



EDGERTON
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404 East Nelson
Edgerton, KS 66021
P: 913.893.6231
EDGERTONKS.ORG

8-A

STAFF REPORT

August 4, 2016

To: Edgerton Planning Commission
Fr: Kenneth Cook, AICP, CFM, Community Development Director
Re: PP2016-03 Preliminary Plat for Logistics Park Kansas City Phase III

APPLICATION INFORMATION

Applicant/Property Owner: Aaron Burks, Edgerton Land Holding Company

Requested Action: Preliminary Plat – Logistics Park Kansas City Phase III, First Plat

Legal Description: See attached Preliminary Plat

Site Address/Location: West of Homestead Lane & South of 191st Street.

Surrounding Zoning and Uses:

	ZONING	LAND USE	USER/OWNER
SITE	L-P, Logistics Park District	Agricultural	Edgerton Land Holding Company
NORTH	RUR, Rural Residential District (County*)	Agricultural	Widmer Farms LLC
SOUTH	RUR, Rural Residential District (County*)	Agricultural	Widmer Farms LLC
EAST	A-G, Agricultural District	Park	Holtgraver, Omar J. Rev Trust Holtgraver, India L. Rev Trust
WEST	A-G, Agricultural District	Agricultural	Shelton, William V & Donna JO CO Park & Recreation

**Located in City Limits with County Zoning District*

Existing Improvements: Existing Farm Dwelling and accessory buildings

Site Size: 105.27 Acres

PROJECT DESCRIPTION

The applicant has submitted a preliminary plat to start the process of developing the subject property. The property in question is located to the West of Homestead Lane, East of Four Corners Road and to the South of 191st Street. The request does not include the 35 acre tract located directly to the Southwest of the intersection of Homestead and 191st Street currently owned by Widmer Farms LLC. The property is generally located across the street from the main entrance to the BNSF Intermodal Facility entrance. The current proposal includes three buildings and which are currently shown to be 540,000, 630,000, and 500,000 square feet in size. New roadways are also proposed to provide improved access to the building and which would also include a connection to Homestead Lane.

This is additional development of the Logistics Park Kansas City by Edgerton Land Holding Company (ELHC), a subsidiary of NorthPoint Development. The property will serve the BNSF intermodal facility to the South of the subject site. The intermodal facility's purpose is to transfer loaded cargo containers from trains to trucks. LPKC is a 1500 acre master planned development. ELHC, the applicant for this project, is BNSF's partner for developing warehousing which is planned to eventually surround the intermodal facility.

The subject property is located on the West side of Homestead Lane and South of 191st Street. Homestead Lane is the primary point off access to the area and was developed to provide access to I-35 by the intermodal facility and the warehousing that was anticipated to be developed. The property is currently zoned L-P, Logistics Park District. The City's Unified Development Code (UDC) defines this district as a limited multimodal industrial zone created to support activities related to truck, rail and other transport services.

INFRASTRUCTURE AND SERVICES

- a. KDOT constructed a new interchange and road improvements at Homestead Lane and I-35 in 2013 to serve the new intermodal facility that was being developed by BNSF. Johnson County also participated with the improvement for 191st Street to provide access between the intermodal facility and Homestead Lane.
- b. Four Corners Road is currently located to the West of the property and is a paved county road with a ditch cross-section. The current plan of finance specifies that this road was anticipated to be removed.
- c. The property is located within the Big Bull Creek watershed, which flows south from 167th Street to the southern edge of the county at Homestead Lane. A stormwater plan should be submitted to the City Engineer prior to development of the property.
- d. A very small portion of the subject property is currently located within a Special Flood Hazard Area. The current FIRM Panel shows a very small amount of the Southeast corner of the property as located within Zone X, 1% Future Conditions.
- e. The property does not currently have sanitary sewer service although the City's forced main does run across the Eastern portion of the tract. The City is currently working with NorthPoint on the Development of a Sewer Master Plan for the development of the sewer system for the Logistics Park and surrounding area.
- f. The property is located within the service area of Rural Water District No. 7. A 12-inch water main appears to currently extend along the North side of 191st Street with a 2.5 inch line being located along Four Corners.
- g. Police protection is provided by the Johnson County Sheriff's Department under contract with the City of Edgerton. Fire protection is provided by Johnson County Rural Fire District No. 1. A fire station is located in the City of Edgerton, approximately 2.5 miles to the west with another fire station being located with the City of Gardner approximately 3.5 miles to the Northeast.

PRELIMINARY PLAT REVIEW

Staff has reviewed the Preliminary Plat submittal for compliance with the requirements in Section 13.3 of Article 13 of the Edgerton UDC. Review comments are listed below.

Content of Preliminary Plat

1. A North point and scale which is appropriate to the size of the development: one inch equals 50, 100, 150 or 200 feet is typical. ***Preliminary Plat complies.***
2. A legal description; and current zoning. ***Preliminary Plat complies.***
3. Names of: Applicant, Subdivision & Streets. *Staff does suggest that the name of the road be discussed to determine if a different name should be used. While a portion of the alignment does appear to closely align with Pepper Tree Lane staff would ask if it would be a better idea to provide a different name on this section so that there may be less confusion on which portions are more residential or industrial. Needs Discussed By Planning Commission.*
4. Name and seal of surveyor/engineer. ***Preliminary Plat complies.***
5. Date surveyed. *Date of survey has not been included. Update Preliminary Plat.*
6. Adequate legend; vicinity map. ***Preliminary Plat complies.***
7. Signature block and date for review of Zoning Administrator. ***Preliminary Plat complies.***
8. Signature block and date for review of City Engineer. ***Preliminary Plat complies.***
9. Signature block and date for review of Chair of Planning Commission. ***Preliminary Plat complies.***
10. Signature block and date for review of Mayor. *While the regulations do call for a signature line for the Mayor, staff has suggested that this item not be included as the Preliminary Plat does not go to City Council and therefore the Mayor is not able to approve it. Preliminary Plat complies.*
11. Complete outline drawing of all boundaries, lots, and streets, together with courses, distances and areas. Boundaries must be shown as solid lines and all easements as dashed lines. ***Preliminary Plat complies.***
12. Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities, walkways, access, and other purposes. ***Preliminary Plat complies.***
13. Proposed location of streets, sidewalks, sanitary sewers, storm water sewers, water mains, and fire hydrants. Plat must show that the water distribution system and the sanitary sewer collection system touch upon each lot, or in an easement appurtenant to each lot. *While proposed streets, fire loops and storm sewers are shown, no other information has been provided on the plat (such as water mains & Fire Hydrants in ROW). The streets that are shown as being developed as part of this subdivision where dedicated by a separate instrument and said document should be referenced on the plat (Book & Page). Staff would suggest that the name of the North-South Road be changed to reduce any confusion which might occur and cause trucks to turn down the residential portion of the road. If the name of the road is not changed, the name for the North-South street will need to be updated to be "Pepper Tree Road" as this matches the name of the current road to the South. The residential portion of this street is actually named "Pepper Tree Lane". It would appear that additional easement will be required for the temporary turnaround. A Book & Page reference should be provided for this easement or the easement should be shown on the plat.*

While sidewalks are currently shown along the proposed streets, staff would suggest that sidewalks should also be provided along Homestead Lane. The width of such sidewalk should match the width of the pedestrian crossing for the bridge along Homestead Lane.

*It is also staff's understanding that a sanitary sewer pump station may be required as part of the development of this property and should possibly be shown on the plan. It may be that the Sanitary Sewer Master Plan is not far enough along in order for this to occur and such dedication may be needed at a future time. **Update Preliminary Plat.***

14. Total acreage, and size of each lot. *The area provided for Lot 1 appears to not exclude the areas proposed to be dedicated as ROW and appears to also include the tract on the North side of the 181st Street. **Preliminary Plat complies.***
15. Contours at vertical intervals of 4 feet or less. **Preliminary Plat complies.**
16. Setbacks, yards and any entrance restrictions. Setbacks shall be shown as a building envelope representing that portion of the lot within the yards and setbacks that can reasonably contain, depending upon watercourses, topography or geology, the principal structure and the lateral field (if a lateral field is used). **Preliminary Plat complies.**
17. A copy of the proposed restrictive covenants. ***If needed, this item will be addressed at final plat stage.***

General Design Standards

1. Rights-of-way must conform to the current standards of the American Public Works Association, and greater widths may be required by the Zoning Administrator after preliminary review; utility easements must be a minimum of fifteen (15) feet wide or, 7.5 feet for appurtenant utility easements on interior lots. Street lighting and fire hydrants must be indicated in areas planned for residential use. Cul-de-sacs are limited to 800 feet in length. *The proposed North-South street currently dead-ends and a temporary turnaround is shown. The drawing also proposes the use of Four Corners for access to the site although the current plan of finance has specified that Four Corners was to be removed. Staff is continuing to have discussions on this item and changes to the plans may be needed. **Staff will provide an update to this item at the meeting.***
2. All portions of the tract being subdivided shall be taken up in lots (or phases), streets, planned open areas or other uses so that remnants and landlocked areas are not created. **Preliminary Plat complies.**
3. All lots must front on a public right-of-way. When a subdivision is located along arterial roads adequate buffers must be maintained between the right-of-way and the building line. **Preliminary Plat complies.**
4. Corner lots shall have minimum side-yard setbacks of twenty (20) feet to the street right-of-way and nine (9) feet to the property line of the adjacent interior lot unless approved by the Zoning Administrator. **Preliminary Plat complies.**
5. Side lot lines shall be substantially at right angles to street lines. **Preliminary Plat complies.**
6. Drainage and watercourse easements are required. Building setbacks from watercourses should be measured from the thread of the stream. Flowage easements may be used to calculate required minimum lot sizes. **Preliminary Plat complies.**
7. The lot depth to front lot width ratio shall be no more than 3 to 1. **Preliminary Plat complies.**
8. If the development is to be served with public water or sewer, the plat must bear a notation that the subdivision is to be served by these facilities. The Zoning Administrator may not issue a building permit for a lot notated "SERVICED BY PUBLIC

WATER/SEWER" without written verification from the public water or sewer district that all distribution or collection lines have been installed and that all lots are either connected or are capable of being connected to central utilities. *It is anticipated that this property will be developed and served by utilities similar to other properties that have been developed in the L-P District. This includes that these properties will initially use holding tanks until sewer mains are able to be extended to the properties. Preliminary Plat complies.*

Other Comments

- A storm water study has not been provided for the entire area being platted but is typically required as part of a Final Site Plan

RECOMMENDATION

City staff recommends approval of the Preliminary Plat for Logistics Park Kansas City Phase III, First Plat, subject to compliance with the following stipulations:

1. All Preliminary Plat requirements of the City listed above shall be met or addressed.
2. Preliminary plat be approved for a one-year period and shall be extended for an additional year upon the approval of a final plat for the same parcel of land or any part thereof. If a final plat is not approved for a portion or all of the land covered under the preliminary plat within one year, the preliminary plat shall be ruled null and void. The Planning Commission upon submittal and approval of a written request may grant a one-year extension on the approval of the preliminary plat.
3. All infrastructure requirements of the City shall be met.

ATTACHMENTS

Application PP2016-03

Preliminary Plat for Logistics Park Kansas City Phase III, First Plat

\$ 330

NAME OF PROPOSED SUBDIVISION: Logistics Park Kansas City Phase III, First Plat

LOCATION OR ADDRESS OF SUBJECT PROPERTY: SE 1/4 of 191st St & Four Corners Rd

LEGAL DESCRIPTION: see attached

CURRENT ZONING ON SUBJECT PROPERTY: LP CURRENT LAND USE: AG

TOTAL AREA: 105.27 Acres NUMBER OF LOTS: 3 AVG. LOT SIZE: 1,350,360 Sq. Ft.

DEVELOPER'S NAME(S): ELHC, LLC PHONE: _____

COMPANY: ELHC, LLC FAX: _____

MAILING ADDRESS: 5015 NW Canal St. #200 Riverside MO 64150
Street City State Zip

PROPERTY OWNER'S NAME(S): ELHC, LLC PHONE: _____

COMPANY: _____ FAX: _____

MAILING ADDRESS: _____
Street City State Zip

ENGINEER'S NAME(S): RIC - Mick Skutter PHONE: _____

COMPANY: RIC FAX: _____

MAILING ADDRESS: 5015 NW Canal St #200 Riverside MO 64150
Street City State Zip

SIGNATURE OF OWNER OR AGENT: [Signature]
If not signed by owner, authorization of agent must accompany this application.

NOTE: Ten (10) copies of the proposed preliminary plat must accompany this application for staff review. One (1) reduced copy (8 1/2 x 11) must also be submitted with the application.

FOR OFFICE USE ONLY

Case No.: P-2016-03 Amount of Fee Paid: \$ _____ Date Fee Paid: _____

Received By: _____ Date of Hearing: 8/9/16

PRELIMINARY PLAT INSTRUCTIONS

SUBMITTAL DEADLINE: The applicant shall submit an application at least forty-five (45) days prior to a scheduled meeting.

NOTICE REQUIREMENTS: The City shall publish notice of the public hearing at least twenty (20) days prior to the hearing in the official City newspaper.

LEGAL DESCRIPTION:

All that part of a Tract of land in the Northeast Quarter of Section 4, Township 15, Range 22, in Johnson County, Kansas, more particularly described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of said Section 4; thence S 02°10'22" E, along the West line of said Northeast Quarter of Section 4, a distance of 582.00 feet to the Point of Beginning; thence N 87°49'38" E, a distance of 253.39 feet; thence Northeasterly, along a curve to the left, said curve having a radius of 1,141.00 feet, and a chord bearing of N 78°48'11" E, 357.93 feet, for a distance of 359.42 feet; thence N 69°46'44" E, a distance of 673.75 feet to the West right-of-way line of Peppertree Road, as now established; thence S 20°13'16" E, along said West right-of-way line, a distance of 67.98 feet; thence Southerly, continuing along said West right-of-way line, along a curve to the right, said curve having a radius of 475.00 feet, and a chord bearing of S 11°11'47" E, 149.02 feet, for a distance of 149.64 feet; thence S 02°10'17" E, continuing along said West right-of-way line, a distance of 378.42 feet; thence Southerly, continuing along said West right-of-way line, along a curve to the left, said curve having a radius of 1,244.75 feet, and a chord bearing of S 12°25'42" E, 443.29 feet, for a distance of 445.67 feet to the South line of the Northeast Quarter of the Northeast Quarter of said Section 4; thence N 88°30'21" E, departing said West right-of-way line, along said South line, a distance of 53.80 feet; thence Southerly, along a curve to the left, departing said South line, said curve having a radius of 1,194.75 feet, and a chord bearing of S 24°26'43" E, 34.51 feet, for a distance of 34.51 feet to a compound curve; thence Easterly, along a curve to the left, said curve having a radius of 60.00 feet, and a chord bearing of S 72°25'20" E, 87.98 feet, for a distance of 98.75 feet; thence N 60°25'43" E, a distance of 25.50 feet; thence Easterly, along a curve to the right, said curve having a radius of 625.00 feet, and a chord bearing of N 66°20'07" E, 128.57 feet, for a distance of 128.80 feet to the said South line of the Northeast Quarter of the Northeast Quarter of Section 4; thence N 88°30'21" E, along said South line, a distance of 971.10 feet to the East line of said Northeast Quarter of Section 4; thence S 02°10'12" E, along said East line, a distance of 1,324.91 feet to the South line of said Northeast Quarter of Section 4; thence S 88°27'13" W, along said South line, a distance of 2,633.91 feet to the West line of said Northeast Quarter of Section 4; thence N 02°10'22" W, along said West line, a distance of 2,072.63 feet to the Point of Beginning, containing 4,585,518.89 square feet, 105.27 or acres, more or less. Subject to all easements, restrictions and covenants, recorded and unrecorded, also less that part taken and used for road right-of-way.

