

## STAFF REPORT SUMMARY

January 6, 2017

To: Edgerton Planning Commission  
Fr: Kenneth Cook, AICP, CFM, Community Development Director  
Re: FP2016-04, Final Plat for Midwest Gateway, located on the North side of 191<sup>st</sup> Street and 1,500 feet West of Kill Creek Road.

### REQUEST

The applicant is seeking approval of a Final Plat based on an approved preliminary site plan, preliminary plat and the L-P, Logistics Park District zoning requirements. This project is located to the West of the original LPKC development and directly South of the BNSF Intermodal facility. The proposal includes a 522,436 square foot speculative warehouse.

### DISCUSSION ITEMS

Staff recommends the Planning Commission review the below summary of items to note areas that may need consideration by the Planning Commission. Other items noted in the Staff Report shall be addressed by applicant in revised submittal, but do not appear to be items in need of discussion by the Planning Commission.

1. Include table showing lot area, setbacks and building envelope. Need to update setbacks to show a 50 foot front setback and 25 foot side setbacks.
2. Show a drainage easement for the detention pond.
3. Update the wording of the instrument of dedication.
4. Include certificate for Zoning Administrator.

### RECOMMENDATION

City staff recommends **approval** of FP2016-04 for the Final Plat, Midwest Gateway subject to the suggested stipulations, below.

1. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.
2. The commencement of any improvements shall not occur prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat by the Governing Body. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements.
3. A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
4. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax.
5. The applicant shall meet all requirements of Financial Assurances as defined in Section

13.7 of the Edgerton Unified Development Code.

## STAFF REPORT

January 6, 2017

To: Edgerton Planning Commission  
Fr: Kenneth Cook, AICP, CFM, Community Development Director  
Re: Application FP2016-04 for Final Plat for Midwest Gateway, located north side of 191<sup>st</sup> Street and one-quarter mile east of Homestead Road.

### APPLICATION INFORMATION

**Applicant/Property Owner:** Aaron Schlagel, Midwest Gateway Venture, LLC  
Keith Copaken, Midwest Gateway Venture, LLC

**Requested Action:** Final Plat – Midwest Gateway

**Legal Description:** Part of the SW 1/4, Section 34, Township 14 South, Range 22 East. in the City of Edgerton, Johnson County, Kansas. See attached final plat for full legal description.

**Site Address/Location:** North side of 191<sup>st</sup> Street and 1,500 feet West of Kill Creek Road.

**Existing Zoning and Land Uses:** City of Edgerton L-P (Logistics Park) zoning on vacant land.

**Existing Improvements:** None.

**Site Size:** 32.445 Acres

### PROJECT DESCRIPTION

The applicant is seeking approval of a final plat based on an approved preliminary and the L-P, Logistics Park District zoning requirements. The initial, two lot, Preliminary Plat was approved November 12, 2013. The currently valid, one lot, Preliminary Plat was approved December 17, 2015. While this lot is located adjacent to the intermodal facility, it is not considered part of Logistics Park Kansas City. The subject property is located on the North side of 191st Street and approximately a quarter mile East of Homestead Lane and is zoned L-P, Logistics Park. 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

Infrastructure was reviewed previously per the rezoning and preliminary plat. Some conditions continue to exist as noted below.

- a. 191st Street had been constructed as a heavy haul corridor. It is a 40 foot wide two lane road constructed with 14 inch thick concrete. 191st Street will still require upgrades in the future as development occurs in the area which could include the construction of additional travel lanes and sidewalks. The funding for these improvements will be made as part of a tri-party agreement regarding the development of Logistics Park Kansas City. The City has typically required adjacent property owners that are not part of LPKC to sign agreements not to protest the formation of a benefit district that would also be used to fund these improvements.
- b. 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.
- c. The property is located within an area identified as Zone X and is defined as Areas determined to be outside the 500-year flood elevation. No base Flood Elevations have been determined.
- d. The property has access to sanitary sewer service. A gravity sewer line is located on the South side of 191<sup>st</sup> Street across from the Southwest corner of the site. This line flows into the pump station that is located at the Southeast corner of 191<sup>st</sup> and Homestead Lane. Another pump station is located at the Northeast corner of the site.
- e. The property is located within the service area of Rural Water District No. 7. The new water tower for Water 7 is located on Lot 3 of the first plat of the Logistics Park Kansas City Phase IV. A 12-inch water main is located along the 191<sup>st</sup> Street property frontage.
- f. 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 Fire District No. 1. A fire station is located in the City of Edgerton approximately 3.5 miles to the west, and one approximately 2.5 miles to the northeast in the City of Gardner.

