

EDGERTON PLANNING COMMISSION
REGULAR SESSION
Edgerton City Hall
August 14, 2018
7:00 P.M.

1. Call Meeting to Order
2. Pledge of Allegiance
3. Roll Call
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 July 10, 2018

6. **NEW BUSINESS**

PUBLIC HEARING – ZA2018-04 (REZONING FOR THREE (3) PARCELS OF LAND GENERALLY LOCATED AT THE SW CORNER OF THE INTERSECTION OF 191ST STREET AND KILL CREEK ROAD)

- A. Consideration of opening a public hearing in regards to rezoning application ZA2018-04, pertaining to the rezoning of three (3) parcels (containing approximately 15 acres) from City of Edgerton A-G (Agricultural) Zoning District to City of Edgerton L-P (Logistics Park) Zoning District, located generally in the SW corner of the intersection of 191st Street and Kill Creek Road. Applicant: Michael A. and Pamela L. Gifford.

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 – September 11, 2018
8. Adjournment

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
July 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, Tim Berger, and Andrew Merriman. Absent was Commissioner Katee Smith. Also present were: Mayor Donald Roberts, City Administrator Beth Linn, Assistant City Administrator Scott Peterson, Development Services Director Katy Crow, City Clerk Rachel James, and Recording Officer Debra Gragg.

The City Clerk announced a quorum was present.

NEW MEMBERS

Commissioner John Daley indicated a new member, Tim Berger, was sworn in prior to meeting. Commissioner Berger introduced himself to the Commission and audience. He was welcomed to the Commission.

CONSENT AGENDA

Motion by Merriman, seconded by Berger, to approve the items as presented in the Consent Agenda. Motion was approved, 2-0-1 with Berger abstaining from the vote.

MINUTES

- A. The minutes for Regular Session of June 12, 2018 were considered and approved.

TEMPORARY CONSTRUCTION ACTIVITIES – Project Mustang

- B. Request to extend a Temporary Construction Activities use, which was originally approved by the Planning Commission on April 10, 2018 for a rock crushing operation located on property near Homestead Lane and 207th Street (Kubota Tractor Corporation) was considered and approved. Applicant: Clayco

OLD BUSINESS

FINAL SITE PLAN, FS2018-05, AMENDING FS2017-01, 19400 ESSEX STREET (CONTINUED FROM JUNE 12, 2018 PLANNING COMMISSION MEETING)

Final Site Plan, FS2018-05, pertaining to the amendment of FS2017, requesting installation of a Compressed Natural Gas Fueling Station for UPS, located at 19400 Essex Street was considered. Authorized Agent: TruStar Energy for ELHC XXI LLC, Engineer: Katahdin Environmental.

Staff presentation on the amendment to the Final Site Plan noted housekeeping corrections and updates from previous Planning Commission Meeting with regards to screening, fencing, and landscaping. Applicant is seeking to modify the approved Final Site Plan (FS 2017-01) to accommodate the construction of a Compressed Natural Gas (CNG) fueling facility. The CNG facility consists primarily

of 15 dual hose time-fill stations (30 stations) and 3 (three) fast-fill stations and accompanying appurtenances and an equipment compound area.

Staff overviewed items for Article 10.1 D, which were all brought into compliance in the submitted revised Amended Final Site Plan. Staff reminded the applicant that any site signage will be evaluated for compliance upon submittal of separate application.

Additionally, Staff overviewed revised Site Plan fencing which includes a tan, 8-foot vinyl fence around the compound area with bollards that contain polyethylene thermoplastic sleeves. The 6-foot vinyl coated 1-inch steel fencing that currently surrounds the operations area of UPS will be extended to surround the enclosed compound and the fill stations. Landscaping plans indicate that landscaping will be installed on the exterior of the vinyl coated steel fencing. Patrick Cassidy, from RIC presented on behalf of UPS, and briefed the Commission on the landscaping plans, stating that with the landscaping, the fencing will be blocked from view.

Commissioner Daley stated the biggest issue was fencing and the issues were addressed. Commissioner Merriman affirmed the issues with fencing and noted that landscaping and fencing concerns expressed at the previous meeting were addressed.

Motion by Berger, seconded by Merriman to approve the installation of a Compressed Natural Gas Fueling Station for UPS, located at 19400 Essex Street with the following stipulations: 1.) The aforementioned recommendations are stipulated to as a part of this 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 late 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; 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. The motion was approved 3-0.

NEW BUSINESS

TEMPORARY CONSTRUCTION ACTIVITIES ON PROPERTY LOCATED AT IP XXXI (31800 W. 196TH STREET) – TEMPORARY OFFICE TRAILER

An application for the temporary use of an office trailer located at IP XXXI (31800 W 196th Street) was considered. Applicant: NorthPoint Development.

Katy Crow, Development Services Director, presented on the submitted site plan which shows the proposed office trailer located on the west side of the building adjacent to the north end. At the June 12, Planning Commission meeting the applicant received permission to place port-a-lets on the east

side of the IP XXXI during the tenant finish construction. As part of this office trailer request, they are asking for permission to allow the relocation of the approved port-a-lets so that they are adjacent to the temporary office trailer should it be approved.