PRELIMINARY PLAT

LOGISTICS PARK KANSAS CITY PHASE III, FIRST PLAT

A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 22 EAST

LEGAL DESCRIPTION:

All that part of a Tract of land in the Northeast Quarter of Section 4, Township 15, Range 22, in Johnson County, Kansas, more particularly described as follows:

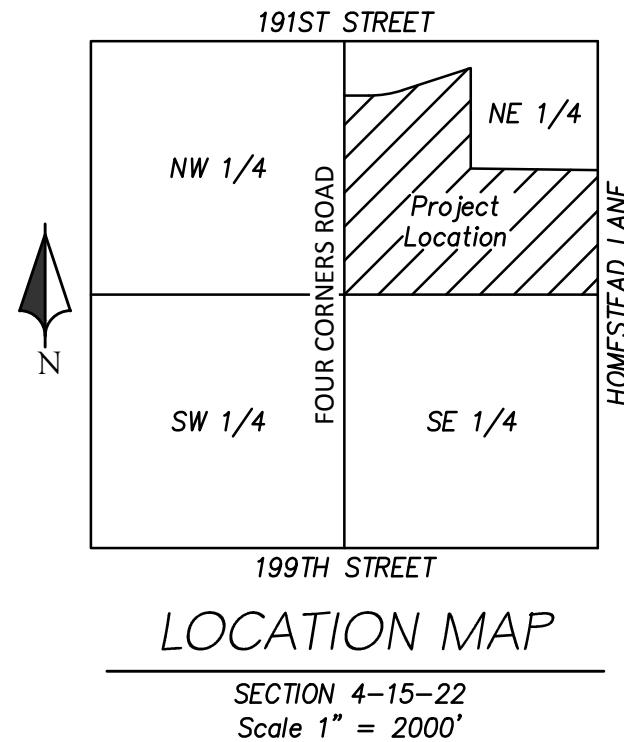
Commencing at the Northwest Corner of the Northeast Quarter of said Section 4; thence S 02°10'22" E, along the West line of said Northeast Quarter of Section 4, a distance of 582.00 feet to the Point of Beginning; thence N 87°49'38" E, a distance of 253.39 feet; thence Northeasterly, along a curve to the left, said curve having a radius of 1,141.00 feet, and a chord bearing of N 78°48'11" E, 357.93 feet, for a distance of 359.42 feet; thence N 69°46'44" E, a distance of 673.75 feet to the West right-of-way line of Peppertree Road, as now established; thence S 20°13'16" E, along said West right-of-way line, a distance of 67.98 feet; thence Southerly, continuing along said West right-of-way line, along a curve to the right, said curve having a radius of 475.00 feet, and a chord bearing of S 11°11'47" E, 149.02 feet, for a distance of 149.64 feet; thence S 02°10'17" E, continuing along said West right-of-way line, a distance of 378.42 feet; thence Southerly, continuing along said West right-of-way line, along a curve to the left, said curve having a radius of 1,244.75 feet, and a chord bearing of S 12°25'42" E, 443.29 feet, for a distance of 445.67 feet to the South line of the Northeast Quarter of the Northeast Quarter of said Section 4; thence N 88°30'21" E, departing said West right-of-way line, along said South line, a distance of 53.80 feet; thence Southerly, along a curve to the left, departing said South line, said curve having a radius of 1,194.75 feet, and a chord bearing of S 24°26'43" E, 34.51 feet, for a distance of 34.51 feet to a compound curve; thence Easterly, along a curve to the left, said curve having a radius of 60.00 feet, and a chord bearing of S 72°25'20" E, 87.98 feet, for a distance of 98.75 feet; thence N 60°25'43" E, a distance of 25.50 feet; thence Easterly, along a curve to the right, said curve having a radius of 625.00 feet, and a chord bearing of N 66°20'07" E, 128.57 feet, for a distance of 128.80 feet to the said South line of the Northeast Quarter of the Northeast Quarter of Section 4; thence N 88°30'21" E, along said South line, a distance of 971.10 feet to the East line of said Northeast Quarter of Section 4; thence S 02°10'12" E, along said East line, a distance of 1,324.91 feet to the South line of said Northeast Quarter of Section 4; thence S 88°27'13" W, along said South line, a distance of 2,633.91 feet to the West line of said Northeast Quarter of Section 4; thence N 02°10'22" W, along said West line, a distance of 2,072.63 feet to the Point of Beginning, containing 4,585,518.89 square feet, 105.27 or acres, more or less. Subject to all easements, restrictions and covenants, recorded and unrecorded, also less that part taken and used for road right-of-way.

PROPERTY OWNER and APPLICANT:

Edgerton Land Holding Co., LLC
5015 NW Canal Street
Suite 200
Riverside, Mo. 64150

SITE DATA TABLE

Existing Zoning:	L-P
Proposed Zoning:	L-P
Total Land Area:	105.27 Acres
Street Right-of-Way:	5.41 Acres
Net Land Area:	99.86 Acres
Proposed Use:	Logistics Park



Legend:

△ FOUND SECTION CORNER AS NOTED
○ SET 1/2" X 24" REBAR WITH
RIC KSOLS 234 CAP
U/E UTILITY EASEMENT
SS/E SANITARY SEWER EASEMENT
A/E ACCESS EASEMENT
D/E DRAINAGE EASEMENT
WL/E WATERLINE EASEMENT
E/E KCP&L ELECTRIC EASEMENT
T/E TEMPORARY EASEMENT
B/L BUILDING SETBACK LINE

Index of Sheets

C01	Title Sheet
C02	Preliminary Plat
C03	Grading Plan

FLOODPLAIN NOTES:

1. Flood Plain Note: According to the F.E.M.A. Flood Insurance Rate Map Number 20091C0134G and 20091C0133G, revised August 3, 2009, portions of this tract lie in:

OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS, ZONE X (Future Base Flood), defined as areas of 1% annual chance flood based on future conditions hydrology. No Base Flood Elevations determined.

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, ZONE AE, defined as base flood elevations determined.

UTILITY SERVICE NOTE:

- This property will initially use holding tank for sanitary sewer service until sewer main is able to extend to the property.
- This property to be served by Water District No. 7.

CERTIFICATION

Received and placed on record this ____ day of _____, 2016.

by _____
Kenneth A. Cook, Zoning Administrator

Review by the Edgerton City Planning Commission this ____ day of _____, 2016.

by _____
Chuck Davis, Chair of Planning Commission

I certify that I have reviewed this PLAT and will comply with all specifications, changes, and amendments herein, and that this instrument creates a legally enforceable obligation to build and develop in accordance with all final agreements.

Applicant Signature: _____

Reviewed By: _____
David Hamby, City Engineer

Date: _____

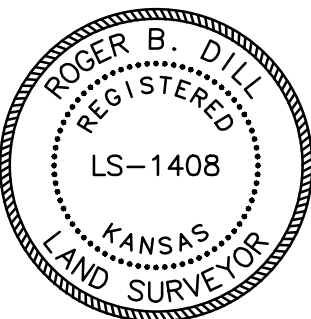
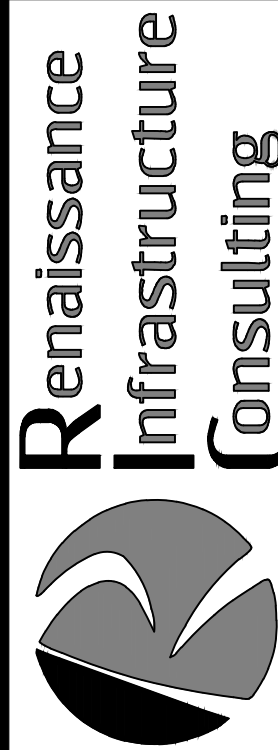
SHEET

C01

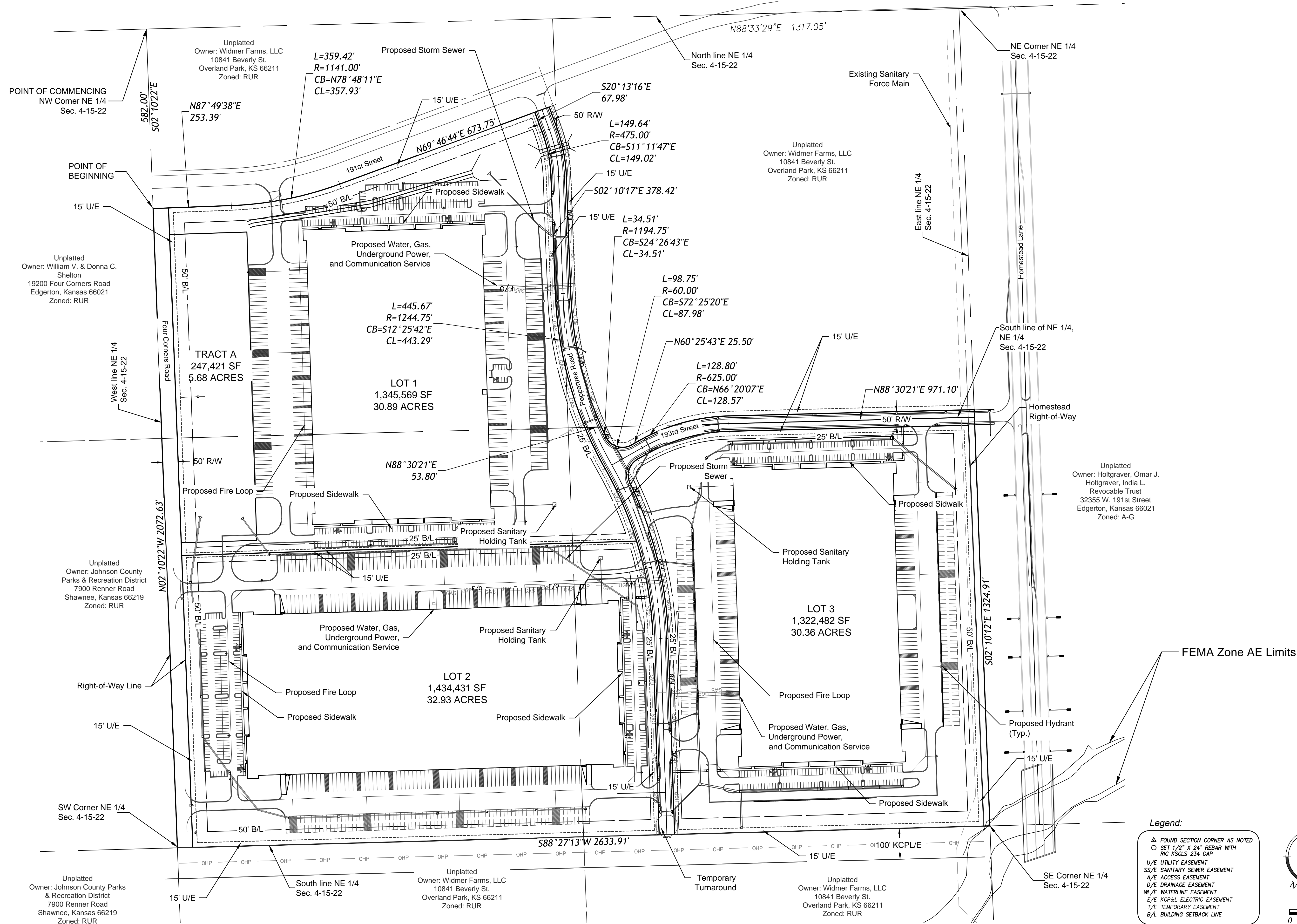
PRELIMINARY PLAT

13-0121
LOGISTICS PARK KANSAS CITY
PHASE III

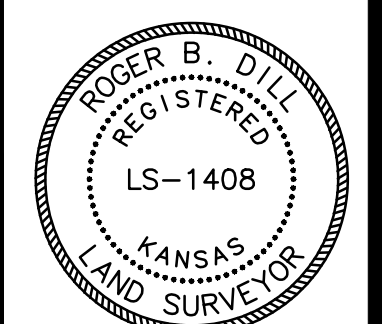
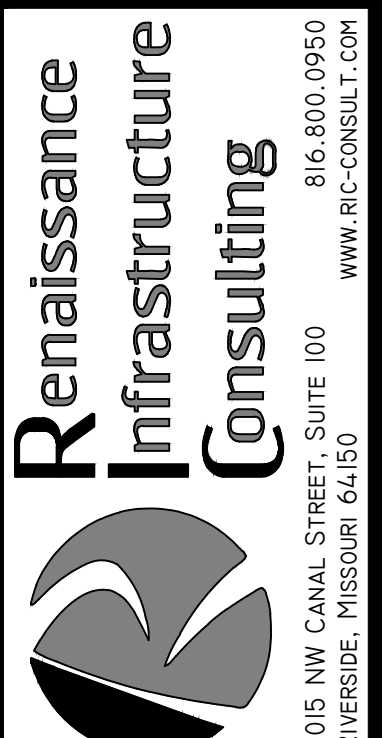
TITLE SHEET



Jun 28, 2016-5:56pm
Z:\R\C Design\2013\13-0121 Widmer Intermodal Property\dwg\13-0121 2016-05-17 Preliminary Plat.dwg



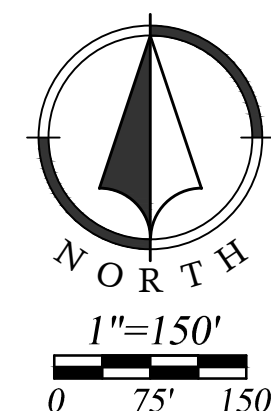
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D/E DRAINAGE EASEMENT
W/E WATERLINE EASEMENT
E/E KCP&L ELECTRIC EASEMENT
T/E TEMPORARY EASEMENT
B/L BUILDING SETBACK LINE



NO.	BY	CD	DATE	SPW	DAC	7/11/14	ORIGINAL SUBMITTAL
1	KLF	MES	6/26/16				CITY RESUBMITTAL

PRELIMINARY PLAT
13-0121
LOGISTICS PARK KANSAS CITY
PHASE III

SHEET
C02





EDGERTON
global routes. local roots.

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Edgerton, KS 66021
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8-B

STAFF REPORT

August 4, 2016

To: Edgerton Planning Commission
Fr: Kenneth Cook, AICP, CFM, Community Development Director
Re: Application PS2016-03 for Preliminary Site Plan for Logistics Park Kansas City Phase III, First Plat

APPLICATION INFORMATION

Applicant/Property Owner: Aaron Burks, Edgerton Land Holding Company

Requested Action: Preliminary Site Plan – Logistics Park Kansas City Phase III, First Plat

Legal Description: Part of Section 4, Township 15 South, Range 22 East

Site Address/Location: West of Homestead Lane & South of 191st Street

Existing Land Use: Agriculture

Existing Zoning and Uses: City of Edgerton, L-P, Logistics Park District

Existing Improvements: Existing Farm Dwelling and Accessory Buildings

Site Size: 105.27 acres

Background Information

The applicant has prepared a site plan based on the L-P, Logistics Park District zoning requirements and in conjunction with its current request for approval of a preliminary plat. The subject property was originally rezoned to L-P, Logistics Park District in August of 2014, but was not developed at that time. The applicant has also already dedicated the right-of-way that is shown extending through this property.

The Preliminary Site Plan shows three (3) warehouse buildings on three lots. The buildings shown as being proposed as part of this development include: Lot 1 – 540,000 square feet; Lot 2 – 630,000 square feet; and, Lot 3 – 500,000 square feet. No conceptual building elevations or lighting plans have been provided by the applicant but it is anticipated that the development will be similar to other projects which have been approved.

The current Site Plan requirements in the UDC do not delineate any differences as to what is required to be submitted for Preliminary and Final Site Plan applications. Staff would suggest that the Preliminary Site Plan should include more general information about the development including items such as overall layout, access, circulation and possibly a screening concept

where the property is adjacent to uses that would be negatively impacted. The additional, more detailed, information which is listed in the Site Plan requirements needs to be included with the Final Site Plan. It would appear that the information submitted is sufficient for the Preliminary Site Plan.

Subject Property



Infrastructure and Services:

1. KDOT constructed a new interchange and road improvements at Homestead Lane and I-35 in 2013 to serve the new intermodal facility that was being developed by BNSF. Johnson County also participated with the improvement for 191st Street to provide access between the intermodal facility and Homestead Lane.
2. Four Corners Road is currently located to the West of the property and is a paved county road with a ditch cross-section. The current plan of finance specifies that this road was anticipated to be removed.
3. The property is located within the Big Bull Creek watershed, which flows south from 167th Street to the southern edge of the county at Homestead Lane. A stormwater plan should be submitted to the City Engineer prior to development of the property.
4. A very small portion of the subject property is currently located within a Special Flood Hazard Area. The current FIRM Panel shows a very small amount of the Southeast corner of the property as located within Zone X, 1% Future Conditions.

