

EDGERTON PLANNING COMMISSION AGENDA
REGULAR SESSION
Edgerton City Hall
April 11, 2017
7:00 PM

1. Call Meeting to Order
2. Pledge of Allegiance
3. Roll Call
4. Election of Vice-Chair
5. Consent Agenda
(Consent Agenda items will be acted upon by one motion unless a Planning Commissioner requests an item be removed for discussion and separate action)

MINUTES

- A. Consideration of Regular Session Minutes of March 14, 2017
6. New Business

PUBLIC HEARING – REZONING, 183RD ST. AND MONTROSE ST.– ZA2017-02

- A. Consideration of opening a public hearing in regards to application submitted for the rezoning of property from Johnson County RUR to City of Edgerton L-P (Logistics Park) located in the southeast quadrant of 183rd and Montrose Street, containing approximately 79.359 acres, more or less. Applicant: ELHC, LLC. Engineer: Renaissance Infrastructure Consulting.

Action requested: Consider motion to close or continue the hearing. Consider motion to recommend approval or denial to the Governing Body.

PUBLIC HEARING – PRELIMINARY PLAT, 183RD AND MONTROSE ST. – PP2017-02

- B. Consideration of opening a public hearing in regards to Preliminary Plat Application, PP2017-02, requesting approval of a preliminary plat for Logistics Park Kansas City Phase VI, Second Plat, located south of 183rd Street, east of Montrose, a part of the northwest quarter of Section 35, Township 14S, Range 22 East, consisting of two (2) lots, containing approximately 79.359 acres, more or less. Owner/Applicant: Edgerton Land Holding Company, LLC. Engineer: Renaissance Infrastructure Consulting.

Action requested: Open the public hearing, receive comments, and consider motion to close or continue. Consider motion to approve or deny preliminary plat.

PUBLIC HEARING – PRELIMINARY SITE PLAN, 183rd AND MONTROSE ST. - PS2017-02

- C. Consideration of opening a public hearing in regards to Preliminary Site Plan Application, PS2017-02, requesting approval of a preliminary site plan for Logistics Park Kansas City, Phase VI, Second Plat, located south of 183rd Street, east of Montrose, a part of the northwest quarter of Section 35, Township 14S, Range 22 East, consisting of two (2) lots, containing approximately 79.359 acres, more or less. Owner/Applicant: Edgerton Land Holding Company, LLC. Engineer: Renaissance Infrastructure Consulting.

Action requested: Open the public hearing, receive comments, and consider motion to close or continue. Consider motion to approve or deny preliminary site plan.

FINAL PLAT – MIDWEST GATEWAY, FP2016-04 - RECONSIDERATION

- D. Consideration of request from the Edgerton City Council to reconsider recommendation of Final Plat, FP2016-04, requesting recommendation of approval of a final plat for Lot 1 Midwest Gateway, Final Plat; located at 32180 W. 191st Street, on a tract of land consisting of one (1) lot, containing approximately 32.445 acres, at the request from the applicant. Applicant: Midwest Gateway Venture, LLC. Engineer: Shafer, Kline & Warren.

Action requested: Consider motion to recommend reconsider the final plat and recommend approval, denial, or table.

FINAL SITE PLAN – MIDWEST GATEWAY, FS2016-010 - RECONSIDERATION

- E. Re-consideration of Final Site Plan, FS2016-010, requesting approval of a final site plan for Lot 1 Midwest Gateway, Final Plat; located at 32180 W. 191st, on a tract of land consisting of one (1) lot, containing approximately 31.14 acres, based upon reconsideration of final plat. Applicant: Midwest Gateway Venture, LLC. Engineer: Shafer, Kline & Warren.

Action requested: Consider motion to reconsider the final site plan and approve , deny, or table.

7. Future Meeting – May 9, 2017

8. Adjournment

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING
March 14, 2017
Minutes

Prior to the meeting, Jamie Cunningham was sworn in as a Planning Commissioner.

The Edgerton Planning Commission met in regular session with Chair Davis calling the meeting to order at 7:00 p.m.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were: Commissioners Chuck Davis, Joshua Lewis, Maria O'Neill, Bob O'Neill, Jamie Cunningham, and John Daley (via telephone). Absent were: Commissioners: Eric Erazo, Leslie Hardin, and Julianne Hunter. Also present were Community Development Director Kenneth Cook, City Administrator Beth Linn and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

PLANNING COMMISSIONER RESIGNATION

Ron Conus, Vice Chair, submitted his resignation effective on February 23, 2017, due to appointment on the Edgerton City Council. His resignation letter thanked the members for allowing him to serve the community as a Planning Commissioner and now as a member of the City Council.

The members accepted the resignation.

Mr. Cook informed the Commissioners that Julianne Hunter has also submitted a resignation as she will no longer be associated with matters concerning Edgerton.

ELECTION OF VICE CHAIR

Mr. Cook addressed the reasoning for the election of Vice Chair, at this time. He noted this appointment would end with the June, 2017 Commission annual election.

Mr. Davis expressed favor with continuing this matter until April until more members are present.

Motion by B. O'Neill, seconded by M. O'Neill, to table this election to April 11, 2017. Motion was approved, 6-0.

CONSENT AGENDA

Motion by M. O'Neill, seconded by B. O'Neill, to approve the consent agenda. Motion was approved, 6-0.