## FINAL PLAT REVIEW

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

1. Scale, the same used for the preliminary plat; North point; vicinity map. *The same scale is being used for the Final Plat as the Preliminary Plat. **Final Plat Complies.***
2. The words "FINAL PLAT" followed by the name of the subdivision at the top of the sheet, and then followed by a metes and bounds description of the tract. **Final Plat Complies**
3. The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, and monuments found or set. All P.I.'s corners, boundaries must be monumented with a 2" x 24" metal bar. **Update Final Plat.**
  - a) *The plat currently shows all monuments being ½" x 24" Rebar while the regulations require 2" x 24" metal bar. Staff believes that the 2" measurement is a typographical error and that it should be ½".*
  - b) *Show the basis of bearing on the graphic part of the plat.*
  - c) *Show names or recording data for the adjacent unplatted parcels.*

4. A boundary survey of third order surveying accuracy (maximum closure error one in five thousand (1' in 5,000), with bearings and distances referenced to section or fractional section corners or other base line shown on the plat and readily reproducible on the ground. *Information depicted. Final Plat Complies.*
5. Individual notations and a TABLE showing: lot area, setbacks, and building envelopes. *Please add table. Setbacks currently shown do not comply with L-P District requirements. Front setback should be 50 feet and side setbacks should be 25 feet. Update Final Plat.*
6. A number for each lot, starting (if practical) in the northwest corner. *Final Plat Complies.*
7. All easements with widths, and roads with curve data. *A drainage easement should be provided for the detention pond. Update Final Plat.*
8. Ingress/egress limitations if required. Information is shown and declared. *Final Plat Complies.*
9. The location of existing utility easements. *Final Plat Complies.*
10. A written legal description from the survey. *Final Plat Complies.*
11. An instrument of dedication for all roads and easements. *The Final Plat includes language for the dedication of right-of-way (streets) and other types of similar rights-of-way including utility easements. The wording of these dedications needs to be modified to match the standard wording that the City of Edgerton uses. Update Final Plat.*
12. Special notations required as a condition of platting by the Planning Commission. *Final Plat Complies.*
13. Approved phases – clearly delineated. *Not applicable. Final Plat Complies.*
14. Private travel easements. *Existing driveway easement shown. Final Plat Complies.*
15. The Owner's Certificate with Notary Seal. *Final Plat Complies.*
16. Certificate of the Governing Body with City Clerk's attest and Seal. *Final Plat Complies.*
17. Edgerton City Planning Commission Chair and Secretary approval. *Final Plat Complies.*
18. Certificate of the Register of Deeds. *Register of Deeds utilizes their own stamp and requires space to be reserved in the top left corner to accommodate it. No additional certificate is required. Final Plat Complies.*
19. Surveyor's Certificate and Seal and certificate for survey review by the County Surveyor or designated Land Surveyor. *County Surveyor utilizes their own stamp, therefore no other certificate is required. Final Plat Complies.*
20. Certificate of the Zoning Administrator. *Language not present, please add. Update Final Plat.*

## **RECOMMENDATION**

City staff recommends **approval** of FP2016-04 for the Final Plat, Midwest Gateway, subject to compliance with the following stipulations:

1. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.
2. The commencement of any improvements shall not occur prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat by the Governing Body. Sanitary sewer drawings and specifications must be submitted to and approved by the City of Edgerton and Kansas Department of Health and Environment prior to the commencement of any improvements.

3. A Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
4. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code, including payment of excise tax.
5. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code.