5. The property does not currently have sanitary sewer service although the City's forced main does run across the Eastern portion of the tract. The City is currently working with NorthPoint on the Development of a Sewer Master Plan for the development of the sewer system for the Logistics Park and surrounding area.
6. The property is located within the service area of Rural Water District No. 7. A 12-inch water main appears to currently extend along the North side of 191st Street with a 2.5 inch line being located along Four Corners.
7. Police protection is provided by the Johnson County Sheriff's Department under contract with the City of Edgerton. Fire protection is provided by Johnson County Rural Fire District No. 1. A fire station is located in the City of Edgerton, approximately 2.5 miles to the west with another fire station being located with the City of Gardner approximately 3.5 miles to the Northeast.

STAFF ANALYSIS

Staff has reviewed the Preliminary Site Plan submittal. The Preliminary Site Plan is reviewed for compliance with Section 10.1 of Article 10 for Site Plan requirements. It is also reviewed for compliance with Section 5.2 Logistics Park (L-P) District regulations. The combined details of that review are listed below.

Section 10.1 of Article 10 for Site Plan requirements

1. Front or cover sheet.
 - a) A scale vicinity map showing the relationship of the site to surrounding neighborhoods, roads and other physical features. *Show the proposed location of the proposed streets and also update the location of 191st Street as it was realigned in this area and is no longer located along the Section line and ends at Four Corners. **Make changes to name on the drawings.***
 - b) A project title, zoning designation and project sponsor. A street, lot or tract address of the project. ***Preliminary Site Plan complies.***
 - c) An index to contents, and a data table which, at a minimum, includes: Acreage of the site and number of units per acre (if applicable); gross square feet of the building(s) area; the proposed use of each building; number of employees and the BOCA or Uniform Building Code or NEPA 101 Life Safety Code Occupancy Design Load and, the total number of parking places. *The number of parking spaces do not match the numbers shown on the plans. **Update Preliminary Site Plan.***
 - d) The name of the architect, engineer, surveyor or draftsman. ***Preliminary Site Plan complies.***
 - e) The specified certificates and signature blocks. ***It is staff's opinion that the Preliminary Site Plan does not need to have signature blocks as only the Final Site Plan is signed. These items do not need to be removed. Preliminary Site Plan complies.***
2. Sheet #2
 - a) A landscape plan drawn to scale, showing the site, building location, planting and seeding schedules, refuse and outdoor storage screening and boundary screening. All landscape features shall be shown in relation to sidewalks, paths, lawns, parking areas and drives. *A landscape plan has not been submitted for this phase and will need to be submitted as part of Final Site Plans. Staff would suggest that special attention will need to be given to screening along the East side of this phase, especially Lot 3, as the*

*loading docks are proposed to be adjacent to Homestead Lane. Another item that will need to be taken into consideration is how the transition is made on the West side of the property as Johnson County Parks and Recreation Department's proposed Big Bull Creek Park is anticipated to start being developed over the coming years and with the location of an existing dwelling. Staff would suggest that discussions should also occur in regards to the placement of sidewalks along 191st and Homestead, and if not removed, Four Corners. Screening of trash enclosures should be shown. **A landscape plan will need to be submitted with the Final Site Plan.***

- b) A table entitled "Planting Schedule" which lists the common name, size and condition of all planting materials, together with a timetable for planting. **A landscape plan will need to be submitted with the Final Site Plan.**

3. Sheet #3

- a) A site map with the following features.
 - i) Topography at reasonable intervals. **Preliminary Site Plan complies.**
 - ii) Exterior lot lines with any survey pins. **Preliminary Site Plan does not show any survey pins as they have not been located at this time.**
 - iii) Location of buildings. **Preliminary Site Plan complies.**
 - iv) Parking areas, paths, walks with sizes and surfaces material specifications. *Pedestrian access needs to be provided from the sidewalks adjacent to the buildings to sidewalks on the proposed public roads. Connections need to be made to the South side of the building located on Lot 1 and the West side of the building located on Lot 2. Staff would suggest that sidewalks also be provided for the areas adjacent to Homestead Lane, 191st Street and Four Corners Road. The width of sidewalk along Homestead Lane should match the width of the pedestrian crossing over the bridge located to the Southeast of the site.*
 - v) Exterior lighting specifications. **Details, locations and photometric plan have not been provided.**
 - vi) Site entrance and connections to streets. *The site plan currently access points. The majority of access points shown are located onto the proposed local streets that will be developed as part of this project. The only access point being shown to Homestead Lane is the proposed 193rd Street and staff would not recommend any other access points be allowed to Homestead Lane. One site entrance is currently shown onto 191st Street and two entrances are proposed off of Four Corners. If Four Corners is not removed and is to continue as a public street, additional improvements will be needed. **Preliminary Site Plan Complies.***
 - vii) The location of easements. *No easements are shown on the preliminary site plan. Easements will typically be dedicated as part of the Subdivision Platting process. In the Improvements and Standards of Design (Article 14) Section of the UDC the Planning Commission may require 'Lot Easements' not exceeding less than 7.5 feet (or 15 feet, if no adjacent easement is anticipated). 'Lot Easements' would typically be found along lot lines or at the exterior boundary of the subdivision. Easements have been shown on the preliminary plat but are not currently included on the Preliminary Site Plan. **Utility Easements will need to be added to the site plan.***
 - viii) Connection point for utilities. *Plan currently shows Temporary Sanitary Holding Tanks. City staff is currently working with the applicant in the creation of a master sewer plan for the park. **Preliminary Site Plan Complies.***

- b) A sketch of the entry sign, and all other free-standing, façade, and building signs to be used on the premises. ***No signage was submitted with the application. Signage proposed later shall receive separate approval according to the provisions of the UDC.***
 - c) Features to facilitate handicapped access. ***The accessible parking spaces and access areas should not exceed 2% slope in any direction.***
 - d) Profile and detail for roads (if required). ***No profiles or details have been submitted for the proposed road.***
4. Sheet #4 ***Not submitted as part of Preliminary Site Plan Application.***
- a) Scale drawing of building floor plans. ***Staff understands that the proposed plans that have been submitted are still under design and are shown as a more schematic representation of the size and location being proposed. More detailed plans would be anticipated as part of a Final Site Plan application. Updated plans need to be submitted with the Final Site Plan.***
 - b) Dimensions and use of rooms and areas. ***Will be reviewed at Final Site Plan or Building Permit Review.***
 - c) Dimensions of entrances/exits and corridors. ***Will be reviewed at Final Site Plan or Building Permit Review.***
 - d) Interior specifications for handicapped accessibility as required by ANSI 117.1 and this ordinance. ***Will be reviewed at Final Site Plan or Building Permit Review.***
5. Sheet #5 ***Not submitted as part of Preliminary Site Plan Application.***
- a) Scale drawings of all building elevations. ***No building plans have been submitted. While it is anticipated that the buildings will be similar to those previously submitted, all information will need to be submitted with Final Site Plan.***
 - b) Roof pitch and materials. ***Will need to be submitted with Final Site Plan.***
 - c) Siding type and materials, including fascia. ***Will need to be submitted with Final Site Plan.***

Section 5.2 Logistics Park (L-P) District regulations

SETBACK, YARD, AND AREA REGULATIONS:

1. Building Coverage: The maximum building coverage in the L-P District is 50%. ***Preliminary Site Plan Complies.***
2. Setbacks from the street right-of-way or property line: ***Preliminary Site Plan complies.***
 - a. Front. A 50-foot minimum setback is required with an allowable reduction to 25 feet when adjacent to two-lane collectors. ***The buildings currently shown on the plans provide significantly greater setback than the minimum required.***
 - b. Side (Typical). A minimum of 25 feet is required. ***The buildings currently shown on the plans provide significantly greater setback than the minimum required.***
 - c. Side at Street (Typical). A minimum of 50 feet is required, with 25 feet allowed adjacent to internal streets. ***The Side at Street requirement is the same as the Front Yard Setback.***
 - d. Rear. The minimum rear yard adjacent to non-residential uses is 25 feet. ***The buildings currently shown on the plans provide significantly greater setback than the minimum required.***

3. Maximum Building Height. The maximum height allowed is 110 feet. *While no elevations have been provided previous plans have included structures with heights around 45 feet. **Building elevations need to be submitted.***
4. Building Separation. A minimum 20 foot building separation is required. *Only one building is shown for each property on the current plan. **Preliminary Site Plan complies.***
5. Accessory Building and Structure Regulations. *No accessory buildings are proposed with this application. **Preliminary Site Plan complies.***

DISTRICT REGULATIONS:

1. All buildings with a metal exterior shall provide a material composed of brick, glass, stone, wood, or a combination of these materials that extend to a minimum of three exterior walls of the building unless modified by the City. *No building elevations have been provided. It is staff's understanding that the walls are anticipated to be tilt up concrete walls. **Building elevations need to be submitted.***
2. All operations other than limited storage of motorized machinery and equipment, materials, products or equipment, shall be conducted within a fully enclosed building. *The site plan shows trailer parking areas along the sides of each of the proposed structures and does not show any other uses. The trailer parking area on the East side of lot 3 is located adjacent to Homestead Lane and staff suggests additional consideration for landscaping and screening in this area. The trailer parking area on the West side of Lot 1 will be located across the street from an existing dwelling and also the Big Bull Creek Park. The site plan currently shows a tract that will be used for drainage purposes that can act as a buffer between these uses. Additional consideration may still be needed for screening and landscaping in this area. **The Planning Commission may need to approve an alternative landscape plan in response to the unique characteristics of this site. This may need to include additional landscaping, fencing or berms, especially along the areas of ROW buffers or for loading docks. Additional information needs to be submitted with the Final Site Plan.***
3. All storage of motorized machinery and equipment, materials, products or equipment shall be within a fully enclosed building, or in a storage area or yard. Said storage shall be limited to twenty percent (20%) of the ground floor area of the building or tenant space. All storage materials shall be one hundred (100) percent screened from public view, except when adjacent to another storage area, which is one hundred (100) percent screened from public view. For the purposes of this section, the phrase "screened from public view" means not visible at eye level from adjoining properties or any street right-of-way. Use of landscaping materials is encouraged in lieu of privacy fencing. All storage areas shall be paved or surfaced. *The current request does not show any storage areas being located outside other than the Future Trailer Parking. Temporary Outdoor Storage Regulations for Cargo Containers, Operational Trailers and Tractors are discussed later. **Preliminary Site Plan Complies***

DESIGN GUIDELINES:

1. When more than one (1) building is planned for L-P district property, the development plan shall demonstrate integration and coordination of the architectural design for buildings, structures, and landscaping and open space. *It would appear that the proposed building, landscaping, and open space design is generally consistent with previously approved projects in the Logistics Park. Additional information will need to be submitted*

*with the Final Site Plan to make a better determination. **Preliminary Site Plan appears to comply.***

2. Buildings should be oriented so that the front or side of the building faces the public street frontage of the property. The City may consider an exception to orient a rear elevation towards a public street for unique situations due to the configuration of the lot. *To interpret this regulation, criteria must be provided that allow a building wall to be evaluated as front, side or rear. Typically, the side of a building with the greatest architectural interest such as windows, ornamentation, and design elements helps determine the building front. The rear side would typically be where activities such as loading (dock doors) and storage activities take place, and where building facades have few or no interesting elements.*

*In the current request, the applicant is proposing three structures on three different lots and which are oriented in different manners to the adjacent roads. The building that staff believes needs the greatest attention is the one located on Lot 3. This building is being proposed to be located so that it is surrounded on three sides by public roads and which limit the ability to not have loading docks facing a public street. The building proposed for Lot 1 has a similar orientation, except that Tract A is proposed to be located between the lot and the public road to the West. The Planning Commission has allowed buildings to be located in a similar manner (IP XI – Kubota & IP XIV – Amazon). When this has occurred, the Planning Commission has typically required additional landscaping to be placed adjacent to roads that are not considered to be local. Staff is suggesting that a more significant plan for landscaping and screening be considered for the area along Homestead Lane as it is the main entrance into the Logistics Park area and it is also anticipated that there will be a mixture of uses. Additional consideration should also be given for the transition of this area to the park and residential area to the West. **A final determination can be made on this item when the Final Site Plan is submitted for consideration.***

3. The City may require that loading and service areas are screened from public view with landscaping, berming, facade walls, or fencing. *As discussed above, the orientation of the buildings primarily exposes the East side to visibility from public right-of-way and consideration for additional screening or landscaping is needed as the loading docks are placed along this elevation. Staff suggest that a final determination on this item will be required as part of the Final Site Plan Consideration. **Staff anticipates that the applicant will request approval of an alternative Landscape Plan as they have done on most of the projects and allows for special consideration to be given to unique characteristics of the site. This should include consideration of additional landscaping at entrances and along the frontage to Homestead Lane.***
4. Pedestrian access within a development and adjacent public and private property shall be considered as a component to the design of an employment center. *Additional sidewalk connections need to be made to the South side of the building on Lot 1 and the West side of the building on Lot 2. Staff also suggests that sidewalks should be provided on the adjoining streets (Homestead, 19th and Four Corners). **Update Preliminary Site Plan.***

ARCHITECTURAL DESIGN STANDARDS:

1. Building Massing and Scale. A building's massing is defined as its exterior volume. The height, width and depth of a structure create the overall massing of a building. A building's

scale is the relationship of its overall size and its component parts with its adjoining spaces and buildings. ***Building elevations need to be submitted with Final Site Plan.***

2. Large expanses of blank walls of any material or metal siding are not allowed. Building facades over one hundred feet (100') long facing public right of way or residential property shall break up massing of buildings by dividing building façade into smaller components with a minimum of three (3) of the following elements:

- a. *articulating details around doors, windows, balconies, plate lines, providing details such as "belly-bands," recessed design elements, interesting cornice treatment details, exposed expansion joints, reveals, change in texture, or other such methods of visual relief;*
- b. *Avoiding long, repetitive, monotonous facades – particularly those that repeat the same design element several times along the same elevation*
- c. *Use of darker building color and varied wall treatments*
- d. *Varying roof lines (see Vertical Articulation section)*
- e. *Change of wall plane (see Horizontal Articulation section)*

Building elevations need to be submitted with Final Site Plan.

3. Building Materials. One hundred percent (100%) of the surface of each exterior wall (excluding doors and windows) facing a public street, residential use or public open space shall consist of materials including but not limited to stone, brick, glass block, tile, cast metal, cast or cultured stone, concrete (tilt-up walls), glass, or a combination of these materials. ***Building elevations need to be submitted with Final Site Plan.***

4. Façade Guidelines

- a. Horizontal Articulation. Walls facing a public right-of-way or a residentially zoned property shall not extend for a distance greater than four (4) times the wall's height without having an off-set of ten percent (10%) of the wall's height (maximum of five (5) feet); the new plane shall extend for a distance equal to a minimum of twenty percent (20%) of the maximum length of the first plane. The City may allow exceptions to this requirement upon review and approval of a typical façade elevation. Walls not facing a public right-of-way or a residentially zoned property and loading dock doors are exempt from the horizontal articulation requirement. *It is unable to be determined if the structures meet this requirement as the preliminary plans submitted are a schematic representation of the size of the buildings anticipated and might change for Final Site Plan. Horizontal articulation has been shown on the site plan. Additional detail needs to be submitted to show compliance with this standard as part of the Final Site Plan.*
- b. Vertical Articulation. Walls facing a public right-of-way or a residentially zoned property shall not extend for a distance greater than four (4) times the height of the wall without changing height by a minimum of ten percent (10%) of the wall's height (maximum of five (5) feet). The City may allow exceptions to this requirement upon review and approval of a typical façade elevation. ***Building elevations need to be submitted with Final Site Plan.***
- c. Screening of Rooftop Equipment. For buildings within the L-P District, all rooftop mounted mechanical, air conditioning, electrical, and satellite dish equipment shall not be visible. Rooftop equipment shall be screened from ground and street level view with parapets or other architectural design features constructed of the same materials used on the exterior walls. ***Building elevations need to be submitted with Final Site Plan.***

- d. Color Palette. Earth tones, muted hues, and natural tones are permitted as structures' basic colors. Brighter hues are permitted only as an accent color on building elements such as awnings, doors, and trim. A mixed color palette on a single building should be carefully selected so all colors harmonize with each other. ***Building elevations including colors need to be submitted with Final Site Plan.***

Accent colors should be applied using the following guidelines:

	Required	Allowed
1 st Accent Color	10%	20%
2 nd Accent Color	0%	10%
3 rd Accent Color	0%	10%

*Percentage calculations shall utilize the entire façade area.