A. Minutes – February 14, 2017

Meeting Minutes of February 14, 2017 were considered and approved.

UNIFIED DEVELOPMENT CODE (UDCA2017-01) – PUBLIC HEARING

Opening a public hearing in regards to an amendment of the Unified Development Code within Article 3 in regards to Section 4 pertaining to R-2, Two Family Residence District was considered. Applicant: City of Edgerton, KS

Mr. Davis opened the hearing.

Kenneth Cook, Community Development Director, overviewed the reason for this request. He indicated an owner of a duplex property requested to split the property. Mr. Cook addressed the lot minimums and setbacks with a split and indicated this is not allowed in the code. The applicant asked the Council to consider this matter. The consensus of the Council was to suggest a change in the regulations.

Mr. Cook overviewed the existing and proposed language of Single-Family dwellings. The changes considered include: addition of single-family attached dwellings to the list of permitted uses in the R-2 district; addition of a definition for single-family attached dwellings; modification of the table of setback, yards and area for R-2 zoning district; and deletion of “of a duplex” from Section 3.1F.3. The proposed table was reviewed. Staff recommends approval of the changes.

Mr. Davis asked about notification to property owners of the change in the code. Mr. Cook addressed.

Mr. Davis also asked about restrictions to lot lines for fencing. Mr. Cook indicated that, at this time, there are no restrictions, exception being for traffic triangles. Staff will review this in the future.

No one was present to support or oppose.

Motion by B. O'Neill, seconded by Lewis, to close the hearing.

The Councilmembers had no further discussion.

Motion by B. O'Neill, seconded by Lewis, to recommend approval of the change to the City Council. Motion was approved, 6-0.

FUTURE MEETING

The next meeting scheduled is April 11, 2017 at 7:00 p.m.; with a work session beginning at 6:00 p.m. Members were asked to advise staff of any known absences.

Mr. Cook introduced Steve Hale, president of Elevate!Edgerton (economic development corporation).

Jamie Cunningham, newest member, was introduced. Mr. Cunningham spoke of his background. All welcomed the newest member.

ADJOURNMENT

Motion by M. O'Neill, seconded by Lewis, to adjourn. The motion was approved, 6-0.

The meeting adjourned at 7:30 p.m.

Submitted by:

Debra S. Gragg
Recording Officer

STAFF REPORT SUMMARY

April 7, 2017

To: Edgerton Planning Commission
Fr: Kenneth Cook, AICP, CFM, Community Development Director
Re: ZA2017-02, Zoning Amendment for 80 Acres Located South of 183rd and East of Montrose Street.

REQUEST

The applicant is seeking approval for the rezoning property that is located South of 183rd Street and East of Montrose Street. The project is bounded on the East by the City of Gardner. The property is currently zoned County RUR, Rural District and the request is for a change to the L-P, Logistics Park District. The property is shown as Mixed Use Retail, Office and Medium Density Residential on the Future Land Use Map of the Comprehensive Plan.

DISCUSSION ITEMS

Staff recommends the Planning Commission review the below summary of items noted in the Staff Report. The following items are those that staff has determined as most relevant to the questions of compatibility and the best interest of the City and are based off of the Golden Criteria. A full review of the Golden Criteria can be found in the attached Staff Report.

Positive Factors:

1. Effective use of Land: The request allows for the effective use of land due to the properties location adjacent to the BNSF Intermodal Facility, the intermodal lead tracks and other industrial property.
2. The extent to which there is a need in the community for the uses allowed in the proposed zoning: The City of Edgerton has been seeing significant demand for warehouse, distribution and similar types of industrial uses.
3. The economic impact on the community from the uses allowed in the propose zoning: Uses allowed in the L-P District have the ability to provide needed services, jobs and tax revenues. The property is also located in an area where significant investments have already been made in infrastructure to serve this type of facility.
4. The relative gain to the public health, safety, and welfare from a denial of the rezoning as compared to the hardship imposed upon the rezoning applicant from such denial: There would be little gain to the public health, safety and welfare of the City of Edgerton if the zoning is denied. The denial would also create a hardship for the applicant as other uses which might be considered as more acceptable to the residential property to the East would possibly conflict with uses to the West.
5. Consistency with the City of Edgerton Comprehensive Plan: While the Future Land Use Map from the Comprehensive Plan for the City of Edgerton shows the subject property as mixed use retail, office and medium density residential the property is also located directly adjacent to other property shown as being industrial. The proposed change is considered to be a minor change in regards to where the edge of the industrial area will be located. The Preferred Land Use Plan in the Southwest Johnson County Area Plan also shows this

site as being Medium Density Residential. This document was created with this area was expected to be annexed into the City of Gardner and this property would be incorporated into the street layout of the area located to the East..

Neutral Factors:

1. The Character of the neighborhood: The neighborhood can be considered an area of transition as the properties located to the East are used primarily for residential purposes and the properties to the West and South are used for industrial purposes.
2. Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties: This property is located between properties that are zoned for residential uses and industrial uses. While the proposed zoning is not fully compatible with the adjacent residential uses, uses which would be more compatible with the residential uses might not be compatible with the adjacent industrial uses.

