

EDGERTON PLANNING COMMISSION
REGULAR SESSION
Edgerton City Hall
May 8, 2018
7:00 P.M.

(Meeting will convene immediately following the adjournment of the Board of Zoning Appeals Meeting.)

1. Call Meeting to Order
2. Pledge of Allegiance
3. Roll Call
4. Election of 2018-2019 Officers

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 Minutes for Regular Session of April 10, 2018

6. **NEW BUSINESS**

PUBLIC HEARING – ZA2018-02 (REZONING FOR NORTHEAST CORNER OF FOUR CORNERS ROAD AND 199TH STREET)

- A. Consideration of opening a public hearing in regards to rezoning application, ZA2018-02, pertaining to the rezoning of property from Johnson County RUR and UTILITY to City of Edgerton L-P (Logistics Park) located in the northeast corner of Four Corners Road and 199th Street, containing approximately 119.425 acres, more or less. Applicant: NorthPoint Development LLC/Edgerton Land Holding Company LLC Management LLC Engineer: Renaissance Infrastructure Consulting.

Actions requested: Open the public hearing, receive comments, and consider motion to close or continue the public hearing.

Consider motion to recommend approval or denial to the Governing Body

7. Future Meeting – June 12, 2018
8. Adjournment

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING
REGULAR SESSION
April 10, 2018

The Edgerton Planning Commission met in regular session with Chair John Daley 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 John Daley, Katee Smith, Josh Beem, and Andrew Merriman. Absent was Commissioner Erik Erazo. Also present were: City Administrator Beth Linn, Assistant City Administrator Scott Peterson, Development Services Director Katy Crow, and Recording Officer Debra Gragg.

The Recording Officer announced a quorum was present.

CONSENT AGENDA

Motion by Merriman, seconded by Smith, to approve the items as presented in the Consent Agenda. Motion was approved, 4-0.

MINUTES

- A. Minutes for the Regular Session of March 13, 2018 were considered and approved.

TEMPORARY CONSTRUCTION ACTIVITIES

- B. Temporary Construction Activities on property located at the southeast corner of 191st Street and Homestead Land (Tax I.D. BF221503-1001) for hauling of rock and direct was considered and approved.

NEW BUSINESS

PUBLIC HEARING – (SOUTHEAST CORNER OF I-35 AND HOMESTEAD LANE), ZA2018-03

The opening of a public hearing in regard to rezoning application, ZA2018-03, pertaining to the rezoning of property from Johnson County RUR to City of Edgerton L-P (Logistics Park) located in the southeast corner of I-35 and Homestead Lane, containing approximately 255.841 acres, more or less, was considered. Applicant: NPD Management, LLC Engineer: Renaissance Infrastructure Consulting

The City Administrator spoke about the public hearing procedures for the benefit of the audience members.

Ms. Linn overviewed the reason for the reconsideration of this and the other two public hearing matters. She indicated there were technical errors within the annexation documents which prompted the process to start again.

The City Administrator highlighted a few of the requirements supporting the rezoning request under the Golden Criteria: 1.) Magnitude of change: Due to proximity to the LPKC, BNSF Railway intermodal facility and interstate highway, change is not considered extreme or rare; 2.) Extent to which there is a need in the community for uses allowed in the proposed zoning: construction of warehousing, distribution, limited manufacturing and related facility nearby allows an inland port of goods of transit, by reducing truck traffic in surrounding area and allowing more efficient use of supply chain; 3.) Compatibility of proposed zoning and uses permitted there in within the zoning and uses of nearby properties: proposed zoning is compatible with planned future uses of surrounding property, specifically

to the north, City's UDC states the purpose of proposed zoning is to create a limited multimodal industrial zone which provides for modern types of industrial uses or parks; 4.) The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property: Homestead Lane to the north is an improved roadway constructed to standards that can accommodate industrial development traffic, the City is in discussions regarding improvements to 207th Street, Homestead Lane to south, and Waverly Road to standards that can accommodate anticipated development and other industrial development anticipated within the corridor; on-street parking will not be allowed; 5.) 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: City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require the developer to address runoff and water pollution mitigation measures as part of the development of property. Mitigation of pollution in form of air, noise, light, etc., will be addressed as part of the Site Plan review process.

Ms. Linn noted staff recommends approval with certain stipulations.

John Thomas, representing the applicant NPD, LLC, thanked the Commission for the opportunity to revisit this matter. He noted this project will be a good expansion of the park, and noted Staff's report is good.

Chair Daley opened the public hearing.

It was noted a letter was submitted by Stephen and Carol Welsh, which were provided earlier to the members of the Planning Commission and staff. They requested the Commission recommend denial of the rezoning request.

Pat Peer, 32695 W. 215th, Spring Hill, noted the City took on the intermodal and its responsibility. She indicated these projects not only affect the residents of Edgerton, but those within the surrounding area. She stated traffic has increased, the roadways have improvement needs, the City of Gardner is impacted with abutting development, 199th Street is impacted with truck traffic, as is 56 Highway. She also noted the Comprehensive Plan does not include any of this. She indicated there is a lack of an environmental plan south of Interstate 35, adding there are many endangered wildlife species in the area, and this creates problems with quality of life. She noted the many warehouses on the northside of I-35 are causing truck traffic to increase with the magnitude of changes. She indicated that Criteria 5 (extent to need in the community for uses) is false; adding this project will increase truck traffic. She stated that conservation groups are concerned, adding that the City does not have to meet the standards for stormwater. She stated many things are going on that should not. She also noted that Criteria point 16 concerns safety and that is a concern and should be addressed.

Jennifer Whitlow, 31700 W. 217th Street, Spring Hill, informed the Commissioners that she has never been to a (Planning Commission) meeting before, but feels it is very important to attend and find out (about matters). She requested the Commissioners look at the rights of all. She noted concern that the residents are losing out. She questioned when the last Comprehensive Plan was drafted, and questioned where this will all end. She questioned whether or not development should be slowed down. She also noted concern with the whole package being considered at tonight's meeting. She asked the Commissioners not to rush into a decision.

Doug Showers, 31516 W. 217th Street, Spring Hill, stated concern with truck traffic and the truck issues with turning movements, stops, adding the travelling is dangerous.

Carl Peer, 32695 W. 215th, Spring Hill, indicated he has provided directions to several truck drivers who were confused with the turns and roadway structure. He also noted he has concerns with impacts to Hillsdale watershed. He stated the City needs to slow down. He added he does not think it is right to have all the cases considered at tonight's meeting.

Motion by Beem, seconded by Smith, to close the public hearing. Motion was approved, 4-0. The public hearing was closed.

The City Administrator commented on the City's Comprehensive Plan, noting it was updated in 2010. She also informed the audience the City worked in the development of the Southwest Johnson County Area Plan in 2013 with public engagement. She also indicated the notification of the rezoning, preliminary plat, and preliminary site plan was distributed according to state statute via notices, publication in the City's official newspaper, and with signage.

Ms. Linn indicated infrastructure improvements (hundreds of millions of dollars) have been spent on upgrades. She addressed the methods of changes, and stated where the city has control, it will be addressed. Ms. Linn addressed the berm near 183rd Street, Inland Port X, stating the North Point has addressed and the area along the wetlands.

Mr. Daley briefly talked about the growth of the City, and added this item was presented before. He stated he understands there is an impact with growth, and among many, road congestion is a concern.

Ms. Smith spoke about the Criteria elements of the Golden Criteria, questioning if there is an impact, how does it impact any of the criteria. She also asked why this is going so fast.

