

EDGERTON CITY HALL  
PLANNING COMMISSION MEETING  
REGULAR SESSION  
February 9, 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.

Chairperson Daley requested the Planning Commissioners declare any correspondences that have been received or any communications that might influence their ability to impartially consider the agenda items.

Commissioner Berger stated a packet was left at his door and letters were forwarded from the City.

Commissioner Crooks said a packet was left on his doorstep, a few letters were forwarded to him from the City, and three phone calls were received.

Commissioner Little explained there was a packet on his doorstep, his wife said someone came to his home while he was at work, and he received an email from the City with letters forwarded to him.

Commissioner Lebakken stated she received packet at her house as well, she was stopped by somebody as she was leaving her house, and letters were forwarded to her by the City.

Chairperson Daley said he received packet at his house, had somebody come to his door, and a reporter called City Hall to speak with him as well. He asked the Commissioners if the receipt of any of the correspondence or the communication might influence their ability to impartially consider the agenda items. All Commissioners responded it would not influence their ability.

**CONSENT AGENDA**

Commissioner Lebakken motioned to approve the minutes. Mr. Lee Hendricks, City Attorney, clarified if Commissioner Lebakken wanted to approve only the minutes, or the entire Consent Agenda. Ms. Beth Linn, City Administrator, stated there is also a requested expiration date extension for FS2019-02. Commissioner Lebakken motioned to approve the consent agenda. Commissioner Crooks seconded the motion. The consent agenda was approved, 4-0.

For the benefit of those attending via video conference, Ms. Katy Crow, Development Service Director, stated which city staff members were present in the meeting room.

## **OLD BUSINESS**

### **REZONING APPLICATIONS ZA2020-02 THROUGH ZA2020-08**

Chairperson Daley explained these applications were continued from the previous month's Planning Commission (the Commission) meeting. He reminded all in attendance that the role of the Commission in the rezoning process is that of a recommending body. The action taken this evening on any rezoning is not final, it is a recommendation to the Governing Body, who will make the final decision at a future City of Edgerton City Council meeting.

Chairperson Daley stated that on January 12, 2021, the Commission held a public hearing related to Rezoning Applications ZA2020-02 through ZA2020-08. He explained that the public hearing for those items was opened and closed during that meeting. After the public hearing and discussion, Commissioner Berger made separate motions to continue each application to this meeting. Chairperson Daley said Commissioner Berger also requested City Staff assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning. Chairperson Daley stated that each of those motions carried. He explained the Commission is here to review the results of that request and take action on these applications. Chairperson Daley asked if City Staff had that information available.

Ms. Beth Linn, City Administrator, stated City Staff did have it available. She said on January 12, 2021, the Commission directed City Staff to assemble a presentation of the possible economic impacts on the applicant properties and to neighboring properties as a result of the requested rezoning. She explained in preparing the presentation, City Staff used Golden Criteria Number fifteen (15), "the economic impact on the community from the uses allowed in the proposed rezoning," as a guide. The analysis starts by examining the economic impact of the properties requested to be rezoned. Ms. Linn explained the analysis then continues to get broader in nature to address the economic impact of the adjacent properties and finally the economic impact more regionally.

Ms. Linn explained in order to determine the economic impact of the parcels requested to be rezoned, the City's Financial Advisor, Columbia Capital Management (CCM), prepared a chart of actual and projected revenues generated to all taxing jurisdictions for the properties. She stated the current tax generation is the amount of taxes paid now based on the 2020 mill levy rate and current appraised value. The abatement tax generation is the projected amount of taxes paid if the properties were developed as logistics park using a similar structure to other Logistics Park Kansas City (LPKC) projects. Ms. Linn said the post-abatement tax generation projected the amount of taxes paid the properties were developed as logistics park using a similar structure to other LPKC projects once the abatement expires, which is ten (10) years, based on estimated full appraised value. Ms. Linn explained each column is the annual amount for each taxing jurisdiction on each property. The final row shows the annual total per property.

Ms. Linn informed the Commission there has not been any site plans submitted to the City for any of the properties. In order to complete the analysis of the economic impact requested by the Commission, City Staff used logistics park development patterns similar to other areas of LPKC. Any development of these properties would still require all the development process steps to be completed, including but not limited to applications, public hearing, and required approvals.

Ms. Linn said since opening in 2013, LPKC has created 4,600 new direct jobs in Edgerton. The jobs range widely in responsibility from warehouse associates and forklift operators to human resources, distribution center managers and even corporate officers. She explained that according to the Economic Policy Institute in January 2019, for every 100 jobs created in the transportation and warehousing sector, there are 276 indirect jobs created in supplier and induced jobs. Ms. Linn said by using this multiplier, a total of 12,696 indirect jobs have been created. This makes for a total job creation of 17,296 jobs by LPKC.

Ms. Linn explained in the preparation of the analysis of the economic impact to adjacent properties, City Staff analyzed historical property valuations of residential property, which is traditional single family, two family, duplex, and large lot rural single family, adjacent to the development of warehouse and distribution centers, manufacturing, or other similar uses. City Staff focused on two example areas for the analysis. The first area is the area adjacent to LPKC development in Edgerton and the other is an area adjacent to the I-35 Logistics Park/New Century Air Center development in Olathe. She explained all of the data was provided by Johnson County.

Ms. Linn stated the analysis for adjacent properties to LPKC and Edgerton focuses on several types of residential development. LPKC Phase I, which is north of Interstate 35 (I-35), began construction in 2013 and Phase II, south of I-35, started construction in 2018. City Staff analyzed property valuation of traditional single family and two family or duplex residential development data adjacent to LPKC Phase I in the BlueHawk and Genesis Farms developments located north of 181<sup>st</sup> Street and just east of the Edgerton city limits, which started construction in 2003. She explained this area developed before, during, and after LPKC development. Eight-five (85) new houses have been constructed after LPKC opened in 2013 and the average appraised value in this area for properties constructed prior to 2013 increased fifty-three percent (53%) from 2013 to 2020. For the properties constructed after 2013, the average appraised value increased by forty-eight percent (48%). Ms. Linn stated the average appraised value for properties in this area in 2013 was \$132,775 and the average appraised value for properties in this area in 2020 was \$210,986.

Ms. Linn continued by stating City Staff also examined valuation data from traditional single-family properties in the Sherman Estates development located south of 181<sup>st</sup> Street just east of the Edgerton city limits. This area was generally developed prior to the start of LPKC, however there were six (6) new housing permits constructed since 2013. The appraised value in this area for properties constructed prior to 2013 increased by forty-five percent (45%) from 2013 to 2020 and for the properties constructed after 2013, the average appraised value increased by twenty-two percent (22%).

Ms. Linn explained that large lot rural single family residential properties were the next data City Staff analyzed. She said the data was gathered from properties located within LPKC and/or the Overweight Corridor, which is along 191<sup>st</sup> Street, Waverly Road, Homestead Lane, and Four Corners Road. She informed the Commission that the average appraised value for large lot rural single family residential within LPKC and/or in the Overweight Corridor has increased 697% since 2013. The average appraised value of properties in the area in 2013 was \$101,724 and increased to an average appraised value in 2020 of \$447,090.

Ms. Linn stated that City Staff analyzed property valuation data for large lot rural single family residential properties in the Peppertree neighborhood south of 199<sup>th</sup> Street and west of Homestead

Lane. She said that most of the properties were developed before LPKC opened in 2013, but one property in Peppertree was built in 2014. Ms. Linn said the average appraised value for the properties in this area increased fifty-six percent (56%). In 2013, the average appraised value for properties in the area was \$234,635 and in 2020, the average appraised value increased to \$369,048.

Ms. Linn said the next area of large lot rural single family residential properties City Staff analyzed were properties adjacent to LPKC Phase II across the street from the Kubota North American Distribution Center, which began construction in 2018. The properties are along 207<sup>th</sup> Street from Homestead Lane to Waverly Road. The average appraised value of these properties has increased thirteen (13%) since 2018. In 2018 the average appraised value was \$242,026 and in 2020 it was \$266,771.

Ms. Linn explained City Staff looked at the area adjacent to the I-35 Logistics Park and the New Century Air Center. This area includes several similar uses and more intensive uses than what is permitted in the City of Edgerton Logistic Park (L-P) District such as warehouse and industrial at I-35 Logistics Park; various manufacturing at New Century Air Center; and an asphalt plant and quarry at Hamm Asphalt Plant and Quarry. She said City Staff looked at traditional single family residential development. The analysis examines property valuation data for the Reserve at Prairie Highlands development north of 151<sup>st</sup> Street and South Clare Road within one-half mile of the I-35 Logistics Park development and within one mile of New Century Air Center. This area developed before, during, and after the development of the I-35 Logistics Park and New Century Air Center. Ms. Linn stated the average appraised value for traditional single family residential property constructed prior to 2013 has increased by thirty-four percent (34%). This area has had seventy-six (76) new housing starts since 2013. The average appraised value for homes constructed after 2013 has increased by fifty-one percent (51%). The average appraised value in the area in 2013 was \$265,616. In 2020, the average appraised value for properties in this area increased to \$351,103.

Ms. Linn said that City Staff concluded by analyzing the economic impact for the region. She said LPKC has driven significant private investment regionally as well. Commercial construction projects in nearby jurisdiction including the development of the Hampton Inn, Groundhouse South, Olathe Health Gardner, Edgerton Urgent Care, and the future Quick Trip in Gardner. She stated that south of Edgerton along I-35, the City of Wellsville is home to the newly constructed Bert's Travel Plaza, which is a full-service truck stop with a large parking area for trucks, truck wash on site, large drivers lounge, private showers, and laundry machines. Located next to Bert's is the home of Keim Trucking including their commercial driver license (CDL) training center.

Ms. Linn explained that neighboring jurisdictions have also experience significant growth in housing starts as well. Since LPKC opened in 2013, the City of Gardner had 879 residential building permits issued, both single family and multifamily dwellings, and the City of Spring Hill had 702 residential building permits issued. Ms. Linn said these may not all be attributed directly to the development of LPKC, but certainly there is a link between growth in employment opportunity in this area with the demand for housing options in close proximity.

Chairperson Daley inquired if any of the Commissioners had any questions for City Staff. He reminded the Commissioners that the public hearing has been closed and not open to discussion with the public.

Commissioner Berger stated that upon his reading of the economic impact study, he thought the areas selected by City Staff have been good examples, however this area for the rezoning is more unique

than the selected areas. He expressed his appreciation the effort but forth by City Staff in the report.

Commissioner Little stated one of the items that was just read related to the proximity to Logistics Park Kansas City (LPKC) and intermodal. It is brought up in the Golden Criteria a few times. He asked what is the definition of 'proximity' as used in the Staff Reports and how close are the parcels to LPKC and other Logistics Park (L-P) District zoned parcels? Commissioner Little stated the Commissioners use the Golden Criteria to review rezoning applications and he wants to know the proximity that was used. Ms. Linn replied there is not a definition or a set distance to be used outlined in the Golden Criteria. She said the term proximity can be defined differently by different individuals. Mr. Hendricks agreed with Ms. Linn and stated that 'proximity' is defined by each situation.

Commissioner Little said he has been thinking about the statements provided at the previous meeting, especially regarding Golden Criteria number thirteen (13), which discusses traffic impact. He stated the Comprehensive Arterial Road Network Plan (CARNP) shows Gardner Road and 199<sup>th</sup> Street as four (4) lane wide roadways. As of right now those roads are two lanes with no shoulders. Commissioner Little asked why there is a discrepancy between the CARNP and what is actually there. Ms. Linn replied it is a comprehensive plan for the road network and is what the county wide plan is for major arterial roads. She explained the CARNP was a plan that was constructed over a few years and has been in place for a while. CARNP is what the County road network needs to be at full development of the County. It is what the roadway is to be in the future. Mr. David Hamby, City Engineer, agreed with Ms. Linn and said it is a future plan and it is the anticipated full buildout. She explained as LPKC has developed, there were lot of roadways that were not suitable for truck traffic and those roads have been improved as development has happened. Commissioner Little said that if the rezoning is approved it could be years before the roadways are improved for the traffic. Ms. Linn stated the rezoning is first step in the development process and changes the land use. After that is the platting process which divides the land. Finally, is the site plan which is when the infrastructure and buildings are looked at and how the project connects to the road network. She said the roadway was upgraded while the Kubota facility was built. Ms. Linn said she is aware of trucks driving on other roadways that are not fit for them and are outside of Edgerton's jurisdiction, but the way the warehouses connect to the roadways that are fit for the trucks are reviewed in the site plan. Commissioner Little understood he is looking ahead in the development process. Commissioner Berger explained the future is alluded to in the reports and it is difficult to not use that information to make the Commissioners' decisions.

Chairperson Daley reminded the Commissioners that each application requires a motion and vote.

Commissioner Berger motioned to recommend denial of Application ZA2020-02. Commissioner Lebakken seconded the motion. The Commission recommended the Governing Body deny Application ZA2020-02, 4-0.

Commissioner Berger motioned to recommend denial of Application ZA2020-03. Commissioner Little seconded the motion. The Commission recommended the Governing Body deny Application ZA2020-03, 4-0.

Commissioner Berger motioned to recommend denial of Application ZA2020-04. Commissioner Lebakken seconded the motion. The Commission recommended the Governing Body deny Application ZA2020-04, 4-0.

Commissioner Berger motioned to recommend denial of Application ZA2020-05. Commissioner Little seconded the motion. The Commission recommended the Governing Body deny Application ZA2020-05, 4-0.

Commissioner Berger motioned to recommend denial of Application ZA2020-06. Commissioner Lebakken seconded the motion. The Commission recommended the Governing Body deny Application ZA2020-06, 4-0.

Commissioner Berger motioned to recommend denial of Application ZA2020-07. Commissioner Lebakken seconded the motion. The Commission recommended the Governing Body deny Application ZA2020-07, 4-0.

Commissioner Berger motioned to recommend denial of Application ZA2020-08. Commissioner Little seconded the motion. The Commission recommended the Governing Body deny Application ZA2020-08, 4-0.