Negative Factors:

1. The extent to which the zoning amendment may detrimentally affect nearby property: Uses that are permitted within the proposed zoning district have the ability to have a negative impact on the residential area located adjacent to the site due issues such as traffic, noise and other impacts. The L-P District provides specific requirements to try and mitigate some of these concerns and the Planning Commission has the ability to consider these requirements as part of the Site Plan process.

RECOMMENDATION

City staff recommends **approval** of the proposed rezoning of the subject property from RUR, Rural District to L-P, Logistics Park District, with the following stipulations:

1. All Site Plan application requirements of the City shall be met.
2. All infrastructure requirements of the City shall be met.
3. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

STAFF REPORT

April 7, 2017

To: Edgerton Planning Commission
Fr: Kenneth Cook, AICP, CFM, Community Development Director/Zoning Administrator
Re: Application ZA2017-02 for rezoning of approximately 82 acres located North of 183rd Street and East of Waverly Rd

APPLICATION INFORMATION

Property Owner: Michael J DeGrande Rev Trust ETAL

Applicant: John Thomas, Edgerton Land Holding Company

Requested Action: Rezoning from County RUR, Rural District, to L-P, Logistics Park District

Legal Description: Part of Section 35, Township 14 South, Range 22 East

Site Address/Location: South Side of 183rd Street and East of Montrose Street

Existing Land Use: Agriculture

Existing Zoning and Uses: A-G, Agricultural District

Existing Improvements: Farm House and Structures

Site Size: Approximately 80 acres

Reason for Rezoning Request: The City of Edgerton has received an application requesting that the property be rezoned to the L-P, Logistics Park District. Edgerton Land Holding Company (ELHC) recently received an "Authorization and Consent" for the property in order to submit applications for the annexation, re-zoning, preliminary site plan and other similar applications. The subject property was annexed into the City of Edgerton at the March 23, 2017 City Council meeting. According to the Edgerton Unified Development Code, the owner of a property annexed into the City of Edgerton should apply to rezone the property from its existing county zoning designation within 60 days of annexation. The subject property is located directly to the South of a property that was originally purchased by BNSF as part of the development of the intermodal facility. ELHC has also purchased and is currently developing property located directly to the West of the subject property. The L-P District is described as:

The purpose of the Logistics Park, L-P District is to create a limited multimodal industrial zone that provides for a modern type of industrial uses or industrial park created to support

activities related to trade and rail and other transport service. Limitations are placed on the uses in this district to significantly restrict the outside activities and outside storage of materials, noise, vibration, smoke, pollution, fire and explosive hazard, glare and other potentially adverse influences.

This zone is intended for industrial parks and larger, cleaner types of industries. The manufacturing uses should be conducted within a totally enclosed building. Any activities conducted outside should be screened and buffered, and external effects such as excessive noise or odor should not extend beyond the property lines. Residential uses should be discouraged from locating near the L-P District to protect the industries from residential complaints.

Areas should not be zoned to the L-P District unless they are located adjacent or near to arterial thoroughfares capable of carrying commercial and truck traffic, as well as being located close to major truck routes. It is the general intent of this District to provide for a mutually beneficial, economically viable, well-planned development poised for long-term success including:

- 1. To provide for the distribution of and appropriate relationships between various land uses and to minimize conflict between land uses;*
- 2. To describe desired future physical conditions within the L-P District;*
- 3. To manage growth in an orderly manner; and*
- 4. To serve as a basis for future development recommendations within the L-P District and set the precedent for sound planning and sustainable development practices throughout the L-P District area of influence.*

The requested rezoning to the L-P District can be considered as an expansion of the existing L-P District which is located to the West (Inland Port VII & VIII) and North of the subject property and which would be part of the 1,500 acre master planned logistics park and intermodal facility. The property located to the North was approved to be rezoned at the Edgerton City Council's January 26, 2017 meeting. The Future Land Use Map for the City of Edgerton shows that this property was anticipated to be used Mixed Use Retail, Office and Medium Density Residential while properties to the North and West were shown as Business Park/Industrial. The Preferred Land Use Plan of the Southwest Area Plan shows this property as being Medium Density Urban Residential with Warehouse and Distribution to the West and Business Park to the North.

Background Information

The applicant for this project is Edgerton Land Holding Company (NorthPoint Development), BNSF's partner for developing warehousing. The property is located to the East of the BNSF Intermodal Facility and on the East side of Montrose Street just South of the existing 183rd Street right-of-way. The new roadways for Montrose and 185th Street that were developed as part of the Waverly Road project are located to the West of the subject property and will provide the vehicular connection to LPKC and the BNSF facility. The site has primarily been used for agricultural purposes.

The uses listed for the L-P, Logistics Park District (Section 5.2) in the City of Edgerton's Unified Development Code are as follows:

L-P District – Permitted Uses.

