

EDGERTON PLANNING COMMISSION
REGULAR SESSION AGENDA
Edgerton City Hall
January 12, 2021
7:00 P.M.

COVID-19 Protocol

In compliance with the guidance issued by the State of Kansas Attorney General, the City of Edgerton remains subject to the Kansas Open Meetings Act (KOMA) and is taking actions as necessary and reasonable under the circumstances of the COVID-19 emergency declaration to advance the conduct of governmental affairs and ensure the transaction of government business is open to the public.

To reduce the spread of COVID-19, Edgerton Planning Commissioners will attend virtually, using Microsoft Teams, an online meeting tool, to conduct the meeting.

Any resident wishing to attend the Planning Commission meeting may do so and is required to wear a mask and adhere to the social distancing guidelines as established by the State of Kansas and Centers for Disease Control and Prevention (CDC). The room will be configured in compliance with these requirements. If the main meeting room reaches capacity, an overflow area will be available in the Johnson County Library across the street from City Hall 319 E. Nelson. Live audio will be provided in the overflow area.

Any member of the public wishing to testify must sign in on the sign-up sheet provided at City Hall. You will be required to provide your name and address and comments will be limited to three (3) minutes per person. If the main meeting room reaches capacity, those not in the meeting room must provide a cellphone number so they can be notified when it is their turn to provide public comment during the public hearing.

Any member of the public wishing to provide public comment regarding an agenda item without attending the meeting may do so by email to Kara Banks (kbanks@edgertonks.org). If you are unable to email the comments, you may call City Hall at (913) 893-6231, and staff will record your comment and report it on your behalf. Any comments must include a name and address for the record and be submitted by phone or email by close of business (4:30 PM) on day of the scheduled meeting. Any written testimony provided in advance (up to the close of business on Tuesday, January 12, 2021) will be shared with the commissioners at the start of the public hearing.

1. Call Meeting to Order
2. Pledge of Allegiance
3. Roll Call

4. **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.)

A. MINUTES

Consideration of the Planning Commission meeting minutes for October 13, 2020.

5. NEW BUSINESS

A. PUBLIC HEARING – REZONING APPLICATIONS ZA2020-02 through ZA2020-08

Hold a public hearing in consideration of Applications ZA2020-02 through ZA2020-08. Individual action to recommend approval, denial or continue will be taken on each application at the conclusion of the Public Hearing.

APPLICATIONS ARE AS FOLLOWS:

- 1. ZA2020-02 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST 199TH STREET AND SOUTH GARDNER ROAD.** Applicant: Wellsville Farms, LLC; Agent: Brett Powell, NPD Management, LLC
- 2. ZA2020-03 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD.** Applicant: Hillsdale Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC
- 3. ZA2020-04 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD.** Applicant: Hillsdale Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC
- 4. ZA2020-05 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD.** Applicant: Hillsdale Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC
- 5. ZA2020-06 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD.** Applicant: Hillsdale Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC
- 6. ZA2020-07 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD.** Applicant: East Kansas Land and Cattle, LLC; Agent: Brett Powell, NPD Management, LLC
- 7. ZA2020-08 – REZONING FOR ONE (1) PARCEL OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 215TH STREET AND SOUTH GARDNER ROAD.** Applicant: South JOCO Farms, LLC; Agent: Brett Powell, NPD Management, LLC

B. PUBLIC HEARING – UNIFIED DEVELOPMENT CODE AMENDMENTS – APPLICATION UDCA2020-01

Hold a public hearing in consideration of Application UDCA2020-01 regarding an amendment to Article 5, Section 5.2 – *L-P Logistics Park District* of the Unified Development Code of the City of Edgerton. Action will be taken to recommend

approval, denial or continue will be taken at the conclusion of the Public Hearing.
Applicant: City of Edgerton

6. Future Meetings

- Regular Session – February 9, 2021 at 7:00 PM

7. Adjourn

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
October 13, 2020

The Edgerton Planning Commission met in regular session with Chairperson John Daley calling the meeting to order at 7:00 PM.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were Chairperson John Daley, Commissioner Jeremy Little, Commissioner Deb Lebakken, and Commissioner Charlie Crooks. Commissioner Tim Berger was absent. Also present were Development Services Director Katy Crow and Planning and Zoning Coordinator Chris Clinton.

The Planning and Zoning Coordinator announced a quorum was present.

CONSENT AGENDA

MINUTES

The approval of the minutes from the Regular Session held on September 8, 2020 were considered.

REVISED FINAL SITE PLAN FOR INLAND PORT XII – APPLICATION FS2020-08

Application FS2020-08 for a revised Final Site Plan of FS-11-06-2014 and FS2020-02, Inland Port XII located at 30801 W 191st Street was considered.

Commissioner Crooks motioned to approve the consent agenda. Commissioner Lebakken seconded the motion. The consent agenda was approved, 4-0.

NEW BUSINESS

PUBLIC HEARING – PRELIMINARY PLAT FOR FIRE STATION #123 – APPLICATION PP2020-03

Chairperson Daley introduced the item. Ms. Katy Crow, Development Services Director, stated this preliminary plat request is regarding the parcel that the Planning Commission (the Commission) rezoned at the last meeting. She reminded the Commission that the plat deals with the division of land and not verticals construction. She explained there are two (2) parcels consisting of 0.77 acres and 10.36 acres. The applicant is requesting the new lots be 5.88 and 5.21 acres. The platting is being done in preparation for a new fire station to be constructed on the eastern parcel and a possible future training facility to the west. Ms. Crow stated there is currently no development or access points to the parcel. All of the future access points are to be from W. 191st Street. Water will be provided by Water District 7 and sanitary sewer will be provided by the City of Edgerton. Everygy will be the provider of electrical services. Police protection will be provided by the City of Edgerton through the Johnson County Sheriff's Office. Ms. Crow said the parcels are located within the Bull Creek watershed.