Chairperson Daley stated any recommendations made by the Planning Commission during this meeting related to rezoning Application ZA2020-02 through ZA2020-08 will be heard by the Governing Body at the March 11, 2021 City Council Meeting. He explained the action for those applications has completed and he requested anybody leaving to do so in a manner that would allow the Commission to continue onto the next items.

### **NEW BUSINESS**

Chairperson Daley explained during the remainder of the meeting, there will be public hearings for new items and an opportunity to hear public comment and concerns. He said the applicant will be allowed to present their information in order for the Commission to make a recommendation to the Governing Body. Anyone willing to speak during the public comments portion of the meeting will be able to do. Chairperson Daley requested speakers provide their name, address, and cell phone number on a sign in sheet. He stated each speaker will be limited to three (3) minutes. Due to Covid-19 and the social distancing constraints placed upon the meeting room, there is an overflow area available at the Edgerton Library across the street where live audio of the meeting is provided. City Staff will contact anyone wishing to speak at City Hall.

### **PUBLIC HEARING – REZONING APPLICATIONS ZA2021-01 THROUGH ZA2021-05**

Chairperson Daley introduced the applications. He stated City Staff will review the application received then the applicant will introduce their side of the proposal. After the applicant has presented, public comment will be received, and City Staff will keep a list of questions. The applicant will have the opportunity to respond to any comments received. Chairperson Daley reminded all in attendance that 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.

The Chairperson reminded everyone present that the public hearing is for the rezoning applications and nothing further. Rezoning is about the proposed change in use of the land. Anything related to the development of the land like the roads, what a building looks like, or a stormwater plan, will be discussed at a future meeting which would include future public hearings related to those items, in the

event the rezoning is approved by the City Council. Chairperson Daley stated the public hearing is strictly to discuss the use of the land.

Chairperson Daley opened the public hearing.

Ms. Katy Crow, Development Service Director, stated Application ZA2021-01 was applied for by Brett Powell who is an agent for NPD Management. The property owner is Johnson County Land Company, LLC and is requesting a rezoning from Johnson County Rural (RUR) to the City of Edgerton Logistics Park (L-P). The property is located at 32425 W 207<sup>th</sup> Street and is 33.915 acres in size. Ms. Crow said the rezoning is being requested for future intermodal-related, logistics park development. The property was annexed into the City of Edgerton on March 15, 2018 as part of the Phase II expansion of Logistics Park Kansas City (LPKC). Ms. Crow explained LPKC is a 2,300-acre master-planned distribution and warehouse development anchored by the Burlington Northern Santa Fe Railway (BNSF) intermodal facility which opened in late 2013 and is located approximately two miles north of the subject site. The companies located within LPKC benefit from significant transportation saving. Ms. Crow explained the 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 explains the nearby roads that Johnson County has designated as arterial roadways in the Comprehensive Arterial Road Network Plan (CARNP). Ms. Crow said access to the parcel is from 207<sup>th</sup> Street from the north. The water provider is Johnson County Water District #7, the sanitary sewer will be provided by the City of Edgerton, gas will be provided by Kansas Gas Service, and the electrical provider is Evergy. She said police service will be provided by the City of Edgerton through the Johnson County Sheriff's Office and Johnson County Fire District #1 will provide fire protection. The property is located within the Bull Creek watershed.

Ms. Crow stated the subject property was annexed into the City of Edgerton on March 15, 2018 and at the time it held a Johnson County Rural (RUR) zoning designation, which it still holds today. She explained 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 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 ZA2021-01:

1. **Need for the Proposed Change** – When this parcel was annexed into Edgerton, it contained a Johnson County RUR zoning designation as assigned by the County. That zoning designation only allows for an agricultural use and it is considered a holding designation post annexation. Prior to any development occurring on the parcel, rezoning to a City of Edgerton zoning designation is necessary. The applicant has requested that this parcel be rezoned to L-P to allow for the future construction of projects similar to other projects in other L-P District areas. Given the parcels' proximity to LPKC Phases I and II, the BNSF Railway intermodal facility, I-35

and the Homestead interchange, L-P District zoning is the most compatible designation for these uses.

2. **Magnitude of the Change** – 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. 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. Development in this area is driven by the Homestead Lane interchange and the proposed rezoning to L-P District is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the City of Edgerton UDC, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (33.915 acres) would be appropriately sized to accommodate an industrial development and the size allows 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 the appropriate transition 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 along 207<sup>th</sup> Street, the character of the area is changing from rural to industrial. Some nearby parcels zoned Johnson County RUR and RN2 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 the existing zoning and existing use of the parcel across 207<sup>th</sup> Street (Kubota North America Distribution Center). 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 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** – For any development which occurs on this parcel, it will be the responsibility of the developer to work with the utility companies to extend any necessary utilities not already in the service area. The parcel currently receives electric service and there is a connection point along 207<sup>th</sup> Street for gas service. 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** – 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. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan that is reviewed by the City and the State. 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 the 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 0.32 miles from I-35 and the Homestead Lane interchange. Development in the area is driven by its proximity to the highway system 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 ZA2021-01 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 explained for application ZA2021-02, a majority of the review comments 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 located at 32295 W 207<sup>th</sup> Street. The applicant is Brett Powell, who is an agent from NPD Management. The property is owned by Wellsville Land Company, LLC. The applicant has requested the same rezoning from Johnson County RUR to City of Edgerton L-P and the parcel is about 5.903 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 access to this parcel is from 207<sup>th</sup> Street from the north.

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

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 required prior to any land development occurring. The applicant has requested an L-P Zoning District designation to allow for the future construction of projects similar to other projects in other 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** – 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. 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. Development in this area is driven by the Homestead Lane interchange and the proposed rezoning to L-P District is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the City of Edgerton UDC, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. 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.
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** – For any development which occurs on this parcel, it will be the responsibility of the developer to work with the utility companies to extend any necessary utilities not already in the service area. The parcel currently receives electric service and there is a connection point along 207<sup>th</sup> Street for gas service. 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** – 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. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan that is reviewed by the City and the State. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process.
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 0.40 miles from I-35 and the Homestead Lane interchange. Development in the area is driven by its proximity to the highway system 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 ZA2021-02 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 ZA2021-03 is an application for the same rezoning change on a parcel of land located at 32285 W 207<sup>th</sup> Street. She said it was applied by Brett Powell, agent of NPD Management, and is owned by Moonlight Farms, LLC. The parcel is 16.530 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 a private drive which extends approximately 1,200 feet south from 207<sup>th</sup> Street.

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

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 required prior to any land development occurring. The applicant has requested L-P Zoning District designation to allow for the 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, I-35 and the Homestead interchange, L-P District zoning is the most compatible designation for these uses.
2. **Magnitude of the Change** – 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. 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. Development in this area is driven by the Homestead Lane interchange and the proposed rezoning to L-P District is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the City of Edgerton UDC, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. 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.
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** – For any development which occurs on this parcel, it will be the responsibility of the developer to work with the utility companies to extend any necessary utilities not already in the service area. The parcel currently receives electric service and there is a connection point along 207<sup>th</sup> Street for gas service. 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** – 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. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan that is reviewed by the City and the State. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process.

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 0.58 miles from I-35 and the Homestead Lane interchange. Development in the area is driven by its proximity to the highway system 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 ZA2021-03 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 ZA2021-04 is an application for the same rezoning change on a parcel of land located at 32330 W 213<sup>th</sup> Street. She said it was applied by Brett Powell, agent of NPD Management, and is owned by Wellsville Farms, LLC. The parcel is 22.088 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 a private drive at the corner of South Kill Creek Road and 213<sup>th</sup> Street.

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

1. **Need for the Proposed Change** – When this parcel was annexed into Edgerton, it contained a Johnson County RUR zoning designation as assigned by the County. That zoning designation only allows for an agricultural use and it is considered a holding designation post annexation. Prior to any development occurring on the parcel, rezoning to a City of Edgerton zoning designation is necessary. The applicant has requested that this parcel be rezoned to L-P to allow for the future construction of projects similar to other projects in other L-P District areas. Given the parcels' proximity to LPKC Phases I and II, the BNSF Railway intermodal facility, I-35 and the Homestead interchange, L-P District zoning is the most compatible designation for these uses.

2. **Magnitude of the Change** – 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. 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. Development in this area is driven by the Homestead Lane interchange and the proposed rezoning to L-P District is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the City of Edgerton UDC, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (22.088 acres) would be appropriately sized to accommodate an industrial development and the size allows 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.
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** – For any development which occurs on this parcel, it will be the responsibility of the developer to work with the utility companies to extend any necessary utilities not already in the service area. The parcel currently receives electric service and there is a connection point along 207<sup>th</sup> Street for gas service. 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** – 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. Today 213<sup>th</sup> Street is a gravel road from Waverly Road to Kill Creek Road. Kill Creek Road is also a gravel road south of 213<sup>th</sup> Street. However, the Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type I/2-Lane Arterial Roadway designation to 213<sup>th</sup> Street and Kill Creek Road and designates 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.
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. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a

stormwater pollution prevention plan that is reviewed by the City and the State. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process.

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 0.85 miles from I-35 and the Homestead Lane interchange. Development in the area is driven by its proximity to the highway system 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 ZA2021-04 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 ZA2021-05 is an application for the same rezoning change on a parcel of land located on the northwest corner of the intersection of West 213<sup>th</sup> Street and South Kill Creek Road. She said it was applied by Brett Powell, agent of NPD Management, and is owned by Wellsville Farms, LLC. The parcel is 56.528 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 213<sup>th</sup> Street and Kill Creek Road at the southeast corner of the property.

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

1. **Need for the Proposed Change** – When this parcel was annexed into Edgerton, it contained a Johnson County RUR zoning designation as assigned by the County. That zoning designation only allows for an agricultural use and it is considered a holding designation post annexation. Prior to any development occurring on the parcel, rezoning to a City of Edgerton zoning designation is necessary. The applicant has requested that this parcel be rezoned to L-P to allow for the future construction of projects similar to other projects in other L-P District areas. Given the parcels' proximity to LPKC Phases I and II, the BNSF Railway intermodal facility, I-35 and the Homestead interchange, L-P District zoning is the most compatible designation for these uses.
2. **Magnitude of the Change** – 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. 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. Development in this area is driven by the Homestead Lane interchange and the proposed rezoning to L-P District is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the City of Edgerton UDC, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (56.5 acres) would be appropriately sized to accommodate an industrial development and the size allows 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.

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** – For any development which occurs on this parcel, it will be the responsibility of the developer to work with the utility companies to extend any necessary utilities not already in the service area. Electrical service currently crosses the parcel and there is a connection point along 207<sup>th</sup> Street for gas service. 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** – 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. Today 213<sup>th</sup> Street is a gravel road from Waverly Road to Kill Creek Road. Kill Creek Road is also a gravel road south of 213<sup>th</sup> Street. However, the Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type I/2-Lane Arterial Roadway designation to 213<sup>th</sup> Street and Kill Creek Road and designates 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.
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. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution

prevention plan that is reviewed by the City and the State. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process.

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 0.81 miles from I-35 and the Homestead Lane interchange. Development in the area is driven by its proximity to the highway system 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 ZA2021-05 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.

Chairperson Daley requested the applicant make their presentation.

Mr. Patrick Robinson, Vice President of NorthPoint Development, addressed the Commission. He stated that the Homestead Lane interchange was constructed in 2013 which indicated a big change in this area. The interchange has brought forth the anticipation of commercial uses. He stated the map and rezoning application shows the infrastructure improvements have been made. This project is close to the new wastewater treatment plant and all of the other utility infrastructure is nearby and can easily be extended to this project. Mr. Robinson addressed access on Application ZA2021-05. He said the current access is from 213<sup>th</sup> Street, but access will be limited to only allow access from 207<sup>th</sup> Street. He stated that NorthPoint has been in contact with neighbors to provide easements and with other nearby residents on 213<sup>th</sup> Street regarding the project. He knows some of the residents in the area have been hired by companies in LPKC. Mr. Robinson represented that there is a family-owned company that wants to build on the parcels associated with these applications. He said he is willing to answer any questions and agrees with the Staff Report and stipulations.

Chairperson Daley asked City Staff if any written testimony was received prior to the meeting. Mr. Chris Clinton, Planning and Zoning Coordinator, replied City Staff has received comments that have been provided to the Commission prior to the meeting and will be added to the minutes. City Staff has received comments from:

- Tim and Lee Dye – 31308 W 217<sup>th</sup> Street, Spring Hill, KS 66083
- Matt Hotle – 32243 W 207<sup>th</sup> Street, Edgerton, KS 66021

- Curtis and Debra Kennon – 28155 W 215<sup>th</sup> Street, Gardner, KS 66030
- Charles and Charlene Soetaert – 31120 W 217<sup>th</sup> Street, Spring Hill, KS 66083
- Carl and Pat Peer – 32695 W 215<sup>th</sup> Street, Spring Hill, KS 66083
- Kelly and Janice Craven – 32953 W 207<sup>th</sup> Street, Edgerton, KS 66021
- Geneva Muro – 29345 W 199<sup>th</sup> Street, Gardner, KS 66030
- Brett and Mindi Kuper – 22241 Moonlight Road, Gardner, KS 66021
- Mark Hall – 23506 S Gardner Road, Spring Hill, KS 66083
- Joyce Ghaisarnia – 21725 S Waverly Road, Spring Hill, KS 66083
- Rick Speck 32915 W 207<sup>th</sup> Street, Edgerton, KS 66021
- Russ Robinson – S Gardner Road

Chairperson Daley stated that if someone is present to speak, they were asked to sign in and provide their name and address for the record along with a number so City Staff can inform them it is their turn to speak. He reminded everybody that 3 minutes is how long each speaker will be given. He requested all speakers speak clearly and slowly so that all Commissioners can hear the speaker.

Mr. Ben Johnson, 21365 S Moonlight Road, Gardner, KS 66030, spoke before the Commission. He said he has some comments regarding the parcels outlined in Applications ZA2021-03, ZA2021-04, and ZA2021-05. The parcel regarding ZA2021-03 is a narrow strip of land that connects the other parcels to the City. The proposed rezoning goes against the planning of the area. Bull Creek Park is nearby and is a place for the citizens of the County to enjoy the countryside. He stated a 1,000,000 square foot building is shown to be on the shores of Bull Creek. This will create runoff that goes to Hillsdale Lake where many residents get their drinking water. Mr. Johnson questioned the fact that City Staff has not been able to update the Edgerton Comprehensive Plan which has not been updated and reviewed since 2011.