Commissioner Merriman asked if once the temporary office trailer is removed if there would be any damage to the concrete or any dirt/gravel to be cleaned up. Ms. Crow responded that it will be located in the parking lot and powered from main building. Commissioner Merriman also wanted to know how the trailer would be anchored. Brett Powell, NorthPoint representative, responded the office trailer would be adjacent to a drive-up ramp and next to a grassy area and would not damage the concrete. Ms. Crow showed example photos of the office trailers. Commissioner Merriman reiterated that he wanted to make sure that once the trailers were removed, there would be no permanent damage. Mr. Powell showed photos of other trailers on NorthPoint properties. Commissioner Daley asked if trailers were only going to be used for office space through September. Mr. Powell confirmed. Ms. Crow reiterated the office space if approved, would only be allowed through September 1, 2018 and NorthPoint is aware that if any damage has happened to landscaping, NorthPoint will have to replace and re-landscape.

Staff recommended approval of the use of an office trailer during tenant finish construction and the relocation of prior approved port-a-lets to the west side of the building with stipulations as noted in the motion made by Commissioner Merriman.

Motion by Merriman, seconded by Berger to approve the temporary use of an office trailer located at IP XXXI (31800 W 196th Street) and the relocation of the prior approved port-a-lets next to the west side of the building near the office trailer with the following stipulations: 1.) Office trailer must be removed no later than September 1, 2018; 2.) Site must be maintained in good condition; 3.) All waste must be disposed of in accordance with all applicable regulations; 4.) 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; 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.) Contractors agree to address any issues that affect off-site properties or public rights-of-way or easements within a reasonable amount of time; 8.) Maintain a valid City of Edgerton Business License; and 9.) Permission for temporary construction activities is granted for a period ending September 1, 2018. The motion was approved 3-0.

FUTURE MEETING

The next meeting is scheduled for August 14, 2018.

ADJOURNMENT

Motion by Merriman, seconded by Berger, to adjourn. Motion was approved, 3-0.

The meeting adjourned at 7:20 p.m.

Submitted by: Rachel A. James, City Clerk

STAFF REPORT

August 14, 2018

To: Edgerton Planning Commission
Fr: Katy Crow, Development Services Director
Re: Application ZA2018-04 Rezoning for three (3) parcels of land generally located at the SW corner of the intersection of 191st Street and Kill Creek Road.

APPLICATION INFORMATION

Applicant: Michael A. and Pamela L. Gifford
16313 Rosehill
Overland Park, KS 66221

Property Owner: Michael A. and Pamela L. Gifford
16313 Rosehill
Overland Park, KS 66221

Requested Action: Rezoning from City of Edgerton A-G (Agricultural) Zoning District to City of Edgerton L-P (Logistics Park) Zoning District.

Legal Description: A tract of land in the Northeast Quarter of Section 3, Township 15 South, Range 22 East, Johnson County, Kansas; see attached exhibits for complete description.

Site Address/Location: The SW corner at the intersection of Kill Creek Road and 191st Street.

Existing Zoning and Land Uses: City of Edgerton Agricultural (A-G)

Existing Improvements: None.

Site Size: Approximately 15 acres.

REASON FOR REZONING REQUEST:

This property was annexed into the City of Edgerton on October 14, 2010. This rezoning is being requested for future intermodal-related, logistics park development. The Burlington Northern Santa Fe Railway (BNSF) intermodal facility is located just over a half-mile north and west of the subject site. Logistics Park Kansas City (LPKC), is a 1,700-acre master-planned distribution and warehouse development anchored by the BNSF Railway 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 existing LPKC operations to the north, a vacant L-P zoned parcel to the east, and two Johnson County RUR parcels to the south and immediate west. The proposed rezoning parcel has frontage along 191st Street, 1,800 feet west of Waverly Road. 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 a cargo container storage facility with ancillary office uses.

INFRASTRUCTURE AND SERVICES

1. Access to the property would be from 191st 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.

PROPERTY ZONING HISTORY

The subject property was annexed into the City of Edgerton on October 14, 2010. Prior to that, the property was in unincorporated Johnson County and as of this application it remains zoned City of Edgerton Agricultural (A-G).

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 modern type industrial uses or industrial park to support activities related to trade, rail and other transport services. Limitations are placed on the uses in the district to significantly restrict the outside activities and outside 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 a project related to the construction and operation of a cargo container storage facility with ancillary office uses. Given the property's proximity to LPKC, the BNSF Railway intermodal facility and I-35, L-P Zoning District zoning is the most compatible designation for these uses.
2. **Magnitude of the Change** - The existing A-G 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.