**ATTACHMENTS**

Application FP2016-04

Final Plat Midwest Gateway

# FINAL PLAT OF MIDWEST GATEWAY

## PART OF THE SW 1/4, SECTION 34, TOWNSHIP 14, RANGE 22, CITY OF EDGERTON, JOHNSON COUNTY, KANSAS

**LEGAL DESCRIPTION:**

All that part of a tract of land described as the J.A. Pearce Tract in the Southwest Quarter of Section 34, Township 14 South, Range 22 East as said tract is shown and described in the 1892 Re-Survey of said Section Township and Range, Johnson County, Kansas, said tract of land being more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of said Section 34; thence S 88° 10' 27" W, along the South line of said Southwest Quarter, a distance of 360.36 feet, to the true point of beginning of subject tract; thence continuing S 88° 10' 27" W, along said South line, a distance of 947.45 feet, thence N 02° 16' 29" W, parallel with the East line of said J.A. Pearce Tract, a distance of 1170.31 feet; thence N 53° 52' 24" E, a distance of 1140.81 feet, to a point on the East line of said J.A. Pearce Tract; thence S 02° 16' 29" E (S 02° 16' 32" E, Deed), along the East line of said J.A. Pearce Tract, a distance of 1813.21 feet, to the true point of beginning.

The above described tract contains 1,413,318 square feet or 32.445 acres more or less.

**OWNERS CERTIFICATION AND DEDICATION:**

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "MIDWEST GATEWAY".

The proprietors, successors, and assigns, of property described on this plat hereby dedicate for public use all land described on this plat as streets or public ways not heretofore dedicated. Acceptance of the dedication of land for public right-of-way purposes described on this plat is for the sole purpose of maintaining right-of-way, and does not constitute acceptance of any terms or conditions set forth in any agreement not shown on this plat.

An easement is granted to lay, construct, alter, repair, replace or operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "S/E" on this plat are hereby dedicated to the City of Edgerton or their assigns.

The undersigned proprietor of the above described land hereby consents and agrees that the governing body of any special assessment district shall have the power to release such land proposed to be dedicated for streets and roads, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated road or street.

IN TESTIMONY WHEREOF, the undersigned proprietors have hereunto subscribed their hand.

OWNER:  
Midwest Gateway Venture, LLC

By \_\_\_\_\_  
Keith Copaken  
STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )SS.

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2017 by  
Keith Copaken of Midwest Gateway Venture, LLC.

Notary Public \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

APPROVED by the Governing body of the City of Edgerton, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Donald Roberts, Mayor Janeice Rawles, Clerk  
APPROVED by the City of Edgerton, Kansas Planning Commission, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Chuck Davis, Chairman Maria O'Neill, Secretary  
Attest:

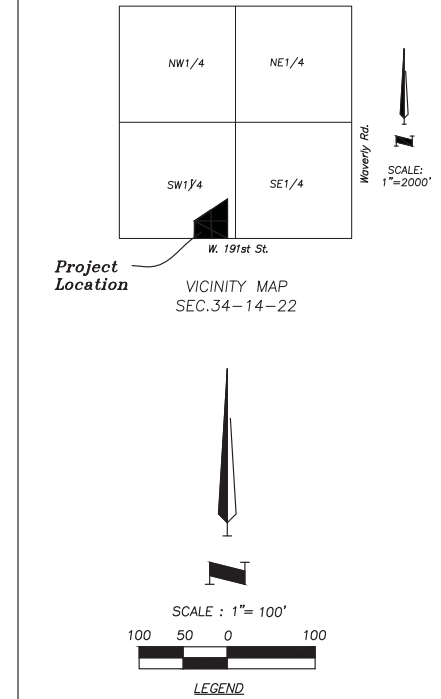
I hereby certify that the information shown hereon is based on a field survey performed under my supervision on August 30, 2013.

Scott D. Confer, KS LS-1249

**SHAFER, KLINE & WARREN, INC.**  
**ENGINEERS ~ SURVEYORS**

OWNER/APPLICANT  
Midwest Gateway Venture, LLC  
1100 Walnut, Suite 200  
Kansas City, MO 64106

11250 CORPORATE AVENUE  
LENEXA, KANSAS 66219  
(913) 888-7800 www.skw-inc.com



R/W = Right-of-Way line  
B/L = Building Line

General Notes:  
Plat corner monuments are as noted.  
Bearings shown hereon are in accordance with the State Plane Coordinate System, Kansas North Zone, NAD83  
CAF: 0.999943479  
The error of closure exceeds 1 in 50,000.  
Gross Area= 1,413,318± Sq. Ft. / 32.445± Acres

**FLOOD NOTE:**  
This property lies within Flood Zone X, defined as areas determined to be outside the 500-year flood, as shown on the Flood Insurance Rate Map, prepared by the Federal Emergency Agency's National Flood Insurance Program for Johnson County, Kansas, Map Number 20091C0290F and dated August 3, 2009.