PARKING AND LOADING:

1. General. The plan addresses the general parking and loading requirements as follows:
The current application includes plans for three separate buildings. The parking areas would appear to be similar to previous ones approved.
 - a. Sufficient off-street parking spaces. Parking space dimensions of at least 9 by 20 feet per space are required. *Site Plan complies. ADA spaces are shown on Concept A but not on the original submittal.*
 - b. All parking areas shall be setback a minimum of 30 feet from any street right-of-way. *Site plan complies.*
 - c. All parking areas shall be at least 10 feet from peripheral property line other than a street ROW line or residentially zoned property. *Site plan appears to comply but no dimensions are provided on the plans.*
 - d. Adequate loading spaces off the public right-of-way are shown. *Site plan complies.*
 - e. Parking on asphalt or concrete. *Site plan complies.*
 - f. Off-street space for loading and unloading of goods is provided. *Off-street loading and unloading spaces are provided.*

Additional information needs to be provided with the Final Site Plan.

2. Warehouse/Distribution Center and Large Building Parking Space Exceptions. Parking shall be required per City standard based upon individual land use, except Warehouse or Distribution Center land uses, which shall require one (1) space per two thousand (2,000) square feet of building area. Buildings in excess of one hundred thousand (100,000) square feet or users with specific parking needs may provide an independent parking study to the City for approval. *The site plan shows the following number of parking spaces per lot (# required by formula in parentheses): Lot 1 – 316 (270), Lot 2 – 296 (315) and Lot 3 – 220 (250). This includes ADA spaces. The data table on the title sheet needs to be updated so that the totals shown match the number of parking spaces shown on the plans. Based upon this information, Lot 1 complies with the normal standard while Lots 2 & 3 are slightly substandard. Previous requests have been allowed to use extra off-street loading spaces (trailer storage) to meet this requirement or to allow for these spaces to be converted into parking areas if additional employee parking is needed. **Staff would suggest that an independent parking study be provided that could be considered by the City as part of the Final Site Plan.***

OFF-STREET PARKING STANDARDS:

1. Maneuvering. *It appears that adequate space is provided on the plan for vehicle maneuvering off the public right of way. **Preliminary Site Plan complies.***
2. Parking Spaces and Aisle Surfaces. ***Preliminary Site Plan complies.***
3. Parking Space and Aisle Dimensions. Parking space dimensions of at least 9 by 20 feet per space are required. ***Preliminary Site Plan complies.***
4. Wheel Stops. Wheel stops or curbs are required for parking spaces around the perimeter of the parking lot and adjacent to sidewalks. ***Curbs are required.***
5. Parking layout with 90 degree spaces and two-way traffic. The parking area proposed appears to conform to the requirements shown in Figure 8 of the L-P District parking requirements. Dimensions should be provided. ***Preliminary Site Plan complies.***

OFF-STREET LOADING STANDARDS

1. Access. Loading facilities shall be located adjacent to a public access-way or private service drive. ***Preliminary Site Plan complies.***
2. Minimum Loading Space Dimensions. Loading spaces shall be a minimum of twelve (12) feet in width, sixty-five (65) feet in length, and fourteen (14) in height except as may otherwise be approved by the City. *The loading spaces shown on the site plan are dimensioned as 14 feet by 60 feet for Lot 1 and Lot 2. The width of the spaces shown for Lot three are currently shown as 13 feet. These spaces all front onto a 70 foot wide driveway area. Staff understands that the normal minimum design turning radius for semi-trucks is 45 feet. The future trailer parking spaces are not currently dimensioned but have typically been 12 feet by 55 feet. **Final Site Plan complies.***
3. Use of Loading Spaces. Off-street loadings spaces shall be used only for temporary loading/unloading operations and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials or products. *The main loading spaces appear to be designed to operate as loading docks for the facility and not for the storage of other goods, materials and products. The spaces on the exterior of the sites (North & South sides) are anticipated to be what have been shown as "future trailer storage" on previous plans and will be used for more the temporary operations. **Preliminary Site Plan complies***
4. Number of Loading Spaces Required. A use which receives or distributes material, supplies or merchandise by motor vehicle is required to provide spaces based upon the following requirement: (a) 0-9,999 square feet – None; (b) 10,000-50,000 square feet – 1 spaces; 50,000-100,000 – 2 spaces; and, 100,001+ – 1 additional space per 100,000 square feet. *Based upon this standard the properties are required to have the following number of spaces: Lot 1 – 6, Lot 2 – 7, and Lot 3 - 6 as part of phase 1 and would be required to have a total number of 8 spaces when the entire facility is complete. **Preliminary Site Plan complies***
5. Temporary Outdoor Storage Regulations for Cargo Containers, Operational Trailers, and Tractors. The L-P District requires that outdoor parking or storage spaces for cargo containers, operational trailers and tractors must be screened from view by either a masonry wall of a type and style complementary to the primary materials of the building, wrought iron, decorative metal, living plant material or a combination of these. The height of the screening must be sufficient to block view of the equipment or vehicles from a public right-of-way. Where a masonry wall is used to satisfy this requirement, foundation planting must be provided on the exterior face of the wall. These spaces must be clearly demarcated solely for tractor and trailer storage. *The site plan shows a number of Future*

*Trailer Parking stalls on each of the properties and some that will be located adjacent to public ROWs. As has been mentioned above, staff would suggest that additional consideration be taken in regards to screening and landscaping along Homestead Lane. Staff anticipates that the applicant will submit an alternative landscape plan. **Additional landscaping material could be placed to provide additional screening from the public ROW.***

PHOTOMETRICS:

1. General. All lighting shall be designed in accordance with applicable Illuminating Engineering Society of North America (IESNA) practices as applied to specified applications within the L-P District. Cut-off design is specified within the development. ***A photometric plan has not been provided, so this element cannot be evaluated at this time. Photometric plans have not typically been required at this stage as the requirements of the specific tenants can affect what is provided.***

LANDSCAPE STANDARDS – *Staff anticipates that the applicant will submit an Alternative Landscape Plan in order to deal with unique conditions with the development of this site.*

1. Alternative Landscape Plan. In lieu of the requirements set forth in Section 1.1., Landscaping Standards, an Alternative Landscape Plan (ALP) may be submitted to the Planning Commission for approval. An ALP shall utilize an innovative use of plant materials and design techniques in response to the unique characteristics of a particular site. At a minimum, an ALP shall contain equivalent landscaping as is required by these regulations. ***Staff suggests that additional landscaping be provided at the entrances into the site as the normal standard would require shrubs spaced at intervals along the entire frontage of the property and back to the front of the building along side property lines. Staff further suggests that additional screening and landscaping be required along the Homestead Lane frontage and determine if additional landscaping is needed to transition to other uses to the West.***
2. Dumpster screening: *Trash enclosures or screening are not shown.*

SIGNAGE

No signage plan has been made available for review. ***The applicant shall provide a signage plan according to the requirements in Article 5(K) prior to the issuance of a building permit.***

DIESEL EMISSION REQUIREMENTS:

The following diesel emission requirements shall apply:

1. Except for loading and unloading operations, heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds shall be restricted from idling on-site for no more than 5 minutes in any 60 minute period. For loading and unloading operations, idling shall be restricted to no more than 30 minutes in any 60 minute period.
2. One electrical hook-up shall be provided for "trucker plug-ins" equal to a minimum of one-third (1/3) of the total number of truck bays at the facility to eliminate excessive idling by heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds. Approval to use alternative technologies to eliminate excessive idling may be requested, but shall not be approved unless the applicant demonstrates that they are at least as effective as electrical hook-ups.

3. Signs shall be posted by owner(s) of the facility at each vehicle entrance to the facility notifying drivers of heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds to turn off engines when not in use.
4. The operation and idling of heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds, including circulation, shall be restricted within 300 feet of any property zoned for or committed to residential use, or the owner/developer shall provide alternative measures including the possible installation of a wall or other mitigating measures to assure buffering of residences from heavy-duty truck operations, unless the owners of property located adjacent to said heavy duty diesel truck operations consent and agree, in writing to:
 - a. Allow the location of heavy-duty diesel truck operations within 300 feet of their property zoned for and committed to residential use, and
 - b. Restrict areas of their property located within 300 feet of adjacent trucking operations to only non-residential uses;
5. Warehouse managers and employees shall be trained by the employer(s) or operator(s) of the facility to use efficient scheduling and load management to eliminate unnecessary operation, queuing, or idling of heavy duty diesel vehicles with a gross vehicle weight of over 14,001 pounds.
6. Warehouse managers and employees shall be provided by the employer(s) or operator(s) of the facility with information about the possible effects of diesel emissions on their own health and the importance of being a good neighbor by minimizing idling and avoiding other potentially adverse impacts on adjacent or nearby residences;
7. On-site services shall be made available to vehicle drivers to reduce idling. These services may include restroom facilities, seating for drivers waiting for their cargo to be loaded or unloaded, and/or food/beverage vending machines.
8. Any motorized equipment used within the proposed development should utilize clean technology propulsion and/or alternative fuels such as biodiesel, electricity, or propane;
9. If fuel dispensing facilities are provided on-site, alternative clean fuels such as (but not limited to) bio-diesel blended fuel should be provided at these dispensing facilities.

Other Comments

- The applicant should submit a stormwater study sealed by a Kansas Licensed Professional Engineer to be reviewed and approved by City Engineer.
- The proposed grading extends beyond the property line. Provide documentation from the adjacent property owner to show this is acceptable.
- The Name of the North-South Road should be changed in order to avoid confusion.

RECOMMENDATION

City staff recommends **approval** of the proposed Preliminary Site Plan, with the following stipulations:

1. The above recommendations need to be incorporated into a Final Site Plan.
2. A Final Site Plan must be submitted and approved prior to commencement of uses and the property shall be developed in accordance with a Site Plan, Landscaping Plan, and Photometric Plan as required by City approval of the submitted preliminary site plan, as amended by these stipulations, and approved by the City.
3. All Preliminary Site Plan requirements of the City listed above shall be met or addressed during Final Site Plan submittal as identified above.

4. No signage is proposed with this application. Signage proposed later shall receive separate approval according to the provisions of the UDC.
5. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City.

ATTACHMENTS

Application PS2016-03

Preliminary Site Plans for Logistics Park Kansas City Phase III, First Plat



\$, 52.70

LEGAL DESCRIPTION:

All that part of a Tract of land in the Northeast Quarter of Section 4, Township 15, Range 22, in Johnson County, Kansas, more particularly described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of said Section 4; thence S 02°10'22" E, along the West line of said Northeast Quarter of Section 4, a distance of 582.00 feet to the Point of Beginning; thence N 87°49'38" E, a distance of 253.39 feet; thence Northeasterly, along a curve to the left, said curve having a radius of 1,141.00 feet, and a chord bearing of N 78°48'11" E, 357.93 feet, for a distance of 359.42 feet; thence N 69°46'44" E, a distance of 673.75 feet to the West right-of-way line of Peppertree Road, as now established; thence S 20°13'16" E, along said West right-of-way line, a distance of 67.98 feet; thence Southerly, continuing along said West right-of-way line, along a curve to the right, said curve having a radius of 475.00 feet, and a chord bearing of S 11°11'47" E, 149.02 feet, for a distance of 149.64 feet; thence S 02°10'17" E, continuing along said West right-of-way line, a distance of 378.42 feet; thence Southerly, continuing along said West right-of-way line, along a curve to the left, said curve having a radius of 1,244.75 feet, and a chord bearing of S 12°25'42" E, 443.29 feet, for a distance of 445.67 feet to the South line of the Northeast Quarter of the Northeast Quarter of said Section 4; thence N 88°30'21" E, departing said West right-of-way line, along said South line, a distance of 53.80 feet; thence Southerly, along a curve to the left, departing said South line, said curve having a radius of 1,194.75 feet, and a chord bearing of S 24°26'43" E, 34.51 feet, for a distance of 34.51 feet to a compound curve; thence Easterly, along a curve to the left, said curve having a radius of 60.00 feet, and a chord bearing of S 72°25'20" E, 87.98 feet, for a distance of 98.75 feet; thence N 60°25'43" E, a distance of 25.50 feet; thence Easterly, along a curve to the right, said curve having a radius of 625.00 feet, and a chord bearing of N 66°20'07" E, 128.57 feet, for a distance of 128.80 feet to the said South line of the Northeast Quarter of the Northeast Quarter of Section 4; thence N 88°30'21" E, along said South line, a distance of 971.10 feet to the East line of said Northeast Quarter of Section 4; thence S 02°10'12" E, along said East line, a distance of 1,324.91 feet to the South line of said Northeast Quarter of Section 4; thence S 88°27'13" W, along said South line, a distance of 2,633.91 feet to the West line of said Northeast Quarter of Section 4; thence N 02°10'22" W, along said West line, a distance of 2,072.63 feet to the Point of Beginning, containing 4,585,518.89 square feet, 105.27 or acres, more or less. Subject to all easements, restrictions and covenants, recorded and unrecorded, also less that part taken and used for road right-of-way.

Jun 28 , 2016-5:56pm
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PRELIMINARY PLAT

LOGISTICS PARK KANSAS CITY PHASE III, FIRST PLAT

A PART OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 22 EAST

LEGAL DESCRIPTION:

All that part of a Tract of land in the Northeast Quarter of Section 4, Township 15, Range 22, in Johnson County, Kansas, more particularly described as follows:

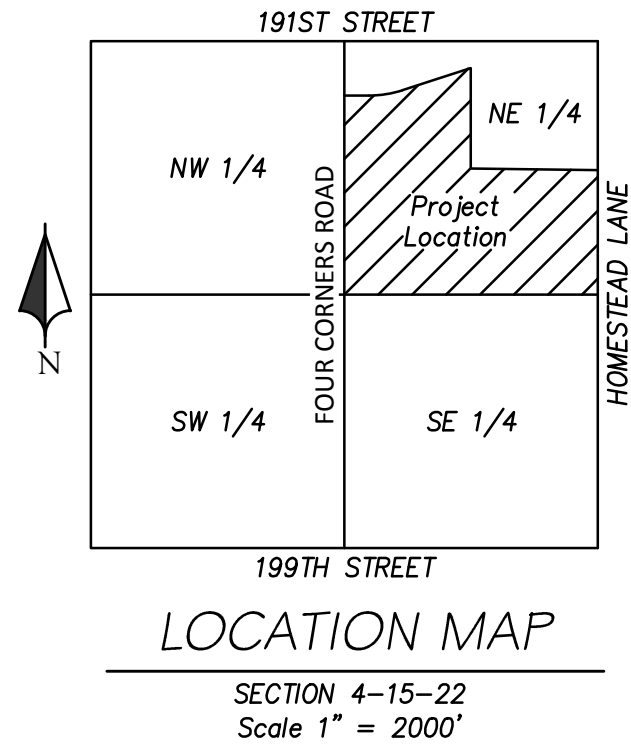
Commencing at the Northwest Corner of the Northeast Quarter of said Section 4; thence S 02°10'22" E, along the West line of said Northeast Quarter of Section 4, a distance of 582.00 feet to the Point of Beginning; thence N 87°49'38" E, a distance of 253.39 feet; thence Northeasterly, along a curve to the left, said curve having a radius of 1,141.00 feet, and a chord bearing of N 78°48'11" E, 357.93 feet, for a distance of 359.42 feet; thence N 69°46'44" E, a distance of 673.75 feet to the West right-of-way line of Peppertree Road, as now established; thence S 20°13'16" E, along said West right-of-way line, a distance of 67.98 feet; thence Southerly, continuing along said West right-of-way line, along a curve to the right, said curve having a radius of 475.00 feet, and a chord bearing of S 11°11'47" E, 149.02 feet, for a distance of 149.64 feet; thence S 02°10'17" E, continuing along said West right-of-way line, a distance of 378.42 feet; thence Southerly, continuing along said West right-of-way line, along a curve to the left, said curve having a radius of 1,244.75 feet, and a chord bearing of S 12°25'42" E, 443.29 feet, for a distance of 445.67 feet to the South line of the Northeast Quarter of the Northeast Quarter of said Section 4; thence N 88°30'21" E, departing said West right-of-way line, along said South line, a distance of 53.80 feet; thence Southerly, along a curve to the left, departing said South line, said curve having a radius of 1,194.75 feet, and a chord bearing of S 24°26'43" E, 34.51 feet, for a distance of 34.51 feet to a compound curve; thence Easterly, along a curve to the left, said curve having a radius of 60.00 feet, and a chord bearing of S 72°25'20" E, 87.98 feet, for a distance of 98.75 feet; thence N 60°25'43" E, a distance of 25.50 feet; thence Easterly, along a curve to the right, said curve having a radius of 625.00 feet, and a chord bearing of N 66°20'07" E, 128.57 feet, for a distance of 128.80 feet to the said South line of the Northeast Quarter of the Northeast Quarter of Section 4; thence N 88°30'21" E, along said South line, a distance of 971.10 feet to the East line of said Northeast Quarter of Section 4; thence S 02°10'12" E, along said East line, a distance of 1,324.91 feet to the South line of said Northeast Quarter of Section 4; thence S 88°27'13" W, along said South line, a distance of 2,633.91 feet to the West line of said Northeast Quarter of Section 4; thence N 02°10'22" W, along said West line, a distance of 2,072.63 feet to the Point of Beginning, containing 4,585,518.89 square feet, 105.27 or acres, more or less. Subject to all easements, restrictions and covenants, recorded and unrecorded, also less that part taken and used for road right-of-way.