Ms. Linn addressed the land to the north of I-35.

Mr. Thomas spoke about the properties, being with the rail-served purposes, and those outside of the rail-served area, under control for Logistic Park zoning purposes. He indicated Project Mustang has need for a 3,000,000 square-foot project. He noted there is no location located on the north side of I-35 which can accommodate. He stated the best available location is on the south side of I-35, adding this is an expansion of an existing business within the Park.

Mr. Merriman asked if Ms. Welch was available. Mr. Merriman thanked her for the letter and the thought placed into the comments. He stated the Commissioners must make difficult decisions, but noted a balance has to be applied overall. He added much is defined by the statutes and the Golden Criteria. He stated the decision is to be based upon location and continuing use of the L-P district. He informed the audience that he and other members are residents within the area, as well. He stated he appreciates and thanked those for the comments and thoughts presented.

Motion with Merriman, seconded by Beem, to approve the rezoning request, with the following stipulations: 1.) All infrastructure requirements of the City shall be met; 2.) All platting requirements of the City shall be met; 3.) All Site Plan application requirements of the City shall be met; and 4.) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City. Motion was approved, 4-0.

PUBLIC HEARING – PRELIMINARY PLAT FOR LOGISTICS PARK KANSAS CITY SOUTH, PP2018-03

The opening a public hearing in regard to Preliminary Plat Application, PP2018-03, requesting approval of a preliminary plat for Logistics Park Kansas City South, located at the southeast corner of I-35 and Homestead Lane, consisting of one (1) lot and three (3) tracts, containing approximately 255.841 acres, more or less, was considered. Agent/Developer: NorthPoint Development L. Engineer: Renaissance Infrastructure Consulting.

City Administrator Beth Linn noted this was previously considered, and indicated the staff report is slightly updated. She noted the applicant acknowledges that any necessary easements will be added to Homestead Lane when the final alignment is established. In addition, proposed streets, sidewalks, sanitary sewers, stormwater sewers, water mains and fire hydrants will be provided on the final plat and/or site plan.

Chair Daley opened the public hearing.

Pat Peer, 32695 W. 215th, Spring Hill, questioned why the names of the property owner changed.

Mr. Thomas, NPD Management, LLC, indicated the names were changed to reflect the ownership of record.

Motion by Smith, seconded by Merriman, to close the public hearing. Motion was approved, 4-0. The public hearing was closed.

Ms. Linn informed the Commissioners that staff recommends approval.

Motion by Smith, seconded by Beem, to approve the preliminary plat with the following stipulations: .All Preliminary Plat requirements of the City noted 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 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; and 3.) All infrastructure requirements of the City shall be met. Motion was approved, 4-0.

PUBLIC HEARING – PRELIMINARY SITE PLAN – LOGISTICS PARK KANSAS CITY SOUTH – FIRST PLAT, PS2018-02

The opening a public hearing in regard to Preliminary Site Plan Application, PS2018-02, requesting approval of a preliminary site plan for Logistics Park Kansas City South, located at the southeast corner of I-35 and Homestead Lane, consisting of one (1) lot and two (2) tracts containing approximately 205.951 acres, more or less, was considered. Agent/Developer: NPD Management LLC Engineer: Renaissance Infrastructure Consulting

Ms. Linn announced this is the last item tonight that was previously heard, and noted changes were highlighted. She noted this plan is for three buildings, with a total of approximately 3,000,000 square feet, within a campus for a single applicant. She indicated under the first review, there was discussion regarding the ingress/egress, which will be reviewed with the final plan.

She addressed items within the district regulations as found under Section 5.2 Logistics Park in regard to District Regulations – noting there is limited outside storage allowed, which the applicant acknowledges. In regard to Design Guidelines, Ms. Linn also noted building orientation should be oriented so front or side of the building faces the public street frontage which contain dock doors facing right-of-way will be mitigated using berms and landscaping, which is similar to previously approved applications adjacent to residential uses. It was noted in regard to loading and service areas, the City may require that they be screened from public view with landscaping, berms, façade walls, or fencing. In addition to addressing articulation and dock doors, it was mentioned that using color blocking, landscaping, parking, and buffering will be considered. It was noted a vehicle parking analysis was submitted and is under review by staff and will be shared during the final plat review.

A depiction of the Type 4 Landscape Buffer was displayed, and staff noted the landscape buffer as submitted exceeds the perimeter landscape buffer requirements. Staff recommends approval.

John Thomas, NPD Management LLC, overviewed concerns from the last meeting in regard to berm, stormwater, and endangered species. Mr. Thomas stated the purpose of the campus is to house a sales/office facility, along with a fulfillment center.

Mr. Thomas informed the audience the environmental studies/wetlands is a process that is coordinated through the Army Corp of Engineers (the Corp) in which approximately 100 agencies are notified of the public hearing/notice process per requirements. He noted the Stormwater Pollution Plan and grading approval was received from the Corp last week.

Mr. Merriman stated that if the Corp did not approve the application, then all the applicant's work is risked, which includes labor and financial efforts, asking Mr. Thomas if this is correct. Mr. Thomas verified that is correct. Mr. Merriman asked if the report is available to the public. It was stated the report should be available at the Army Corp of Engineers website.

Chair John Daley opened the public hearing.

Jennifer Whitlow, 31700 W. 217th Street, Spring Hill, asked about the sites in white (on the displayed map), are they built, occupied, or vacant. She stated concern with the environmental options to reports, adding many of the nearby residents were unaware of this or the Corp reports.

Jim Parsons, 21175 Waverly Road, Gardner, spoke about problems with 199th Street, questioned the concrete batch plant issues. He also noted there are many gas wells used by residents, what happens when these collapse?

Pat Peer, 32695 W. 215th, Spring Hill, stated there are many empty warehouses to the north, perhaps those should be looked at before adding more. She also noted there are not enough workers available. She also indicated there are areas with a lack of landscaping. She questioned how (the City) could trust future requests, if these are not taken care of now. She also noted concern with distance from roadway, berm, landscape, and all.

Motion by Smith, seconded by Beem, to close the public hearing. Motion was approved, 4-0. The public hearing was closed.

Mr. Beem stated this item was previously approved, and is only being reconsidered due to technical problems within annexation.

Mr. Daley state the processes are in place.

The City Administrator stated she would provide some answers to the questions made. Ms. Linn noted the exhibits showing the facilities within Logistics Park indicated by white are occupied, adding most are occupied. She also noted many items work concurrently while working on the statutory matters, including posting of letters and signage. She noted blasting process is one of the items which can be done administratively. She also indicated damages to gas wells would be addressed by applicant and blasting company. Ms. Linn also agreed that historically, there is a lack of workers from Johnson County, and many workers come from outlying areas. She spoke in regard to berms at existing locations, adding the landscaping is not ready because building(s) is not complete, which will be required at completion of building process. She noted stormwater would be discussed later in the meeting when the final site plan is considered.

Mr. Thomas addressed employment issues. He stated these issues have been studied in other warehouse locations to determine how labor is obtained. He stated the industry standard is a 30-minute drive time. Mr. Thomas also spoke about tenant occupancy. He spoke about one of the buildings was built as speculative, adding the leasing cycle is approximately 18 – 24 months.

