, with large financial resources, can buy favor with the state, county and city while existing property owners have no voice in how the development proceeds. All this said, I think the lack of transparency is the most disheartening part of all that has been going on since the inception of the Intermodal. Just be good neighbors

Sent from my iPad

**From:** [Brynn](#)  
**To:** [Kara Banks](#)  
**Subject:** Not in favor of annex 199-215  
**Date:** Sunday, January 3, 2021 8:27:18 AM

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I want it to be known I am not in favor and will never support the annexing of properties from 199-215st and gardner rd to moonlight.

These are agricultural properties that do not want to live next to or even miles from warehouses. Myself and my neighbors are banning together to prevent this encroachment.

We have worked hard to acquire acreage- we are tired of feeling the looming threat of having our homes and land taken from us.

My husband and I would love to make improvements on our home, but do you think we feel comfortable doing so? We have heard that if we are annexed that our home won't even be valued, just our land. We feel like we can't even invest in our own home because we'll be forced out by greedy corporations, or even worse we'll be forced out be Edgerton- a town we don't even live in!! We would loose our home, and our land and we would never recuperate financially.

If Edgerton wants more land for these warehouses, use your own town. Gardner never agreed to any of this.

Brynn Brinkman  
207 and moonlight resident

**From:** [Mark](#)  
**To:** [Kara Banks](#)  
**Subject:** Warehouse Expansion  
**Date:** Thursday, January 7, 2021 9:39:03 AM

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Dear Kara,

I am writing you to express my serious concerns and many other families concerns who live in the vicinity of south gardner road regarding therezoning of land and warehouse expansion plans beyond the western side of gardner road.

Already the noise and light pollution to the area has affected the quality of life in this area and expansion to the east of gardner road will make things that much worse.

I hope to attend the meeting next week but if I can't I hope you will share my concerns with all commission members with the hope of my comments having a positive impact on making sure the rezoning as planned doesn't happen.

Respectfully  
Mark Hall  
23506 S Gardner Road

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**From:** [John Ingle](#)  
**To:** [Kara Banks](#)  
**Subject:** re-zoning meeting on 1/12  
**Date:** Tuesday, January 5, 2021 9:52:49 AM

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My name is John Ingle and I have lived at 28255 W 215<sup>th</sup> St for the last 10 years. I moved here to raise my family in the peace and quiet that a country living brings. My daughter has often said she feels sorry for the people living in the city and the noise and light pollution it brings with it. The fact that she can look up in the night sky and see every single star and hear the crickets and frogs every night. I am opposing tract 6 (ZA2020-08) re-zoning for all the reasons listed below.

### **Increased Traffic**

I don't know if any of you have actually driven down 215<sup>th</sup> street from Gardner Road to 169 Highway. This is the road that many new semi-trucks and workers will be driving. There are several steep grade changes and one place where you go over a blind hill to a one lane road. I encourage each of you to travel down this road and back one time and tell me honestly you think it is a good idea for additional traffic to be driving on this road. Also, the Gardner road exit off I-35 is already over capacity and often backs up a mile or two during peak times. These logistics parks should not even be considered till these issues are addressed.

### **Poor Road Conditions**

Everyone who has gotten on or off I-35 at Gardner road has seen the condition of the road and bridge at that intersection and noticed that it is falling apart. Also, if there is going to be significantly more traffic of both semis and cars/trucks all the issues on 215<sup>th</sup> should be addressed including the one lane portion of the road just over a hill when coming from the east to west. This is a warning that if this is not addressed it will result in someone driving off the road resulting in significant injury or death.

### **Light Pollution**

As stated in the opening paragraph one of the things my whole family enjoys about country living is the night sky. We look towards the cities and see the glow above all of them. This may not be something that someone who lives in the city even realizes. The glow of all the lights on all the buildings and streets. When someone in these areas looks up at the night sky they only see a fraction of what is there. Not only will re-zoning take away so many other things but it will be taking away our sky view at night as well. When these warehouses install and run the lighting on their buildings and their parking lots 24/7 we will no longer be able to see the sky like we used to.

### **Noise Pollution**

Increased traffic especially from semi-trucks will result in increased noise pollution. That's one of the major selling points when it comes purchasing a home in the country and you will be taking that away from all of us.

### **Flooding**

There are already flooding issues on Gardner road and other places when we have any kind of significant rains. When you take hundreds of acres of farmland and turn it into buildings and parking lots the amount of water runoff you create, no matter how many water retention ponds you build will not be enough to prevent the flooding. Your going to have more instances of water running over the road just north of 215<sup>th</sup> on Gardner road. Also, there is flooding that occurs on the road every time it rains on 215<sup>th</sup> halfway between Gardner road and Moonlight road that is also going to become significantly worse. Both of these issues are significant and increase the potential for accidents or death.

### **Decreased Property Values**

A persons home is their number one asset and no one wants to live next to a logistics park. By re-zoning this area you are stealing hundreds of thousands of dollars in assets from people who never wanted this. Their only option to get away from it will be to sell their property at a decreased value.

### **Blight Created**

If this re-zoning goes through, we have seen with the current re-zoned areas that homeowners that do not want to live where this is occurring try to sell their house to no avail and move out. No one is interested in purchasing these homes because no one is interested in living across from these logistics parks and the homes are remaining vacant. Leaving the area around these homes to become overgrown and run down.