PROPERTY OWNER and APPLICANT:

Edgerton Land Holding Co., LLC
5015 NW Canal Street
Suite 200
Riverside, Mo. 64150

SITE DATA TABLE

Existing Zoning:	L-P
Proposed Zoning:	L-P
Total Land Area:	105.27 Acres
Street Right-of-Way:	5.41 Acres
Net Land Area:	99.86 Acres
Proposed Use:	Logistics Park



Legend:

△ FOUND SECTION CORNER AS NOTED
○ SET 1/2" X 24" REBAR WITH
RIC KSQLS 234 CAP
U/E UTILITY EASEMENT
SS/E SANITARY SEWER EASEMENT
A/E ACCESS EASEMENT
D/E DRAINAGE EASEMENT
WL/E WATERLINE EASEMENT
E/E KCP&L ELECTRIC EASEMENT
T/E TEMPORARY EASEMENT
B/L BUILDING SETBACK LINE

Index of Sheets

C01	Title Sheet
C02	Preliminary Plat
C03	Grading Plan

FLOODPLAIN NOTES:

1. Flood Plain Note: According to the F.E.M.A. Flood Insurance Rate Map Number 20091C0134G and 20091C0133G, revised August 3, 2009, portions of this tract lie in:

OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain.

OTHER FLOOD AREAS, ZONE X (Future Base Flood), defined as areas of 1% annual chance flood based on future conditions hydrology. No Base Flood Elevations determined.

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, ZONE AE, defined as base flood elevations determined.

UTILITY SERVICE NOTE:

- This property will initially use holding tank for sanitary sewer service until sewer main is able to extend to the property.
- This property to be served by Water District No. 7.

CERTIFICATION

Received and placed on record this ____ day of _____, 2016.

by _____
Kenneth A. Cook, Zoning Administrator

Review by the Edgerton City Planning Commission this ____ day of _____, 2016.

by _____
Chuck Davis, Chair of Planning Commission

I certify that I have reviewed this PLAT and will comply with all specifications, changes, and amendments herein, and that this instrument creates a legally enforceable obligation to build and develop in accordance with all final agreements.

Applicant Signature: _____

Reviewed By: _____
David Hamby, City Engineer

Date: _____

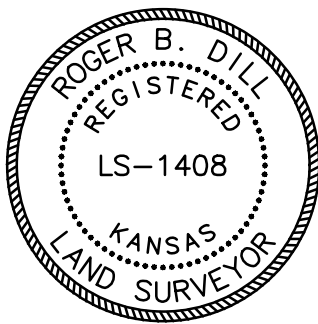
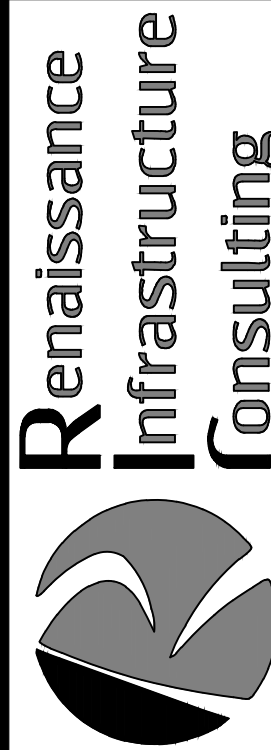
SHEET

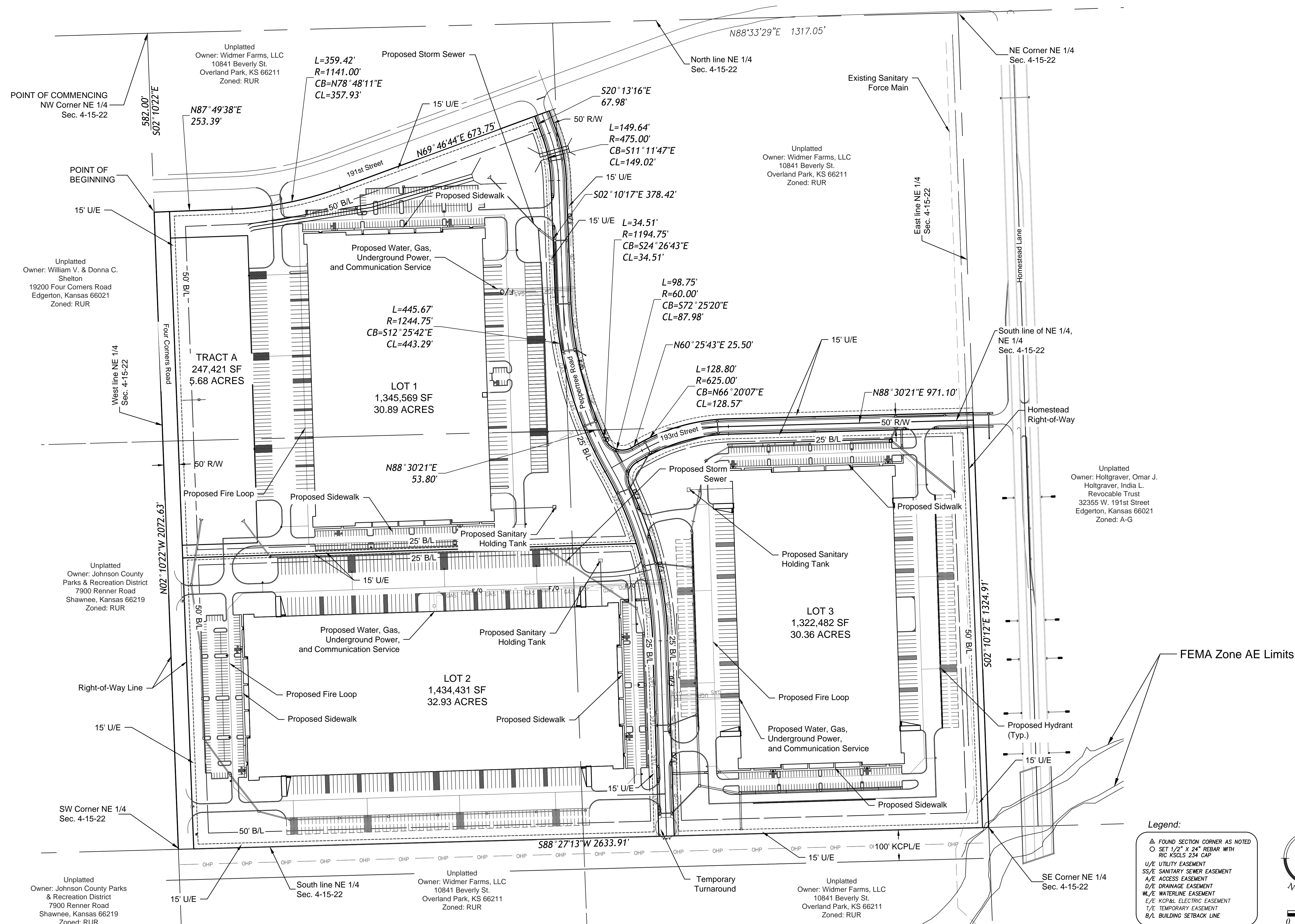
C01

PRELIMINARY PLAT

13-0121
LOGISTICS PARK KANSAS CITY
PHASE III

TITLE SHEET







STAFF MEMO

July 10, 2016


To: Edgerton Planning Commission
Fr: Kenneth Cook, AICP, CFM, Community Development Director
Re: Building Materials for Dwellings, Accessory Structures, Projections & Fencing

Regulation Update

The Planning Commission has had a number of cases that have been on the agenda for that last few months dealing with proposed changes to the Unified Development Code and which have been tabled due to the number of cases and length of meetings. While staff anticipates that these items will most likely be tabled once again due to the number of cases on the agenda for the July meeting, I am hopeful that the case load will reduce for the following months and give the Planning Commission a chance to consider some of these other important items. Staff has also been working with SKW in performing research on these items and which has allowed additional progress to be made on these items.

UDCA2015-01 - Residential Materials & Accessory Structures

At previous Planning Commission meetings, staff was instructed to make some minor changes to the wording that had been presented in regards to the types of material that are permitted for use on residential structures. The changes desired by the Planning Commission included changing the standard from applying to "all" residential structures to "primary" residential structures, to specify that metal roofing designed for residential dwellings should be permitted and to provide for an exception/appeal process that would allow for the Planning Commission to take other factors into consideration. As staff has had a chance to review this wording again, it is my recommendation that the wording 'Principle Residential Building' be used as this follows the terminology used in the regulations. Following is the updated wording that was previously discussed in regards to the types of materials permitted for residential structures. Staff would suggest that this wording could be placed in one of three different locations. First, it could be placed in article 3 under each of the residential districts, and possibly the agricultural district under the section for 'district regulations'. The second place that it could be placed is under Article 9, Land Use Determination Procedures. If placed in this section we would most likely need to add a section for General Standards and which would deal with issues that are typically uniformly addressed across the City. The Final Place that it could be placed is in Article 1, Authority, Adoption & Application of Regulations and could be placed under the subsection for "Restrictions", "Prohibited Uses" or a new section could be added for "Supplemental Use Regulations". Staff would suggest the section that would appear to be most appropriate would be to add a new subsection for Supplemental Use Regulations to Article 1 of the UDC.



Principle residential structures, whether constructed on site or moved onto a site in the City of Edgerton, shall be of a compatible scale, design and visual quality, and shall display exterior materials that are generally compatible with other structures in the

surrounding neighborhood or district. Such material shall be non-reflective material customarily used on site-built dwellings, such as wood, composition or simulated wood, clapboard, vinyl, brick, stucco, or similar materials but excluding smooth, ribbed or corrugated metal or plastic panels. Metal roofs are allowed provided that they are designed for residential use with a factory applied color coating system and are non-reflective (galvanized is prohibited). The Zoning Administrator shall be authorized to administer and interpret the standards of this section. The Board of Zoning Appeals may grant an exception to this requirement if the Board determines that the use of said material is designed in a manner to be compatible with other structures in the surrounding neighborhood or district.

Staff has currently drafted changes to Article 8 of the Unified Development Code and which adds the ability of the Board of Zoning Appeals to grant exceptions to the provisions of the regulations when the regulations specifically authorize the Board to grant such exceptions. Following is the current wording that staff is currently working with the City Attorney on reviewing. There are a number of other portions of the regulations which will also need to be amended in order to make this change. Staff is continuing to work with the City Attorney on the changes that are necessary and on preparing the documents needed to proceed through the adoption process. A copy of the full Article 8 of the UDC is attached and which the changes shown below and some additional changes are also shown. Staff is also looking at other items in the regulations which we might want to consider allowing exceptions.

D. Exceptions.

1. The Board of Zoning Appeals is hereby authorized to grant exceptions to the provisions of these regulations in those instances where the board is specifically authorized to grant such exceptions and only under the terms of these regulations. In no event shall exceptions to the provisions of these regulations be granted where the use or exception contemplated is not specifically listed as an exception in these regulations, or the requested exception violates the spirit or intent of these regulations. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of this exception, as established in these regulations by the Governing Body, are not found to be present.
2. **Hearing and Notice.** A hearing on the application shall be held and notice thereof given as specified under Section 8.3 C-2
3. **Authorized Exceptions.** The Board of Zoning Appeals is hereby authorized to grant exceptions from the following requirements of these regulations:

Staff is also suggesting a number of changes in regards to the requirements of the UDC that deal with Accessory Structures. First, while the regulations do specify that building permits are required for accessory uses and other types of structures, it has been staff's experience that communities will commonly exempt certain sized structures or types of structures from the requirement that a building permit is required. This does not mean that the building is exempt from the standards of the UDC or any building code, but that they do not have to apply for a building permit, pay the permit for or have inspections performed. In previous communities that I have been in this exemption has typically included structures that are too small to be used as a garage. The exemptions that I have typically seen are for 120 square feet (10'x12') or 200 square feet (10'x20'). Any changes to this requirement would most likely

require changes to Section 9.5 of the UDC and also to Chapter 4 of the City of Edgerton Municipal Code. Staff would recommend that the Planning Commission consider approving this exemption for structures that are less than 120 square feet. It should be mentioned that if this was approved, anyone constructing an addition to a shed that was under 120 SF but that would increase to more than 120 square feet would be required to apply for a permit.

A second item that the Planning Commission may want to discuss is in regards to updating requirements that are currently listed in the residential districts for the number and size of accessory structures that are permitted in residential areas. For the R-1 District, the wording of the section which specifies the standards for the maximum size of accessory structures needs to be updated to better define this requirement. The regulations currently specify:

Detached accessory buildings in District R-1 shall not exceed ten (10) percent of the total lot size or one thousand five hundred (1500) square feet.

It is staff's opinion that two items be more specifically addressed as part of this requirement. First is the question of how many accessory structures may be permitted on a single property and if more than one accessory building is permitted, if the above requirement is meant to be a maximum of the total square footage of accessory structures or for each individual structure. The second item is to adjust the wording to be clearer that accessory structures are permitted to be 10% of the total lot size, but in no case shall they exceed 1500 square feet. It is staff's understanding that in the past this requirement has been interpreted to allow any lot to have a structure of 1500 square feet and that larger properties were allowed to have a structure up to 10% of the lot size. As we are discussing this item, I would suggest that the Planning Commission consider if there should be a process which would allow a structure that was greater than 10% or 1500 square feet or multiple accessory structures, especially on properties that have a substantial size (such as more than 1 or 2 acres). There is no current maximum size or coverage/open space requirement for principle structures. This technically would allow an individual to construct a garage/shop of any size if connected to a dwelling, as long as it complies with the district setback requirements. While it would appear that a new section should be added to the UDC for Supplemental Use Regulations, Staff suggests the following wording to better address concerns with the current wording (replace existing wording in Table of Setbacks, Yards, and Area for the R-1 Zoning District).

A maximum of two detached accessory buildings with a total combined area not to exceed 10% of the lot size. In no case shall the total combined area of such accessory structures exceed 1500 square feet.

Staff would suggest that the addition of a section dealing with Supplemental Use Regulations would allow for a place where specific items (such as accessory structures, fences, accessory dwellings, drive-through, home occupations, outdoor dining, outdoor display, telecommunication facilities and solar or wind generation facilities) could be addressed.

UDCA2015-02 – Fencing Standards, Setback, and Bulk and Yard Requirements

This proposed change to the UDC covers a large number of items that need to be better defined in our regulations. First, while Permits are required for fences, there are not currently any standards for where fences may be placed or other standards in regards to fencing. The regulations also need to discuss in more detail how the regulations deal with other types of

accessory uses/structures, especially in regards to which yard of a property these items are allowed to be placed in or the distance that they may encroach. These discussions can also include portions of principle structures such as that eaves, bay windows, patios or decks below a certain height are allowed to encroach a certain distance into front, side or rear yards. SKW has provided a code comparison of nearby communities to assist in the initial discussions of this item.

UDCA2016-01 –Accessory Structures, Fences & Short-term Special Uses/Events

The publication of this item was with the original intent of addressing the ability for Food Truck operations to occur out at LPKC. It would appear that staff will be recommending this activity be regulated through the use of a Food Vender license process. Regulating Food Trucks in this manner will not require any substantial changes to the UDC in order for this to occur. As part of this discussion is also updating other regulations for Temporary Uses which can occur on properties. This is another item that SKW has performed some research for us on and which they have provided a code comparison of nearby communities. This information will help us as we start discussion of these possible changes.

Mixed Use Development in Commercial Districts.