Mr. Tim Smith, 21175 S Moonlight Road, Gardner, KS 66030, addressed the Commission. He said when Ms. Crow was reading the Golden Criteria, under number three (3), undeveloped acreage was mentioned in the Staff Report. He said he and others nearby bought land as homeowners and bought it for their families and chose to live in rural environment. He stated he is now working from home while schools are in session and have students in class. He sees school buses drive by. He thought about how rural communities have long driveways and kids wait at the end of the drive for the bus. He asked what the truck traffic is going to do for the children. Mr. Smith stated that the development is going to bring in a lot of traffic. He also stated water runoff is going into the watershed and that is where residents get their drinking water. Mr. Smith wants to know how NorthPoint values the land they buy. He asked if they value only the land, or if the houses are included in the valuations. The residents have invested in their properties and now the investments are being upset by LPKC. Mr. Smith said he agrees growth needs to happen but only in the correct format. He requested the Planning Commission recommend denial of the rezoning applications.

Mr. Wayne Davis, 29080 W 199<sup>th</sup> Street, Gardner, KS 66030, approached the Commission. He stated he has a few concerns about the rezonings. He questioned who the author actually was of the Staff Reports but does note the UDC says residential uses should be planned away from LPKC, he believes it should also be the other way around. LPKC development should be done away from residential properties to protect the residents. Mr. Davis said he has seen residential properties around most of the parcels developed for LPKC. He stated that NorthPoint cherry-picks which properties to purchase and have less fees to pay and then they link the properties together to be annexed. Mr. Davis said the

remaining property owners are the ones who pay after NorthPoint purchases and develops the land. He stated that the properties lose value. He told the story of a neighbor who has put their house for sale due to previous meeting and the possibility of a warehouse to be nearby. The fear is that the warehouse will affect property value and the quality of life of nearby residences. He explained the house has not sold yet, but many prospective buyers have looked at the property. Part of the selling process is the full disclosure commitment, and the rezoning request was part of that commitment the seller disclosed. He speculates that is why there has not been an offer put on the property. Mr. Davis said no property should be considered for rezoning unless the infrastructure is already provided.

Mr. Frank Bannister, 19815 S Gardner Road, Gardner, KS, 66030, spoke to the Commission. He stated he opposes the rezoning request. He asked the Commission to fall back on good common sense and vote against these applications for the same reasons as the previous applications. He said there is no difference between the land use and the incompatibility and lack of infrastructure. Mr. Bannister believes there is no need to approve the rezonings as it is the same scenario as the applications from the previous meeting. He said it is a cookie cutter Staff Report that does not take into accountability the surrounding area and does not mention the negative impacts to the residents. He said these parcels are zoned rural residential for a reason. He likened putting warehouses in this area is like putting a square peg into a round hole. Mr. Bannister asked if NorthPoint has traveled 199<sup>th</sup> Street and Gardner Road. He stated there are truckers getting lost and kids getting to school at the same time. He demanded trucks to stay on I-35 and if development stopped on the north side of I-35, there would not be any issues. Now that the development has crossed I-35, there are issues. Mr. Bannister said there is no way in the world it makes sense to approve the applications and asked the Commission to vote the same way for the same reasons as ZA2020-02 through ZA2020-08.

Mr. Brent Cunningham, 29245 W 199<sup>th</sup> Street, Gardner, KS 66030, informed the Commission his main concern is the truck traffic. He requested the Commissioners go to Spring Hill and watch as the trucks crowd yellow lines and force other drivers out of their way. He said when and if NorthPoint develops behind his house, rock blasting is a concern. He wondered what will happen when a gas deposit ignites. He asked if a representative from NorthPoint would want to live in a home that backs up to a 1,000,000 square foot warehouse. He speculated nobody from NorthPoint would want to live there.

Mr. Charlie Koch, 27449 W 215<sup>th</sup> Street, Spring Hill, KS 66083, approached the Commission. He thanked the Commission for their earlier vote to recommend denial of the rezonings. He referenced the economic study done by City Staff. He does not remember the growth being as high as the study claims and does not agree with the numbers presented. He stated this area is a neighborhood and they walk the streets for exercise and go to each other's' houses. It is a traditional neighborhood with bigger yards. Mr. Koch stated LPKC development would not fit in any suburban neighborhood if it were to fill an empty lot. Mr. Koch represented that industrial use does not fit into their way of life and does not fit in this area. He handed the Commissioners maps that show which parcels have a rural residential development on. The maps have been attached to these minutes.

Ms. Jennifer Whitlow, 31700 W 217<sup>th</sup> Street, Spring Hill, KS 66083, spoke before the Commission. She said her and her family bought their dream home in 2017 on eleven (11) acres. This was shortly after Project Mustang, which is now the Kubota facility, was announced. Since then, the area has been infringed upon by NorthPoint. She stated she is proud of the Commission on their previous vote. Ms. Whitlow said the same things apply to these applications. She knows the warehouses are there but the infrastructure in the area is not working. There was a fatally accident on 207<sup>th</sup> Street and Gardner Road

where a driver was hit. She explained the truck drivers are not using Homestead Lane and are turning away from the interstate. She stated if a person driving in that area is not looking, they could end up in a fatality accident. She said the recent accommodations that have been made do not do enough to deter drivers from going away from I-35. She acclaimed rezoning a property is not for future development, it is for development to happen now. She requested the Commission reject all of the rezoning applications. If not all of the applications, then at least ZA2021-03, ZA2021-04 and ZA2021-05 as those parcels are close to rural homes. She stated if someone is looking for a home in the country, they would not look in this area. She alleged it is not right for a company to infringe on their rights like NorthPoint is.

Ms. Tomina Meyers, 21354 S Clare Road, Spring Hill, 66083, addressed the Commission. She said she lives two (2) blocks east of a parcel that requested rezoning that was denied. She said she is also concerned about these applications. She inquired to who is paying for the infrastructure upgrades. She said Homestead Lane has been improved but the trucks are using 215<sup>th</sup> Street, 207<sup>th</sup> Street, and 199<sup>th</sup> Street more than Homestead Lane. She has had to help drivers backing down Clare Road many times. She stated when asked why the trucks are there, the driver tells her they were told to use this route. There have been fatalities from truckers avoiding ditches. She asked how many people have to die before the development stops. She stated trucks are not using the proper infrastructure and they are using gravel or chip and seal roads. The development is causing home values to drop. She said the home values presented by City Staff have gone up because of the federal rate. The development is going to hurt five (5), ten (10), and twenty (20) acre lots. She said the residences do not want to be next to warehouses with trucks. She acclaimed NorthPoint will try again and implored the Commission to reject the applications. She said the Commission should reject ZA2021-03, ZA2021-04, and ZA2021-05 at the very minimum because those roads are not fit for the trucks. She asked the Commissioners if they want the warehouses next to their houses.

Ms. Staci Cook, 30103 Pinecrest Drive, Spring Hill, KS 66083, spoke before the Commission. She stated there are too many inconsistencies with what City Staff has presented. She said Mr. Koch addressed the economic study, which, ignores the bad side of the development. She said this area is rural and does not fit the character of LPKC. She stated the Comprehensive Plan does not allow leapfrog development, that is what is happening with these applications and growth should be used to control urban sprawl. She noted the Staff Report mentions no future adverse effect, but she acclaimed there would negative affect now. She stated she drives Gardner Road and sees many semitrucks on that road. Miami County Conservation has said hard surfaces increase runoff and this development is not nice to the watershed. She said this leads to a decreased property value and a dangerous way of living. She mentioned Golden Criteria number 17 states exterior uses are not allowed but a batch plant can be used at night. She accused the City of Edgerton of disregarding its own plans and allowing development in incorrect areas. She said the Commission is to review the Comprehensive Plan annually to make sure what is approved is in line with that per State statute.

Mr. James Oltman, President of ElevateEdgerton!, spoke before the Commission. He said he has seen how quickly and efficiently the City of Edgerton can get projects moving with a lower tax burden to the residents. He understands the increased concern about the truck traffic, but this is the ideal place for development. There is not a location any closer to I-35 with access to 207<sup>th</sup> Street near the Kubota facility. He said there is no better location for potential development as the infrastructure is there. The utilities are just to the north and wastewater to the west is closer still. He stated this is exactly why the improvements were made earlier. He requested the Commission consider the improvements that have

already been done. This is a great way and place to keep trucks from other roadways.

Ms. Jennifer Williams, 21993 Moonlight Road, Spring Hill, KS 66083, approached the Commission. She said what has been stated is a consensus of the residents. She said they do not want the roads to be improved, they are not a holding pattern, and they are a neighborhood. She said nobody wants to be bought out of their property. She said Johnson County addressed this land as an asset to the County. She warned that without this land, there would be no County Fair and no 4-H projects. She stated that the development would render this land unsafe. She said NorthPoint was not supposed to be in this area. She said her friends and neighbors were the only ones that knew about the development. She stated that nobody knew about who was buying the land and LPKC was not supposed to be here. She warned that development will continue to 169 Highway and into Miami County. She wondered where the development will stop. She said Councilmember Ron Conus was on the board that wanted to keep LPKC north of I-35. Ms. Williams said the economic study is from 2013 to 2020. She said the country was recovering from a recession and the County had to flatten property values to get through it. She said that is when Johnson County started bouncing back. She proclaimed this bounce back is not because of NorthPoint. She said they can list a home in the rural area, and it will not be bought quickly. She requested the Commission to stop the cancer and push it back north of I-35 to where it belongs.

Mr. Eric Twente, 705 W Meriwood Lane, Edgerton, KS 66021, spoke to the Commission. He thanked the Commission who voted against the previous rezonings. He wants to know who pays for the infrastructure improvement. He asked if the tenants will also get a tax abatement to where they don't pay for the land. He also worries about the traffic and water quality. He stated the City and nearby residences will not get better with more warehouses. He requested to keep the area rural. He said he does not want to live in a big city. He asked when will the development stop.

Mr. Devin Self, 27200 W 215<sup>th</sup> Street, Spring Hill, KS 66083 addressed the Commission. He thanked the Commission for denial of the other applications as it shows they care about the area. He said the concerns is not only about easy access to the interstate. He asked when does the rezoning not fit the vague definition of proximity. He said this project will not make the development end and it will continue south and east. He stated Gardner Road is the prime example that there is an effect of the rezonings. He is sick of trucks driving on Gardner Road which is not a designated truck route. There has been a fatality off of 207<sup>th</sup> Street and now there is a small sign pointing toward the warehouses. He said he has not heard of any improvements for the infrastructure in this area. He stated safety should come first and not warehouses.

Chairperson Daley stated that concludes the list of those who have signed in. He asked if there were any additional speakers. He stated this time is not to add on to previous statements, but for those who wish to add statements can do so. There were no further comments made.

Chairperson Daley requested City Staff review the questions and comments for responses from the applicant. The applicant would be given the opportunity to respond to the questions asked, grouped by similar theme. Chairperson Daley recessed the meeting for a short break at 9:05 PM and the meeting reconvened at 9:12 PM.

Mr. Robinson addressed the Commission. He acknowledged many of the speakers live on Moonlight Road. He noted the City of Gardner's Comprehensive Plan shows Moonlight Road as a preferred location for an interchange with I-35. The claim that this area was never going to develop is hard for

Mr. Robinson to understand. He said there are many people who have lived in Johnson County who can remember when main throughfares were gravel roads. Mr. Robinson stated Johnson County is the fastest growing county in Kansas. The Homestead Lane interchange makes this the ideal location for LPKC related development. Mr. Robinson said regarding the watershed, the farming uses nearby with the chemicals used are harder on the Hillsdale Lake watershed than the increased runoff of the warehouses.

Mr. Robinson said he has heard that many of the residences are pro-growth, and they always have a catch. This could be the resident does not want a certain type of growth or in a certain time. He acknowledged NorthPoint does own a lot of land, but he also pointed out that they, as property owners, have property rights as well. NorthPoint owns land close to the Homestead Lane interchange and the proper infrastructure is built for LPKC related development. Mr. Robinson noted an alternative development has not been provided either. He said these parcels are zoned RUR and it is a holding designation. He explained Johnson County gives the RUR zoning to every parcel outside of a city because the County wants development to occur in cities.

Mr. Robinson addressed the accusations that NorthPoint is cherry picking properties to develop. He said NorthPoint only purchased land from owners who were willing to sell. NorthPoint has talked to neighbors and has tried their best to find a solution for everybody involved. Mr. Robinson said he was willing to talk to residents who were interested in selling their property. He said everybody is passionate about their property values for when they do sell their homes, but he received only one phone call after the previous meeting. He said apparently not that many people are actually wanting to sell their property. Mr. Robinson states that he is irritated at all the assertions as NorthPoint has property rights too.

Mr. Robinson stated the requested zoning designation of L-P is appropriate because of the location in relation to LPKC and 207<sup>th</sup> Street. He addressed the comment made by a resident regarding NorthPoint preparing the Staff Report is insulting to City Staff and that person should apologize to City Staff and the Commission. He stated the zoning designation of RUR is a placeholder in Johnson County and that it states that on their website. In regard to trucks on driving on 199<sup>th</sup> Street, Mr. Robinson said the road is a County designated truck route. Johnson County does show 199<sup>th</sup> Street as a future four (4) lane road. He stated the City has limited jurisdiction on 199<sup>th</sup> Street and the City of Gardner annexed a lot of property in the area of 199<sup>th</sup> Street and Gardner Road and they have some jurisdiction there as well. The issues brought up about the infrastructure needs to be a regional discussion and not only with the City of Edgerton. He said NorthPoint would welcome a round table discussion with all stakeholders to address the concerns with the roads. Mr. Robinson said some of the residents said they didn't move into the area for 4 lane roads, but there are multiple instances when the County plans for the roads in this area being 4 lanes. The improvement of the roads to 4 lanes has always been the County's plan.