### **Already Re-zoned Vacant Areas/Much Better Suited Areas**

There is already a significant amount of real estate that has been zoned logistics park and is sitting vacant that is in a much better location to handle the additional traffic that will be put on the roads. There have been roads and highway interchanges built just for these types of areas that are just sitting vacant. That does not make much since to anyone that has any type of planning in mind and not just looking at the all mighty dollar and not looking at the impacts it will have to the surrounding communities. These types of areas should be getting developed along the Holmstead and 175<sup>th</sup> St corridor where roads are ready and the area already designated.

With all the reasons above it does not make much since to be re-zoning any of these areas but specifically tract 6 (ZA2020-08). The number of people adversely impacted and the amount of money and livelihood you will basically be stealing from them is not right.

**From:** [Ben Johnson](#)  
**To:** [Kara Banks](#)  
**Subject:** ZA2020-08 public comment  
**Date:** Thursday, January 7, 2021 6:29:15 PM

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Kara,

Per our phone conversation last week plus find my public comment for the ZA2020-08 property. I will present this at the meeting on the 12th. Thank you.

Ben Johnson

Dear Sir or Madame,

As a resident and owner of 21365 S. Moonlight Rd., across the street from the ZA2020-08 rezoning property I wanted to file a comment in hopes to convince the City of Edgerton NOT to rezone the property from its current classification. While much of the area North and West of us a few miles away is slowly turning into Logistics park we (my wife, myself and our neighbors) feel that expanding the logistic park into a section of land surrounded by rural/residences/farm property goes against the values of ourselves, our neighbors, the city of Edgerton, Johnson County and the surrounding cities of Gardner, Springhill, etc. In a recent survey of all but three residences surrounding the property in question, all residents were against the rezoning to L-P and any L-P development to come; it just doesn't match the surrounding properties. To further this argument I have found many examples within various city documents that: advise against, generally declare the city doesn't intend to do, or directly goes against the plans of the City of Edgerton, KS. Some of those examples are called out below. I intend to present this material for comment at the meeting on the 12<sup>th</sup>, but wanted to provide it early via email for your review and consideration should time not permit at the meeting.

Should the rezoning go through – all of the neighbors I spoke with prior to this email plan to file an appeal. I have reached out to the landowner of ZA2020-08 to inquire about the intended use, we have spoken, but no plans were shared during that phone conversation.

In reviewing the Edgerton, KS document outlining the duties of the planning commission and governing body – to rezone a property they must consider the following questions – I present my case and comments in response to those questions. They are:

a). The extent to which there is a need in the community for the uses allowed in the proposed zoning.

- Close to the Logistics Park and/or Homestead Rd interchange there are currently available ~10 vacant

properties and ~4 available warehouses for development/leasing indicating the market is not in immediate demand for more capacity. Further up I35 to the NE are multiple new L-P type properties for lease/sale with many vacancies. There is an over supply in SW Johnson County – let alone the greater Edgerton City area.

-While the community of Edgerton is trying to quickly grow with/for the logistics park – the land in question only recently became part of the city of Edgerton and is surrounded by Residential, Rural and agricultural use land – we do not have use or need of Logistics park land in contact with our properties.

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 in an overwhelming majority of the surrounding land to the property in question are private residences. While the ~19 residences are not dense to the standard of a developed “neighborhood” inside the city limits of Gardner or elsewhere, these properties generally follow the form of the rural neighborhoods common to many parts of rural eastern Kansas.

c). Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of the nearby properties.

- Similar to the response to b) above – the proposed rezoning would be roughly the direct opposite use and zoning of the nearby and touching rural residential properties. The only exclusion from this case would be the additional property subject to rezoning to the North of the ZA2020-08 property in question.

- In addition to this consideration – The city of Edgerton in its Unified Development Code, tries to protect L-P Developers from residential complaints. In section 5.2 subset A. of the Industrial Zoning Districts chapter – the city states: ***Residential uses should be discouraged from locating near the L-P District to protect the industries from residential complaints.*** Shouldn't the city of Edgerton also apply the reverse and protect residential properties from L-P development?

- Until recently the land in question was rural Johnson county, in the period of 1.5 months it has become mostly the city of Edgerton, and possibly further extended growth of the Logistics park.

d). Suitability of the uses to which the property has been restricted under its existing zoning

- The ZA2020-08 property in question is currently farmland, with an existing farm residence onsite – it exemplifies the current zoning and intended use. The change in zoning would then contradict the residential use, but per the Unified Development Code not the Agricultural use. The concerns with the rezoning is not the Agricultural use; it's the possible and probable uses the L-P classification opens the door to. The possible uses do not match rural residential homes on almost all sides.

e). No comment

f). The extent to which the zoning amendment may detrimentally affect nearby property.

- In the nearby case of the Kubota properties and residential properties across the street – Generally the

have taken medium to large hits to their estimated value by the county. Since all but a small subset of the surrounding residences to ZA2020-08 face the property in question we can only expect to take make property value hits with the rezoning and future development across the street from us.

- Properties devaluation examples:

33295 W 199<sup>th</sup> St. – 2019-2020 loss in value - \$31,540

19910 Pepper Tree LN – 2019-2020 loss in value \$52,300

32717 W 207<sup>th</sup> – 2019-2020 loss in value \$9,400

32185 W 207<sup>th</sup> St – 2019-2020 loss in value \$28,100

g). No comment - Edgerton has future planning and code well covered for L-P

h). The availability and adequacy of required 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.