At the June Planning Commission Meeting, Commissioner Lahn requested that the Planning Commission consider discussing possible changes to the UDC in regards to allowing the possibility for mixed uses (residential/commercial) to occur within commercial districts. Currently the UDC only allows residential activities to occur above the first floor of a commercial use. Staff is starting research on this item but does not have any specific information at this time. This item has not been published for a public hearing and so any possible changes will require the publishing of a public hearing notice.

Article 8
Administrative
Authorities, Duties and Procedures

Section 8.1	Creation of the Planning Commission
Section 8.2	Creation of the Board of Zoning Appeals
Section 8.3	Powers and Responsibilities
Section 8.4	Requirements for Applicants
Section 8.5	Right of Appeal
Section 8.6	Representatives and Agents
Section 8.7	Zoning Administrator

8.1 Creation of the Planning Commission

- A. Membership. A Planning Commission is hereby created and appointed by the Governing Body. There shall be nine regular voting members of the Planning Commission. Three additional Planning Commissioners may be appointed as alternates, with voting privileges when regular Planning Commissioners are not present.
- B. Terms and Qualifications.
1. All regular Commissioners shall be appointed for terms of three years, and each may serve for five (5) consecutive full terms {a temporary, alternate, or replacement term shall not be considered to be a full term}. Commissioners may be appointed again following a one-year waiting period after five (5) regular terms of service.
 2. Alternate Commissioners may be appointed for terms of one (1), two (2) or three (3) years, conditional upon current City Council Policy.
 3. Regular and alternate Planning Commissioners shall be at least 18 years of age. At least six members of the Planning Commission shall reside in the City of Edgerton.
 4. Planning Commissioners may be removed for cause, including, but not limited to, failure to attend meetings, abuse of office, serious conflict of interest and abusive conduct, by a vote of the Governing Body. Any Planning Commissioner removed from office shall have the right to file an appeal, within 14 days of removal, for a full hearing of the matter before the Governing Body.
 5. Appointments to fill vacancies of unexpired terms shall be made by the Governing Body.
 6. Members shall serve without pay or other compensation except that all members shall be reimbursed for traveling or phone expenses.
- C. Duties of the Planning Commission.
1. To make or cause to be made a Comprehensive Plan for the City of Edgerton for submission and final decision to the Governing Body. To propose and recommend all revisions and amendments to the Comprehensive Plan to the Governing Body.
 2. To conduct all required public hearings, and to decide if hearings should be adjourned from time to time, or conducted at a place, after official notice, more appropriate to the occasion.

3. To recommend all actions, after hearing, concerning zoning text and map amendments, conditional uses, and preliminary/final plats for consideration to the Governing Body.
4. To review for final approval or disapproval all required site plans.
5. To add conditions to subdivision plats and zoning map amendments when, in the opinion of a majority of Planning Commissioners, such conditions are essential to the preservation of property values, the public health, safety and welfare, and the peaceful and quiet enjoyment of property.
6. To grant area variances on preliminary subdivision plats when, in the opinion of a majority of the Planning Commissioners, such variations are essential to preserve natural resources, overcome practical difficulty, and serve the public interest.
7. To hold an annual meeting in June of each year for the purpose of electing a Planning Commission Chair, a Vice Chair and a Secretary. Elections shall be conducted in accord with Roberts Rules of Order by written ballot or voice vote.
8. To hold an annual meeting for the purpose of reviewing the comprehensive plan and to update or amend the plan as necessary.

D. Meetings.

1. All meetings shall be conducted by the Chair of the Planning Commission, or in his/her absence, by the Vice Chair or Secretary, and then by the most senior member. The Chair, and other officers, shall be elected by a simple majority of the Planning Commissioners on an annual basis. All officers shall serve for one year, or until their successors are elected, and may succeed themselves for each year during their terms.
2. All meetings {other than special meetings} of the Planning Commission shall be held on the 2nd Tuesday of each month at 7:00 PM in the Edgerton Community Building at Edgerton, Kansas. When there is no official agenda, a meeting may be canceled at the discretion of the Chair. The Chair, or the Vice Chair in his/her absence, shall have the power to call any special meetings, or to change a meeting time or place following public notification. Meetings shall generally be conducted in accord with Roberts Rules of Order.

E. Rules of Voting and Conflict of Interest.

1. The Chair may vote in all official elections and to break a tie vote on any motion. The Chair shall lead all discussions, and call for all votes, but generally, shall not enter into the substance of discussions except to form questions, give direction, focus purpose, and bring issues to closure.
2. All official votes shall be by simple majority of a quorum. A quorum is five commissioners present at any meeting, unless specified otherwise by state law.
3. All votes shall be "yes" or "no" by "voice" of the members; written votes are not allowed. The Chair may require reasons for the vote from each Commissioner when the magnitude of the change requested for the plan or zone change is extensive. Abstentions from voting, as distinguished from disqualifications, shall not be allowed. Official votes shall also be written by the secretary or designee in the form of minutes; minutes shall be approved at each meeting.
4. Any Commissioner, including the Chair may disqualify him or herself, without stating reasons, by announcing the disqualification for the record, and leaving the table at

the beginning of a public hearing. In the case of a challenge by an applicant or member of the public, the Chair shall rule on disqualifications. Reasons for disqualification shall be, but are not limited to, the following:

- a). To avoid the appearance of an impropriety.
- b). If the planning commissioner is a property owner within the statutory distance for notification of hearing.
- c). If the planning commissioner is a relative, employer or employee or business partner of an applicant.
- d). If the planning commissioner is an agent for an applicant {in a business or legal capacity}.
- e). If the planning commissioner serves on an appointed board with an applicant.
- f). If a planning commissioner is a constant, long term, and close social acquaintance of an applicant.
- g). If the planning commissioner feels that he/she cannot render a fair and impartial judgment due to past association, hearsay, or actions of an applicant or member of a public hearing.
- h). If the planning commissioner is a party to ex parte contact on a particular item of business that is subject to a public hearing.

F. The Conduct of Hearings.

1. An Applicant, or an Agent for the Applicant, must be present to introduce a proposal for change, except that this rule may be waived by a 2/3 majority vote of the Planning Commission. If an applicant or agent is not present, and the rule is not waived, then the Applicant shall automatically be granted an extension until the next regularly scheduled meeting of the Planning Commission. If the Applicant fails to appear at the following meeting, the matter shall be deemed void and the Applicant must reapply. If the Applicant fails to attend the first regularly scheduled hearing, they shall be assessed the full cost of public notification, including postage, abstractor search {if necessary} and a \$20.00 Zoning Administrator surcharge for reprocessing.
2. All members {or their agents} attending a public hearing shall have the right to speak to the business at hand. The Planning Commission shall not hold a "closed meeting" or executive session unless it pertains to pending litigation, a matter of personnel, or debate and discussion on the rezoning of a specific parcel of land. The Chair may set reasonable time limits for the duration of all discussions. At a public hearing, parties shall speak in the following order:
 - a). The Planning Commission Chair opens the hearing by explaining the nature of the request, its location, and the action or votes required of the Planning Commission. Next, the Applicant or Agent introduces the proposal.
 - b). The Planning Commission/Staff may ask questions to clarify any points made by the Applicant. Following this, any member of the public hearing may request points of clarification.
 - c). The members of the public may speak to the proposal.
 - d). A period of rebuttal shall be allowed for the applicant and those in favor or opposition.
 - e). Final rebuttal for the applicant shall be allowed.
 - f). The Chair shall officially close the public hearing phase of the particular business at hand.

- g). The Planning Commission shall debate the facts presented at the hearing.
- 3. Following debate, the Planning Commission shall vote on a motion or table the item for further consideration. Decisions of the Commission shall be based upon facts entered into the record at the public hearing phase of the meeting, the recommendations of the staff, the adopted plan, and the preservation of health, public safety, and the general welfare.
 - 4. In order to recommend approval or disapproval of a proposed zoning district amendment, the Planning Commission and Governing Body shall determine whether the amendment is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, the Planning Commission and Governing Body may consider all factors they deem relevant to the questions of compatibility and the best interest of the City, including the following :
 - a). The extent to which there is a need in the community for the uses allowed in the proposed zoning.
 - b). The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
 - c). Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
 - d). Suitability of the uses to which the property has been restricted under its existing zoning.
 - e). Length of time the subject property has remained vacant under the current zoning designation.
 - f). The extent to which the zoning amendment may detrimentally affect nearby property.
 - g). Consideration of rezoning applications requesting Planned Development Districts for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage.
 - h). 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.
 - i). The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property.
 - j). The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.
 - k). The economic impact on the community from the uses allowed in the proposed zoning.
 - l). 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.
 - m). Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton.
 - n). The recommendation of professional staff. (Ord. 799, 2005)

G. The Effect of Voting.

1. Votes shall either be cast of "yes" or "no" on an issue. A majority vote "yes" shall be deemed to mean a positive recommendation to the Governing Body. A majority vote "no" shall mean a negative recommendation; a tie vote presented to the Governing Body shall have the same meaning as "no recommendation."
2. In the case of a final plat, the vote of endorsement by the Planning Commission is not advisory, and does not require approval by the Governing Body. However, the final plat shall be sent to the Governing Body for approval of all dedications of land for public purposes. If the Governing Body does not accept the dedications within 60 days after plat endorsement, the Register of Deeds shall not file the plat instrument, and all action shall be void.
3. In the case of a proposed zoning amendment to the land use map or the ordinance text, the vote of the Planning Commission is advisory. Upon receiving an advisory vote, the Governing Body may: (1) approve by resolution such recommendation, (2) override the recommendation by a 2/3 majority vote, (3) return the recommendation for study and/or a new hearing, together with a statement which specifies the Governing Body's reasons for refusal to approve or disapprove. If the Governing Body returns a recommendation, the Planning Commission may resubmit the original recommendation or submit new or amended recommendations without reconvening the Public Hearing. Upon receiving the returned recommendations from the Planning Commission, the Governing Body may, by a simple majority vote, adopt, revise or amend such recommendations. Failure to return a recommendation on the part of the Planning Commission shall be considered a re-submission of the original recommendation.
4. If, however, a protest against such amendment, supplement or change be filed in the office of the City Clerk within fourteen (14) days after the conclusion of the hearing pursuant to said publication notice, duly signed and acknowledged by twenty percent (20%) of the total area, excepting public streets or ways, located within or without the corporate limits of the city and located within two hundred (200) feet of the boundaries of the property proposed to be rezoned, such amendment shall not be passed except by at least three-fourths (3/4) vote of all the members of the Governing Body. (Ord. 799; 2005)

8.2 Creation of the Board of Zoning Appeals

A. Creation. A Board of Zoning Appeal (BZA) is hereby created to administer all zoning, floodplain, subdivision appeals, variances, exceptions and other matters of land regulation as enumerated in the Edgerton Unified Development Code.

B. Membership Requirements.

1. All members of the Board of Zoning Appeals must meet the same requirements as specified in Section 8.1 Part A for membership in the Planning Commission.~~All members of the Board of Zoning Appeals must be age 18 years or older at the time of their initial appointment.~~

C. Composition of the Board.

1. The Board of Zoning Appeals shall be composed of ~~all nine the~~ current members of the Edgerton Planning Commission. All officers of the Edgerton Planning Commission are officers of the Board of Zoning Appeals.
- ~~2. Members shall be appointed by the Governing Body for terms of three (3) years and may be re-appointed for subsequent terms.~~

D. Service of Members.

1. All members of the Board of Zoning Appeals shall serve without pay or other compensation, except that all members shall be reimbursed for traveling or phone expenses.
2. Members may be removed for just cause, including conflict of interest, bias, and failure to attend scheduled meetings.
- ~~3. Appointments to fill unexpired terms shall be made by the Governing Body by using Alternates, or by selecting new members from the Edgerton Planning Commission.~~

E. Duties of Chairperson.

1. The Chair of the Board of Zoning Appeals shall call all meetings (and designate the location of the hearing) on request of the Zoning Administrator and/or Governing Body. The Chair shall also conduct all meetings according to (Rev.) Robert's Rule of Order. The Chair shall insure that all final orders or decisions of the Board of Zoning Appeals are rendered within 60 days of the original hearing date: all such orders or decisions must be in writing.
2. In the absence of the chairperson, the vice-chair or secretary of the Planning Commission shall serve as the chair.

F. Meetings and Votes of the Board.

1. The Chair shall conduct all meetings and take all votes. Meetings shall be held at a time and place designated by the Chair of the Board of Zoning Appeals.
2. All votes shall be "yes" or "no" by voice, with ~~a taped record and~~ written minutes kept of each session. Abstentions shall not be allowed, but members, may disqualify themselves, for cause, in accordance with the Guidelines for Conflict of Interest listed above in Section 8.1 E-4 of this Article. Records of all official actions of the board shall be filed in the office of the City Clerk.
3. All hearings before the Board of Zoning Appeals shall be open to the public. The Board may, however, adjourn a hearing from time to time, and may meet in closed session to debate the record created at the public hearing. The Board shall issue its findings to applicants in writing within 60 days after the first hearing, unless the applicant requests an extension of time.
4. The Chair of the Board of Zoning Appeals may establish, from time to time, reasonable limitations on the length of testimony, and shall have the power to rule on objections and other points of order raised by a board member, an applicant, or member of the public hearing. The Chair shall have the authority to Rule Out Of Order testimony that is not factual, based upon supposition or hearsay.

8.3 Powers and Responsibilities

A. Appeals.

1. The Board of Zoning Appeals (BZA) is hereby authorized to hear appeals from any person or official affected by any decision of the Zoning Administrator. In exercising the power of appeals, the BZA may reverse, amend, modify or affirm any discretionary act, requirement, decision or determination of the Zoning Administrator. To this end, the BZA shall have all of the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

B. Procedures for Appeals.

1. The appeal must be brought within 30 days of the final decision or action of the Zoning Administrator.
2. The appellant must file the proper forms provided by the Zoning Administrator.
3. An Appeal Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with each appeal application.
4. Notice of the appeal must be published once in the official city newspaper, at least 20 days prior to the hearing.
5. The applicant shall mail a copy of said publication notice by U.S. Mail, certified, return receipt requested and prepaid, to each owner of record of land within a distance of two hundred (200) feet of the perimeter of such proposed change, at least ten (10) days prior to said hearing; sufficient copies of said notice for such purpose to be provided by the City Clerk. Proof of compliance herewith shall be filed under oath by the appellant with the City Clerk prior to such hearing. At least ten (10) days prior to the date set for hearing, the appellant shall file with the City Clerk a (Johnson County AIMS property ownership map) of the land in question, drawn to scale, showing all tracts within a distance of two hundred (200) feet of the perimeter and the ownerships of each such tract; also, the location of all present buildings and proposed development. Such plans or drawings shall be verified by the Building Official or applicable City Staff member for accuracy, and their signature shall be affixed to same.
6. The appellant or agent must appear before the Board of Zoning Appeals on the appointed time and day for the hearing. Failure to appear, unless waived by the Board of Zoning Appeals for cause, shall result in a dismissal of the appeal, and shall require re-application.
7. When an appeal is filed, the action of the zoning administrator shall be stayed pending a final decision of the Board of Zoning Appeals.
8. Actions of the Board of Zoning Appeals are final orders and are not sent to the Governing Body for review or approval.

C. Variances.

1. The Board of Zoning Appeals is hereby authorized to issue variances from the specific terms of these regulations. A variance shall not permit any use not permitted by this chapter in such district. The variance shall not be contrary to the public interest, and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, and shall not result in an unnecessary hardship, and provided that:
 - a). The variance arises from a condition unique to the property in question, and is not a general condition found in the neighborhood.

- b). That granting the variance will not adversely affect the rights of adjacent property owners or residents.
- c). That strict adherence to the regulations in the specific case will constitute unnecessary hardship upon the property owner requesting the variance. The board must determine that the hardship is greater than an economic disadvantage, and in fact extends to a means of livelihood, a matter of protecting title to property, or if left uncorrected, would result in a severe and irrevocable change in the applicant's ability to transfer property. A hardship may also be construed to be "honest error" imposed upon a property owner by a ministerial official, or licensed professional, or through eminent domain or zoning resulting in a substantial {a near taking} loss of property rights.
- d). The variance desired will not adversely affect the public health, safety, morals or welfare, convenience, prosperity or general order.
- e). That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions that are in question.