Regarding development north of I-35, Mr. Robinson stated that there are about 5,000,000 square feet designated for rail served development. There is no more room north of I-35 for development on NorthPoint owned property. He said these applications are reflection of the demand for LPKC development. Mr. Robinson stated many people used Amazon for Christmas gift shopping and Amazon has an agreement with BNSF to carry all of Amazon's domestic containers. This leads to the demand of warehouses and that demand has to be met somewhere. It could be close to the intermodal or it will go somewhere else and the truck traffic will increase to those other areas. Mr. Robinson commented there are areas in Olathe that are being developed with warehouses that are off gravel roads. He

explained everybody is meeting some sort of demand and the interconnectivity of buying activity reflects the demand of warehouses. The City of Edgerton is in the best position to handle the development. He said there are many multijurisdictional roadways and those other jurisdictions have not aided in the development of the streets. Mr. Robinson understands there is a lot of emotion in the room. He has been working on this project since 2007 and wants to continue the partnership with the City of Edgerton and nearby residents. He reminded everyone of the gentleman who spoke in favor of the rezoning with his son by his side. Mr. Robinson said he is here speaking for people like him and his family who want opportunities in Edgerton.

Chairperson Daley explained the public will now be allowed time to respond to the applicant's comments. Each speaker will be allotted two (2) minutes during this time. He requested each speaker to step up to the podium and state their name and address. He explained this will continue until all of those wanting to respond to the applicant's comments have done so. Chairperson Daley requested that comments not repeat.

Mr. Johnson addressed the Commission. He said he used to live on north side of Gardner and now has moved to the south side. Gardner residents are ready for an interchange at Moonlight Road, so they do not have to deal with the truck traffic. The interchanges are backed up from LPKC employees coming to and leaving from work. He said the City of Edgerton cannot fix the roads, but the City is rerouting the truck traffic through their downtown and they will not allow warehouses to be built in their neighborhood. He said NorthPoint bought the land as Land and Cattle companies and when it became the right time, they flipped the name of the owner and now NorthPoint is putting the blame on the rural residents.

Ms. Williams spoke before the Commission. She said Moonlight Road goes north quite a way and also goes south to Hillsdale Lake. She stated the RUR zoning designation is not a holding designation, it is a way of life. She mentioned the other throughfares in the County grew in the appropriate manner. Many of the residents have been able to find jobs in this area. She told Mr. Robinson people do not want to sell their property. The residents have to abide by the laws of their zoning designations. The residents respect each other and talk to one another when a project is proposed. She argued the County does not agree with the RUR being a place holder. 199<sup>th</sup> Street is proposed to be a 4-lane road in the future and is not currently a 4-lane road at this time. She said trucks are passing on solid yellow lines and the City of Gardner does not pull them over.

Mr. Bannister approached the Commission. He said the reason why Mr. Robinson only had 1 person call to sell their property is because people are not interested in selling their property. Some of the properties are fifth generation owners of family-owned farms and do not want to back up to warehouses. He said just because the warehouses are not built here and are built elsewhere does not make it right. This area is not the right fit for the warehouses. He has lived on his property since 2007 and he does not know a single person who works in Amazon or Kubota or any other LPKC tenant. Most of the employees at LPKC use Exit 207 and most are not from Johnson County. He agrees that jobs and job creation are good, but he does not know anybody who works there.

Mr. Koch came before the Commission. He said north of 56 Highway is wide open for development. He said there is 1 house per thirty (30) acres, and it is not the same landscape as this area. He said NorthPoint bought 1,000 acres in a neighborhood and the neighborhood totals more acreage and was there first. He claimed Johnson County has low employment rates and Amazon is looking to automate



their facilities. This development is not doing any good just ruining the rural way of life.

Ms. Whitlow addressed the Commission. She stated her and her family did not move into their house to end up moving again. She knows other have this feeling and that is why there were not many calls to Mr. Robinson. She said she used to live in Gardner but realized her and her family wanted more acreage, so they moved. To have somebody buy land and annex and expand the City of Edgerton where it is not supposed to be is insulting. She claimed her neighbors and her family should not have to be focusing on Edgerton City Council and Planning Commission items. She requested NorthPoint not hide behind LLCs and come clean. She told Mr. Robinson not to pretend NorthPoint are farmers. She would rather see NorthPoint buy a large chunk of land and put up a huge buffer space between the warehouses and any nearby buildings. She said her family can't see the stars on 217<sup>th</sup> Street. She claimed the City of Edgerton is darker than where they live. She does not want to be forced to move. She implored NorthPoint to go away.

Mr. Davis spoke before the Commission. He repeated Mr. Robinson by stating NorthPoint only bought land that was sold, but most of the land was purchased under land and cattle LLCs or farm LLCs and the intended use for industrial was hidden. He said he used to be a truck driver and understands industrial uses are needed. He explained most cities are well developed to where industrial and residential uses are separated to where there are concise pockets of similar uses. He explained he lives on 199<sup>th</sup> Street for twenty-two (22) plus years and it was a 2-lane road. In 2019 the County purchased fifteen (15) feet of right-of-way to add ditches and shoulders to the road. This was only enough to make the road marginally safer for truck traffic coming to LPKC.

Ms. Meyers approached the Commission. She agrees with what the other residents has said. She stated Mr. Robinson explained 199<sup>th</sup> Street is to be a 4-lane road. She explained that is a future plan by the County to be done at some point. She said if the goal was to construct warehouses when NorthPoint purchased their land, then they should have warned the sellers. She said 207<sup>th</sup> Street and 215<sup>th</sup> Street are being used are not planned to be 4-lane roads. The roads are currently chip and seal or gravel roads and trucks using those streets make it unsafe for those who live in that area. She requested to who is going to pay for the infrastructure and the maintenance of it. She said NorthPoint is not paying for the upkeep of the gravel roads that are being used now. There are no shoulders and are not paved but truck drivers are already using those roads. She asked if there would be a tax abatement to where there will be no taxes paid for ten (10) years. She stated the public will pay for NorthPoint's improvements.

Mr. Smith came before the Commission. He said whenever NorthPoint spoke that they have property owner rights, he agreed with that. But NorthPoint's property rights do not infringe on the residents' property rights. He is not trying to rezone his property and there is no obligation to the City of Edgerton to rezone. The residents bought rural property and it does not have to change.

Ms. Gilliam Power, 21015 Moonlight Road, Gardner, KS 66030 spoke to the Commission. She stated she built a house on good faith. She rarely got to know her neighbors when living in the suburbs but now knows her neighbors. She stated there are a lot of people of faith in this area. It is not a coincidence that the Golden Criteria is not that much different than the golden rule. She said nobody in good conscience would approve the rezonings that harms others like this.

Chairperson Daley requested the applicant respond to the latest comments and questions.

Mr. Robinson addressed the Commission. He said he has heard about the Johnson County master plan many times. He said many people who have looked at the plan know the zoning designation of RUR is a holding designation. He stated 199<sup>th</sup> Street is planned to become a 4-lane road with 5 acre lots eventually. He explained the areas that have been developed recently have employment zones. There are residential areas off of one of the main throughfares then areas with retail or other places for people to work. Mr. Robinson alleged College Boulevard has more people who work in an address off of it than downtown Kansas City does. He explained people have to work somewhere. He believes 199<sup>th</sup> Street will be a major road to connect the southwest area of Johnson County. Approval of these rezoning requests will allow people to work right at the Homestead Lane interchange. The roadway is built, and it looks like any other arterial roadway.

Mr. Robinson said there will be 1,500 high school students who do not go to college and enter the workforce after graduation. NorthPoint is working on starting an internship program for logistics as a career path. Studies have shown full time benefits can be more important than pay because they want to be able help on farms during the weekends and they need the health insurance. He said these are graduates from nearby schools. He said saying a warehouse does not belong in this location is like saying Edgerton does not belong in the area. However, the annexation did happen, and this is the best location for development. Mr. Robinson said there is no other proposed use that best fits these parcels.

Ms. Linn stated there are a few comments for City Staff to address. She said the CARNP is a future plan and has been in place for decades and it does show a different roadway than what is currently constructed. She stated the City agrees that the trucks should utilizing the proper infrastructure that has been constructed. The City of Edgerton continues to ask for help with other jurisdictions. She said the City and NorthPoint are willing to listen to proposals and seek the aid of other jurisdictions to help with the infrastructure. Ms. Linn explained the Homestead Lane and 207<sup>th</sup> Street improvement was completed with grants and funding from NorthPoint. The City of Edgerton does have jurisdiction as to who accesses the roadway and where in that area. She stated the City has worked with partners for funding of the infrastructure. She stated there has been no infrastructure improvements made with taxpayer dollars. All of the funding has come from funds raised from LPKC. Ms. Linn explained how the tax abatement process works. She showed an example that was provided in the economic study presented earlier. She said there are still payments that have to be made, it is just less than what the taxes would be at that moment in time. This example provides just less than \$1,000,000 to the Gardner-Edgerton School District.

Chairperson Daley stated with all testimony and related rebuttals being heard, the public hearing is closed. He asked if any of the Commissioners had any questions.

Chairperson Daley said it is hard to believe that with the expensive bridge that was constructed that there would not be any development of the land to the south of I-35. NorthPoint does not have land to the north of I-35 for another project. He stated the City of Gardner is to the east, then Big Bull Creek Park is to the west. Chairperson Daley said the development has to go south of I-35. He said there are areas nearby that are growing and constructing warehouses near residential areas.

Mr. Lee Hendricks, City Attorney, informed the Commission that as a recommending body, the Commissioners will need to include a rationale for their recommendation of approval or denial. He recommended the Commissioners use the findings in the Staff Reports as guidance on their rationale

provided, whether they agree or disagree with those findings. He stated the rationale does not need to be restated in full for subsequent motions if their reasoning is identical to previous motions. They can just refer to the prior justification.

Commissioner Berger asked if the Commissioners needed to defend their motions. Mr. Hendricks replied he should have been clearer about this for the previous motions made. He stated that the Commissioners are not required to defend their motions but rather to explain their rationale for voting so that the City Council can understand that rationale when considering their approval or denial.

Commissioner Berger stated he would want to prepare comments beforehand as he feels like he has to justify his voting. Mr. Hendricks explained the Golden Criteria presented in the Staff Report are the factors that provide justification to the votes. He said as the Commission moves forward, the Golden Criteria and public comments should be considered and the rationale for the Commission's recommendation needs to be expressed. Ms. Linn explained this is typically done during the Commission's discussion and captured in the minutes. Mr. Hendricks agreed and stated there does not need to be a presentation, just a discussion where the rationale is expressed. Commissioner Berger inquired if Chairperson Daley is voting. Chairperson Daley answered only if there is a tie, but he can still provide his opinion during the discussion. Commissioner Berger asked if the space that already zoned L-P is needs to be developed first. Ms. Linn replied each property owner can provide an application for rezoning at any time and does not need to be developed in a certain time from when the property is rezoned. This applicant said the infrastructure is already constructed while there will be some improvements that need to be constructed. Chairperson Daley stated it is directly across from a L-P developed parcel.

Chairperson Daley reminded the Commissioners each application will require a motion and a vote.

Commissioner Crooks motioned to recommend approval of Application ZA2021-01, rezoning of 1 parcel of land located at 32425 W 207<sup>th</sup> Street. Commissioner Lebakken seconded the motion. Application ZA2021-01 was recommended for approved, 3-1. Commissioner Berger voted against the motion stating parcels that have already been zoned L-P should be developed before more parcels are rezoned. He understands the infrastructure is there but there are other parcels that do not require this step.

Commissioner Crooks motioned to recommend approval of Application ZA2021-02, rezoning of 1 parcel of land located at 32295 W 207<sup>th</sup> Street. Commissioner Lebakken seconded the motion. Application ZA2021-02 was recommended for approval, 3-2. Commissioners Berger and Little voting against the motion and Chairperson Daley breaking the tie.

Commissioner Lebakken motioned to recommend approval of Application ZA2021-03, rezoning of 1 parcel of land located at 32285 W 207<sup>th</sup> Street. Commissioner Crooks seconded the motion. Application ZA2021-02 was recommended for approval, 3-2. Commissioners Berger and Little voting against the motion and Chairperson Daley breaking the tie.

Commissioner Crooks motioned to recommend approval of Application ZA2021-04, rezoning of 1 parcel of land located at 32330 W 213<sup>th</sup> Street. Commissioner Lebakken seconded the motion. Application ZA2021-04 was recommended for approval, 3-2. Commissioners Berger and Little voting against the motion and Chairperson Daley breaking the tie.

Commissioner Crooks motioned to recommend approval of Application ZA2021-05, rezoning of 1 parcel of land generally located at the northwest corner of W 213<sup>th</sup> Street and S Kill Creek Road.

Commissioner Lebakken seconded the motion. Application ZA2021-05 was recommended for approval, 3-2. Commissioners Berger and Little voting against the motion and Chairperson Daley breaking the tie.

Chairperson Daley stated the action on rezoning Applications ZA2021-01 through ZA2021-05 has been completed. He requested those leaving the meeting do so in an orderly fashion, so the Commission may continue with the further business on the agenda.

### **FINAL PLAT FOR LOGISTICS PARK KANSAS CITY SOUTH, THIRD PLAT – APPLICATION FP2020-04**

Chairperson Daley introduced the application and requested City Staff provide the Commission with their report.

Ms. Crow stated Application FP2020-04, Final Plat for Logistics Park Kansas City South, Third Plat requests approval for the final platting of one (1) lot. The west side of the new lot would front the east side of Waverly Road right-of-way. The plat indicates a proposed street on the east side of the proposed lot which would be newly constructed. This Final Plat request is being made in preparation of construction of Inland Port 52. This Final Plat request aligns with the request made with Preliminary Plat Application PP2019-02, which was presented to and approved by the Commission on August 9, 2019. This Final Plat application combines two smaller parcels which have not been platted, into one larger lot that totals 61.961 acres.