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 parcels containing an existing L-P zoning designation, along with two Johnson County RUR designated parcels. The only structure located on the two RUR parcels are a barn and a shed, both of which are not currently in use. 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 cargo container storage facilities, 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, recently completed road improvements, and the interchange at I-35 and Homestead Lane, the character of the area has changed from rural to industrial. These parcels are located almost directly in the center of Logistics Park Kansas City. Parcels to the north contain fully completed warehousing facilities; the parcel to the east is vacant but contains an L-P zoning designation; properties to the south of the applicant property remain in unincorporated Johnson County and contain an RUR designation. A small portion of the adjacent property to the east is part of one of the southern property parcels with an RUR designation.
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 that the purpose of the L-P District is to create a limited multimodal industrial zone which provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc. The site plan review process can mitigate impacts to adjacent properties, including the remaining residential property to the south, 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 Edgerton A-G zoning of the applicant property is not suitable for the proposed cargo container storage use sought by the applicant. The Edgerton A-G zoning is primarily for agricultural use; an industrial use in a property

annexed by the City but zoned for agriculture 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, prior to its annexation into the City of Edgerton in 2010.
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 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, including the remaining residential property to the south, 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 along 191st Street. This heavyweight corridor roadway has the capacity to support development of the property. Like other LPKC projects, this property is provided police and fire protection by the Johnson County Sheriff's Department and Johnson County Fire District #1. 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 – 191st Street** is designated as a Heavy Haul Corridor and it is improved to a standard that can accommodate industrial development traffic in the area. There are no known functional or safety issues occurring with the surrounding transportation network.
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 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 City of Edgerton Agricultural (A-G), 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 be developed in accordance with a Site Plan reviewed and approved by the City.

Attachments:

- Application for Rezoning ZA2018-04
- Johnson County AIMS Map of Property
- City of Edgerton Future Land Use Map

Southwest corner of Kill Creek Road and 191st St.
Directly west of 31625 W. 191st.

LOCATION OR ADDRESS OF SUBJECT PROPERTY: _____

PURPOSE FOR REZONING: DevelopmentREQUESTED REZONING CHANGE: FROM A-G TO L-P
(Current Zoning) (Proposed Zoning)LEGAL DESCRIPTION: See attached.CURRENT LAND USE: Vacant/unused.PROPERTY OWNER'S NAME(S): Michael A. and Pamela L. Gifford PHONE: _____COMPANY: N/A FAX: _____MAILING ADDRESS: 16313 Rosehill Overland Park KS 66221
Street City State ZipAPPLICANT/AGENTS NAME(S): Same as above PHONE: _____

COMPANY: _____ FAX: _____

MAILING ADDRESS: _____
Street City State ZipENGINEER/ARCHITECT'S NAME(S): Patrick Cassity PHONE: 816-800-0950COMPANY: Renaissance Infrastructure Consulting FAX: N/AMAILING ADDRESS: 5015 NW Canal St. Suite 100 Riverside MO 64150
Street City State ZipSIGNATURE OF OWNER OR AGENT: Michael A. Gifford Pamela L. Gifford

If not signed by owner, authorization of agent must accompany this application.

FOR OFFICE USE ONLYCase No.: ZA 2018-04 Amount of Fee Paid: \$ 250.00 Date Fee Paid: 7/13/18Received By: A. Clower Date of Hearing: 9/11/18**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

Owner: Michael A. and Pamela L. Gifford

Combined Parcels

A tract of land in the Northeast Quarter of Section 3, Township 15 South, Range 22 East, Johnson County, Kansas, and described as follows:

Beginning at a point on the north line, 30.00 feet east of the Northwest corner of said Northeast Quarter;

thence east along said north line, a distance of 738.4 feet;

thence south and parallel with the west line of said Northeast Quarter, a distance of 925.00 feet;

thence west and parallel with the north line of said Northeast Quarter, a distance of 388.40 feet;

thence northwesterly a distance of 370.98 feet, more or less, to a point on a line 30.00 foot east of and parallel with said west line, said point being 802.00 feet south of the point of beginning;

thence north and parallel with said west line, 802.00 feet to the Point of Beginning.

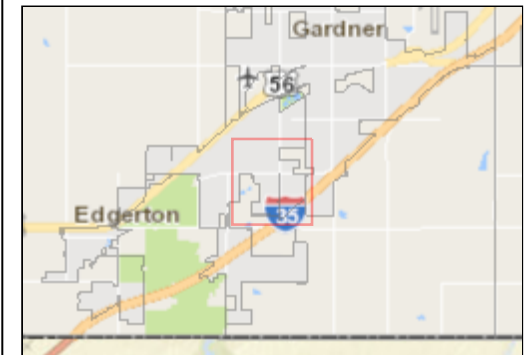
Said tract contains 661,490 square feet, or 15.186 acres, more or less.



Johnson Co AIMS Map

LEGEND

AIMS Imagery: Current Imagery (2016)



Disclaimer: No person shall sell, give, reproduce, or receive for the purpose of selling or offering for sale, any portion of the data provided herein. Johnson County makes every effort to produce and publish the most current and accurate information possible. Johnson County assumes no liability whatsoever associated with the use or misuse of such data, and disclaims any representation or warranty as to the accuracy and currency of the data.

JOHNSON COUNTY
KANSAS
AIMS GIS & Mapping

8/7/2018