2. Notice of a hearing for a variance shall be published once, at least 20 days in advance of the hearing, in the official city newspaper. The applicant shall mail a copy of said publication notice by U.S. Mail, certified, return receipt requested and prepaid, to each owner of record of land within a distance of two hundred (200) feet of the perimeter of such proposed change, at least ten (10) days prior to said hearing; sufficient copies of said notice for such purpose to be provided by the City Clerk. Proof of compliance herewith shall be filed under oath by the appellant with the City Clerk prior to such hearing. At least ten (10) days prior to the date set for hearing, the appellant shall file with the City Clerk a (Johnson County AIMS property ownership map) of the land in question, drawn to scale, showing all tracts within a distance of two hundred (200) feet of the perimeter and the ownerships of each such tract; also, the location of all present buildings and proposed development. Such plans or drawings shall be verified by the Building Official or applicable City Staff member for accuracy, and their signature shall be affixed to same.

D. Exceptions.

- 1. The Board of Zoning Appeals is hereby authorized to grant exceptions to the provisions of these regulations in those instances where the board is specifically authorized to grant such exceptions and only under the terms of these regulations. In no event shall exceptions to the provisions of these regulations be granted where the use or exception contemplated is not specifically listed as an exception in these regulations, or the requested exception violates the spirit or intent of these regulations. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of this exception, as established in these regulations by the Governing Body, are not found to be present.
- 2. **Hearing and Notice.** A hearing on the application shall be held and notice thereof given as specified under Section 8.3 C-2
- 3. **Authorized Exceptions.** The Board of Zoning Appeals is hereby authorized to grant exceptions from the following requirements of these regulations:

8.4 Requirements for Applicants

- A. Obtain an Accurate Legal Description of the Property.

- B. Make a scale drawing of your property; usually you may use the recorded subdivision plat or your survey for this purpose.
- C. Complete the necessary applications on forms provided by the Zoning Administrator.
- D. A ~~Variance~~ Fee, established by the [City Fee Resolution Schedule for the Unified Development Code](#), shall be submitted with each appeal, variance or exception application.
- E. Obtain a certified list of names and addresses of property owners within 200 feet. The Zoning Administrator will supply a sketch of the distance requirement.
- F. Make an appointment with the Zoning Administrator to review your scale drawing. If possible, bring photos that clarify the need for your variance or exception.
- G. Write a Statement of Purpose that explains the need for your variance or exception. Explain or clarify any extenuating circumstances that would help the Board of Zoning Appeals to understand the request.

8.5 Right of Appeal

- A. Any person, official or governmental agency dissatisfied with any order, determination or action of the Board of Zoning Appeals may bring an action in the district court of the county to determine the reasonableness of any action or order. Such appeals shall be filed within 30 days of the final decision of the Board.

8.6 Representatives and Agents

- A. Nothing contained in this ordinance shall be construed as prohibiting the right of any applicant or a member of a public hearing to retain an agent to represent them before the Planning Commission, BZA, or Governing Body. Likewise, legal counsel may be used to represent any person having business pertaining to this ordinance. All persons, and their agents or counsels, have a right to speak at the designated time, submit written comments for the record, make objections, note exceptions, or request points of clarification {for the record} during public hearings.

8.7 The Zoning Administrator

- A. Appointment.
 - 1. The Governing Board shall appoint an official known as the "Zoning Administrator" to administer the terms of this Edgerton Unified Development Code. The Zoning Administrator may appoint city employees as deputies to assist in administration of the UDC.
- B. Powers and Duties of the Zoning Administrator.
 - 1. Building permit. To issue or deny a building permit for the erection, construction, reconstruction, moving, adding to, or alteration of any structure, or the establishment of any land use. The Administrator shall also have the authority to revoke any zoning permit if violations of the provisions of this ordinance occur.

2. Certificate of zoning compliance. To issue or deny a certificate of zoning compliance, which indicates that the use and physical development of the site is in conformity with this ordinance.
3. Collect fees. To collect any fees required or set forth in this ordinance.
4. Making and keeping records. To make and keep all records required by state law or necessary and appropriate for the administration of this ordinance.
5. Inspection of buildings or land. To inspect any building or land to determine if violations of this chapter have been committed or exist.
6. Enforcement. To enforce this ordinance and take all necessary steps to remedy any condition found in violation of the provisions of this ordinance.
7. Interpretation. To interpret the official zoning map and provisions of this ordinance, and offer written opinions on their meaning and applicability, and to make findings of fact, and, with the concurrence of the City Attorney, conclusions of law regarding determinations of vested rights.
8. No written decision of the Administrator shall be subject to change, modification, or reversal after sixty days have elapsed, where the person aggrieved has materially changed his position in good faith reliance on the decision.

C. Processing Violations.

1. The Zoning Administrator upon finding a violation of these regulations {or if a proposed action would constitute a violation}, shall have the power to:
 - a). Issue a Notice of Violation, which shall specify the offense, the name of the property owner or agent and/or occupant, the legal description of the property, and the remedy. A reasonable and prudent time shall be set to correct the violation, or to file an appeal.
 - b). Issue a Stop Work Order which shall command any person to immediately cease and desist from any unlawful construction, use or alteration of any building or land.
2. Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a complaint with the Zoning Administrator stating fully the facts or grounds upon which the complaint is based. The Zoning Administrator shall promptly record and investigate such complaint and take appropriate action as provided in this ordinance.
3. Whenever the Zoning Administrator finds that any provision of this ordinance is being violated, he/she shall promptly notify in writing the person(s) responsible for violations. The notification shall contain the nature of the violation and any corrective orders.
4. The Zoning Administrator shall have the following remedies without limitations:
 - a). No Action. After careful consideration a "No Conflict" opinion may be issued by the Zoning Administrator.
 - b). Informal Contact. The Zoning Administrator shall have the authority to effectuate the abatement of zoning violations through informal meetings or conversations.

- c). Agreement to Abate. The Zoning Administrator may enter into an agreement with a violator to abate or remedy a violation within a period not to exceed six (6) months.
 - d). Notice and Order. See above Section 8.7 C-1 a and b.
 - e). Court Action. The Zoning Administrator may issue a summons to a violator requiring appearance in the City Court.
- 5. The Zoning Administrator may issue an administrative waiver to any required setback or yard listed in this ordinance to adjust for practical difficulty or grade changes. The waiver shall be no greater than 10 percent of the required distance.
 - 6. The Zoning Administrator may use an averaging method to establish any yard or setback in established areas to prevent excessive offsets between new and old structures.

Code Comparison of Nearby Municipalities

	Gardner	Lenexa	Olathe	Overland Park	Shawnee
1. Short-Term Special Uses (Events) – Allowed Through Administrative Review Unless Noted Otherwise	<ul style="list-style-type: none">Carnivals, circuses, fairs, and special eventsChristmas tree salesReligious tent meetingsConcession sales, including craftsSeason sale of farm produceCommercial tent sales or sidewalk salesExhibits for high technology productsGarage sales in excess of three days per calendar year	<p>Type 1 Special Events:</p> <ul style="list-style-type: none">Fund-raising activities by not-for-profitsCompany picnicsGrand openings and liquidation salesSpecial and seasonal sales eventsWalks, runs and bike tours and racesLimited display of bagged goodsEvents in city parksOutdoor entertainment <p>Type 2 Special Events (Reviewed by City Council):</p> <ul style="list-style-type: none">ConcertsCircusesFairsCarnivalsFestivals	<ul style="list-style-type: none">Christmas tree salesSeasonal sale of farm produceSeasonal sale of landscape plantings, materials, and lawn and garden supplies (as accessory sales to a business with other commercial activities)Carnivals, circuses, fairsCommercial tent sales or sidewalk sales (by tenants only)Exhibits for high technology products (by tenants only)	<p>Type 1 Special Events:</p> <ul style="list-style-type: none">Fund-raising activities by not-for-profit religious, educational, community-service, or neighborhood support organizations held on private property <p>Type 2 Special Events:</p> <ul style="list-style-type: none">Promotional activities or devices intended to attract attention to a specific place, business, organization, event or districtCommercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show, or product demonstrationFund-raising activities on behalf of a nonprofit organization sponsored by and at the location of a different organization or business <p>Type 3 Special Events (Reviewed by City Council):</p> <ul style="list-style-type: none">Public events intended for entertainment or amusement, such as concerts, festivals or sporting eventsFarmers markets <p>Type 4 Special Events (Reviewed by Staff or City Council Depending on Circumstances):</p> <ul style="list-style-type: none">The use of temporary structures or vehicles for the purpose of providing temporary shelters	<p>Type 1 Special Events:</p> <ul style="list-style-type: none">Fundraising or non-commercial events held by and for the benefit of nonprofit religious, educational, or community service organizations. Performance standards apply. Permit fees may be waived. <p>Type 2 Special Events:</p> <ul style="list-style-type: none">Fundraising events held by for-profit businesses or organizations for the benefit of a nonprofit religious, educational, charitable, or community service organization, where all proceeds from such event are donated to the nonprofit organization for which the event is held. Performance standards apply. Permit fees may be waived. <p>Type 3 Special Events:</p> <ul style="list-style-type: none">Christmas tree salesOutdoor seasonal salesPromotional activities or devices intended to attract attention to a specific place, business organization or event, such as signs or outdoor entertainmentCommercial activities intended to sell, lease, rent, or promote specific merchandise, services or product lines, such as a tent sale, trade show, farmer’s market or sidewalk sale <p>Type 4 Special Events (Reviewed by the City Council):</p> <ul style="list-style-type: none">Public events intended primarily for entertainment or amusement such as carnivals, concerts or festivals, operated separately from or in conjunction with a sidewalk sale or tent sale
2. Food Trucks	<ul style="list-style-type: none">Not yet addressed	<ul style="list-style-type: none">Currently allowed only as provided for by Special Event permits	<ul style="list-style-type: none">Mobile Food Vendors may operate within the City under the following conditions:<ul style="list-style-type: none">Location. Mobile Food Vendors may vend on Public property in accordance with this Chapter. Mobile Food Units may not be parked on Public property where a line of customers would hinder the flow of traffic on any street, the flow of bicycles within any bike lane or route, or the flow of pedestrians along any sidewalk. No accessible route providing access to persons with disabilities may be blocked or	<ul style="list-style-type: none">Currently allowed only as provided for by Special Event permits	<ul style="list-style-type: none">Mobile Food Vendors may operate within the City under the following conditions:<ul style="list-style-type: none">Obtain a license from the City, which is an annual license.Mobile Restaurants are permitted to operate within the corporate limits of the City when:<ul style="list-style-type: none">Participating in a City-authorized eventOperating on private propertyVending in the street public right-of-wayNo mobile restaurant shall:

	Gardner	Lenexa	Olathe	Overland Park	Shawnee
			<div><div>reduced to less than 5 feet in width. If any such hindrance occurs, the Vendor must either (a) instruct customers to move to a safe location outside of the flow of traffic, bicycles, and pedestrians, (b) temporarily stop vending from its Unit, or (c) move its Unit to a different location</div><div><ul style="list-style-type: none">○ Paved Surfaces. All Mobile Food Vendor operations must occur on paved surfaces○ Distance from Restaurants. No Mobile Food Vendor may vend on public or private property within a 150 foot radius from a brick and mortar restaurant during such restaurant’s posted hours of operation unless the Mobile Food Truck Vendor has written permission from the restaurant owner and maintains a record of such permission in its Unit for inspection.○ Hours of Operation. Mobile Food Vendors are prohibited from offering for sale any food and/or beverage from a single property for more than 4 hours out of every day, or outside the hours of 7:30 AM to 30 minutes after sunset except as part of a City approved event. Mobile Food Vendors are prohibited at all times from selling or offering for sale alcoholic beverages○ Signage. Except as otherwise provided herein, no sign or device prohibited in the code may be erected, placed, installed, and/or maintained in association with a Mobile Food Unit. Signage mounted on a Mobile Food Unit shall not exceed the dimensions of the Unit by more than 1 foot in any direction. No sign on a Mobile Food Unit may be illuminated. A maximum of one detached “A” Frame Sign may be permitted with a maximum area of 8 square feet and a maximum overall height of 4 feet. “A” Frame Signs must be located</div></div>		<div><ul style="list-style-type: none">▪ Operate on an unpaved surface▪ Operate within 50 feet of a permanent brick and mortar restaurant during posted hours of operation, without written permission from the restaurant owner▪ Operate within residential zoning districts, unless at an approved block party event with an authorized temporary street closure, or other private event and parked on a private driveway▪ Locate on vacant property without a primary use, unless authorized in conjunction with a Special Event▪ Be operated in a manner that causes congestion, interferes with traffic flow, or obstructs traffic signage or signals▪ Locate on private property without express written consent from the property owner. The responsibility for obtaining property owner permission shall fall on the lessee/business owner. The Mobile Restaurant must have a copy of written consent while operating▪ Fail to operate within the public right-of-way when utilizing on-street parking spaces. Items may only be sold curbside from an on-street parking space▪ Operate or locate on public facilities or parks, unless located in an on-</div>

Gardner		Lenexa	Olathe	Overland Park	Shawnee
			<div><div>within 15 feet of its associated Unit and may not interfere with vehicle access, pedestrian movement, or handicap-accessible routes to and around the Unit. A minimum access width of 5 feet must be maintained along all sidewalks and building entrances accessible to the public. “A” Frame Signs may only be used during the hours its associated unit is conducting business</div><div><ul style="list-style-type: none">○ Lights. No flashing lights or attention-attracting devices are permitted on or in association with the use of a Mobile Food Unit. No direct light may be shined on adjacent property or cause a glare or distraction for vehicles, bicycles or pedestrians from a Mobile Food Unit○ Accessory Structures. Unless otherwise provided in this Section, no tables, chairs, or other accessory structures may be erected by a Mobile Food Vendor outside of a Mobile Food Unit○ Trash and Recycling. Trash and recycling receptacles shall be provided with each Mobile Food Unit. Such receptacles must be attached to the Unit or located within 15 feet of the Unit and cannot interfere with vehicle access, pedestrian movement, or handicap-accessible routes to and around the Unit. A minimum access width of 5 feet must be maintained along all sidewalks and building entrances accessible to the public○ Restoration of Site. Immediately upon cessation of vending, the Mobile Food Vendor shall return the site to its previous condition, including the removal of all litter, repair of any damage, or other evidence of the vending. If the site is not returned to its previous condition, the City will restore the site at the expense of the vendor○ All Mobile Food Vendors shall</div></div>		<div><div>street parking stall or approved as part of a City-authorized event</div><div><ul style="list-style-type: none">▪ Operate in public right-of-way along parade routes on the day of the parade</div><div><ul style="list-style-type: none">○ All trash or debris created or associated with a Mobile Restaurant shall be contained within a trash receptacle while operating such business, and shall be cleared from the event area before vacating a location○ Mobile Restaurants shall comply with all City noise ordinances○ One portable fire extinguisher (size 2 A 10 BC) shall be required for all mobile food units that utilize a cooking process or heating stove○ The use of artificial lighting is permitted, provided that it is mounted to the unit at a height no taller than the vehicle, trailer, or pushcart itself. Area lighting shall only be installed with down-light fixtures and only be located on the service side of the tent, vehicle, or trailer. Flashing lights and other attention attracting lights are prohibited○ Signage may be permanently painted, affixed to or wrapped around the vehicle or trailer○ One A-frame sign per Mobile Restaurant is allowed within 15 feet of the vehicle, trailer, or pushcart. A-frame signs may not exceed 20 square feet in size. Separate sign permits shall not be required. All other types of detached signs are prohibited.○ Any license issued for a Mobile Restaurant may be revoked or suspended by the Governing Body after a public hearing before the Governing Body where it is found to be in violation of any of the provisions of this Chapter○ The Governing Body, before revoking or suspending any license, shall give the licensee at least ten days’ written notice of</div></div>