Ms. Crow stated access to the site would be from Waverly Road on west and from the proposed street on the east. She said the water service is provided by Johnson County Water District 7, sanitary sewer is provided by the City of Edgerton, electrical service is provided by Evergy, and gas service is provided by Kansas Gas Service. Police protection is provided by the City of Edgerton through the Johnson County Sheriff's Office and fire protection is provided by Johnson County Fire District #1. Ms. Crow stated the parcel is located within the Bull Creek watershed.

Ms. Crow explained City Staff reviewed the Final Plat submittal for compliance with the Approved Final Plat requirements in Article 13, Section 13.3 of the Edgerton Unified Development Code (UDC). She said City Staff had the following comments:

- The instrument of survey which shows the point of beginning, corners, bearing, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s corners, boundaries must be monumented with a 2" x 24" metal bar. The applicant has acknowledged that upon recording of the plat, confirmation of the monuments being set will be required.
- All easements with widths, and road with curve data. The applicant has not provided the book and page on some of the exiting easements. Ms. Crow explained the applicant stated records are still being obtained to determine the book and page. If the records cannot confirm the easements, the easements will be recorded with this Final Plat.
- Certificate of the Register of Deeds. Applicant has acknowledged that the certificate will be added upon filling the Final Plat with Johnson County.
- Surveyor's Certificate and Seal and certificate for survey review by the County Surveyor or

designated Land Surveyor. The plat is not currently signed by the engineer. Ms. Crow informed the Commission the applicant will have the document sealed prior to Governing Body approval.

Ms. Crow said City Staff recommends approval of Application FP2020-04 Final Plat for Logistics Park Kansas City South, Third Plat, subject to compliance with the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, stormwater sewers, sanitary sewers, and water mains contained within the Final Plat. The property owner and/or developer shall work with City Staff to determine the best possible placement for a stormwater easement and shall dedicate said stormwater easement on the submitted Final Plat.
2. The applicant shall meet all requirement of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC.
3. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
4. All City Engineer comments related to the Stormwater Management Plat must be addressed.
5. All Final Plat requirements of the City listed earlier shall be met or addressed prior to recording of the Plat.
6. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plat.

Chairperson Daley asked if the applicant wanted to discuss any items regarding the Final Plat.

Mr. Robinson stated he agrees with the Staff Report with the stipulations and requested approval of the application.

Chairperson Daley said this is regarding the division of the land. He said it is zoned properly and this application is not regarding what is being built.

Commissioner Crooks motioned to approve Application FP2020-04 with the stipulations. Commissioner Little seconded the motion. Application FP2020-04 was approved, 4-0.

## **PUBLIC HEARING – FINAL SITE PLAN FOR INLAND PORT 52 – APPLICATION FS2020-11**

Chairperson Daley introduced the item. He explained City Staff will review the application and then the applicant can add any additional information. After that, the floor will be open for public comment. During which, City Staff will keep a list of questions and the applicant will have time to respond to the questions. He said public comment is only allowed during the public hearing and once the public hearing has been closed, no further comments will be taken. Chairperson Daley said each speaker will be limited to 3 minutes.

Chairperson Daley opened the public hearing for Final Site Plan Application FS2020-11.

Ms. Katy Crow stated this application is for a Final Site Plan for a new warehouse to be called Inland Port 52 (IP 52). This warehouse is to be constructed at the northeast corner of the intersection of 207<sup>th</sup>

Street and Waverly Road and to be north of the Hostess Distribution Center, which is Inland Port 51. The applicant is Brett Powell, an agent of NPD Management, LLC who is representing the property owner, Hillsdale Farms, LLC. She explained Application FS2020-11 will be on the lot that was proposed on Final Plat Application FP2020-04. Water would be provided by Johnson County Water District #7, sanitary sewer will be provided by the City of Edgerton, Evergy will provide electrical service and Kansas Gas Service is to provide gas to the development. Ms. Crow said police service will be provided by the City of Edgerton through the Johnson County Sheriff's Office and Johnson County Fire District #1 is to provide fire protection. She stated the development is located within the Bull Creek watershed.

Ms. Crow stated City Staff reviewed the Final Site Plan for compliance with the requirements of Article 10, Section 10.1 and Article 5, Section 5.2 of the UDC. The applicant has acknowledged all accessible parking areas and accessible routes are to meet ADA requirements. She explained the provided photometric plan does not extend to the property lines and the height of the luminaries is listed at thirty-five (35) feet which is 10 feet higher than allowed. The applicant will need to update the Final Site Plan. The City Engineer has requested the northern most connection at the back of the curb be provided on the Final Site Plan for review. Ms. Crow said City Staff will monitor the site to ensure all above ground facilities are screened from public view and all irrigation appurtenances are appropriately screened. The applicant has indicated that screening of added site items is the responsibility of the tenant. However, the Site Plan represents a binding agreement with the owner applicant, and they will be held responsible for code compliance.

Ms. Crow explained the applicant has provided articulation that does not meet the exact calculations of the UDC, City Staff feels the articulation provided coupled with the changes in paint colors meet the spirit and intent of the code. She said City Staff does recommend approval of the deviation. The deviation would apply to the horizontal and vertical articulation. Ms. Crow noted another deviation with the parking stalls on the site. The applicant is proposing thirteen (13) by sixty (60) truck parking stall, which is consistent with previous projects in LPKC. If the future tenant of the building requires different parking spaces, then the applicant has stated they will restripe the parking lot to accommodate those needs. Ms. Crow stated the proposed landscaping does meet the code requirements. The applicant has acknowledged the screening of dumpsters will be addressed when the building permit for the Tenant Finish is applied for. She said the applicant will also address any diesel emission requirements as needed.

Ms. Crow explained the City of Edgerton desires to permanently remove all through LPKC traffic on Waverly Road between 207<sup>th</sup> Street and 199<sup>th</sup> Street. City Staff is working with the applicant to develop a plan to bifurcate Waverly Road. The applicant must construct a plan approved by the City Engineer to accomplish this goal prior to the issuance of a Certificate of Occupancy for IP 52. The plan proposes the construction of a private road that runs parallel between the two buildings. This new road is shown on the Hostess Distribution Center parcel. A Revised Final Site Plan will be needed for the IP 51 site to show this road on that site. The private road is also shown going over a private sanitary sewer stub. Ms. Crow said the applicant has submitted a revised Final Site Plan for IP 51 for City Staff to review. She explained a stormwater management report has been submitted. The site was originally studied as part of the IP 51-54 Stormwater Drainage Study. The supplied memo states that the proposed development is in conformance with the original study. A SWPPP and an erosion and sediment control plan has been submitted and a land disturbance permit from the City will be required prior to construction.

Ms. Crow stated City Staff recommends approval of Application FS2020-11 with the following stipulations:

1. The recommendations and comments noted before related to infrastructure, landscaping, the stormwater plans and all else discussed are included as stipulations as part of approval of the Final Site Plan;
2. Signage proposed later shall receive separate approval according to the provisions of the UDC;
3. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City. The property owner and/or developer shall work with City Staff to determine the best possible placement for a stormwater easement and shall dedicate said easement on the Final Plat;
4. Any items added as part of a tenant finish must comply with the Edgerton UDC and it is the building owner's ultimate responsibility to ensure code compliance;
5. The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads, and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notation contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein.

Chairperson Daley stated the applicant may present any additional information at this time.

Mr. Robinson addressed the Commission. He stated NorthPoint wanted to contact the Planning Commission during the continued rezoning applications but understood that was not an option as the Commission is a quasi-judicial body. However, NorthPoint does desire to formulate a working partnership with the Commission. He explained there is a demand for the product and there are very few sites for a building this size. NorthPoint has constructed the largest spec building five (5) times in Edgerton. These buildings have brought in great tenants for LPKC. He stated there is less than 5,000,000 square feet available to the north of I-35. He said IP VII was the largest spec in the Kansas City area and has been leased by PepsiCo and NorthPoint hopes PepsiCo is just as generous as Hostess has been. Mr. Robinson explained there are thirty-five (35) fully loaded cargo vessels off the west coast to unload. This is more ships than the last slowdown in 2013. He said there are limited sites but there have been rewards realized for building the larger warehouses like IP 52.

Mr. Robinson stated that even before the Waverly Road bifurcation was discussed by staff tonight, NorthPoint has been looking at ways to prohibit trucks on Waverly Road. NorthPoint has thought about 2 cul-de-sacs with a truck barrier that would allow vehicular traffic only, but that did not work. NorthPoint has been discussing solutions. The current thought is two cul-de-sacs and adding a green space to protect the nearby residents. NorthPoint does want to fix issues as they arrive. The temporary cul-de-sacs on the east side just pass the northeast entrance will eventually tie into a road that goes north. NorthPoint is discussing the alignment of the road with the residents to the north.

Chairperson Daley stated public comment will now be accepted. He asked if City Staff has received any written testimony prior to the meeting. Mr. Clinton stated City Staff has received items from Mr. Tom and Donna Mertz – 20233 Waverly Road, Edgerton, KS 66021 and an email signed by Michelle and Chris Reed – 20295 Waverly Road, Edgerton, KS 66021; Judy and Hank Flageolle – 20175 Waverly

Road, Edgerton, KS 66021; Laura and Rick Singleton – 20115 Waverly Road 20115 Waverly Road, Edgerton, KS 66021; and Mr. and Mrs. Mertz. Mr. Clinton stated these items have been provided to the Commissioners and will be attached to the minutes.

Chairperson Daley stated if a person is present to speak, they were to sign in and provide their name and address for the record along with a phone number so City Staff could inform you it was your turn to speak. He said each speaker will have 3 minutes to speak at the podium in City Hall. He requested all speakers speak clearly and slowly so all Commissioners are able to hear.

Mr. Mertz addressed the Commission. He provided drawings to the Commission, which will be attached to the minutes. He stated the key for the residents on Waverly Road is that as development comes, the new road should stay to the east and have a green space in the area to limit lighting on residents.

Mr. Reed spoke before the Commission. He stated he is concerned that the building will be twenty (20) feet above grade and the lighting will come into their house. The proposed warehouse is just to the south of his residence. He requested additional buffering to stop the lighting.

Mr. Flageolle approached the Commission. He explained he bought his property in 2016 and moved in last March. He and his family love the place and knew there would be warehouses coming. There are no trucks on their property and closing Waverly Road to truck traffic would be wonderful. He said he agrees with the map that was provided by Mr. Mertz.

Mr. Oltman addressed the Commission. He said he supports this project as this space is needed to continue growth. LPKC is full to the north of I-35. If there is a warehouse that is needed next month, it is not availability as all places are leased. More warehouse space is needed. The City of Edgerton and the City's partners have excelled at constructing well thought out infrastructure and development all around. He explained he provides tours around LPKC to those who could be in real estate, elected officials, or possible tenants and they are all impressed with the facility. He said when something gets done a lot, it gets numbing, but the work done in Edgerton is exceptional.

Chairperson Daley asked if there were other present who wanted to speak. With no further comments, Chairperson Daley request City Staff compile the questions for the applicant. Ms. Linn asked about the additional screening to the north.

Mr. Robinson replied it has not been customary for detention to be allowed to just grow but can be done with the vacation of Waverly Road. He stated he is willing to work with Mr. Reed to help protect their property from light getting to their home. This could be adding landscaping on NorthPoint's property or providing some on Mr. Reed's property. He explained north of I-35, some residents wanted berming and landscaping, others wanted a walking trail and NorthPoint was happy to accommodate that. Related to the proposed roadway extending north, Mr. Robinson explained there is property they own to the north, but they would have to acquire additional property to get the exact alignment proposed by Mr. Mertz. Mr. Robinson stated that NorthPoint will talk to the property owners to discuss options.

Chairperson Daley stated anybody wishing to respond to the comments may do so. They will be allotted 2 minutes. He requested those wishing to respond to step up to the podium and state their name and address.



Mr. Flageolle spoke before the Commission. He explained his property would be west of proposed building 3 and stated if anything can be done to add the green space, it would be greatly appreciated.

Mr. Reed inquired if the master plan showed exactly what is going to be built and where.

Ms. Linn stated NorthPoint compiles concepts plans but the Final Site Plan is the binding document, and the master plan differs from what the Final Site Plans show.

Chairperson Daley stated the applicant may address any further items brought up by the public. He explained this is not a time for debate.

Mr. Robinson said he has no further comments at this time.

Chairperson Daley closed the public hearing.

Chairperson Daley opened the floor to discussion and questions from the Commissioners.

Ms. Linn stated City Staff wants to address two items. She stated City Staff has requested moving the location of the cul-de-sac on the east side of the property and NorthPoint has agreed to moving it east as far as they can on land they own. She stated City Staff does have some concerns in letting the detention areas naturally grow as they can get overgrown and could be an eyesore, but the City will work with the applicant to find a balance of aesthetics and functionality in the detention areas.

Chairperson Daley inquired about light spilling onto other properties. Ms. Linn replied the UDC requires zero-foot candles of light at 5 feet above grade at the property line, but that is different than being able to see the light. She acknowledged Mr. Robinson and NorthPoint is willing to work with the property owners to add items to the neighboring property to mitigate any issues.

Commission Crooks asked if the application should be tabled to the next month. Ms. Linn replied if the Commissioners have questions that cannot be answered at this time, then yes. She explained it is not unusual for City Staff and the Commission to add stipulations. She explained the applicant has testified that they will work with neighboring properties owners to mitigate issues. Mr. Hendricks agreed. Ms. Linn said City Staff recommends approving the application and adding the two stipulations she stated earlier related to the landscaping and location of the cul de sac for the Waverly bifurcation.

Commissioner Berger motioned to approve Final Site Plan Application FS2020-11 with the stipulations listed by Ms. Crow and Ms. Linn. Commissioner Crooks seconded the motion. FS2020-11 was approved with the stipulations, 4-0.

#### **TEMPORARY CONSTRUCTION USE FOR CONCRETE STRATEGIES BATCH PLANT – APPLICATION TU2021-01**

Chairperson Daley introduced the item and request City Staff present their findings.