Motion by Beem, seconded by Merriman, to approve the preliminary site plan with the following stipulations: 1.) Recommendations are stipulated to as a part of approval and incorporated into the Preliminary Development/Site Plan document set; 2.) A Final Development/Site Plan must be submitted and approved prior to commencement of uses and the property shall be developed in accordance with a Final Development/Site Plan, Landscaping Plan, and Photometric Plan as required by City approval of the submitted Preliminary Development/Site Plan, as amended by these stipulations, and approved by the City; 3.) All Preliminary Development/Site Plan requirements of the City noted shall be met or addressed during Final Development/Site Plan submittal as identified. 4.) No signage is proposed with this application. Signage proposed later shall receive separate approval according to the provisions of the UDC; and 5.) All construction plans for any public infrastructure shall be prepared to City standards and approved by the City. Motion was approved, 4-0.

The meeting recessed at 9:20 p.m. for 20 minutes.

The meeting reconvened at 9:45 p.m.

FINAL PLAT – LOGISTICS PARK KANSAS CITY SOUTH – FIRST PLAT, FP2018-03

An application for Final Plat, FP2018-03, requesting approval of a final plat for Logistics Park Kansas City South – First Plat, located at the southeast corner of I-35 and Homestead Lane, consisting of one (1) lot, and two (2) tracts, containing approximately 205.95 acres, more or less, was considered.
Applicant: NPD Management LLC Engineer: Renaissance Infrastructure Consulting

The City Administrator informed the Commissioners the preliminary plat is designed for the entire property; she noted this final plat, which is the first, is for one lot and two tracts. Ms. Linn indicated the only staff comment regards the potential for additional utility easements. She stated the applicant has noted they will update the Final Plat or provide for additional easements via a separate instrument, should that be necessary. Ms. Linn noted staff recommends approval, with stipulations.

Commissioner Beem asked about the roadway and needed right-of-way. Ms. Linn noted the applicant will dedicate the needed right-of-way when the roadway design is complete. She further noted the

roadway will be constructed under design-build standards. She informed the Commission the Governing Body has approved the roadway project, which includes some funding through state grants. She stated the roadway will be complete prior to occupancy of the facility, adding work will be completed concurrently.

Motion by Merriman, seconded by Beem, to approve the final plat with the following stipulations: 1.) All final plat requirements of the City noted shall be met or addressed prior to recording of the plat; 1.) 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; 3.) 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; 4.) a Public Improvement Inspection, 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; 5.) 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; 6.) Applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code; and 7.) All infrastructure requirements of the City shall be met. Motion was approved, 4-0.

FINAL SITE PLAN – LOGISTICS PARK KANSAS CITY SOUTH, FIRST PLAT, FS2018-04

An application for Final Site Plan, FS2018-04, requesting approval of a final site plan for Logistics Park Kansas City South – First Plat, located at the southeast corner of I-35 and Homestead Lane, consisting of one (1) lot, and two (2) tracts, containing approximately 205.95 acres, more or less, was considered. Applicant: NPD Management LLC Engineer: Renaissance Infrastructure Consulting

Beth Linn, City Administrator, informed the Commissioners the submitted Final Site Plan shows two (2) warehouse facilities on a single lot with parking and stormwater detention facilities. She spoke about the truck entrance and passenger entrance, citing information provided in a memorandum from the applicant. It was noted that during review of the preliminary site plan, the Planning Commission at the February 13, 2018 meeting, requested review of the location of access points for passenger/truck vehicles; proposed configuration of truck entrance along 207th Street, as well as width, and line-of-sight and impacts to neighboring residences. She noted the memorandum contained a line-of-site diagram illustrating the proposed truck entrance along 207th Street and its interaction with residences along 207th Street. The memo also submitted a deviation request with documentation for the unique circumstances substantiating the need for larger width along 207th Street. After review of all supporting documents by the City Engineer and staff, the Final Site Plan complies for location of the truck entrance along 207th Street, and staff recommends approval of the deviation for proposed width of truck entrance along 207th Street.

Ms. Linn noted the Final Site Plan complies with the requirements, and applicant will add a note to the Final Site Plan indicating landscaping related to the parking areas will be added with the parking build out.

Ms. Linn addressed the perimeter landscape buffer, noting the southern property line, along 207th Street, abuts rural, residential uses including single-family residential. She stated the applicant provided screening on the southern property line using a combination of berm, varied placement of Type 4 perimeter buffer and modified Type 4, to screen trucks in trailer stalls or at building from view just south of the property line. It was noted this is similar to recently approved Inland Ports VI and VII, adjacent to

residential uses. Applicant submitted line-of-sight drawings. She noted the landscape buffer exceeds the requirements, and thus complies. She briefly spoke about outside storage of material which requires screening and buffering, which application acknowledges.

David Hamby, City Engineer, overviewed the stormwater report. He indicated the City uses the American Public Works Association standards and explained the classifications, peak flows, and talked about the area's flood plain. He indicated the two detention basins are designed for 2-year stormwater events, based upon models.

Mr. Hamby discussed the existing roadway grade and bridge. He stated the design is not yet complete, but trucks should start on the flattest area, to allow for sight, speed and slope.

Commissioner Smith questioned the actions of the erosion basins during construction. Mr. Hamby indicated sedimentation basins can slow down, but should function similarly to post construction basins.

Motion by Beem, seconded by Merriman, to approve the Final Site Plan with the following stipulations: 1.) The noted recommendations are stipulated to be a part of approval and incorporated into the Final Site Plan document set; 2.) All infrastructure requirements of the City shall be met; 3.) All construction plans for any public infrastructure shall be prepared to City standards and approved by the City; 4.) No signage is proposed with this application. Signage proposed later shall receive separate approval according to the provisions of the UDC; 5.) A construction/building permit document set must be submitted and approved prior to commencement of any construction activities; and 6.) Applicant/Owner Obligation: The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the City Council shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the Site Plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein. Motion was approved, 4-0.

TEMPORARY CONSTRUCTION ACTIVITIES – CONCRETE BATCH PLANT, TU2018-02

A request for a concrete batch plant, TU2018-02, for Project Mustang, located within the southeast corner of I-35 and Homestead Lane, was considered. Applicant: Clayco/Concrete Strategies Project Management: NPD Management

Katy Crow, Development Services Director, overviewed the earlier request considered for renewal of the temporary concrete batch plant operations located southeast of 185th and Waverly Road at the February meeting, which was approved. She noted that following that consideration, staff received a request to relocate this operation from 185th Street and Waverly Road, to property at 20520 Waverly Road, owned by Wellsville Farms, LLC, to allow batch plant operations for Project Mustang within this area. As part of the request, Concrete Strategies requested permission to operate through June 30, 2019. She also spoke about operating schedules, overnight operations, dust remediation procedures.

Ms. Crow indicated staff recommends approval, with stipulation, until June 30, 2019.

Mr. Merriman asked about dust control measures in relationship to the adjacent properties.

Steve Schuering, Concrete Strategies, overviewed the process, stating this is approximately 400 to 500 feet from Waverly Road, and would be monitored by the Kansas Department of Health & Environment (KDHE).

Motion by Smith, seconded by Beem, to approve the request with the following stipulations: 1.)