- While some of these services exist in the area to offer limited support for the rural residential and farm properties none of the infrastructure mentioned is in place to support extended and more remote development of L-P properties in a growing distance from the actual City of Edgerton or the LPKC core properties. In addition, what kind of strain will be placed on the services to the properties currently surrounding the ZA2020-08 property.

- Stormwater runoff is a major concern for many of the neighbors of the properties in question as they currently have creeks or small ponds that receive stormwater runoff. Field erosion also falls into this concern. Even the SW Johnson county planning file from ~2013 considers this area a sensitive environment for erosion and development.

i). 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 the present parking problems in the vicinity of the property.

- Currently outside of Gardner Rd. – which is an improved two lane road – the surrounding roads for the property ZA2020-08 are Gravel, or one level above gravel – the chip seal roads common to rural Johnson/Miami county – but not proper asphalt construction for heavy truck traffic.

- The roads in the area have narrow bridges, low trees, tight intersections – and as experienced in almost all areas connecting to and adjacent to the LPKC residents have witnessed truck and commercial traffic in unassociated areas, lost, turning around in larger residential driveways, stuck in ditches or pulling through tight intersections damaging roadway signs and markings – and trucks and trailers.

j). 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 proposed L-P zoning for ZA2020-08 (and others) allows for many different types of commercial/industrial activities – all of which directly cause and influence these impacts felt by the surrounding residences, wildlife, agriculture crops, etc.

- Currently the only night time lighting in the area are house and barn lights, the water tower light, the grain elevator light at 215<sup>th</sup> and Gardner road, the city of Gardner to the distant North/ Spring Hill to the distant east. Any new development of warehouse or other industry brings new and extensive lighting regardless of zoning codes for light pollution – as experienced with the rest of the LPKC development near Gardner and Edgerton.

- Stormwater runoff is a major concern for many of the neighbors of the properties in question as they currently have creeks or small ponds that receive stormwater runoff. Field erosion also falls into this concern. Even the SW Johnson county planning file from ~2013 considers this area a sensitive environment for development.

- Air/noise/water/environmental pollution from the supporting semi/forklift operations or the possible zoning uses of Laboratory and research facilities, Manufacturing/processing/or assembly of commodities, Medical/scientific/industrial research facilities, or electrical radiation from a communication tower by permitted use. All of these possible uses directly increase all forms of pollution compared to the current use of rural agricultural and the residential farm use the property in question and surrounding properties experience today.

k). The economic impact on the community from the uses allowed in the proposed zoning.

- As stated to f) earlier and witnessed in other areas surrounding the LPKC - residential property values suffer dramatically from the direct contact with L-P zoned and developed properties.

l). The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning applicant from such a denial.

- By denying the requested rezoning, the relative gain for the public health, safety, and welfare of the surrounding residents and property owners is **HIGH**. Outside of the agricultural use allowed in both the current and proposed zoning (partially exercised today on ZA2020-08) the threat of higher heavy vehicle traffic, possible contaminated stormwater runoff from large facilities or parking lots, the loss of property values and the added noise, light and air pollution. The properties can only continue to increase in value, the residents continue to enjoy and benefit from the rural residential and agricultural properties they chose to own, occupy, and improve/flourish. As witnessed with other residential properties facing or in direct contact with L-P developments the properties often fall in to some form of disrepair, loss of value and the community falls apart as families try to move away or relocate when possible. As the city code warns residential developers to stay away from L-P this is an important case for the opposite under the protection of smart city leaders. L-P should not move into surrounding residential areas – like with the proposed ZA2020-08.

**-The land owner in question is a multi billion dollar company with developments all over North America and extensively within the LPKC – the Welfare of the landowner in question will not be adversely affected when compared to each of the neighboring landowners surrounding ZA2020-08.**

m). Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable city code of the City of Edgerton.

- The planned rezoning for the properties including ZA2020-08 go directly against the Edgerton, KS

Comprehensive Land Use Plan – by breaching the goal of compact growth, mixing L-P with residential property, creating unbalanced and unsustainable development in a manner that spreads resources thin over a large area. It brings heavy industry and logistics into small rural neighborhoods that characterize the areas surrounding the core of the actual Edgerton City itself and much of eastern Rural Kansas.

-The comprehensive plan looks to keep development compact to minimize the cost for infrastructure – the spread of the L-P zoning and City annexation directly contradicts this plan.

A good example of this are the following two items from chapter 2 section 2.2 of the Comprehensive Land Use Plan

*5. Encourage future non-residential development to occur in an orderly manner and in locations appropriate for such development.*

*6. Maintain and promote a high quality of life that supports sustainable growth and economic prosperity.*

- the following items are examples from the Comprehensive Land Use Plan dated 5/9/2011 and currently posted on the Edgerton, Kansas website for public consumption.

Page 4, Item 1. – Promote a balanced and sustainable community by providing a mix of different types of development.

*Edgerton in the year 2040 is envisioned to have a mixture of industry, commercial businesses, and a variety of housing types. Edgerton will promote new development but not at the expense of losing its small town character and atmosphere.*

Page 4, Item 4. – Propose a compact growth pattern...

*Compact growth means building new development adjacent to existing water lines and sewers and roads. This promotes sound fiscal policy because it minimizes the cost to extend public infrastructure. It also means using land efficiently and not encouraging leapfrog development. Finally, compact growth can contribute to maintaining the sense of community.*

Page 5, Item 6. – Ensure that new subdivisions are integrated...