- | | |
|---|---|
| 1. Building and construction contractor offices, including display areas. | 4. Display or catalog showrooms. |
| 2. Business and trade schools. | 5. Laboratories and research facilities. |
| 3. Commercial pick-up and delivery services. | 6. Manufacturing, processing, fabrication or assembly of commodity - limited. |

7. Motion picture production studios and stations.
8. Photographic processing facilities.
9. Printing and publishing.
10. Radio and television broadcasting stations.
11. Research establishments of industrial, medical or scientific nature.
12. Restaurants, including drive-up or drive-thru services.
13. Warehousing/Distribution centers, including trucking and courier services; public warehousing and storage; and motor freight transportation terminals and maintenance facilities.
14. Mailing, packaging, parcel service and storage.
15. Printing, communications, mail orders.
16. Sales outlets and wholesale trade.
17. Retail sales in conjunction with a manufacturing or fabrication use.
18. Health and hospital supplies; office supplies.
19. Copy, printing and duplication services.
20. Internet service providers.
21. Sale, servicing, and repair of electrical and other electronic devices.
22. Government facilities.
23. Retail and wholesale of furniture and home furnishings, carpet, paint and wallpaper, and plumbing and lighting fixtures.
24. Sales and installation of cellular phones, stereos, radios and similar electronic equipment for vehicles.
25. Veterinary hospitals and clinics.
26. Accessory uses.
27. Agricultural.
28. Auto and truck motor fuel facilities and repair.
29. Auto and truck washing.
30. Recreational vehicle sales and service.
31. Towing and impound yard.
32. Trailer or truck sales and rental.
33. Building materials yard and lumber yard.
34. Mini-Warehouse and self storage.
35. Recycling collection center.
36. Similar uses.

L-P Districted – Conditional Uses.

1. Communication transmission towers over sixty (60) feet, subject to the provisions in Article 7.
2. Truck stops with fuel and accessory services;
3. Private or public owned playgrounds, playfields, and recreational facilities (e.g. public or private golf courses, tennis or other courts, and swimming pools) open for public or commercial use;
4. Auditoriums, convention centers, and conference facilities
5. Colleges and universities.
6. Transportation storage and trucking yards.
7. Cargo container storage, repair or maintenance.

Infrastructure and Services:

1. Waverly Road has recently been upgraded to be a three-lane concrete road with a grade separated crossing of the intermodal lead tracks. New roadways for 185th Street and Montrose Street have also been developed as part of the Waverly Road project and will connect this site to the rest of the logistics park.
2. 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.
3. The subject property is currently shown as being located in Zone X, Areas determined to be outside the 0.2% annual chance floodplain.
4. The property does not currently have sanitary sewer service. 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.
5. The property is located within the service area of Rural Water District No. 7. A 12-inch water main appears to currently extend along Waverly Road and will require extension in order to serve this property. The City of Gardner also has a waterline that is located on the North side of 183rd Street.

annexation of a property into the City of Edgerton that the property owner should request to rezoning the property to a city zoning designation. The applicant is requesting for the property to be rezoned to L-P in order to develop it for warehousing and distribution uses as part of Logistics Park Kansas City. The L-P Zoning District would allow for these uses.

2. Magnitude of the Change. The magnitude of the change would appear to be large as the requested zoning designation is significantly more intense than the County's designation. While the magnitude is considered to be large, the change is not considered extreme or rare as the property was recently annexed from the county and is located in an area that is transitioning to industrial uses. The property is currently being used for agricultural purposes although new roads have been developed adjacent to the property as part of the Waverly Road project.
3. Whether or not the change will bring harm to established property rights. The properties most likely to be affected by this proposed zoning are located to the East. The properties located to the East of the subject property are located within the City of Gardner and are zoned R-1, Single Family Residential District. The Western portion of this property is not currently developed and the first properties that have been developed for residential uses are approximately 280 feet away from the property line. The property owner that is located to the South of the property has also expressed concern in regards to how close development might be permitted adjacent to its property line and impacts that could occur such as increased stormwater. Both of these properties could be affected by noise, light and other impacts that could occur as part of the development of the parcel for industrial uses. Separate Site Plan review and approval will be required before building permits can be issued. Part of a Site Plan review will include attention to buffering and setbacks, stormwater management and possibly transition of uses between adjoining uses and any proposed industrial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.
4. Effective use of Land. Industrial development at this location is an effective and efficient use of the property. The City recently improved Waverly Road, including a grade separated crossing in order to provide better access to this site and to allow for this type of development to occur. This project also included the construction of 185th Street and Montrose Street adjacent to the site. The property's location adjacent to the BNSF intermodal facility makes this property a prime location for this type of development. While the preferred land use plan of the Southwest Area Plan showed this area as anticipated to be medium density residential, this plan was undertaken when the Intermodal Facility was going to be developed in Gardner. The concept layout for this development included a buffer with a trail that was proposed help with the transition of uses. The residential development proposed was also designed so that all of the streets would tie back into the streets located in Gardner. As the property owner requested this property be annexed into the City of Edgerton, the development of residential uses creates a number of difficulties in that the City of Edgerton does not have residential properties in this area and with tying the street network into the local streets for the neighboring jurisdiction.
5. The extent to which there is a need in the community for the uses allowed in the proposed zoning. The L-P District will provide additional area for the development of warehouse or

other types of uses allowed in this district that desire to be located in the vicinity of the BNSF Intermodal Facility.

6. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space. The immediate area is in transition from rural to industrial, with the property being located adjacent to BNSF's intermodal facility and near the City of Gardner. The property located to the West and North are currently zoned L-P, Logistics Park and a building is currently under construction West of Montrose Street. The property located to the East is located within the City of Gardner and is zoned R-1, Single Family Residential and is not a platted or developed property. The first dwellings are located approximately 280 feet from the property line. The property to the South is County RUR and is used for agricultural purposes.
7. Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties. There is some conflict in regards to the compatibility of the proposed zoning and the types of uses that could occur with the zoning and uses of the residential properties located within the City of Gardner. If the rezoning to the L-P District is approved, the Eastern portion of this property will be located directly adjacent to residential uses. The purpose of the L-P District specifies that residential uses should be discouraged from located near the L-P District. The purpose also states that the "zone is intended for industrial parks and larger, cleaner types of industries." All activities are typically required to be located within a totally enclosed building and external effects are not supposed to extend beyond the property line. The restrictions placed upon properties in the L-P District, especially those adjacent to residential uses, should help to mitigate some of the impacts that could be anticipated through the rezoning of the property to a more intense industrial district. Prior to the issuance of any building permit the property will be required to go through the Site Plan review process. This process will allow the Planning Commission to take into consideration possible impacts to adjacent properties and ways that these can be mitigated.
8. Suitability of the uses to which the property has been restricted under its existing zoning. While the property is suitable for the uses allowed under its existing zoning, the comprehensive plan shows that this property is anticipated for Medium Density Residential. The Comprehensive Plan shows the property located to the West as being Business Park/Industrial. With the construction of BNSF's intermodal facility, the Waverly Road Project and other logistics park uses in the area, the existing County zoning is no longer appropriate for this property. The best use of this property is for industrial uses.
9. Length of time the subject property has remained vacant under the current zoning designation. The property has primarily been used for agricultural purposes.
10. The extent to which the zoning amendment may detrimentally affect nearby property. While it is anticipated that the development of this site for industrial purposes will cause additional traffic and noise, the area that has the ability to be affected the most is the residential area located in the City of Gardner to the East. The Site Plan review process will allow the Planning Commission to look at any possible impacts and place requirements (such as buffering, setbacks and stormwater management) on how the site may be developed in order to mitigate any detrimental effects. The L-P District also contains specific requirements

in regards to the type of screening and buffering that is required when located adjacent to a property is used for residential purposes.

11. Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage. This is not a request for a PUD.
12. The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services. The Waverly Road project is now complete. This project improved access to this site with a three lane (continuous center turn lane) paved road along Waverly Road and also included the development of 185th Street and Montrose Street which provides direct access to the subject property. Utilities will be provided by the developer in conjunction with development of the property. Among other improvements, this will require the extension of sewer to the site. The city is currently working on a plan to extend sewer service. The property will be required to connect to city sewer when the service becomes available. A 12-inch water main operated by Water 7 is currently located to the West of the property along Waverly Road and will need to be extended to the site.
13. The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property. The City recently finished work on the Waverly Road project. This project was designed to bring Waverly Road, 185th Street and Montrose Street up to a standard that can accommodate the industrial traffic anticipated as part of this development. The Planning Commission will need to have discussions in regards to any improvements to 183rd Street and changes that need to be made to deal with the unique traffic considerations of this area as part of the Site Plan process. Currently, 183rd Street is signed for "No Thru Trucks" at the Gardner City Limits. The developer will be required to comply with the City's UDC off-street parking requirements as part of the Site Plan review process.
14. The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm. The City will follow NPDES (stormwater management requirements) guidelines that require the developer to address runoff and water pollution mitigation measures as part of the development of the property. Mitigation of pollution in the form of water, air, noise, light, etc, will be addressed as part of the Site Plan review process. When developed, it is anticipated that the uses anticipated to occur on this site could have negative impacts on the adjacent residential properties. The site plan for this property will need to take this into consideration through the use of screening, berms and buffers and also through the orientation of buildings and other uses on the site such as truck courts.
15. The economic impact on the community from the uses allowed in the proposed zoning. Uses allowed in L-P district, if built, have the potential to benefit City residents and the community in a positive way by providing needed services, jobs, and tax revenues. The Waverly Road

project allowed the City to leverage KDOT funds to extend the road to serve this site and helps to reduce the costs to the City or the developer that could be anticipated as part of the development of the site.

16. The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial. There would be little gain to the public health, safety and welfare of the City of Edgerton if the zoning is denied. The property's location adjacent to the BNSF facility does not provide may other uses that would be considered as more acceptable alternatives to the current request. The development of some other type of transitional use (multi-family residential or commercial) would be difficult as the City of Edgerton does not currently have any residential development in this area and commercial uses could still include similar types of impacts. The City of Gardner has also rezoned the Western portion of the area directly adjacent to the subject property to R-1, Single Family Residential district. Currently, the existing residential lots that have been developed are located approximately 280 feet East of the property line. The City would also be adversely impacted due to lost opportunity for jobs and tax revenue.
17. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton. The Future Land Use Map (Attached) from the Comprehensive Plan for the City of Edgerton shows the subject property as Mixed Use Retail, Office and Medium Density Residential, while the areas located directly to the North and South are shown as Business Park/Industrial. The Preferred Land Use Plan in the Southwest Johnson County Area Plan shows this site as being Medium Density Residential with Warehouse and Distribution to the West and Business Park to the North. When this plan was developed, the area and intermodal facility was anticipated to be developed within the City of Gardner and the concept of this proposed medium density residential area was proposed to be accessed by connections to existing streets within the City of Gardner. The plan also includes the location of a trail/greenway between the Warehouse and Distribution and Residential use. The Southwest Area Plan also included four other scenarios based upon different assumptions, including the quantity of warehouse space that would be constructed in the area as part of the development. The second scenario included a high industrial buildout that would include 16 Million square feet and the Land Use Concept included the possible location of Limited Industry on the subject property with the development of a trail/greenway buffer between this use and the City of Gardner. The text describing this section mention simply that this area adjacent to the City of Gardner could include "warehousing and limited industrial development between the western edge of Gardner's residential development and Waverly Road, buffered by a greenway". A Comprehensive Plan is designed to be a guiding document of how an area may develop and not an exact representation. The current request would be considered a minor adjustment as to the boundary of where the area foreseen for Business Park/Industrial uses was projected to be located and appears to be consistent with the Comprehensive Plan.
18. The recommendation of professional staff. See Recommendation below