Temporary living quarters are not permitted on-site unless prior authorization has been provided by the Planning Commission; 2.) All occupied buildings shall have access to potable water from an approved water source; 3.) All signage shall be placed pursuant to applicable sign regulations in Chapter 1, Article 12 of the Unified Development Code of the City of Edgerton; 4.) All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use; 5. All vertical structures shall require a building permit pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton prior to being occupied; 6.) Contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or other applicable chapter of City Code; 7.) Off-site impacts from on-site construction-related activities shall be minimized to the extent possible. This shall include compliance with City Regulations and Policies in regards to the tracking of debris onto public streets. Improvements for a construction entrance and the access road shall be required prior to operation and must be continually maintained in good condition; 8. On-site Stormwater Management Plan shall be approved by City prior to the disturbance of land; 9.) Land disturbance activities shall be done pursuant to Article 12 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton; 10.) Contractors agree to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable time period; 11.) All blasting shall be done according to Article 13 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton; 12.) Hours of operation shall be limited to from 7:00 am to 7:00 pm unless otherwise approved by staff; 13.) Holding tanks shall be used in lieu of sanitary sewer service, and shall be permitted and inspected pursuant to the Johnson County Environmental Sanitary Code; 14.) Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan; 15.) Property owner and/or general contractors shall provide a Construction Management Plan to the City; 16.) Maintain a valid City of Edgerton Business License; and 17.) Permission for temporary construction activities is granted for a period ending June 30, 2019. Motion was approved, 4-0.

TEMPORARY CONSTRUCTION ACTIVITIES – ROCK CRUSHING FOR PROJECT MUSTANG, TU2018-01

A request for providing rock crushing operations for Project Mustang, TU2018-01, located within the southeast corner of I-35 and Homestead Lane, was considered. Applicant: Clayco Project Management: NPD Management

Ms. Crow informed the Commissioners this request for construction of a temporary rock crushing operation on the northwest corner of Homestead Lane and 207th for purposes needed by Project Mustang, with an ending date August 11, 2018. Owner of the property, Wellsville Farms, LLC, provided a letter granting permission for this operation requested in the application. It was also noted that KDHE tests the air prior to the start and monitoring equipment will test air to make sure it does not exceed level allowed.

Staff recommends approval of the request with noted stipulations, and further with the same hours as the temporary concrete batch plant until August 11, 2018, with no night crushing operations.

Patrick Grunloh, Clayco, spoke about the use of area's blasted rocks which will be used for on-site purposes.

Motion by Beem, seconded by Smith, to approve the request with the following stipulations: 1.)

Temporary living quarters are not permitted on-site unless prior authorization has been provided by the Planning Commission; 2.) All occupied buildings shall have access to potable water from an approved water source; 3.) All signage shall be placed pursuant to applicable sign regulations in Article 12 of the Unified Development Code of the City of Edgerton; 4.) All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use; 5.) All vertical structures shall require a building permit pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton prior to being occupied; 6.) Contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or other applicable chapter of City Code; 7.) Off-site impacts from on-site construction-related activities shall be minimized to the extent possible. This shall include compliance with City Regulations and Policies with regards to the tracking of debris onto public streets. Improvements for a construction entrance and the access road shall be required prior to operation and must be continually maintained in good condition; 8.) On-site Stormwater Management Plan shall be approved by City prior to the disturbance of land; 9.) Land disturbance activities shall be done pursuant to Article 12 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton; 10.) Contractors agree to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable period of time; 11.) All blasting shall be done according to Article 13 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton; 12.) Hours of operation shall be limited to from 7:00 am to 7:00 pm; 13.) Holding tanks shall be used in lieu of sanitary sewer service, and shall be permitted and inspected pursuant to the Johnson County Environmental Sanitary Code; 14.) Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan; 15.) Property owner and/or general contractors shall provide a Construction Management Plan to the City; 16.) Maintain a valid City of Edgerton Business License; 17.) Staff retains the ability to establish reasonable requirements for their operation; 18.) All activities will be performed in compliance with KDHE and the requirements of the KDHE Bureau of Air; and 19.) Permission for temporary construction activities is granted for a period ending August 11, 2018. Motion was approved, 4-0.

TEMPORARY CONSTRUCTION ACTIVITIES – TEMPORARY OFFICE QUARTERS FOR CONSTRUCTION PERSONNEL, TU2018-03

A request for using property located at 20370 Waverly Road as temporary office quarters for construction personnel, TU2018-03, for project management coordination activities for Project Mustang, was considered. Applicant: NorthPoint Development, LLC

The Development Services Director reviewed the request from NorthPoint Development to use the house located at 20370 Waverly Road as a temporary construction office to end on June 30, 2019. She reported this may house up to ten (10) employees from 6:00 a.m. until 8:00 p.m., unless otherwise approved by staff in writing and have no on-site storage. She also noted permission is granted by the property owner, Wellsville Farms, LLC. Staff recommends approval with stipulations.

Motion by Smith, seconded by Beem, to approve the request with the following stipulations: 1.) Temporary living quarters are not permitted on-site unless prior authorization has been provided by the Planning Commission; 2.) All occupied buildings shall have access to potable water from an approved water source; 3.) All signage shall be placed pursuant to applicable sign regulations in Article 12 of the

Unified Development Code of the City of Edgerton; 4.) The house and its surrounding property are prohibited from being used as an outdoor storage facility for construction materials, vehicles, or other similar items used during the course of construction of the project, unless they are adequately screened from view by a fence or landscaping; 5.) All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use; 6.) Applicant will obtain all required permits pursuant to the Code of Regulations for buildings and Construction, 2010 Edition or other applicable chapter of City Code; 7.) Contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or other applicable chapter of City Code; 8.) Off-site impacts from on-site construction-related activities shall be minimized to the extent possible. This shall include compliance with City Regulations and Policies with regards to the tracking of debris onto public streets. Improvements for a construction entrance and the access road shall be required prior to operation and must be continually maintained in good condition; 9.) Land disturbance activities shall be done pursuant to Article 12 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton; 10.) Applicant and any on-site contractors agree to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable period of time; 11.) Hours of operation shall be limited to from 6:00 AM to 8:00 PM, unless approved by staff in writing; 12.) Holding tanks shall be used in lieu of sanitary sewer service, and shall be permitted and inspected pursuant to the Johnson County Environmental Sanitary Code; 13.) Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan; 14.) Property owner and/or general contractors shall provide a Construction Management Plan to the City; 15.) Applicant and any on-site contractors will maintain a valid City of Edgerton Business License; 16.) Staff retains the ability to establish reasonable requirements for their operation; and 17.) Permission for temporary construction activities is granted for a period ending June 30, 2019. Motion was approved, 4-0.

PUBLIC HEARING – ZA2018-02 (REZONING FOR NORTHEAST CORNER OF FOUR CORNERS ROAD AND 199TH STREET)

THIS REQUEST WAS NOT CONSIDERED AS IT WAS WITHDRAWN AT THE REQUEST OF THE APPLICANT.

OTHER ITEMS:

Mayor Roberts informed the Commissioners there is a vacancy on the City Council and asked if any are interested in the position, to contact him. He noted the applicant must be a resident within the corporate limits.

FUTURE MEETING

The next meeting is scheduled for May 8, 2018.

ADJOURNMENT

Motion by Beem, seconded by Smith, to adjourn. Motion was approved, 4-0.

The meeting adjourned at 10:40 p.m.

Submitted by:

Debra S. Gragg
Recording Officer

STAFF REPORT

May 8, 2018

To: Edgerton Planning Commission
Fr: Katy Crow, Development Services Director
Re: Application ZA-2018-02 Rezoning for a parcel of land generally located at the NE corner of the intersection at 199th Street and Four Corners Road, extending east to Homestead Lane.

APPLICATION INFORMATION

Applicant: NorthPoint Development LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150

Property Owner: Edgerton Land Holding Company LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150

Requested Action: Rezoning from Johnson County RUR, Rural zoning to L-P, Logistics Park Zoning District, City of Edgerton.