*The citizens want to ensure that new growth does not destroy the small town character of Edgerton. Creating a sense of neighborhood and community is critical. The physical design of a neighborhood with defined boundaries, a park, sense of human scale and proportions is imperative to maintaining a sense of character. Each neighborhood needs to offer “life cycle” housing, where residents can age in place. This contributes to creating diversity and vitality in the neighborhood. Streets must be designed with public space to encourage people to walk. A neighborhood needs to have a public space where people can congregate to visit or for children to play. Each development must be evaluated to ensure that it complements the creation of a human-scaled neighborhood.*

Page 6, Item 10. – Develop and implement a strategy to ensure the coordination of land uses...

“(available on the Edgerton City website <https://edgertonks.org/wp-content/uploads/Final-Draft-5.09.11no-rev-1.pdf>)

-The examples from the Cities own plans and ordinances can continue to be shared – they however show the city **SHOULD NOT** rezone ZA2020-08 from its current classification.

n). No Comment.

As you can see – in response to the questions set up by the City of Edgerton for the Planning Commission and the Governing Body to answer/consider for any proposed rezoning – the only direction the city can take is to decline the rezoning of the ZA2020-08 property and possibly others.

Thank you for your time and consideration on this matter.

Yours respectfully,

Ben Johnson

21365 S. Moonlight Rd.

Gardner, KS

66030

Ph: 913-951-7224

**From:** [Curt Kennon](#)  
**To:** [Kara Banks](#)  
**Cc:** [Donald Roberts](#)  
**Subject:** Land rezoning Track 6 (AZ2020-08)  
**Date:** Sunday, January 10, 2021 8:15:41 PM

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To the Governing body of City of Edgerton. My name is Curt and Debra Kennon I live at 28155 W. 215th Street between Moonlight and Gardner road. I am writing you this email because I am protesting the rezoning of the listed track as well as the overall rezoning of all of the tracks involved. I have lived at my current house which I build myself since 1980. I have my retirement house and land only to watch it be destroyed you your proposed logistics park. The interstructure is not set up for this type of park. As you know this will only add to the current semi truck traffic. It will also bring water shead issues, noise, lights all night and dangerous traffic as well as criminal activity. There has already been a fatality at 207 and Gardner road involving a semi directly related to the current logistics park west of that intersection. Please dont destroy our future and dreams. Respectfully Curt Kennon

**From:** [Staci Cook](#)  
**To:** [Kara Banks](#); [william.m.sutton@gmail.com](mailto:william.m.sutton@gmail.com); [Molly Baumgardner](#); [jay.leipzig@jocogov.org](mailto:jay.leipzig@jocogov.org)  
**Subject:** Intermodal Facility - Edgerton  
**Date:** Sunday, January 10, 2021 11:07:00 PM

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Dear Ms. Banks, Mr. Sutton, Ms. Baumgardner, and Mr. Leipzig,

I wanted to reach out to you all and let you know that I am opposed to the extreme expansion of the Edgerton Intermodal facility into the rural residential and farmland in southern Johnson County. I live just south of the Johnson County line in Miami County and am concerned about how this will effect our rural way of life.

My family did not move to rural Miami County to have our neighborhood taken over by warehouses and semi trucks. When we, and all of our neighbors bought our land, we had no idea that Edgerton was going to completely disregard not only their comprehensive plan, but also the KDOT SW Johnson County Area Plan. I am asking you to step in and put a stop to their egregious overreach.

Not only have they shown they don't care about the residents whose lives and homes they are disrupting, they're also destroying our county roads by not installing appropriate infrastructure BEFORE allowing increasing traffic on the roads. Not to mention the fact that this unforeseen development will have a detrimental effect on the Hillsdale Lake watershed due to an extreme increase in runoff, pollution, and traffic.

My drive has been interrupted several times over the last year by semi trucks who are trying to use roads that are not designed for semi truck use and by truck drivers who simply get lost and then decide they have every right to disrupt traffic while they turn around on a 2 lane county road. In addition, a truck driver was killed at the intersection I'm referring to (207th & Gardner Road) 1 year ago after he got out of his vehicle to try to figure out how/where to turn. And this with just 2 warehouses on 207th Street. They want to put in countless others!

The fact that NorthPoint buys up all the land they can get their hands on using cattle company LLCs is deceitful and designed to pull the wool over the people's eyes. This, coupled with Edgerton choosing not to update their comprehensive plan to reflect their intended changes to land use in the area, has intentionally misled people. Please hold NorthPoint and Edgerton accountable.

I would encourage you to listen to the people and put a stop to this. As you enter your next congressional session tomorrow, Mr. Sutton and Ms. Baumgardner, please plan to address the overreach of Edgerton and NorthPoint and how they are destroying our rural way of life.

Respectfully,  
Staci Cook  
30103 Pinecrest Dr.  
Spring Hill, KS 66083

**From:** [Andrew Wayman](#)  
**To:** [Kara Banks](#)  
**Subject:** 1-12-2021 public hearing testimony  
**Date:** Tuesday, January 12, 2021 2:36:15 PM  
**Attachments:** [public hearing testimony.pdf](#)

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In regards to application ZA-2020-02, I have compiled several responses to the Staff Analysis from the perspective of a homeowner adjacent to the proposed zoning change. They are numbered according to the numbering in your packet.