Recommendation

City staff recommends **approval** of the proposed rezoning of the subject property from Johnson County RUR, Rural District, to L-P, Logistics Park District, with the following stipulations:

1. All Site Plan application requirements of the City shall be met.
2. All infrastructure requirements of the City shall be met.
3. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City.

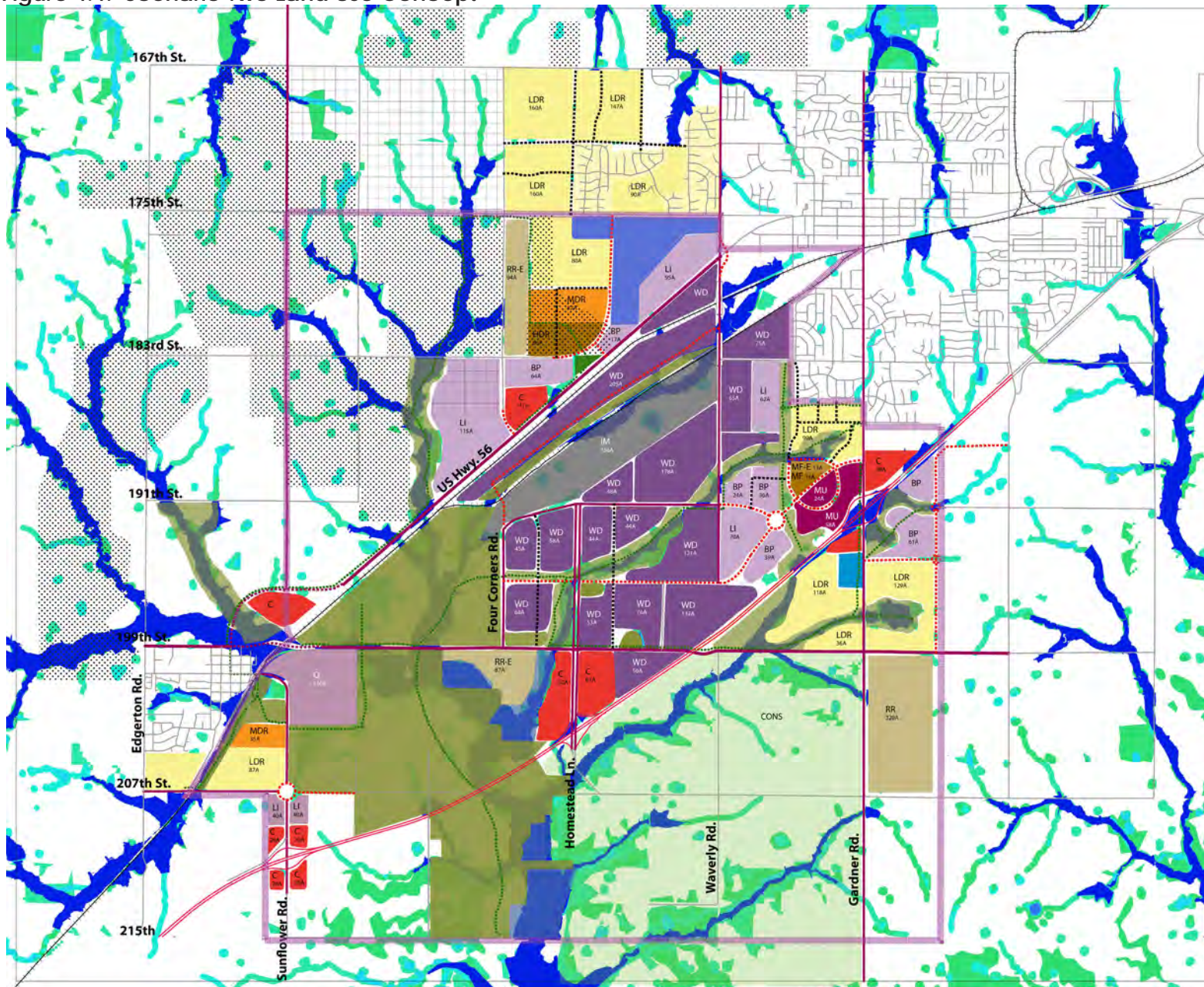
Attachments

City of Edgerton Future Land Use Map

Southwest Area Plan – The Preferred Land Use Plan, Scenario Two, Figure 5.8 Development Concept