Legal Description: N1/2 of SE Quarter and SW Quarter of SE Quarter of Section 4, Township 15, Range 22 in the City of Edgerton, Kansas. See attached exhibits.

Site Address/Location: The NE corner at the intersection of Four Corners Road and 199th Street, east to Homestead Lane.

Existing Zoning and Land Uses: Johnson County Rural (RUR) and agricultural uses.

Existing Improvements: None.

Site Size: Approximately 120 acres.

REASON FOR REZONING REQUEST:

The majority of this land was annexed into the City of Edgerton on March 27, 2014 with a small remnant parcel annexed in on March 22, 2018. This rezoning is being requested for future intermodal-related, logistics park development. The Burlington Northern Santa Fe Railway (BNSF) intermodal facility is currently under development approximately one-half mile north of the subject site. Logistics Park Kansas City (LPKC), is a 1,700 -acre master-planned

distribution and warehouse development anchored by BNSF Railway's intermodal facility, which opened in late 2013. Companies located at LPKC benefit from significant transportation savings and direct access to heavy-haul corridors.

The subject property is surrounded by parkland owned by Johnson County Parks & Recreation District on the west, existing LPKC operations to the north, the low-density rural, single-family residential development Pepper Tree Farms to the south across W 199th Street and landscape nursery operations across Homestead Lane to the east. The proposed rezoning parcel has frontage along Four Corners Road, Homestead Lane and W 199th Street. The subject property is outlined in red and shown in Figures 1 and 2 below.



Figure 1

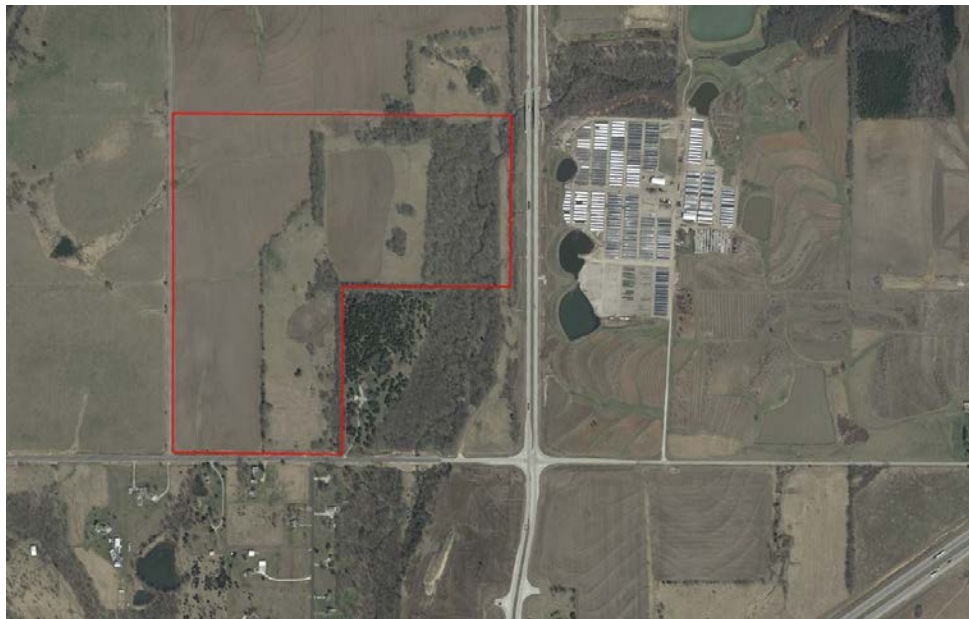


Figure 2

PROJECT DESCRIPTION

The rezoning request is to support a project which will construct and operate warehouse and distribution facilities with ancillary office uses.

INFRASTRUCTURE AND SERVICES

1. Access to the property would be from 199th Street.
2. Utilities and service providers.
 - a. Water - Johnson County Water District #7
 - b. Sanitary Sewer - City of Edgerton
 - c. Electrical Service - Kansas City Power & Light
 - d. Gas Service – Kansas Gas Service
 - e. Police service is provided by the city of Edgerton through the Johnson County Sheriff's Office
 - f. Fire protection is provided by Johnson County Fire District #1
3. Property is located within the Bull Creek watershed, Marais De Cygnes river basin.

PROPERTY ZONING HISTORY

The majority of the subject property was annexed into the City of Edgerton on March 27, 2014 with a small remnant parcel annexed in on March 22, 2018. Prior to that, the property was in unincorporated Johnson County and as of this application it remains zoned Johnson County RUR, in accordance with Article 1, Section 1.9 of the Edgerton Unified Development Code.

STAFF ANALYSIS

The applicant has requested rezoning to L-P, Logistics Park. The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for a modern type of industrial uses or industrial park to support activities related to trade, rail and other transport services. Limitations are placed on the uses in the district to significantly restrict the outside activities and outside storage of materials, noise, vibration, etc. The UDC also states 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.

Permitted uses within the L-P District include warehousing/distribution centers; motor freight transportation terminals; manufacturing, processing, fabrication or assembly of commodity – limited; and other permitted uses.

Staff has reviewed this rezoning application with respect to the Edgerton Unified Development Code, the laws of Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. The following is staff's review.

1. **Need for the Proposed Change** - The applicant has requested L-P Zoning District designation to support construction of the project. Given the property's proximity to LPKC, the BNSF Railway intermodal facility and the highway L-P Zoning District is the most compatible designation for these uses.
2. **Magnitude of the Change** - The existing County zoning is considered a holding designation. The Future Land Use Map contained in the Comprehensive Plan has the

property designated as appropriate and acceptable for Business Park/Industrial uses. Staff believes the proposed rezoning is compatible with the spirit and intent of future development outlined by the Comprehensive Plan and depicted by the Future Land Use Map. Due to the property's proximity to LPKC, the BNSF Railway intermodal facility and interstate highway, the magnitude of the change is not considered extreme or rare when property is being developed for its designated and planned end use, in this case industrial development.

3. **Whether or not the change will bring harm to established property rights** - The subject property is predominately surrounded by undeveloped acreage, road right-of-way and low-density rural single-family residential uses. If rezoned L-P, as requested, a 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 transition of uses between adjoining uses and any proposed industrial use. This Site Plan review will help mitigate impacts that might occur to adjacent properties.
4. **Effective use of Land** - L-P District permitted uses at this location is an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the interstate.
5. **The extent to which there is a need in the community for the uses allowed in the proposed zoning** - Construction of warehousing, distribution, limited manufacturing and related facilities near the intermodal facility allows an inland port for goods in transit, by reducing truck traffic in the surrounding area and allowing for more efficient use of the supply chain.
6. **The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space** – The area continues to undergo intermodal development and with the extensive road improvements, and the interchange at I-35 and Homestead Lane, the character of the area is changing from rural to industrial. Properties to the south of the applicant property remain in unincorporated Johnson County, with a mixture of rural residential acreage, vacant land, and farming. Property to the east, while still in agriculture use, are developing with Industrial, Logistic Park Uses. Property to the west includes Milldale Farms, a regional park with floodplain areas and will generally remain undeveloped, providing open space, wildlife corridors, stream way buffers, and hiking, biking, and pedestrian corridors.
7. **Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties** - The proposed zoning is compatible with the planned future uses of the surrounding property, specifically to the north and east. The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc. The site plan review process can mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.
8. **Suitability of the uses to which the property has been restricted under its existing zoning** - The existing Johnson County RUR zoning of the applicant property is not suitable for the proposed distribution warehouse and limited manufacturing industrial use sought by the applicant. The Johnson County RUR zoning is a County designation primarily for agricultural use; an industrial use in a property annexed by

the City but zoned for agriculture by the County would not be compatible or appropriate. Therefore, a rezoning to the L-P district is the most appropriate designation for the proposed use.