**6. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space --** It is stated that "some nearby parcels zoned Johnson County RUR contain single family homes. However, the residential density in this area is lower than some of the parcels adjacent to development in Phase I of LPKC." I think it is disingenuous to justify the residential density of adjacent parcels based on previous development in Phase 1 when some of that previous development was literally adjacent to existing Gardner residential neighborhoods (see development north of 183rd St). Why is it OK to put warehouses next to your neighbors in Gardner while you conveniently give your own residents a 2-3 mile buffer? This is not very neighborly.

**7. Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties --** It is stated that "The proposed zoning is compatible with the planned future uses of nearby parcels, specifically to the southwest." I don't feel that this property addresses the compatibility with the zoning *and* uses of nearby properties. In fact, the land use of about a dozen of the surrounding parcels is single family residential per the Johnson County AIMS.

**10. The extent to which the zoning amendment may detrimentally affect nearby property --** It is stated that "The proposed zoning is compatible with the planned future uses of the surrounding property, specifically to the southwest." What does that mean about property to the north and east? I don't feel that this properly addresses the affect on the more than a dozen homes that surround the property to the north.

**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 --** It is stated that "Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process." The light pollution added by previous LPKC development a mile or more away from my home is already substantial, I can't imagine what having it across the street from my home will be like.

Something else of note is the Edgerton website (<https://edgertonks.org/business/>) states "The City also ensures that development complies with the City's Comprehensive Plan..." while the Future Land Use Map that accompanies that plan calls for Rural Residential south of I-35.

**In conclusion,** we protest the re-zoning of the north-most parcel on the grounds of it being out of character with the neighborhood, incompatible with the use of the surrounding parcels to the north, it's detrimental affect to nearby property to the north, environmental effects due to noise and light pollution, non-compliance with the City's Comprehensive Plan, and un-neighborly, aggressive expansion towards the residents of Gardner.

Respectfully,

Andrew and Miranda Wayman  
homeowners  
28740 W 199th St, Gardner, KS 66030

**From:** [Betsy Klinkefus](#)  
**To:** [Kara Banks](#)  
**Subject:** Rezoning meeting  
**Date:** Tuesday, January 12, 2021 3:39:47 PM

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I live in the neighborhood of the rezoning and I add my voice to the others that are against this annexation. I'm disheartened to see money be more important than quality of life.

Sent from my iPhone



**From:** [LaDonna Buchman](#)  
**To:** [Kara Banks](#)  
**Cc:** [mayor@edgerton.org](mailto:mayor@edgerton.org); [adam.thomas@house.ks.gov](mailto:adam.thomas@house.ks.gov); [william.m.sutton@gmail.com](mailto:william.m.sutton@gmail.com); [jene.vickery@house.ks.gov](mailto:jene.vickery@house.ks.gov); [molly.baumgardner@senate.ks.gov](mailto:molly.baumgardner@senate.ks.gov); [dgallagher@miamicountyks.org](mailto:dgallagher@miamicountyks.org)  
**Subject:** Rezoning Meeting 1/12/21  
**Date:** Tuesday, January 12, 2021 4:30:03 PM  
**Attachments:** [NorthPoint Master Plan Map - REALLY.pdf](#)

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Ms Banks,

I am writing in regards to the rezoning efforts of the properties south of 199th Street to 215th Street, due west of S. Gardner Rd to S. Moonlight Rd (and beyond). I understand that since the City of Gardner passed on the development of the intermodal and logistics park that Edgerton saw an opportunity to go forward with their dealings with Northpoint. From what I have read about NorthPoint, they are the exact definition of the word "shyster". The definition of shyster - "someone who acts in a disreputable, unethical, or unscrupulous way, in the practice of law, politics or business". Northpoint has demonstrated this by representing themselves as various LLCs (ie" Hillsdale Land and Cattle, LLC, Wellsville Cattle Company, LLC, etc.) so residents do not know who actually purchased the properties. It seems like that Northpoint knew that they would meet resistance if land owners and neighbors really knew who they were.

Whereas the City of Edgerton is the definition of Greed. Greed is defined as an "uncontrolled longing for increase in the acquisition or use: of material gain; or social value, such as status, or power. Greed has been identified as undesirable throughout known human history because it creates behavior-conflict between personal and social goals". The reason I say this is that the city is going at great lengths (and speed) to annex properties east of the city limits for the sole purpose of securing properties for their buddies at Northpoint. My question to to them would be "Why don't you sell your house and property to Northpoint, you already live in Edgerton." In fact why doesn't the entire town sell their homes to Northpoint? Well they have already made their deal with the devil to leave them alone and displace everyone that is in the "path of progress". I know I was told by the city employees that no one is annexed unless they ask to be. Well I throw the B.S.Hanky of that! I think that most people do not want to be annexed but are forced into a situation where they feel that they have no choice.

I moved to this area over 25 years ago to live in a rural setting to escape the development going on in Olathe, KS. Before that it was the development in the small town that my grandparents lived in, Lenexa,KS If I wanted to live next to an industrial park I wouldn't have moved south and I don't want to have to keep moving to escape the industrial development going on in Johnson County. There won't be any rural / agricultural land left. Pretty soon, if the Planning Commission authorizes the rezoning of the lands from RU/AG to LP, I won't be able to see the stars at night. I won't be able to hear the owls, coyotes and other wildlife because of the truck traffic in the area. I have also have concern that the Hillsdale watershed will be severely affected and if this development is allowed to continue south and east it will go into Miami County, down to Hillsdale Lake, which will affect our state's tourism; the safety of our school children on gravel roads that were not meant to be used by semi trucks and the list goes on.