Ms. Crow stated Article 9, Section 9.6E of the UDC states that the Commission is authorized to review and approve the use of property during times of construction, reconstruction, or adaptation to permit

temporary living quarters for construction personnel, offices, buildings for storage, outdoor storage, machinery yards, portable concrete or asphalt mixing plants, sanitary facilities, and similar uses. On previous occasions, the Commission has approved the use of certain property for construction-related activities associated with LPKC subject to stipulations and the approval of City Staff.

Ms. Crow explained City Staff received an application from Concrete Strategies Inc. (CSI) to construct a batch plant which would provide concrete for the construction of IP 52 located north of the Hostess Distribution Center on January 19, 2021. The property where the batch plant is located is owned by Wellsville Farms, LLC and is part of LPKC Phase II. Pursuant to Article 9, Section 9.6E of the UDC, the use of privately owned property for temporary construction activities requires the property owner's permission. She said with their application, CSI has provided a letter from NPD on behalf of Wellsville Farms, LLC dated January 9, 2021. In the letter, the owner gives permission for the batch plant to operate on their property with a fixed end date of January 1, 2022 and a restriction that the batch plant only be used for project for which explicit permission is granted, IP 52 in this instance. The owner retains the right to evict CSI from the property at any time with 30 days advance notice.

Ms. Crow stated CSI has indicated typical operating hours would be from 6:00 AM to 5:00 PM. However, overnight operations from 10:00 PM to 9:00 AM are requested during warmer months. The applicant has indicated that ambient temperature, wind speeds, solar radiation, and low humidity are all factors which can impair the quality of concrete by accelerating the rate of moisture loss and rate of cement hydration. She said these conditions are weather dependent and the applicant has agreed to apprise City Staff of when overnight operations will occur and will update City Staff with any schedule changes. She said maps of the haul routes have been provided with the application as well. The proposed haul route to the project site with mixed concrete will be to cross Waverly Road into the construction site of IP 52. A secondary route has been proposed of going south on Waverly Road, then east on 207<sup>th</sup> Street to access the construction site. Raw materials deliveries will use Homestead Lane south to 207<sup>th</sup> Street, east to Waverly Road and then north to the plant entrance. City Staff has stipulated that stop signs must be present at both Waverly Road access points and if uninterrupted traffic flow is requested, flaggers must be present. If flaggers are used, City Staff must be notified in advance. The applicant is required to maintain Waverly Road between the batch plant haul route road and 207<sup>th</sup> Street, including the cross-access area on Waverly Road.

Ms. Crow said footing and site work require the least amount of hauling at 1-4 trucks per hour. This will increase when slab work begins and require 7-10 trucks per hour. When paving and tilt up walls start being poured, 6-8 trucks will be needed per hour. Dump trucks for the hauling of wet concrete are prohibited by the City. Applicant has stated agitator and mixer trucks will be used during this project. Applicant has stated they will clean trucks off onsite during pours and any concrete dribbled onto City roads will be immediately swept and cleaned. Applicant has stated all trucks will be rinsed prior to entering public roadway and all detachable chutes will be hung and fastened before leaving the pour site. Applicant will provide personnel to monitor roadway and cleanliness of the trucks.

Ms. Crow indicated that the property owner has stated that permission to use their property will expire on January 1, 2022. She explained because temporary construction uses are for active construction activities only, and not for the storage of non-operating equipment, City Staff is recommending the batch plant only be given permission to operate through the expiration of the property owner's permission or the completion of IP 52 and the issuance of a Certificate of Occupancy, whichever comes first. If a new project arises in the future that would require the use of the batch plant, a new

Temporary Construction Use Permit Application must be submitted to the City. She said the applicant is required to fully restore the site to its original condition prior to batch plant installation. This includes, but is not limited to, the planting of seed to deter possible erosion onto adjacent properties and roadways. This site restoration must be completed by the vacation date of January 1, 2022.

Ms. Crow said City Staff does recommend approval of Application TU2021-01 with the following stipulations:

1. Stop Signs must be placed at both sides of haul road adjacent to Waverly Road. Should applicant wish to have an uninterrupted haul across Waverly, flaggers must be present to manage cross traffic on Waverly Road. Applicant must notify City staff and Public Safety of the presence of flaggers prior to implementing use;
2. No trucks of any kind, including delivery of materials, may use Waverly Road north of the site to travel to 199<sup>th</sup> Street;
3. Dump trucks cannot be used to transport wet concrete and all possible precautions must be taken to ensure that concrete is not dribbled onto public roadways by mixer or agitator trucks;
4. Off-site impacts from on-site construction-related activities shall be minimized to the extent possible. This shall include compliance with all City regulations and policies related to the tracking of debris onto public streets. Applicant agrees to not trail concrete onto paved roadways used for haul route and will clean up any spillage due to the improper use/cleaning of equipment;
5. Any damage caused to any public infrastructure along the haul route due to concrete operations is the responsibility of the applicant to repair;
6. Applicant and any subcontractors agree to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable time period;
7. Hours of operation shall be limited to from 7:00 AM to 5:00 PM unless otherwise approved by staff for special weather dependent hours;
8. Applicant shall maintain a valid City of Edgerton Business License;
9. All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use;
10. All vertical structures shall require a building permit pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton prior to being occupied;
11. Temporary living quarters are not permitted on-site unless prior authorization has been provided by the Planning Commission;
12. All occupied buildings shall have access to potable water from an approved water source;
13. All signage shall be placed pursuant to applicable sign regulations for the City of Edgerton, including traffic control signage;
14. Contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or any other applicable chapter of City Code;
15. On-site Stormwater Management Plan shall be approved by City prior to the disturbance of land;
16. Land disturbance activities shall be done pursuant to Article 12 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton;
17. Holding tanks shall be used in lieu of sanitary sewer service, and shall be permitted and inspected pursuant to the Johnson County Environmental Sanitary Code;
18. Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan;

19. Property owner and/or general contractors shall provide a Construction Management Plan to the City;
20. This Temporary Construction Use is only for the construction of Inland Port 52. Should any other projects be awarded to the applicant, a new Temporary Construction Use permit must be obtained including the submittal of a new application, a new permission letter from the owner, and a review by the Planning Commission;
21. Permission for temporary construction activities is granted for a period ending January 1, 2022, with permission subject to the revocation before that by the property owner per the attached letter.
22. Additionally, prior to full site vacation on January 1, 2022 the property must be restored to a planted condition and no debris, equipment, concrete, gravel piles, etc. may be left behind. Applicant must contact city staff for an onsite inspection to review site conditions when the property is vacated. Failure to do so may result in disapproval of future activities.

Chairperson Daley asked if the applicant wanted to make any additional statements. The applicant declined to speak at this time.

Chairperson Daley asked if this application is not approved, where would the concrete come from. Mr. Steve Schuering, CSI, replied it would have to come from the north, about 25 minutes away and at least with the same number of trucks. Chairperson Daley confirmed there is no hauling allowed on Waverly Road north to 199<sup>th</sup> Street. Ms. Crow replied that is correct.

Commissioner Berger motioned to approve Application TU2021-01 with the stipulations outlined by City Staff. Commissioner Lebakken seconded the motion. Application TU2021-01 was approved with the stipulations, 4-0.

## **FUTURE MEETING**

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

## **ADJOURNMENT**

Motion by Commissioner Berger to adjourn the meeting, Commissioner Little seconded. Motion was approved, 4-0. The meeting was adjourned at 11:15 PM.

Submitted by Chris Clinton, Planning and Zoning Coordinator

**From:** [Tim & Lee Dye](#)  
**To:** [Kara Banks](#)  
**Subject:** Rezoning  
**Date:** Monday, February 8, 2021 3:42:18 PM

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**IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender leeleetimbo@sbcglobal.net**

Dear Kara,

We wish to notify the City of Edgerton, Ks that we OPPOSE the rezoning of the 5 parcels of land in and around W 213th St & S Kill Creek Road. Please share our opposition notice with the Planning Commission in regards to the February 9, 2021 Public Hearing.

Thank you,


Tim Dye

Lee Dye

31308 W 217th St

Spring Hill KS 66083

**From:** [Matt Hotle](#)  
**To:** [Kara Banks](#)  
**Subject:** PLEASE HELP!!!  
**Date:** Monday, February 8, 2021 8:44:36 PM  
**Attachments:** [image.png](#)

 IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender mhotle@gmail.com

Hello,

My name is Matt Hotle and I live at [32243 W 207th st in Edgerton](#). (across from KUBOTA)  
I moved here last year with my wife and our 4 kids. It was always our dream to have a beautiful home out in the country. After years of saving we finally were able to come up with the \$160,000 down payment we needed to make our life long dream come true. It is so beautiful and peaceful and is pure heaven here and to still be in the Gardner/Edgerton school district is amazing!

Now not only a year later and the dream looks like it could become a nightmare. After seeing a map of Northpoint's "plan" it seems that my property could be among the worst affected by them creating swiss cheese out of our beautiful community. I understand they must develop but they need to either buy everyone out or go somewhere else!

Is northpoint going to build roads through peoples yards and warehouses right next to homes all through Gardner and Springhill? Here is a picture where my property is in red.



**Under this "plan" Northpoint is building 3 of their tiniest warehouses surrounding us?  
Why not just buy everyone out instead of being petty and building super small  
warehouses surrounding people and building inefficient roads through properties to get**

**there?** Speaking of roads the road they will build along my property line is about 50-70feet from my master bedroom window and garage. **The re-grading of the 50-100 foot valley that's right there, will put the road 30 feet above us** looking down into our now private yard. This will cause our home value to plummet!

Please someone come out to my house and see what clearing the property next to me for a 1/2 mile road to reach the 2 tiniest warehouses would look like. A road 30 feet up will destroy our home's value!

All the properties surrounding us are for sale. Why can't they just buy people out instead of destroying our community and home values? I understand that all they care about is money that makes sense but isn't there anyone to stand up for the residents of the community? Please help us save our home! (or at least require that northpoint buy people's land vs destroying their home values.

Thank you,  
Matt Hotle

**From:** [Curt Kennon](#)  
**To:** [Kara Banks](#)  
**Subject:** Opposing the Rezoning of ZA2021-01, ZA2021-02, ZA2021-03, ZA2021-04, and ZA2021-05  
**Date:** Monday, February 8, 2021 9:44:11 PM

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My reasons for opposing the rezoning is that it would destroy rural residential property values, it is dangerously close to Bull Creek and an environmental hazard on the Hillsdale Watershed and Hillsdale Lake, and the increased traffic would destroy our peace and quiet of living in a rural property. The rezoning violates the Johnson County and Southwest Corridor Plans.

Respectfully,

Curtis W. & Debra J. Kennon  
28155 W. 215th Street  
Gardner, KS 66030  
913-271-2944  
email - "kennonhd55@gmail.com"



**From:** [cescms522@aol.com](mailto:cescms522@aol.com)  
**To:** [Kara Banks](#)  
**Subject:** annexation  
**Date:** Monday, February 8, 2021 6:46:20 PM

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**IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender [cescms522@aol.com](mailto:cescms522@aol.com)**

Dear Kara,

We are notifying the city of Edgerton that we OPPOSE THE REZONING of 5 parcels of land around 213th and south Kill Creek Road. We would like our opinion expressed to the Planning Commission at the 2/9/21 hearing.

We have lived south of Gardner for over 40 years. There has been no improvement to single lane traffic or shoulder allowance on Gardner Road in this amount of time.  
The majority of roads in this area are gravel.

The amount of semitruck traffic in our area has increased immensely since the Intermodel and surrounding warehouses have come in.  
Someone needs to be accountable for the road improvements that should have come with the increased use.

Thank you,  
Charles/Charlene Soetaert

**From:** [Carl and Pat Peer](#)  
**To:** [Kara Banks](#)  
**Subject:** Rezoning  
**Date:** Monday, February 8, 2021 4:48:17 PM

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**IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender [carlandpatpeer@hotmail.com](mailto:carlandpatpeer@hotmail.com)**

We wish to notify the City of Edgerton that we OPPOSE the rezoning of the five parcels of land in and around W. 213th St. and south Kill Creek Rd. Please share our opposition notice with the planning commission in regards to the February 9, 2021 public hearing. Thank you, Carl G. Peer and Patricia A. Peer 32695 W. 215th St. Spring Hill, Ks 66083

**From:** [Kelly Craven](#)  
**To:** [Kara Banks](#)  
**Cc:** [rick.speck@gmail.com](mailto:rick.speck@gmail.com)  
**Subject:** Rezoning change request  
**Date:** Tuesday, February 9, 2021 9:30:20 AM

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**IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender klcraven1@outlook.com**

We are writing this letter to protest the rezoning request and expect it to be read aloud and into the record at the public hearing on Tuesday Feb 9th. Unfortunately my wife and I cannot attend as we both have underlying conditions relative to COVID.

Janice and I built our home in 2005 with the expectations that we would be living out our lives in a wonderful rural area. Unfortunately ours and seven of our neighbors have been encroached on with the building of the warehouses. The light and noise pollution have already to a degree changed our attitude on where we live. With this new proposed warehouse at the west end of 207 St [3/4 mile west of Waverly] the light and noise pollution will get even worse, not to mention the property values of our single family homes. Please, someone on the council step up and put yourselves in our position. I understand your thoughts that this is "progress"; progress for who is my question, certainly not the families that live in our neighborhood. Please vote against this proposal.

Having asked you to vote against this change I fully expect there will be some hardliners on the council that will disregard the many requests you've had to stop this expansion. If this rezoning is approved, please consider our points and to at least some degree help us to nullify the noise and light pollution, as well as the visual aspect that will degrade our property and living standards.

Please consider the requests below:

- Build a landscaped 20 ft. high earth berm along the west side of the property from 207<sup>th</sup> to 213<sup>th</sup> st.
- Improve / pave our private road along with the appropriate drainage to ensure mitigation of runoff issues.
- Pavement needs to be extended to the end of 207<sup>th</sup> St again to mitigate runoff issues created by this change.

Sincerely,

Kelly and Janice Craven

32953 W 207 St.

Edgerton, KS. 66021

913-558-1756

**From:** [geneva.muro](#)  
**To:** [Kara Banks](#)  
**Subject:** Rezoning Rural Johnson County South of Gardner City Proper  
**Date:** Tuesday, February 9, 2021 11:08:59 AM

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**IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender [murogeneva@hotmail.com](mailto:murogeneva@hotmail.com)**

Gentlemen and Ladies, Thank you for the opportunity to address my opposition to this rezoning. I choose to not attend in person because of the extreme cold, and because you are not there in person, either.