9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, prior to annexation the property was agricultural use in unincorporated Johnson County for the previous 70-plus years.
10. **The extent to which the zoning amendment may detrimentally affect nearby property** - The proposed zoning is compatible with the planned future uses of the surrounding property, specifically to the adjacent north and to the east adjacent to Waverly Road. The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc. The site plan review process can mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.
11. **Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage** - This is not a request for a PUD.
12. **The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services** - The subject property is bordered by Four Corners Road, Homestead Lane, and 199th Street. Staff is evaluating the current capacity of 199th Street. Depending on how the property is developed and the type of access sought, these roads could require improvements to better accommodate the anticipated development of this property. Homestead Lane and the intersection at 199th Street have already been improved to a standard that will accommodate industrial development. Utilities will be provided by the developer or the City in conjunction with development of the property.
13. **The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property – Homestead Lane and the intersection at 199th Street are improved to a standard that can accommodate industrial development traffic in the area. The City is in discussions regarding Four Corners Road and 199th Street to determine what improvements, if any, are needed so appropriate access can be achieved and the surrounding transportation network function.**
14. **The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm** - The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Mitigation of

pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process.

15. **The economic impact on the community from the uses allowed in the proposed zoning** - Uses allowed in the L-P District, have the potential to benefit the residents and community in a positive way by providing jobs, economic opportunities and tax revenue to respective jurisdictions.
16. **The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial** - There would be little relative gain, if any, to the public health, safety, and welfare from the denial of this zoning application. However, The City would be adversely impacted due to the lost opportunities for jobs, economic activity and tax revenue if the anticipated logistics park uses and facilities were to locate in another community.
17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** - The Comprehensive Plan for the City of Edgerton has the area which the property is in designated as appropriate for zoning and uses associated with business park and industrial zoning. City staff believes that the requested rezoning is compatible with the spirit and intent of future development outlined in the Comprehensive Plan, the Johnson County Southwest Area Plan and Future Land Use Map.
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, to City of Edgerton Logistics Park District (L-P) with the following stipulations:

1. All infrastructure requirements of the City shall be met.
2. All platting requirements of the City shall be met.
3. All Site Plan application requirements of the City shall be met.
4. Prior to issuance of building permits, the property shall have an approved Site Plan reviewed and approved by the City.

Reasons for Recommendation for Rezoning: (Incorporate all or part of #1-18 above in motion)

Attachments:

- Application for Rezoning ZA2018-02 including ALTA/NSPS Land Title Survey Drawing
- City of Edgerton Future Land Use Map

LOCATION OR ADDRESS OF SUBJECT PROPERTY: NE Corner of Four Corners Road and 199th Street (property not addressed)PURPOSE FOR REZONING: For purposes of constructing and operating a warehouse with ancillary office usesREQUESTED REZONING CHANGE: FROM RUR & UTILITY TO L-P
(Current Zoning) (Proposed Zoning)LEGAL DESCRIPTION: See attached sheetCURRENT LAND USE: AgriculturalPROPERTY OWNER'S NAME(S): Edgerton Land Holding Company LLC PHONE: 816-888-7380

COMPANY: _____ FAX: _____

MAILING ADDRESS: 4825 NW 41st Street, Suite 500 Riverside MO 64150
Street City State ZipAPPLICANT/AGENTS NAME(S): Chris Chancellor (representing the property owner) PHONE: 816-888-7380COMPANY: NorthPoint Development LLC FAX: 816-888-7399MAILING ADDRESS: 4825 NW 41st Street, Suite 500 Riverside MO 64150
Street City State ZipENGINEER/ARCHITECT'S NAME(S): Steve Warger/Patrick Cassity PHONE: 816-800-0950COMPANY: Renaissance Infrastructure Consulting FAX: _____MAILING ADDRESS: 5015 NW Canal Street, Suite 100 Riverside MO 64150
Street City State ZipSIGNATURE OF OWNER OR AGENT: 
If not signed by owner, authorization of agent must accompany this application.**FOR OFFICE USE ONLY**Case No.: RZ-2018-02 Amount of Fee Paid: \$ 250⁰⁰ Date Fee Paid: 250⁰⁰
Received By: Debra S Bragg Date of Hearing: 4/10/18**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

vs. 9-9-11

of the land within the notification area can be obtained from the Johnson County Department of Records and Tax Administration, or through a title insurance company (preferred method). A list of property owners within the notification area must be submitted with the application. In addition, the responsible fire protection district (if any), affected school districts, affected park districts and affected sanitary and/or drainage district shall appear on a separate list of notification. Additional parties, specified by the applicant, may appear on the notification list.

AFFIDAVIT OF COMPLIANCE: An affidavit (see attached Property Owner Notification Affidavit) concerning the mailing of property owner notification letters must be returned to the office of the City Clerk by no later than the Thursday preceding the public hearing.

PLANNING COMMISSION REVIEW AND DECISION: The Edgerton Planning Commission meets in the City Hall on the second Tuesday of every month. The agenda and staff reports will be available prior to the public hearing. The chairperson will open the public hearing for each case to hear presentations by the City staff, the owner or authorized agent, and the audience, respectively. After everyone has had the opportunity to speak, the Planning Commission will close or continue the public hearing to a later date. After the public hearing is closed, discussion will be limited to the Planning Commission and action will be taken in the form of a recommendation for approval or denial to the Governing Body.

PROTEST PERIOD: After the conclusion of the public hearing, a fourteen (14) day protest period begins. During the protest period, property owners within the notification area of the subject property may file a petition indicating their protest to the requested rezoning in the office of the City Clerk. The submission of valid protest petitions from property owners of twenty (20) percent of the land within the notification area of the subject property within the allotted time will require a three-quarter ($\frac{3}{4}$) vote for approval by the Governing Body. Copies of protest petitions may be obtained in the office of the City Clerk.

GOVERNING BODY ACTION: After the protest period has concluded, the application will be placed on an agenda for the Governing Body Action (typically within thirty (30) days after the conclusion of the public hearing). The Governing Body will review the transcript of the public hearing and the recommendation of the Planning Commission and will take action by concurring with or overriding the Planning Commission recommendation, or by returning the request to the Planning Commission.

CHECKLIST

The following items shall be submitted with the rezoning application. All materials shall be submitted by applicant to the City Clerk at least 30 days in advance of a public hearing.

- ☒ Title or other suitable proof of ownership to the subject property.
- ☒ Legal description of the subject property either in the form of a certificate of survey or a lot and block reference to the official City Map.
- ☒ Sketch of the subject property drawn to scale that details the lot lines, existing features or building, drives and adjacent buildings, and the current use of existing buildings.
- ☐ Any supporting material as requested by the Zoning Administrator depending on the magnitude of the change and the possibility of detrimental effects on surrounding properties. Supporting materials may include, but are not limited to:
 - ☐ Topography at an appropriate scale
 - ☐ A Certificate of Survey
 - ☐ Environmental assessment
 - ☐ Surface water discharge analysis
 - ☐ Facilities and utilities suitability analysis
 - ☐ An analysis of existing wells, tanks and other sub-structures
 - ☐ Traffic and parking analysis
- ☐ List of the names and addresses of owners of all property situated within two hundred (200) feet of the property lines of the subject site. See details in instructions

JO CO KS	BK:201802	PG:000186
20180201-0000186		
Electronic Recording	2/1/2018	
Pages: 3	F: \$55.00	2:32 PM
Register of Deeds	T20180005536	

KANSAS SPECIAL WARRANTY DEED

THIS INDENTURE is made as of the 31 day of January, 2018, by **WIDMER FARMS, L.L.C.**, a Kansas limited liability company, doing business in its own name and as **WIDMER FARMS, LLC** (the "**Grantor**"), in favor of **EDGERTON LAND HOLDING COMPANY, LLC**, a Kansas limited liability company, the address of which is 4825 NW 41st Street, Ste. 500, Riverside, Missouri 64150 (the "**Grantee**").