I found this map on the Logistic Park and added in Miami County to it to show how many warehouses are proposed in this tiny area. (I count 10) What a stellar view of the country...NOT!

I will close this letter since my time is up but I ask that the planning council reconsider and decide NOT to REZONE this area to LP without careful consideration of who and what will be affected other than the pockets of the City of Edgerton.

Thank you,  
LaDonna Buchman

**From:** [Frank Bannister](#)  
**To:** [Kara Banks](#)  
**Subject:** January 12, 2021 Rezoning Public Input Meeting  
**Date:** Tuesday, January 12, 2021 4:15:37 PM

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The purpose of this email is to document my opposition to the City of Edgerton's Rezoning Hearing Scheduled for tonight. My opposition focuses on the fact that the Council's Agenda Packet, pages 6-9, Staff Analysis, specifically items 3, 6, 7, 8, 10, 13, 14, 16, which have as their intent to comply or address the established Golden Criteria, fails significantly and is completely silent in mentioning impacts to property values of those citizens who live on parcels of land in the area where rezoning is planned. The rezone area is approximately an 8 square mile of land currently zone as RUR, Rural Residential. This area is occupied by hundreds of patrons who have lived on their rural property as long as the 1960's and prior as well as families who have within months of this date, purchased a small acreage and home, because they wanted to live in a rural area. People in the impacted area will experience devaluation of their property and in some cases may not be able to sell their property because it is close to, or across from the concrete, noise, lights and pollution of a Logistics Park. None of the long list of negative economic and lifelong impacts to the citizens of JOCO, Miami county, which are neighbors of Edgerton, are mentioned, eluded to or properly addressed in the Staff Analysis report. Therefore in my view, the Staff Analysis is widely inaccurate, leads to a false conclusion and fails to correctly characterize the full and accurate impact to property owners in the impacted area.

I respectfully request the Planning Council and/or City of Edgerton table a vote or vote no on the rezoning request until an accurate and representative Staff Analysis has been revised and reviewed.

Frank Bannister  
19815 South Gardner Road  
Gardner, KS 66030  
913-269-8146

**From:** [Lisa](#)  
**To:** [Kara Banks](#)  
**Subject:** rezoning  
**Date:** Tuesday, January 12, 2021 4:10:22 PM

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I live on 223rd St in Spring Hill not far from where they want to annex the properties. Like everyone else in the neighborhood I'm against this. We have enough traffic on our roads and the roads were not built for this type of traffic. The intersection at 223rd and Gardner Rd is dangerous as it is. I can't even tell you how many wrecks we've had because they are driving fast and don't stop at the 4 way stop signs. Gardner Rd wasn't built for this type of traffic either. 199th is also dangerous.

This is beautiful country out here with a lot of farm land. It's peaceful. Some of the land has been in families for generations. Plus I wonder about being so close to the Hillsdale Watershed. How will that effect Hillsdale Lake?

This is a bad idea all the way around. We don't want this or need this in our neighborhood. And it isn't just a traffic problem, it's our lives. We are here because we love this area. It's home.

Thank you.

Lisa Sutcliffe

**From:** [Matt Combs](#)  
**To:** [Kara Banks](#)  
**Subject:** Concerned Citizen of Gardner - Rezoning Petition  
**Date:** Monday, January 11, 2021 7:32:08 PM

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Kara,

My name is Matt Combs and I'm a property owner in South Gardner. My property will be adjacent to what is showing as building 13 on the master plan posted recently for the rezoning and annexation.

I'm emailing as an official record to begin my personal petition to the plans.

As a concerned Citizen of Gardner I'm curious what additional direction can be provided on top of these initial steps being taken to petition this plan:

- Public hearing attendance on Jan 12
- District representatives (3 total) have been informed of our petition
- Secure 20% of property owners petitions

Is there official documentation that will be available at the hearing? When or how do I file this officially with the city of Edgerton?

While I'm pro-capitalism and a strong social Conservative I don't believe the further intrusion of big business into our beautiful part of rural Kansas is in the best interest of our community.

There are many reasons why this generational fight is not favorable to any of the property owners but here are 5 specific reasons why my neighbors and I plan to petition.

- 1) Heavy semi traffic on roads they don't belong
- 2) Displacement of wildlife and livestock
- 3) Noise pollution
- 4) Increases to local crime literally in our back yards
- 5) Decrease in overall property values

I would appreciate your direction so the appropriate avenues are taken.

Matt

**From:** [pgardnerks](#)  
**To:** [Kara Banks](#)  
**Subject:** Re: Planning Commission Rezoning Agenda Item 12Jan2021  
**Date:** Tuesday, January 12, 2021 3:48:29 PM

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22326 W 221st ST  
Spring Hill, KS 66083

Paula Gardner  
913-302-2059

> On Jan 12, 2021, at 3:45 PM, Kara Banks <[kbanks@edgertonks.org](mailto:kbanks@edgertonks.org)> wrote:

>

> Paula,

>

> Can you please give me your address? This email will be shared with the Planning Commission.