To have a logistics park in my backyard, and to have all our neighborhood homes buffering warehouses or light industrial buildings is an outrage and extreme stretch of use of agricultural land. The impact on the hard working, protectors of the their homes, always improving our homes, and being good stewards of our properties is immeasurable. It would be harder for me to put a shed up on my ground than what you are trying to pass. You want me to just live with your warehouses. How will this benefit me and my neighbors? Are the trucks demanded to be "green"? Are there any other protections for us other than a "berm"? So, in essence, I have to sacrifice the equity in my home, my hard earned dollars invested in my home to have unknown persons from counties or states unknown live in my backyard.

There are plenty of parcels of ground along and north of I-35 from Gardner to Wellsville that would be more well suited for warehouses. The damage done to long term residents of rural Johnson County far outweighs the benefit of a fifteen dollar an hour job.

Thank you, Geneva Muro  
29345 W. 199th Street  
Gardner, KS  
913-634-3023

Sent from my iPad

**From:** [Brett Kuper](#)  
**To:** [Kara Banks](#)  
**Subject:** Rezoning of ZA2021-01, ZA2021-02, ZA2021-03, ZA2021-04, and ZA2021-05  
**Date:** Tuesday, February 9, 2021 11:13:55 AM

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Hi Kara,

I am writing to let you know that we strongly oppose the rezoning of ZA2021-01, ZA2021-02, ZA2021-03, ZA2021-04, and ZA2021-05. We are very concerned about the excess truck traffic on narrow roads that were not meant for large trucks. My family and I were driving north down Gardner Road about a week ago and a truck going south pulled 1-2 feet into our lane to make the wide turn, which forced us far over to the edge of the road. This safety risk will only get worse as more warehouses are built in areas that were not developed to handle truck traffic.

We are also concerned that the warehouses built will greatly reduce residential property values in the area. This rezoning also goes against the Johnson County and Southwest Corridor Plans and will be an environmental hazard on the Hillsdale Watershed.

Sincerely,  
Brett and Mindi Kuper  
Address: 22241 Moonlight Rd, Spring Hill, KS 66083

**From:** [Mark](#)  
**To:** [Kara Banks](#)  
**Cc:** [mark hall](#)  
**Subject:** Rezoning Opposition  
**Date:** Tuesday, February 9, 2021 11:23:48 AM

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Kara,

I am writing to let you know that I am in strong opposition to the rezoning of land ZA2021-01, ZA2021-02, ZA2021-03, ZA2021-04, and ZA2021-05 for the following reasons;

1. the rezoning violates the Johnson County and Southwest Corridor plans
2. it is close to Bull Creek and the rezoning and the eventual building of commercial warehouses in and around the area is an environmental risk/hazard to the Hillsdale Watershed and Hillsdale lake from which many of us count on for drinking water
3. the rezoning and building of warehouses in the area is having a negative economic impact on home owners home values making it difficult for those that want to sell their homes or get loans to make additional invests in their homes
4. increased commercial semi-truck traffic at all hours of the day and night is already making driving on roads in the area dangerous and rezoning and building more warehouses will make it that much worse

I hope to attend the meeting tonight but if I can't I trust you will share my concerns with all council members and hope my comments will have a positive impact on a no vote in regard to the rezoning of the above properties.

Respectfully  
Mark Hall  
23506 S Gardner Road

**From:** [Joyce Ghaisarnia](#)  
**To:** [Kara Banks](#)  
**Subject:** Rezoning Applications ZA 2021-01 thru ZA 2021-05  
**Date:** Tuesday, February 9, 2021 7:14:15 AM

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My name is Joyce Ghaisarnia. My husband Esmaeil and I live 21725 S Waverly Rd, Spring Hill KS 66083.

I am contacting you to reject the above rezoning applications. I drove by Kubato and the Hostess warehouse last night on my drive home from work. As I approached the warehouses on the north side of 207th street, I realized there were several homes on the south side of 207th. I am appalled that those residents are met with a constant glaring white light directly across the street. There is no way that the warehouse development was not detrimental to the property value and quality of life for the residents in those homes.

As Edgerton continues the land grab and lets Northpoint continue with developing warehouse within a rural agricultural region, the property values of the homeowners near the those facilities are immediately impacted. There should be no further development of warehouses south of 207th and west of Gardner road. I have looked at the FEMA land maps regarding the flood zone area. Has FEMA been contacted to perform an impact study on the result of taking the farmland away from the ability to absorb rain water during a heavy rain. By building warehouses and paving over acres of property, this will unfortunately have an impact on the Bull Creek tributary that feeds into Hillsdale lake. Thousands of residents get their drinking water from the lake.

In addition, since no one making a decision on this rezoning lives in this area, how is the city of Edgerton going to handle the light pollution. As I go outside my property at night and look to the northwest, there is a constant glow from the warehouses. Continuing to build these huge conglomerates, the light pollution will only worsen. This has a direct impact on the residents health living in this area. It is like being in a jail cell with bright lights shining on your during an interrogation. There is no relief from it.

If Northpoint is truly concerned about the residents in this area, they should be building low density subdivisions to provide housing for the employees of their warehouses already built. That is what would benefit the residents the best instead of hiding behind the different shell companies and Edgerton making a land grab.

Thank you



**From:** [Rick Speck](#)  
**To:** [Kara Banks](#)  
**Subject:** Rezoning Proposal For The L-P Logistics Park Approximately Between 3/4 of a Mile West of Waverly between W 207th Street and W 213th Street  
**Date:** Tuesday, February 9, 2021 1:04:08 PM

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**IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender [rick.speck@gmail.com](mailto:rick.speck@gmail.com)**

Please present this email to the Council this evening. Thank you.

Thank you for allowing me to write a response to the property rezoning proposal referenced above. Unfortunately, due to Covid restrictions, my wife and I are reluctant to attend and voice our objections and concerns to this rezoning to our home area. We live at 32951 W. 207th Street at the West end of the proposed rezoning proposal. We have lived in this area for approximately 6 years and during this time we have made substantial improvements to our property in anticipation of staying in the nice rural county area. It has been especially nice with the announcement of the addition of the Johnson County Parks adding the Big Bull Creek Park which is adjacent to our property.

With all of that being said, you can understand how we are not happy with hearing that development is being planned that encroaches on our planned living peaceful living environment. It threatens our property values and our future plans of living out a happy and valued life. In our area, there are 5 families - some are retirees, some young with children, some are working people.

We all have been watching this large investment group buying large pieces of property in our area from the farmers we all knew. They have no attachment to the community only the bottom line for their investors and slick short-term gains for the City of Edgerton. Those of us living out here next to the proposed L-P Logistic Park risk more than financial issues and inconvenience of changes to the peace and joy we have living in the county. It's just a shame.

***Prior to approving this proposed zoning: A joint study needs to be completed with the Johnson County Parks Department concerning possible conflicts with rezoning and future development of Stage 3 of the Big Bull Creek Park at the West end of 207th Street where the JCP had announced the possibility of entending the egress of this road for horse trails and hiking trails.***

In closing, I am not in favor of the rezoning of this rural area that disturbs so many families' lives for the profit of a group of investment people who have no tie back to the community. Like I said previously, it's a shame.

Regards,  
Rick Speck  
32951 W. 207th St  
Edgerton, Ks 66021

**From:** [Donald Roberts](#)  
**To:** [Russ Robinson](#)  
**Cc:** [Beth Linn](#); [Kara Banks](#)  
**Subject:** RE: Open Letter to Edgerton Council and Planning Commission  
**Date:** Tuesday, February 9, 2021 2:06:01 PM

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Thanks for your email Russ! Can I please have your address for the record?

Sincerely,  
Donald Roberts

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**From:** Russ Robinson <[rrussrobinson@gmail.com](mailto:rrussrobinson@gmail.com)>  
**Sent:** Tuesday, February 9, 2021 1:43 PM  
**To:** Donald Roberts <[mayor@edgertonks.org](mailto:mayor@edgertonks.org)>; Clay Longanecker <[clonganecker@edgertonks.org](mailto:clonganecker@edgertonks.org)>; Ron Conus <[rconus@edgertonks.org](mailto:rconus@edgertonks.org)>; Katee Smith <[ksmith@edgertonks.org](mailto:ksmith@edgertonks.org)>; Josh Lewis <[jlewis@edgertonks.org](mailto:jlewis@edgertonks.org)>; Josh Beem <[jbeem@edgertonks.org](mailto:jbeem@edgertonks.org)>  
**Subject:** Open Letter to Edgerton Council and Planning Commission



**IRONSCALES** couldn't recognize this email as this is the first time you received an email from this sender [rrussrobinson@gmail.com](mailto:rrussrobinson@gmail.com)

Dear Mayor and City Council Members:

My name is Russ Robinson. I live just off South Gardner Road in the watershed. I have lived in Johnson County for more than 20 years and in the Gardner-Edgerton area for the last seven years. I am writing you because the city website fails to provide the names and email addresses for Planning Commission members. I urge you to forward this to them, since it is unlikely that I will be able to get into the scheduled hearing.

I have read the LPKC Master Plan, the land use documents and plans for the Hillsdale watershed and the Big Bull Creek Master Plan. My research indicates that the decisions the council and planning commission make on rezoning the parcels off South Gardner Road between 207<sup>th</sup> St. and 215<sup>th</sup> St. (Gardner Road Parcel) will go far beyond Edgerton city boundaries. Your decision will impact more 300,000 residents of Johnson and Miami counties.

Have you stepped outside your house lately at 6 p.m. and just listened? You can hear activity at the intermodal at Hillsdale Lake. And it will only get worse if you allow another warehouse on the Gardner Road Parcel. It is up to you to protect the quality of life in Edgerton, Gardner, south Johnson County, north Miami County and south to the lake.

The Edgerton Master Plan and LPKC development plan indicate that the Gardner Road Parcel was designated for "rural housing." Such development is compatible with the residential/commercial project now under construction at Clare Road and 56 Highway.

In your web site bios, each of you said your goal is "to do the right thing" for the 1,700 or so citizens of Edgerton. Your responsibility goes far beyond the borders of Edgerton. Expanding warehousing

development by gerrymandering city boundaries, violating the LPKC Master Plan, endangering the watershed and cow-towing to a wealthy developer are not actions that have the best interests of the citizens of Edgerton at heart.

Please consider very carefully the decision you must make and reject the proposal to expand warehousing in our area. Your decision will have a major impact on thousands of families.