WITNESSETH, that Grantor, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations to it duly paid, the receipt of which is hereby acknowledged, does by these presents, **SELL** and **CONVEY** unto the Grantee, its successors and assigns, all of Grantor's interest in the following described lot, tract, or parcel of land, lying, being and situate in the County of Johnson and State of Kansas, to-wit, together with all buildings, improvements, and fixtures thereon:

All that real estate described on **Exhibit "A"** attached hereto and incorporated herein by this reference as though fully set forth.

SUBJECT, HOWEVER, TO any and all easements, rights-of-way, restrictions, reservations and other matters of record; taxes and assessments not yet due and payable; and zoning and other governmental restrictions.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, forever. And Grantor, its successors and assigns, hereby covenants, promises and agrees to and with Grantee, that at the delivery of these presents, its interest in the property is free, clear, discharged and unencumbered of all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of what nature or kind soever, by, through, or under Grantor, except for the matters set forth above, and that it will warrant and forever defend said interest unto Grantee, its successors and assigns, against Grantor, its successors, and all and every person or persons whomsoever, lawfully claiming or to claim the same by, through or under the Grantor.

[Signatures Appear on Following Page]

Recorded Electronically

Recording ID 20180201-0000186
County, State Johnson, KS
Date 2-1-18 Time 2:32 p.m.

KANSAS SPECIAL WARRANTY DEED

THIS INDENTURE is made as of the 31 day of January, 2018, by **WIDMER FARMS, L.L.C.**, a Kansas limited liability company, doing business in its own name and as **WIDMER FARMS, LLC** (the “Grantor”), in favor of **EDGERTON LAND HOLDING COMPANY, LLC**, a Kansas limited liability company, the address of which is 4825 NW 41st Street, Ste. 500, Riverside, Missouri 64150 (the “Grantee”).

WITNESSETH, that Grantor, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations to it duly paid, the receipt of which is hereby acknowledged, does by these presents, **SELL** and **CONVEY** unto the Grantee, its successors and assigns, all of Grantor’s interest in the following described lot, tract, or parcel of land, lying, being and situate in the County of Johnson and State of Kansas, to-wit, together with all buildings, improvements, and fixtures thereon:

All that real estate described on **Exhibit “A”** attached hereto and incorporated herein by this reference as though fully set forth.

SUBJECT, HOWEVER, TO any and all easements, rights-of-way, restrictions, reservations and other matters of record; taxes and assessments not yet due and payable; and zoning and other governmental restrictions.

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, forever. And Grantor, its successors and assigns, hereby covenants, promises and agrees to and with Grantee, that at the delivery of these presents, its interest in the property is free, clear, discharged and unencumbered of all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of what nature or kind soever, by, through, or under Grantor, except for the matters set forth above, and that it will warrant and forever defend said interest unto Grantee, its successors and assigns, against Grantor, its successors, and all and every person or persons whomsoever, lawfully claiming or to claim the same by, through or under the Grantor.

[Signatures Appear on Following Page]

IN WITNESS WHEREOF, Grantor has hereunto caused this Deed to be executed the day and year first above written.

Widmer Farms, L.L.C., a Kansas limited liability company

By: Robert S. Widmer
Robert S. Widmer, Manager

STATE OF Kansas)
) ss.
COUNTY OF Johnson)

BE IT REMEMBERED, that on this 30 day of January, 2018, before me, the undersigned, a Notary Public in and for said County and State aforesaid, came Robert S. Widmer, the Manager of Widmer Farms, L.L.C., a Kansas limited liability company, personally known to me to be the same person who executed, as such Manager, the within instrument on behalf of the company, and such person duly acknowledged the execution of the same to be the act and deed of the company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Sibyl D. Patton
Notary Public in and for Said County and State

My Commission Expires:

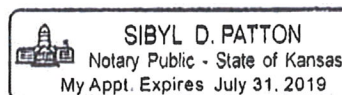


Exhibit "A"

Legal Description

Real property in the City of Edgerton, County of Johnson, State of Kansas, described as follows:

TRACT 1:

THE NORTH HALF OF THE SOUTHEAST QUARTER, AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 15, RANGE 22 IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS, EXCEPT THAT PART IN STREETS AND ROADS AND EXCEPT THAT PART DESCRIBED AS FOLLOWS:

BEGINNING TWO HUNDRED SEVENTY (270) FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION FOUR (4), TOWNSHIP FIFTEEN (15) SOUTH, RANGE TWENTY-TWO (22) EAST, FOR A POINT OF BEGINNING: THENCE NORTH SEVENTY-FIVE (75) FEET; THENCE EAST FIFTY (50) FEET; THENCE SOUTH SEVENTY-FIVE (75) FEET; THENCE WEST FIFTY (50) FEET TO THE POINT OF BEGINNING, ALL IN JOHNSON COUNTY, KANSAS, EXCEPT THAT PART IN STREETS AND ROADS.

TRACT 2:

BEGINNING TWO HUNDRED SEVENTY (270) FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION FOUR (4), TOWNSHIP FIFTEEN (15) SOUTH, RANGE TWENTY-TWO (22) EAST, FOR A POINT OF BEGINNING: THENCE NORTH SEVENTY-FIVE (75) FEET; THENCE EAST FIFTY (50) FEET; THENCE SOUTH SEVENTY-FIVE (75) FEET; THENCE WEST FIFTY (50) FEET TO THE POINT OF BEGINNING, ALL IN JOHNSON COUNTY, KANSAS, EXCEPT THAT PART IN STREETS AND ROADS.

Tracts 1 and 2, taken together, are also described by surveyor's recommended description as follows:

THE NORTH HALF OF THE SOUTHEAST QUARTER, AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 15, RANGE 22 IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS, BEING DESCRIBED AS FOLLOWS;
BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 88 DEGREES 34 MINUTES 30 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 2633.20 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 02 DEGREES 12 MINUTES 09 SECONDS EAST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1315.72 FEET; THENCE SOUTH 88 DEGREES 32 MINUTES 43 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER A DISTANCE OF 1317.46 FEET; THENCE SOUTH 02 DEGREES 11 MINUTES 37 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SOUTHEAST QUARTER A DISTANCE OF 1316.95 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88 DEGREES 29 MINUTES 30 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 1317.65 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 02 DEGREES 09 MINUTES 20 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 2635.26 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART TAKEN AND USED FOR ROAD RIGHT OF WAY.