Application for Rezoning No. ZA2017-02

Figure 4.4: Scenario Two Land Use Concept



SCENARIO TWO Land Use Concept

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



Figure 5.2: Central Planning Area

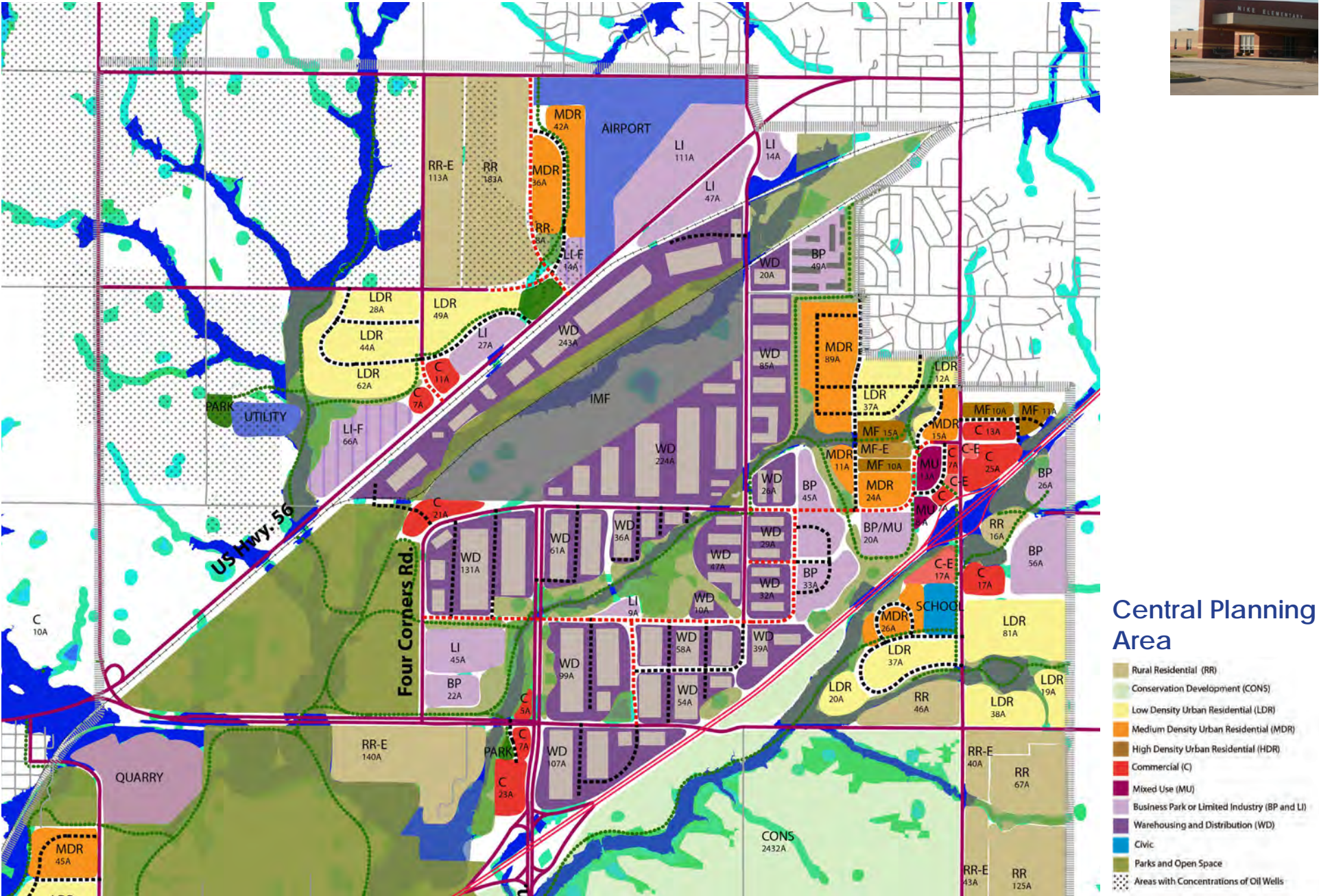




Figure 5.8: Development Concept along the Gardner/Edgerton Edge



- 1 Continued single-family
- 2 Small-lot single-family
- 3 Alley-loaded attached homes
- 4 Multi-family
- 5 Buffer greenbelt and trail connections
- 6 Drainage-related greenspace
- 7 Poplar Street extension
- 8 Future industrial - Special Design Standards
- 9 Horizon Trail Apts. expansion
- 10 183rd Street traffic calming

LOCATION OR ADDRESS OF SUBJECT PROPERTY: 30425 W. 183rd Street, Gardner, KS
SE Quadrant of 183rd Street and Montrose St.

 PURPOSE FOR REZONING: Repurpose the property for industrial development

 REQUESTED REZONING CHANGE: FROM AG - per app County RUR TO LP
 (Current Zoning) (Proposed Zoning)

 LEGAL DESCRIPTION: See Attached

 CURRENT LAND USE: AG with Single Family Dwelling

 PROPERTY OWNER'S NAME(S): Michael J Degrande PHONE: _____

 COMPANY: NA FAX: _____

 MAILING ADDRESS: PO Box 272 Gardner, Kansas 66030
 Street City State Zip

 APPLICANT/AGENTS NAME(S): ELHC, LLC PHONE: 816-888-7380

 COMPANY: ELHC, LLC FAX: 816-888-7399

 MAILING ADDRESS: 4825 NW 41st Street, Suite 500, Riverside, MO 64150
 Street City State Zip

 ENGINEER/ARCHITECT'S NAME(S): Renaissance Infrastructure Consulting PHONE: (816) 800-0950

 COMPANY: Renaissance Infrastructure Consulting FAX: _____

 MAILING ADDRESS: 5015 NW Canal St #100, Riverside, MO 64150
 Street City State Zip

 SIGNATURE OF OWNER OR AGENT: John A. Thomas, Jr.
 If not signed by owner, authorization of agent must accompany this application.