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Regards,

Russ Robinson

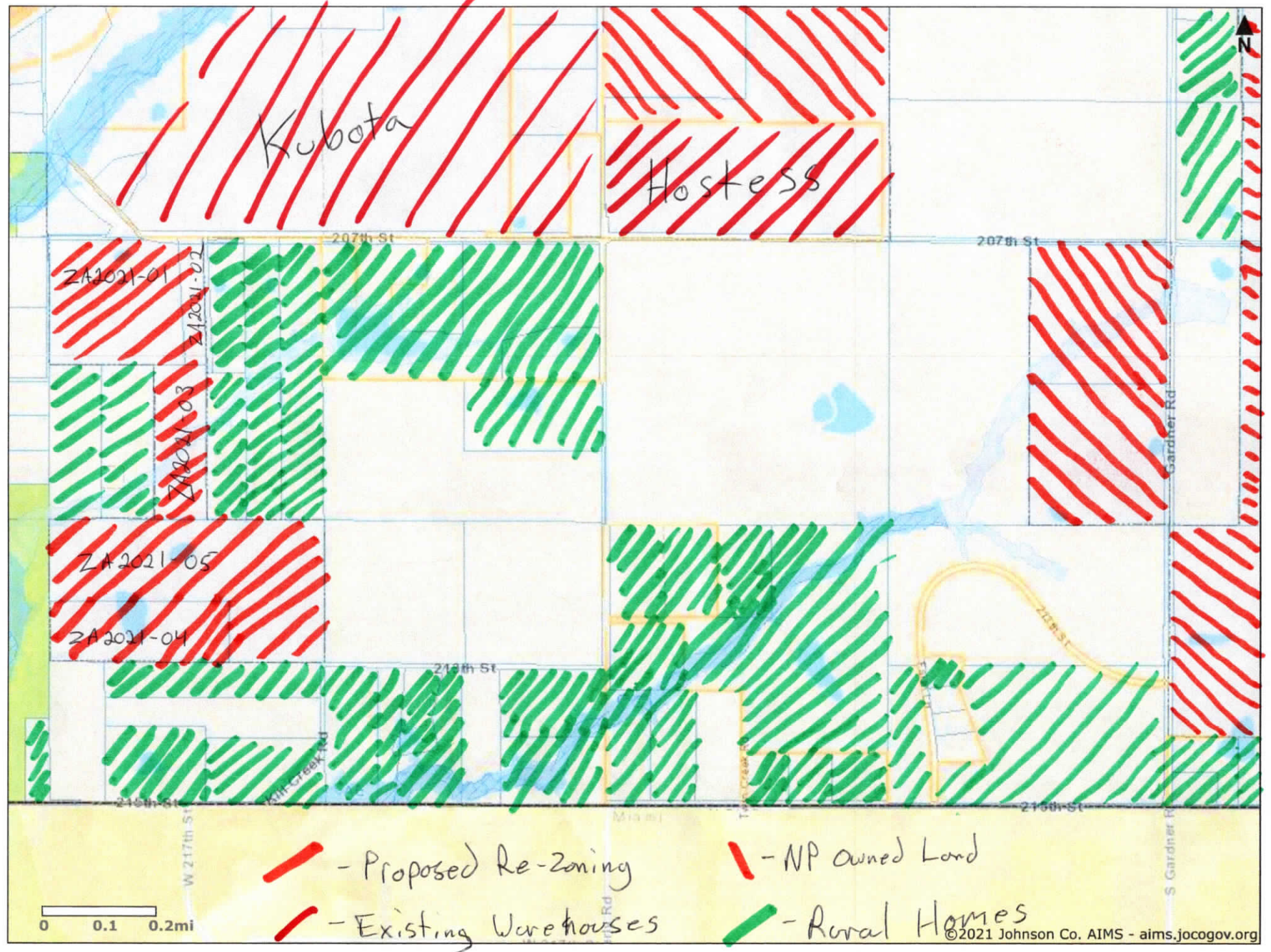
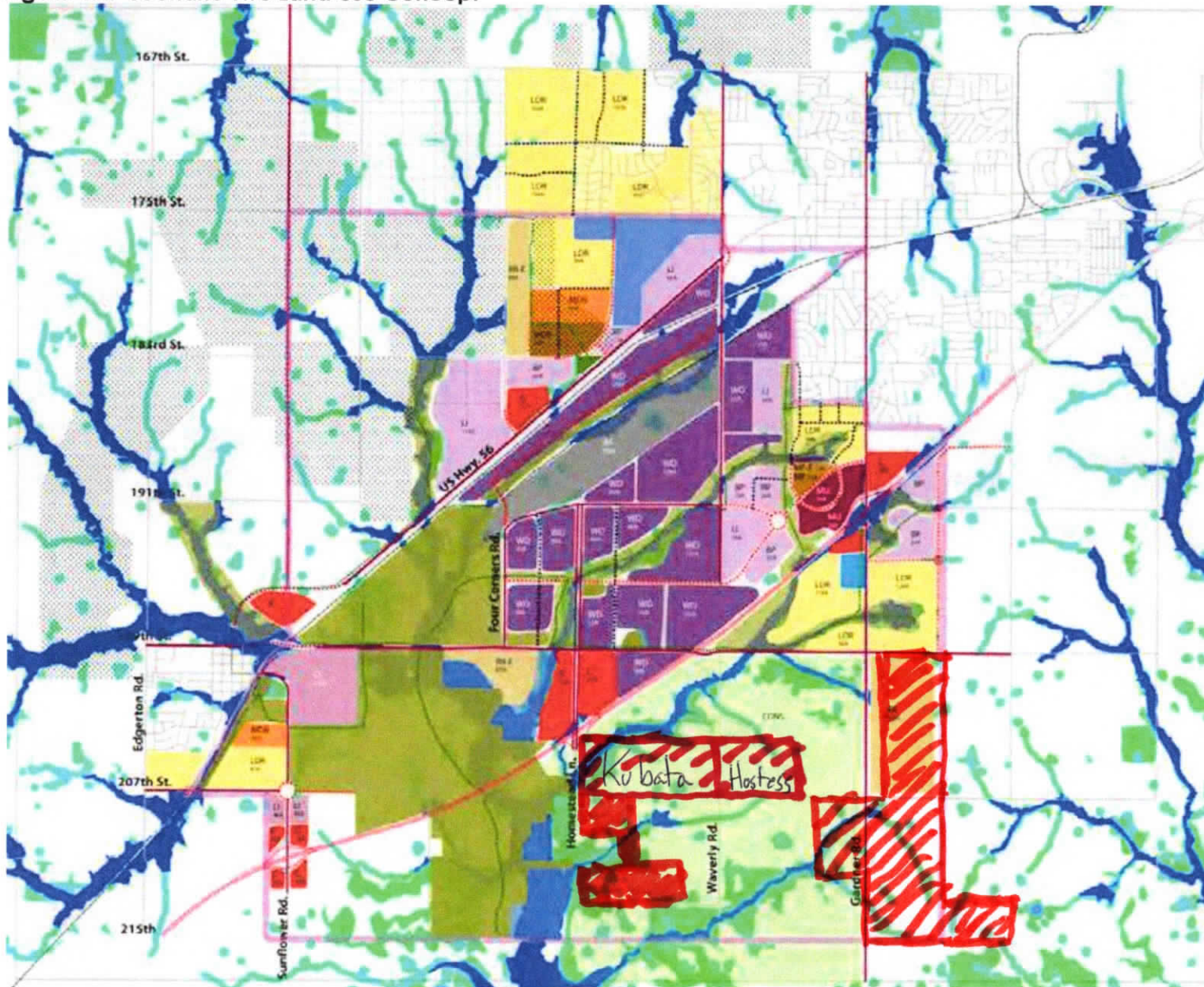




Figure 4.4: Scenario Two Land Use Concept



## SCENARIO TWO Land Use Concept

- Rural Residential (RR)
- Conservation Development (CONS)
- Low Density Urban Residential (LDR)
- Medium Density Urban Residential (MDR)
- High Density Urban Residential (HDR)
- Commercial (C)
- Mixed Use (MU)
- Business Park or Limited Industry (BP and LI)
- Warehousing and Distribution (WD)
- Civic
- Parks and Open Space
- Areas with Concentrations of Oil Wells



**From:** [Tom Mertz](#)  
**To:** [Kara Banks](#)  
**Cc:** [creed@kcbuilding.com](mailto:creed@kcbuilding.com)  
**Subject:** Site Plan for property north of Hostess  
**Date:** Monday, February 1, 2021 1:55:08 PM  
**Attachments:** [image003.png](#)

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**IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender TMertz@tradenetpublishing.com**

Kara,

I apologize first if I did not capture your correct first name. Please share this with the Edgerton Planning Commission and City Council.

Chris and Michelle Reed and Donna and I are landowners on the north side of this property. We understand development of warehouses will take place in this property. At this point in time we have not been able to see a site plan. Is that available?

Our concern is relative to this image and the road shown.



Plans had been presented with a major heavy haul road going on east side of Hostess north. Is that still part of the plan? We seriously object to the road plan shown in this drawing versus a heavy haul street on the east side of these properties. We are already losing value and being damaged with these warehouses coming to our neighborhood. Having heavy truck traffic on our property line when there is a reasonable alternative on the east side of the warehouses would further erode our property values beyond what they would be if the street was on the east side of the warehouses. The heavy haul street going down the center section line would also open up development on the east half of the section.

We are sharing our concerns. We will pursue legal recourse to make sure that the road shown does

not happen. Please share this with the Planning Commission and appropriate parties. Any information you can share with us would be helpful. We don't wish to injure or cause harm to NorthPoint, the City of Edgerton, and associated parties. We do feel however that there are better "plans" than the road design shown in this image and we will aggressively pursue that premise.

I would expect this communication to become part of the public record and shared with the Planning Commission and Edgerton City Council.

Thanks,

Tom Mertz

913 908 7201

The best way to reach me is via email at [tmertz@tradenetpublishing.com](mailto:tmertz@tradenetpublishing.com)

**From:** [Tom Mertz](#)  
**To:** [Kara Banks](#)  
**Subject:** RE: Waverly Rd Warehouses  
**Date:** Thursday, February 4, 2021 11:21:44 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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Edgerton Planning Commission,

I am making these comments based simply on a drawing on NorthPoint's website. I have not had opportunity to see any site plans so they may be relevant or irrelevant.

In visiting with our neighbors one of them pointed out that if the road is built along our property lines there will only be value added to one side of the road. If the street is on the half section line east of the warehouses there will be value add for the entire section. As public servants since this road will become a city street it would serve a larger tax base located east of warehouses and add value for the east half of the section.

Thanks,

Tom Mertz

The best way to reach me is via email at [tmertz@tradenetpublishing.com](mailto:tmertz@tradenetpublishing.com)

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**From:** Kara Banks <[kbanks@edgertonks.org](mailto:kbanks@edgertonks.org)>  
**Sent:** Thursday, February 4, 2021 11:04 AM  
**To:** Tom Mertz <[TMertz@tradenetpublishing.com](mailto:TMertz@tradenetpublishing.com)>  
**Subject:** RE: Waverly Rd Warehouses

Mr. Mertz,

Did you want me to include this with your comments for the planning commission?

Thanks,

Kara



**Kara Banks • Marketing and Communications Manager**  
404 E Nelson St. Edgerton, KS 66061  
P: 913.893.6231 C:913.302.3962

---



**From:** Tom Mertz <[TMertz@tradenetpublishing.com](mailto:TMertz@tradenetpublishing.com)>

**Sent:** Wednesday, February 3, 2021 6:31 PM

**To:** [aburks@northpointkc.com](mailto:aburks@northpointkc.com)

**Cc:** Kara Banks <[kbanks@edgertonks.org](mailto:kbanks@edgertonks.org)>; Forward DMertz <[dmertz@firesideridge.com](mailto:dmertz@firesideridge.com)>; [creed@kcbuilding.com](mailto:creed@kcbuilding.com); [hankflageolle@gmail.com](mailto:hankflageolle@gmail.com); [mmjjssmm@gmail.com](mailto:mmjjssmm@gmail.com)

**Subject:** Waverly Rd Warehouses

Aaron,

I live just north of the Hostess building. We realize there is going to be additional development both north and west of it. We (our neighbors along Waverly) would prefer that Waverly be dead ended at the half section line and that a main heavy haul road be built on the half section line east of Hostess going north. I have attached a image.



The detention pond north of Hostess could be allowed to return to native vegetation without impacting it's retention value. Overtime the lighter green area could be allowed to fill in. With your recent purchase in the northeast corner of the section you have a greater ability to make the north south route work on the half section line. You currently control property on at least one side of the proposed road it's entire length.

We are losing value in our properties with the warehouses coming in. This plan on your website showing a road right against our south and east property lines would lower values even further.



We ask that you strongly consider the road plan we have submitted.

Thanks,

Tom Mertz

913 908-7201

The best way to reach me is via email at [tmertz@tradenetpublishing.com](mailto:tmertz@tradenetpublishing.com)

**From:** [Tom Mertz](#)  
**To:** [Kara Banks](#); [Patrick Robinson \(patrick@northpointkc.com\)](#)  
**Cc:** [Rick Singleton](#); [hankflageolle@gmail.com](#); [creed@kcbldg.com](#); [Forward DMertz](#); [Stanley N. Woodworth](#)  
**Subject:** Objection to FS2020-11 Final Site Plan for Inland Port 52 located at northeast of the intersection of 207th Street and Waverly Road  
**Date:** Monday, February 8, 2021 9:03:02 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Edgerton Planning Commission and Edgerton City Council,

We object to the street design of the north east corner of Inland Port 52 as shown on page 24 of the agenda PDF. Per NorthPoint's website they also own and plan to build additional warehouses west and north of Inland Port 52. We recommend that the street on the east side of Hostess and Inland Port 52 continue north along the half section line to serve the EAST side of future warehouse north of Inland Port 52. This would give trucks a straight shot without curves from future warehouse to 207<sup>th</sup> street. In addition with the recent purchase by NorthPoint of property on the southwest corner of 199<sup>th</sup> and Gardner Road the developer has contingent property from 199<sup>th</sup> to 207<sup>th</sup> along the half section line. With minor additional purchases NorthPoint could complete this street. If this is not an option the street could curve west on north end of future warehouse then go north on right of way currently owned by NorthPoint.

We suggest that the City of Edgerton abandon Waverly Road from 207<sup>th</sup> north to the half section line of Section 11. Johnson County can dead end Waverly at the half section line with access to 199<sup>th</sup> Street. Any streets needed by developer north of 207<sup>th</sup> can become private streets. Developer can provide easement for electric transmission lines.

We suggest that City of Edgerton require developer to put in a private street running west to east on north side of future Kubota building, future warehouse west of Hostess, and north side of Inland Port 52. This private street would intersect with north south street at northeast corner of Inland Port 52. This street easement would supply utilities and sewer to all future warehouses.

The plans discussed here are actually less street footage than the site plans on NorthPoint's website. The number of public streets to be maintained by the City of Edgerton would decrease as Waverly is abandoned and the west east street becomes an internal private drive of the development. Developing a major north south street on the half section line would service more acres already annexed by the City of Edgerton including the recently developer purchased property at 199<sup>th</sup> and Gardner Road. It would also serve future development on the east half of Section 11. The road plan on NorthPoint's website with road on west side of future warehouse north of Inland Port 52 would not serve any additional development.

We would also suggest that the City of Edgerton allow property north of new west east private drive return to native habitat. This is part of the Bull Creek watershed and would allow for natural vegetation and wildlife to offset some of the impacts of the warehouse development in the area. Any increase in natural vegetation would help offset the increase of diesel emissions caused by the increased truck traffic. Encouraging natural areas should be part of the City of Edgerton's strategic

plan. It is a common development strategy to require acres of “park space” to offset acres of development. As our country strives to become carbon neutral any increases in natural vegetation to offset diesel emissions would reflect positively on the City of Edgerton.

The presence of warehouses in our “backyards” is already negatively impacting us with increased noise, light, traffic, and a reduction in property values. An additional road on the east side of our properties with truck traffic will deteriorate our values even further. There are no economic or business reasons for the City of Edgerton to run the street on the west side versus the east side of the future warehouse north of Inland Port 52. In fact we have shared economic and business benefits for the road being on the east side. In light of this we would feel damaged economically if the City of Edgerton puts the street on the west side of future warehouse and would pursue a legal effort to collect those damages. We feel very comfortable arguing this case in a court of law particularly since we have raised our objections and presented a fair and reasonable alternative.

Here is a drawing showing proposed streets and green space.



This is the drawing referred to on NorthPoint’s website.



Thanks,

Donna and Tom Mertz  
20233 Waverly Rd, Edgerton Ks. 66021  
913 9087201

The best way to reach me is via email at [tmertz@tradenetpublishing.com](mailto:tmertz@tradenetpublishing.com)

Michelle and Chris Reed  
20295 Waverly Rd, Edgerton Ks. 66021  
[creed@kcbuilding.com](mailto:creed@kcbuilding.com)

Judy and Hank Flageolle  
20175 Waverly Rd, Edgerton Ks. 66021  
[hankflageolle@gmail.com](mailto:hankflageolle@gmail.com)

Laura and Rick Singleton  
20115 Waverly Rd, Edgerton Ks. 66021  
[mmjssmm@gmail.com](mailto:mmjssmm@gmail.com)





KUBOTA

BLDG 4  
784,000 SF

BLDG 1  
HOSTESS

BLDG 2  
1,109,000 SF

BLDG 3  
784,000 SF