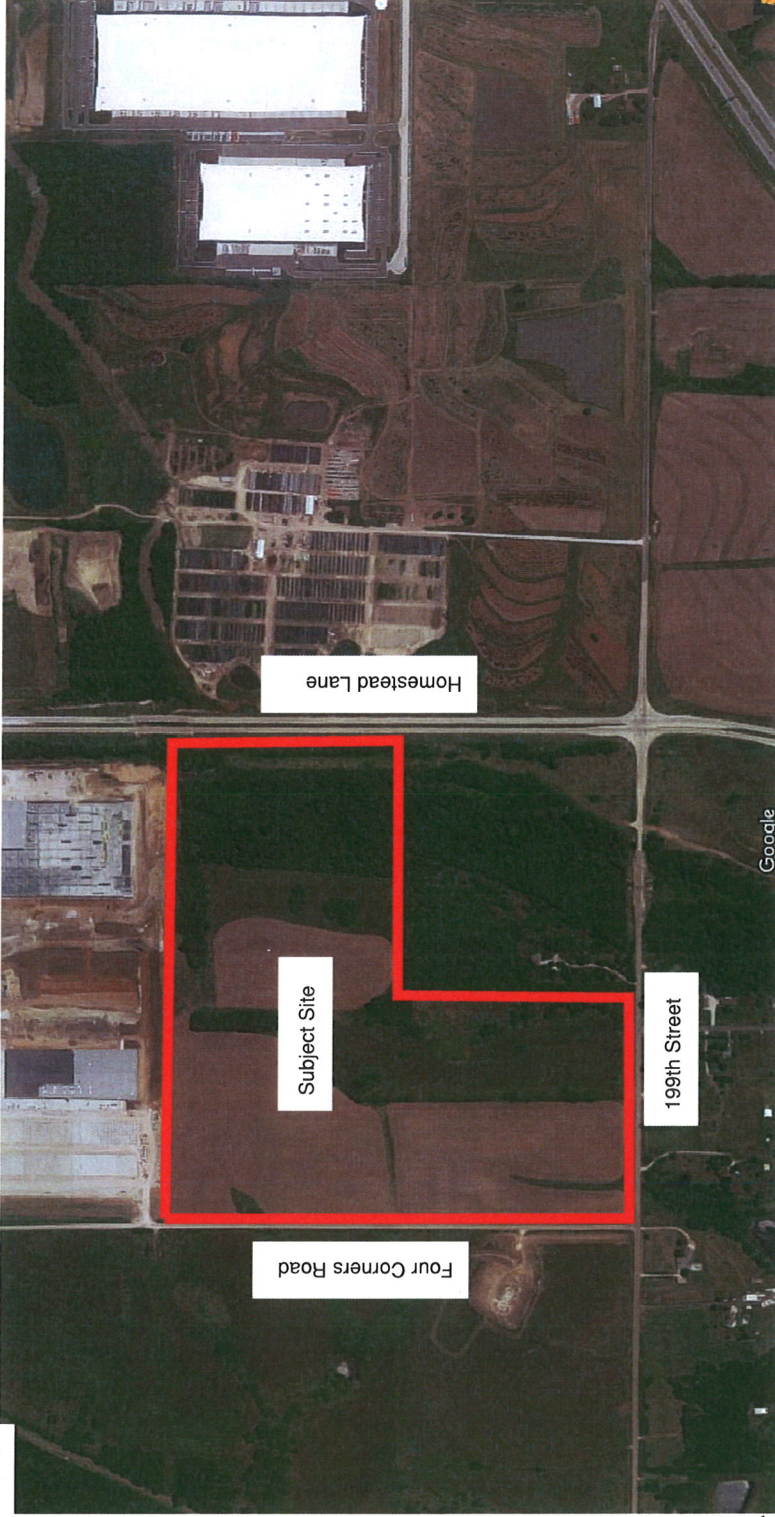
APN: BF221504-4001 and BF221504-4002 and BF221504-4004

When Recorded Return To:
First American Title Insurance Company
National Commercial Services
1201 Walnut Street, Suite 700
Kansas City, MO 64106
File No: NCS 881400

LEGAL DESCRIPTION

Overall (Tract 1 & 2)

THE NORTH HALF OF THE SOUTHEAST QUARTER, AND THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 15, RANGE 22 IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS, BEING DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 88 DEGREES 34 MINUTES 30 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 2633.20 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 02 DEGREES 12 MINUTES 09 SECONDS EAST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 1315.72 FEET; THENCE SOUTH 88 DEGREES 32 MINUTES 43 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER A DISTANCE OF 1317.46 FEET; THENCE SOUTH 02 DEGREES 11 MINUTES 37 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SOUTHEAST QUARTER A DISTANCE OF 1316.95 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88 DEGREES 29 MINUTES 30 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 1317.65 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 02 DEGREES 09 MINUTES 20 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 2635.26 FEET TO THE POINT OF BEGINNING. CONTAINS: 5,202,152 SQUARE FEET OR 119.425 ACRES MORE OR LESS. SUBJECT TO THAT PART TAKEN AND USED FOR ROAD RIGHT OF WAY.



TRACT 1:

THE NORTH HALF OF THE SOUTHEAST QUARTER, AND THE
TOWNSHIP 15, RANGE 22 IN THE CITY OF EDGEMONT, JOHNS
AND EXCEPT THAT PART DESCRIBED AS FOLLOWS.

REACHING TWO HUNDRED SIXTY-THREE FEET EAST OF THE SOUTHWEST CORNER OF SECTION FOUR (4), TOWNSHIP FIFTY-THREE (53) SOUTH, RANGE TWENTY-TWO (22) EAST, FROM A POINT OF BEGINNING, THENCE NORTH SEVENTY-ONE (71) DEGREES, THENCE EAST FIFTY-ONE (51) FEET, THENCE SOUTH SEVENTY-FIVE (75) FEET, THENCE WEST FIFTY-ONE (51) FEET TO THE POINT OF BEGINNING, ALL IN JOHNSON COUNTY, KANSAS, EXCEPT THAT PART IN STREETS AND ROADS.

BEARING TWO (2) INCHES SEVENTY (70) FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION FOUR (4), TOWNSHIP FIFTEN (15) SOUTH, RANGE TWENTY-TWO (22) EAST, FOR A POINT OF BEGINNING, THENCE NORTH SEVENTY-FOUR (74) DEGREES EAST FORTY-FOUR (44) FEET, THENCE SOUTH SEVENTY-FIVE (75) FEET, THENCE WEST FIFTY (50) FEET TO THE POINT OF BEGINNING, ALL IN JOHNSON COUNTY, KANSAS, EXCEPT THAT PLAT IN STREETS AND ROADS.

STATION ONE RECOMMENDED DESCRIPTION.

[illegible]

3. An easement granted to Kansas City Power & Light Company recorded in Block Book 33, Page 112 of Official Records (allots subject property as shown.)

- [illegible]

1. Basis of Bearings: Kansas State Plane, North Zone, NAD 83
2. All bearings and distances shown on this survey are measured unless otherwise noted.

1. The company has a history of financial success, with a strong track record of profitability and growth. The company's revenue has increased by 15% over the past three years, and its net income has increased by 20%.

2. The company has a strong management team, with a proven track record of successful business operations. The CEO, John Doe, has led the company to significant growth and profitability over the past decade.

3. The company has a strong market position, with a leading share in its industry. The company's products are highly competitive and have a strong reputation for quality and reliability.

4. The company has a strong financial position, with a solid balance sheet and a strong cash flow. The company's debt-to-equity ratio is low, and its interest coverage ratio is high.

5. The company has a strong future outlook, with a clear strategy for growth and expansion. The company's management team is confident in the company's long-term prospects and is committed to achieving sustained growth and profitability.

² For NorthPoint Development LLC, a Missouri Limited Liability Company, Edgerton Land Holding Company, LLC, Kansas Limited Liability Company, First American Title Insurance Company

[illegible]