>

> Thank you,

>

>

> Kara Banks • Marketing and Communications Manager

> 404 E Nelson St. Edgerton, KS 66061

> P: 913.893.6231 C:913.302.3962

>

>

>

> -----Original Message-----

> From: pgardnerks <[pgardnerks@aol.com](mailto:pgardnerks@aol.com)>

> Sent: Tuesday, January 12, 2021 3:40 PM

> To: Kara Banks <[kbanks@edgertonks.org](mailto:kbanks@edgertonks.org)>

> Subject: Planning Commission Rezoning Agenda Item 12Jan2021

>

> Dear City of Edgerton,

>

> I would like to request that you deny the rezoning requests for the area near 199th Street and Gardner Road. These rezoning actions are inconsistent with the rural area and there is insufficient infrastructure to support warehousing operations and traffic.

>

> As a nearby resident, I'm deeply troubled at the speed of these actions after an end of year annexation of the area where there was no mention of immediate rezoning.

>

>

> Thank you for your attention to this matter.

>

> Paula Gardner

> 913-302-2059

**From:** [Brandon Cain](#)  
**To:** [Kara Banks](#)  
**Subject:** Rezoning of Gardner Road Comment  
**Date:** Tuesday, January 12, 2021 2:52:29 PM

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To whom it may concern,

I writing to voice my strong opposition to plan of rezoning the area of Gardner Rd. I do not feel that area should be rezoned to allow the light industrial or distribution facility that NorthPoint plans to construct. The current residents will be affected negatively by reduced property values and roads in the area are not suited for the increased semi truck traffic that will occur during and after construction. While I know that our CDL driver are some of the safest in the country, there has already been one fatal accident, a driver of a semi in this case, in the area of the newly built warehouses along Gardner Road.

Regarding the current residents, people move and live in rural areas to get away from these industrial-type facilities NorthPoint is planning to build. The current residents do not want to move, and if they elect to do so—if the rezoning is approved—they will have a more difficult time selling or have to sell at a greatly reduced cost.

I know the city stands to gain a lot of tax money if the rezoning is approved, but it's going to come at the expense of its citizens—particularly those in the immediate vicinity of the proposed project. Please keep in mind these newly added citizens to the city, and those most affected by an approval to rezone, will become new voters for the city. It's possible many of them may work to get council members replaced.

Thanks,

Brandon Cain

**From:** [Sarah Cain](#)  
**To:** [Kara Banks](#)  
**Subject:** Rezoning comment  
**Date:** Tuesday, January 12, 2021 2:07:59 PM

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To the Edgerton Planning Commission Members:

I am writing to express my strong opposition to the rezoning of properties in the vicinity of Gardner Road, between 199th and 215th Street from Johnson County RUR to Edgerton L-P Logistics Park. As a former resident of Gardner and current resident of Hillsdale, I travel on Gardner Road almost daily and experience the tremendous negative effects the truck traffic from existing warehouses on 207th has on safety and livability for residents.

Rezoning to allow for the continued expansion of a logistics park in areas not designed and without the proper infrastructure for the associated traffic will have significant negative safety repercussions. The trucks barely fit on the road and I have, on numerous occasions, witnessed unsafe driving practices and “near accidents” involving what I’m sure are good drivers on roads simply not designed for large trucks. As I believe you are aware, there have been accidents, including a fatality, involving trucks on the surrounding roads.

In addition, the building of warehouses — even those that are designed to have an office-like appearance — will have significant negative consequences for surrounding residents, who will have to live with exponential increase in traffic, plus air, noise, and light pollution. These negative impacts will decrease their property values and ability to sell for a fair price. These are good people who, like my family, moved “out to the country” to find quiet, safety, and the ability to see the stars at night. If we do not stand up for and support our neighbors, we will have no one to support us when we are in a “David vs. Goliath” situation.

Environmentally speaking, paving over existing farmland and native plants will further decrease habitat and food sources for our critical native insect and animal species. There has been a 99 percent decline in tallgrass prairie and a 68-percent decline in mixed-grass prairie from historic acreage. Prairie grasslands are considered North America’s most endangered ecosystem.

I am not opposed to economic growth — quite the opposite. As a business coach with a specialty in Corporate Social Responsibility, I counsel business leaders on responsible growth every day. However, businesses must consider the impacts of their decisions and operations on ALL stakeholders, including their surrounding communities and the environment. I am a proponent of thoughtful and intentional growth that balances profit with being a good corporate citizen. There is a “right way” for Edgerton and the Logistics Park to grow and meet the needs of Edgerton’s citizens and the Logistic Park’s financial responsibilities to shareholders. However, in this case, it appears that little or no consideration is being given to what is good for the community, existing residents, and the environment.

I urge you to vote against the rezoning of the property in question and work with the Logistics Park and existing residents for a thoughtful solution that will benefit all stakeholders.

Sincerely,  
Sarah M Cain  
smcain12@gmail.com  
24795 Harmony Rd  
Paola, KS 66071  
913-530-8489



**From:** [Joyce Ghaisarnia](#)  
**To:** [Kara Banks](#)  
**Subject:** PUBLIC HEARING – REZONING APPLICATIONS ZA2020-02 through ZA2020-08  
**Date:** Tuesday, January 12, 2021 2:26:13 PM

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My name is Joyce Ghaisarnia. My husband is Esmaeil Ghaisarnia. We live at 21725 S. Waverly Road, Spring Hill KS 66083 and have lived here for 10 years.

I am strenuously opposed to the approval of the REZONING APPLICATIONS ZA2020-02 through ZA2020-08. The areas covered by this rezoning are not just abandoned land. There are families living in this area and have been here many, many years. The 2013 KDOT Southwest Johnson County Area Plan took into account that we are in the Hillsdale Watershed and that all of this area from the highway and east of Gardner Road should remain conservation area and a rural residential with no warehouses or commercial property.