FOR OFFICE USE ONLY


 Case No.: RZ 2017-02 Amount of Fee Paid: \$ 250⁰⁰ Date Fee Paid: 3/10/17

 Received By: Debra Stragg Date of Hearing: 4/11/17
REZONING INSTRUCTIONS

CERTIFIED LETTERS: The applicant will be responsible for mailing notices (see attached Property Owner Notification Letter) of the public hearing for the requested rezoning by certified mail, return receipt requested, to all owners of land within the notification area: two hundred (200) feet within the city limit, one thousand (1,000) feet in the unincorporated area of the subject property. These notices must be sent a minimum of twenty (20) days prior to the public hearing. Information regarding ownership

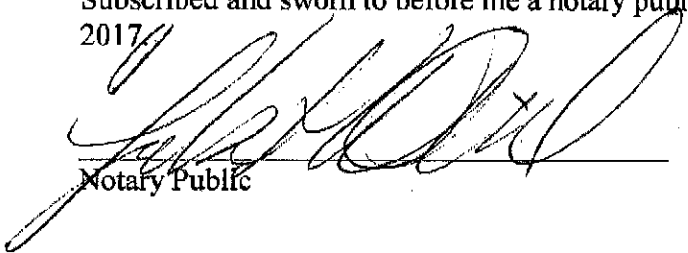
AUTHORIZATION AND CONSENT

The undersigned is the owner or representative of the owner of the land which is the subject of certain re-zoning, annexation, preliminary development plan, preliminary site plan application(s), and/or similar applications (the "Applications") to the City of Edgerton, Kansas (the "City"), and hereby authorizes and consents to NorthPoint Development, LLC, as manager of Edgerton Land Holding Company, LLC (or its affiliates) submitting the Applications to the City for purposes of ELHC's proposed development of the Property.


Signature of Property Owner (or
Representative)

JOHN J. DEGRANDE
Typed or Printed Name

Subscribed and sworn to before me a notary public on this 10th day of March,
2017.


Notary Public



My Commission expires: 6-13-17

IP VI Boundary

Exhibit A

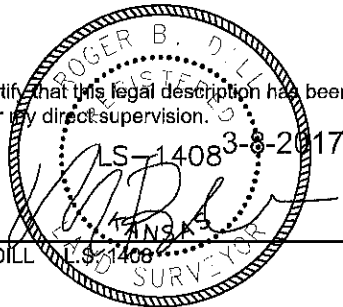
Description

All that part of the East One-Half of the Northwest Quarter of Section 35, Township 14 South, Range 22 East, Johnson County, Kansas being more particularly described as follows:

Beginning at the Northeast corner of Northwest Quarter of said Section 35; thence South 02°24'35" East, along the East line of said Northwest Quarter, a distance of 2648.52 feet to the Southeast corner of said Northwest Quarter; thence South 88°24'58" West, along the South line of said Northwest Quarter, a distance of 1311.14 feet to the West line of the East One-Half of said Northwest Quarter; thence North 02°07'50" West, along the West line of said East One-Half, a distance of 2651.06 feet to the North line of said Northwest Quarter; thence North 88°32'07" East, along the North line of said Northwest Quarter, a distance of 1298.26 feet to the Point of Beginning. Containing 3,456,878 square feet or 79.359 acres, more or less.

I hereby certify that this legal description has been prepared by me or under my direct supervision.

ROGER B. DILL



Sheet 1 of 2
16-0138

Prepared: 3-08-17
Prepared By: SPW



207 S. 5th Street
Leavenworth, Kansas 66048

813.317.9500
www.rii-consult.com

CITY OF EDGERTON, KANSAS
NOTICE OF HEARING ON REZONING, PRELIMINARY PLAT, AND PRELIMINARY SITE
PLAN

Case No.: ZA2017-02

Case No.: PP2017-02

Case No.: PS2017-02

Notice is hereby given that the Planning Commission of the City of Edgerton, Kansas, will hold a Public Hearing at their regular scheduled meeting on Tuesday, April 11, 2017 at the Edgerton Community Building, 404 E. Nelson Street, Edgerton, Kansas at 7:00 p.m. at which time and place the public may be heard in regards to the rezoning request, preliminary plat, and preliminary site plan situated in the City of Edgerton, Johnson County, Kansas to wit:

ELHC, LLC, agent for property located in the vicinity of Waverly Road and 183rd Street, requests change in the zoning from Johnson County RUR/City of Edgerton Logistics Park District (L-P) to City of Edgerton Logistics Park District (L-P), approval of a preliminary plat and preliminary site plan on the following property:

Description:

All that part of the Northwest Quarter of Section 35, Township 14 South, Range 22 East, Johnson County, Kansas, and the right-of-way for 183rd Street between Montrose and Waverly Road, located in the Southwest Quarter of Section 26, Township 14 South, Range 22 East.

Dated this 15th day of March, 2017.

Chuck Davis, Chairperson
Edgerton Planning Commission

City of Edgerton, P.O. Box 255, 404 E. Nelson St., Edgerton, KS 66021