	Gardner	Lenexa	Olathe	Overland Park	Shawnee
			<p>acquire and maintain all required licenses and permits applicable to the use and operation of Mobile Food Units from all applicable jurisdictions. Evidence of all such licenses and/or permits shall be kept in the Unit and produced upon request by the Chief of Police or designee or other public officer charged by the City Manager with enforcement of this Chapter</p> <ul style="list-style-type: none">○ The Chief of Police or designee or other public officer charged by the City Manager with enforcement of this Chapter may at any time cause any Mobile Food Unit to be inspected to determine that said unit is suitable from the standpoint of safety for the conduct of a mobile food vendor business and that all provisions of this Chapter and any other City ordinances relating to safety are being complied with○ Any person operating as a Mobile Food Vendor in violation of this Chapter shall be charged with an Unclassified Public Offense and may be requested by the Chief of Police or designee or other public officer charged by the City Manager with enforcement of the Chapter to leave the premises on which they are conducting business○ The provisions of this Chapter shall not apply to the following activities: ice cream vendors, caterers, vendors selling as part of a City approved event, vendors selling at the Olathe Farmers’ Market, Vendors selling on public or private school property with the permission of any such school, or vendors selling on private property with the permission of the property owner		<p>the charges against him and the opportunity for a public hearing before the Governing Body, at which time the licensee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing</p>
3. Requirements for Short-Term Special Use (Event) Applications	<ul style="list-style-type: none">• A description of the land proposed to be used• Written permission from the owner of the property, if not the owner/applicant• A site plan showing setbacks, property	<ul style="list-style-type: none">• Written description of proposed event, duration, hours of operations, anticipated attendance, and any buildings/structures signs or attention-attracting devices used in conjunction with the event	<ul style="list-style-type: none">• A description of the land proposed to be used• A site plan showing setbacks, property lines and adjoining structures and the proposed location of the temporary sales	<ul style="list-style-type: none">• Particular submittal requirements are not addressed in the code• Additional performance standards are provided for each Special Event Type	<ul style="list-style-type: none">• No special event permit shall be issued until an application has been submitted to the Planning Department and the appropriate fee paid. The application shall be made on forms provided by the

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	<div>lines and adjoining structures and the proposed location of the temporary special use</div> <ul style="list-style-type: none">• A description of the proposed use• Hours of operation• Estimates of accumulated automobiles and persons per hour• Proposed sanitary facilities• Proposed parking facilities• Health inspection certificate where applicable	<ul style="list-style-type: none">• Sketch plan showing the location of proposed structures, parking areas, activities, signs, and attention-attracting devices in relation to existing buildings, parking areas, streets and property lines• Written confirmation from the property owner agreeing to the special event• Proof of liability and bodily injury insurance.	<div>and event</div> <ul style="list-style-type: none">• A description of the proposed use• Hours of operation• Estimates of accumulated automobiles and persons per hour• Proposed sanitary facilities• Proposed parking facilities		<div>Planning Department, and shall be accompanied by the following items, as applicable:</div> <ul style="list-style-type: none">○ A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures or signs used in conjunction with the event○ A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines○ A letter from the property owner or manager, if different from the applicant, agreeing to the special event○ Any additional information deemed necessary by the Director of Planning <ul style="list-style-type: none">• A complete application shall be made at least 5 days prior to the requested date of a Type 1, 2, or 3 special event. A Complete application shall be made at least 25 days prior to the requested start date of a Type 4 special event. Applications that require Governing Body approval shall be placed on the next available Governing Body agenda. With all other applications, the Director of Planning shall determine whether to approve, approve with conditions, or deny the permit within 5 days after the date of the application• The special event permit shall be posted on the event site in a conspicuous place for the duration of the event• If the permit applicant requests that the City provide extraordinary services or equipment or if the City staff otherwise determines that extraordinary services (e.g. traffic control or security personnel), or equipment should be provided to protect the public health or safety, the applicant shall be required to pay the City a fee sufficient to reimburse the City for the costs of these services. The requirements shall not apply if the event has been anticipated in the City budget process and sufficient funds have been included in the City budget to cover the costs incurred

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					<ul style="list-style-type: none"> (Additional information is provided regarding conditions for permit approval, appeal processes and revocation of special use permits)
4. Permitting Accessory Structures	<ul style="list-style-type: none"> Permit required for any accessory structure exceeding 120 square feet 	<ul style="list-style-type: none"> Permit required for any accessory structure exceeding 120 square feet 	<ul style="list-style-type: none"> Permit required for any accessory structure exceeding 200 square feet 	<ul style="list-style-type: none"> Permit required for any accessory structure exceeding 200 square feet 	<ul style="list-style-type: none"> Permit required for any accessory structure exceeding 120 square feet
5. Renovation or Finishing of a Residential Structure Requiring a Permit	<ul style="list-style-type: none"> Building permit required. A homeowner can perform renovation work without any additional paperwork 	<ul style="list-style-type: none"> Building permit required. A homeowner can perform renovation work without any additional paperwork 	<ul style="list-style-type: none"> Building permit required. A plan drawing is required for any renovations. A notarized statement form is required if a homeowner will be performing the work instead of a contractor 	<ul style="list-style-type: none"> Building permit required. A homeowner can perform renovation work without any additional paperwork 	<ul style="list-style-type: none"> Building permit required. A homeowner can perform renovation work without any additional paperwork
6. Permitting Fences or Walls	<ul style="list-style-type: none"> Fences may be constructed to a maximum height of eight feet above the average grade level on the property line with the following exceptions and restrictions: <ul style="list-style-type: none"> A fence may not be constructed in the front yard or beyond the front platted building line Where there is no platted side or rear building setback line, a fence may not be constructed within 15 feet of the property line along any street right-of-way A permit to install or modify a fence shall be obtained from the Codes Administrator Residential zoning districts may have fences along arterial streets only when approved by the Planning Commission as part of the final development plan approval Exceptions to the above may occur only when a master landscape/screening plan has been approved by the Planning Commission for a subdivision All fences shall be constructed with the finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface. Any preexisting, nonconforming fence that is replaced 50 percent or more must come into compliance with the fence ordinance (Additional regulations regarding the type, height, and material of fencing is written into each individual district) 	<ul style="list-style-type: none"> Except for fences or walls to be used for agricultural purposes within the AG District and retaining walls of 4 feet or less in height in any zoning district, a fence permit shall be obtained. A plot plan drawn to scale, indicating the location of the proposed fence, all property lines, easements, setbacks and buildings, shall be submitted with the permit request Retaining walls of 4 feet or less in height are permitted when they are reasonably necessary due to the topography of the site. The wall shall be located at least 2 feet from any street right-of-way and shall not extend more than 6 inches above the ground level of any land to be retained. Retaining walls of more than 4 feet in height shall be reviewed as an engineered structure Fences or walls constructed within City or private easements may be removed to allow access to utilities. The property owner shall be responsible for the reconstruction and replacement of any fences or walls removed The Planning Commission may approve master fence plans for development projects using the PUD or planned development regulations. The type, location and height regulations of this subsection may be varied by the Planning Commission to encourage high-quality, innovative fence and wall designs All fences and walls shall be constructed to allow for proper surface drainage. Retaining walls shall be designated to support lateral loads and to ensure proper surface drainage Fences and walls shall be placed no closer to the front lot line than the front yard setback line established by the building or 	<ul style="list-style-type: none"> Barbed wire, razor wire and electric fencing (above ground) are prohibited in residential and commercial districts No fence, wall or hedge shall be constructed, planted, reconstructed or replaced in a manner which obstructs the intersection sight distance Fences, walls, or hedges may be constructed or planted to a maximum height of: <ul style="list-style-type: none"> Six feet in residential in residential districts. Fences, walls or hedges in front or corner side yards (beyond the front of the house or structure), shall not exceed 4 feet in height, shall be at least 50 percent open, and shall not include chain-link or any other metal or wire type fencing Eight feet in commercial and industrial districts Residential / Mixed-Use Districts: <ul style="list-style-type: none"> Fences or walls shall be limited, or similar, to one of the following types of construction: brick or stone walls or pillars, chain-link, wood stockade, split rail, wood rail, wrought iron, spaced picket, imitation vinyl or similar decorative material Fences, walls or hedges are allowed along arterials only when approved as part of the master fence / screening plan Fences, walls or hedges shall be outside of the sight distance triangle Commercial / Industrial Districts <ul style="list-style-type: none"> Fences, walls or hedges shall not be placed in the setback area from street rights-of-way or within the perimeter landscape 	<ul style="list-style-type: none"> May be constructed to a maximum height of 8 feet Fences or walls in any planned district shall be approved by the Planning Commission as part of the final development plan Retaining walls may be permitted where they are reasonably necessary due to the topography of the lot, where the wall is located at least 2 feet from any street ROW, and where the wall does not extend more than 6 inches above the ground level of the land being retained Any fence or wall constructed prior to the adoption of these regulations which does not meet the standards of this subsection may be reconstructed, replaced and maintained at its present location resulting in a fence of the same size and material; provided, however, that the following standards are met: <ul style="list-style-type: none"> Where 50 percent or more of the linear fence of the entire existing fence is being reconstructed or replaced, such fence shall comply with new regulations No fence shall be replaced or reconstructed in a manner which obstructs the site distance triangle at intersections Whenever any fence or fence section changes with respect to location, size or material, then the result shall be a fence or fence section that is in full compliance with all requirements for location and design Front yard fences: A fence or wall may not be constructed in the front yard or in front of the front platted building line, whichever is more restrictive, except for decorative entry fences, as defined: 	<ul style="list-style-type: none"> All fencing (except agricultural fencing), including gates, shall be maintained in sound condition free of damage, breaks or missing structural members. Areas that are leaning, buckling, sagging or deteriorating shall be repaired or replaced with materials compatible with the undamaged portions of the fence or removed. Where fencing has been previously painted and there are areas of chipping, peeling, scaling or missing paint which is observable from the property line, roadway or adjacent properties, then such surface shall be repainted or stripped of all paint and given a water-resistant coating if necessary No solid fence, hedge or freestanding wall no more than four and one-half feet in height, may be constructed in front of the front life of the residence, as constructed; behind this line a fence shall not exceed six feet in height. On interior lots which have double frontage, a six-foot-high fence may be constructed in the area between a platted building setback line and the property line in the rear yard On corner lots, a solid fence, hedge or freestanding wall may be placed in the side yard a maximum height of six feet to the platted setback line; between the platted setback line and the property line, the fence shall not exceed four and one-half feet in height. The board of zoning appeals may grant a variance to this regulation and allow a fence up to six feet in height within a platted side yard setback line and the property line, provided the following conditions are met in addition to the other items considered when reviewing a variance request: <ul style="list-style-type: none"> The fence will not create a site problem for traffic

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		<p>buildings erected upon the lot</p> <ul style="list-style-type: none">• Fences and walls shall be located no closer to the side lot line than the side yard setback line of residential corner lots which adjoin interior lots that front or face onto a side street• A fence or wall may be constructed on the rear property line• Decorative fences may be located anywhere on a site, including all yard areas• Recreational fences and walls shall be located as approved on final plans, at least 15 feet from any property line• Residential fence and wall buffers shall be located within approved residential fence and wall buffers adjacent to collector and arterial streets• Height:<ul style="list-style-type: none">○ Residential Districts: Except as otherwise noted, fences and walls shall not exceed 6 feet in height in the residential zoning districts○ Commercial and Industrial Districts: Except as otherwise noted, fences and walls shall not exceed 10 feet in height in the commercial and industrial zoning districts○ Decorative Fences: Decorative fences shall not exceed 3 feet in height○ Recreational Fences and Walls: Recreational fences and walls shall not exceed 10 feet in height○ Residential Fence and Wall Buffers: Residential fence and wall buffers shall not exceed 6 feet in height○ PUD and Planned Developments: The Planning Commission may approve waivers from the fence and wall height regulations of the subsection for projects developed under the PUD or planned development standards to increase screening, buffering and/or security. Waiver granted pursuant to this standard shall not exceed 20 percent of the specified maximum height• Design and Materials:<ul style="list-style-type: none">○ Appearance: All walls shall be constructed of high-quality	<p>area</p> <ul style="list-style-type: none">○ Retaining walls are permitted where the wall is reasonably necessary due to topography, where the wall is located at least 2 feet from any street right-of-way, and where the wall does not extend more than 6 inches above the ground level of the land being retained. Any retaining wall above 3 feet shall have fencing. Retaining wall construction is subject to approval by the City Engineer and Chief Building Inspector	<ul style="list-style-type: none">○ Extend no further than 12 feet in front of the front surface of the residence○ Be located in front of the main entry to the residence and not extend beyond either side of the residence○ Not connect with any other fence on the property, nor with any fence defined as a decorative landscape element○ Be decorative in nature, be 3 feet or less in height, and be limited to or similar to one of the following types of construction: brick or stone walls, split rail, wood rail, wrought iron, or spaced picket fence○ Not define an area which is completely enclosed without an ungated opening to the yard at least 36 inches in width○ Be maintained in good condition• Rear yard: A fence or wall may be constructed on the rear property line on all lots whose rear lot lines abut another lot or a designated thoroughfare. However, no fence shall be permitted in any platted landscape easement except as a part of an approved master fence/screening plan. In the case of a double frontage lot whose rear yard abuts another street, a fence or wall may be constructed no closer than 15 feet to the rear property line• Side yard: A fence or wall may be constructed on the side property line, except that no fence shall be closer than 15 feet to any street right-of-way. In addition, no fence shall be permitted in any platted landscape easement except as a part of an approved master fence/screening plan• Design standards:<ul style="list-style-type: none">○ All fences and walls shall be constructed with a finished surface facing outward from the property. The posts and support beams shall be on the inside of the finished surface or shall be designed as an integral part of the finished surface. Provided, however, that where the Director of Planning and Development Services determine	<ul style="list-style-type: none">○ The side yard is not adjacent to the front yard of an adjoining lot• On corner lots with three frontages, a fence maximum six feet in height may be placed between the platted setback line and the property line on that frontage which constitutes the rear yard of the adjacent lot, provided the adjoining yard is not a front yard. Properties which are not platted shall measure setbacks from the standards prescribed for rear, and side yards in the applicable zoning district• All fences and walls shall be constructed with a finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface• No barbed wire fences shall be allowed in the residential zoning districts, unless the owner of property has a valid livestock permit, or the planning commission has approved a site plan which includes barbed wire fencing for security purposes

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		<p>materials which are compatible in appearance with other building materials used on the site. To enhance the appearance of the neighborhood and surrounding area, all fences shall be constructed of high-quality materials and, excepting transparent fencing material such as chain link, shall be constructed with a finished side facing outward from the property and the support posts placed on the inside. As an alternative, the posts and rails may be designed as an integral part of the finished surface. If chain link fencing is used, color versions, such as green or black, are encouraged. The Community Development Director shall have the authority to waive the requirement that the fence be constructed with a finished side face outward from the property in unique situations where topography, vegetation or other site conditions screen the fence from the affected neighboring property. Consideration may be given to the concerns of the owner(s) of the affected neighboring property if the existing screening condition has the potential to become significantly diminished over time</p> <ul style="list-style-type: none">○ Decorative Fences: Decorative fences shall be designed so that they are neither solid fences nor opaque screens or used to enclose a specific area. Split-rail and wrought-iron fences are examples of the types of non-opaque fences that could serve as decorative fencing. Decorative walls shall be constructed of natural rock or other masonry materials which are compatible in appearance with other building materials used on the site. The total length of decorative fences and walls shall not exceed 75 percent of the total width of the lot, as		<p>that there are practical difficulties in complying with this standard, the fence posts may be outside the finished surface</p> <ul style="list-style-type: none">○ All fence segments abutting a designated thoroughfare, except on corner lots, shall provide one gate opening per lot to allow access to the area between the fence and the edge of the street for maintenance and mowing	

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		<div>measured along the front setback line</div> <div><div>○ Electric Fencing: The installation of above ground electric fences shall be prohibited in all zoning districts; except, that electric fences shall be permitted in the AG District when used for agricultural purposes. Low-voltage electric wires attached to the top of fences shall be permitted in low-density residential districts when used for animal control purposes and when they are used for no more than 120 days. No permits shall be required for the use of such temporary electric wires</div><div>○ Barbed Wire Fencing:<div><div>▪ Residential and Commercial Districts: Barbed wire fences or barbed wire assemblies atop fences shall be prohibited in residential and commercial zoning districts unless expressly approved by the Planning Commission pursuant to the approval of a conditional or special use permit</div><div>▪ Agricultural District: Barbed wire fences are permitted in the AG District when used for agricultural purposes</div><div>▪ Industrial Districts: Barbed wire fences will be permitted in the industrial zoning districts, subject to the following standards:<div><div>• Barbed wire assemblies will be restricted to 3 horizontal wire strands not to exceed a maximum width of 18 inches</div><div>• Barbed wire assemblies</div></div></div></div></div></div>			

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			shall be erected atop fences with a minimum height of 6 feet		
		<ul style="list-style-type: none">▪ Razor Ribbon: Razor ribbon or similar type of barbed wire assemblies shall be prohibited in all zoning districts			