One of our concerns about this rezoning is the increased truck traffic on Gardner Road. It is a 2 lane road with no shoulders. The speed limit from 199th to 215th is 45 mph. As you cross into Miami county at 215th, the speed limit increases to 55mph. I drive this road every day. I have been passed by speeding vehicles going both north and south on the stretch of road north of 215th. I have seen vehicles pass a school bus on this section of road. I believe the rezoning of the above parcels will further increase the truck traffic on an unsafe road. When the Kabota project and the Hostess warehouse on 207th west of Gardner road opened, the truck traffic on Gardner road increased tremendously. There have been no improvements to Gardner road to account for this activity. Have any traffic studies been performed on Gardner Road to determine the impact this rezoning would have on this area. I have not seen any traffic counters as I drive Gardner road on a daily basis. There are no shoulders on Gardner Road to pull off in the event of a vehicle breakdown. The 2 lane road has very little room for driving error.

The intersection of 207th and Gardner road is dangerous. At this time, there are semi-trucks turning from Gardner road west on 207th which is a gravel road. The trucks can barely make the turn. The intersection has not been improved since the previous Logistic warehouses on 207th were opened. I am sure you are aware that a death occurred last year at this intersection when a truck driver stopped his vehicle and got out to help another motorist. The truck driver was hit by another vehicle and was killed. I work for Hy-Vee and the truck driver was a Hy-Vee employee. This was a terrible event among the Hy-Vee family. In addition, many truck drivers rely on a GPS system to get to the 207th st warehouses. I have had many semi-trucks on my gravel road at 217th and Waverly trying to find a shortcut to get to the warehouses. The gravel roads in this area cannot accommodate the semi-truck traffic.

Another concern I have is the Hillsdale Watershed. The rezoning area above encompasses a lot of acreage. Have any studies been conducted to determine what the flooding potential is when the soil that absorbs the water is turned into concrete and asphalt. The water has to go somewhere. Will this water drain into any of the creeks or areas that feed into Hillsdale Lake. What is the impact of possible pollution to the watershed. Did the city contact the rural water district in a timely manner? In the prior hearing on the rezoning that allowed the Logistics area on 207th west of Gardner road to be built there was a mention of an impact study to be conducted on the watershed. Was this ever done and what were the results.

Finally, the Gardner, Edgerton and Spring Hill areas cannot supply the amount of employees it would take to work at additional warehouses being built. This would then require an influx of traffic from out of our area. Has an impact study been done to determine how the increased traffic will be handled. Has Johnson County been contacted regarding the required infrastructure needed to provide for the construction of warehouse in this new rezoned area?

In conclusion, I was extremely disappointed when the press release of December 17, 2020 indicated that the area south of 199th to 215th and east of Gardner road to Moonlight road had been annexed. A statement was attached to the news release that said no rezoning was planned at that time. Less than 7 days later, the rezoning signs popped up in this area.

Again I am strenuously against the rezoning for the Applications ZA2020-02 thru ZA2020-08. I would be at the public hearing however I am under quarantine due to COVID-19 in my household.

Joyce Ghaisarnia  
816-509-1222

**From:** [Brett Kuper](#)  
**To:** [Kara Banks](#)  
**Subject:** Re: Public Hearing Scheduled for Rezoning 199th to 215th St  
**Date:** Tuesday, January 12, 2021 1:38:17 PM

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Hi Kara,

Sure, our address is 22241 Moonlight Rd, Spring Hill, KS 66083.

Thanks,  
Brett

On Tue, Jan 12, 2021 at 1:29 PM Kara Banks <[kbanks@edgertonks.org](mailto:kbanks@edgertonks.org)> wrote:

Hello Brett,

Can you please provide your address? I will share this email with our planning commissioners.

Thank you,



**Kara Banks • Marketing and Communications Manager**

404 E Nelson St. Edgerton, KS 66061

P: 913.893.6231 C:913.302.3962

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**From:** Brett Kuper <[brett.kuper@gmail.com](mailto:brett.kuper@gmail.com)>  
**Sent:** Tuesday, January 12, 2021 1:20 PM  
**To:** Kara Banks <[kbanks@edgertonks.org](mailto:kbanks@edgertonks.org)>  
**Subject:** Public Hearing Scheduled for Rezoning 199th to 215th St

Hi Kara,

Please share below for the meeting tonight:

My wife and I are very concerned about the rezoning of the land that is being proposed all the way to 215th St. We moved out into the country to get away from the busyness and traffic of the city. We have 3 young children and we enjoy going on walks, runs, and bike rides in the country. The additional traffic and noise that would come along with any commercial businesses would be a big concern for us, especially from a safety standpoint. Because of this, we would strongly request that this land stay zoned as rural to preserve our safety and peaceful country landscape.

Sincerely,

Brett and Mindi Kuper

Phone call from Christina Potter, who lives near Harmony and 249<sup>th</sup> Terrace, at 4:08 p.m. on Tuesday, January 12, 2021.

She is very opposed to this rezoning of the land to LP-Logistics Park. She says this will destroy the community. Ms. Potter believes the rezoning will lead to a higher traffic volume on Gardner Road going south into her neighborhood. She says counters have already been put out to figure out the traffic volume and that it is very loud. She says there has not been any planning of the area for more warehouses and this is just an effort to make money, which is why she is opposed.