Ms. Crow explained City Staff and the City Engineer has reviewed the preliminary plat. She said there are some items that need to be addressed. She said the zoning reflected on the Preliminary Plat is still Johnson County RUR and needs to be updated to the City of Edgerton's L-P district. The name of the

applicant needs to be updated to Johnson County Fire District #1 (JCFD1) as it was purchased on July 31, 2020. Ms. Crow stated the signature block for the Mayor is missing and the location of streets, sidewalks, sanitary sewers, stormwater sewers, water mains, and fire hydrants need to be shown on the Preliminary Plat. Drainage easements are needed on these parcels and the applicant will work with the City Engineer to add those in the Final Plat. The Preliminary Plat will need to be updated to indicate building setback and any access restrictions. Ms. Crow said no restrictive covenants have been provided.

Mr. Jonathon Smith, SK Design Group, stated the surveyor has spoken with the City Engineer to address the comments and updates will be provided to the City shortly. Mr. Kile Morrison, Archimages, stated there will be no restrictive covenants to be put on the Preliminary or Final Plat.

Chairperson Daley opened the public hearing. There were no public comments made. Commissioner Lebakken motioned to close the public hearing. Commissioner Crooks seconded the motion. The public hearing was closed, 4-0.

Ms. Crow stated City Staff does recommend approval of Preliminary Plat PP2020-03 with the stipulations that all of the requirements stated before be met, and the Preliminary Plat shall be approved for a one (1) year period and shall be extended for an additional year upon the approval of a Final Plat for the same parcel of land or any part thereof. If a Final Plat is not approved for a portion or all of the land covered under the Preliminary Plat within 1 year, the Preliminary Plat shall be ruled null and void. The Commission, upon submittal and approval of a written request, may grant a 1-year extension on the approval of the Preliminary Plat.

Commissioner Crooks motioned to approve Preliminary Plat PP2020-03 with the stipulations outlined by City Staff. Commissioner Little seconded the motion. Preliminary Plat PP2020-03 was approved, 4-0

FINAL PLAT FOR FIRE STATION #123 – APPLICATION FP2020-03

Ms. Crow explained this application is for the same parcels that were in the Preliminary Plat just approved by the Commission. The parcels are located south of the vacated 191st Street and north of the newly constructed 191st Street. The utility providers are the same as Preliminary Plat PP2020-03. She stated City Staff and the City Engineer has reviewed the plans and had the following comments.

1. The monuments need to be shown on the final plat and it needs to be confirmed they have been set.
2. The City Engineer has indicated that the survey has not been reference to section corners. A minimum of three (3) are needed. The found property or right-of-way monuments need to be shown to indicate how the boundary was established. Due to this information missing, it does not appear to meet the Kansas Minimum Standards for Boundary Surveys.
3. The survey date appears to be incorrect.
4. A table indicating the lot area, setbacks and building envelopes has not been provided and there is a spelling error in the table provided.
5. The easements shown do not include a book and page. If the easement is proposed, it needs to be labeled as such and all existing easements be labeled with the book and page.
6. The last paragraph from the dedication can be removed.
7. The certificate with the Register of Deeds will be added upon filing the Final Plat with the Johnson County Records and Tax Administration.

8. The City engineer stated the land surveyor's certificate needs to be added.
9. The signature block for the City Engineer needs to be removed.
10. There is an ordinance (Ordinance No. 1073) noted on the Final Plat but no reference to how it affects the plat. Ms. Crow stated Ordinance No. 1073 vacates the right-of-way to the north and that description needs to be added to the Final Plat.
11. The Legend needs to be updated to reflect the actual abbreviations used in the Final Plat.

Mr. Morrison stated these changes have been made and will be submitted to the City soon for review. Chairperson Daley asked if the fire station will be replacing the station in the residential station in Edgerton. Chief Jerry Holly, JCFD1, stated it will not and both stations will serve Edgerton. Ms. Crow stated that was discussed at the City Council meeting as well and will be included in a Memorandum of Understanding between the City and JCFD1.

Ms. Crow explained City Staff does recommend approval of Final Plat FP2020-03 with the stipulations of the commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, stormwater sewer, sanitary sewer, and water mains contained within the Final Plat. The property owner and/or developer shall work the City Staff to determine the best possible placement for a stormwater easement and shall dedicate said stormwater easement of the submitted Final Plat. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code (UDC). The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC. All Final Plat requirements of the City stated before shall be met or addressed prior to recording of the Plat. The final stipulation is if the Final Plat is not recorded with the Johnson County Register of Deeds within 1 year after acceptance by the Governing Body, the plat will expire and the Commission's re-approval and re-acceptance by the Governing Body will be required.

Commissioner Crooks motioned to approve Final Plat FP2020-03 with the stipulations outlined by City Staff. Commissioner Lebakken seconded the motion. Final Plat FP2020-03 was approved with the stipulations, -0.

PUBLIC HEARING – FINAL SITE PLAN FOR FIRE STATION #123 – APPLICATION FS2020-09

Chairperson Daley introduced this project. Mr. Morrison stated the facades of the building will be masonry. The colors help define the different functions of the building. The yellow color bricks will be the functioning fire station, the white are the bays where the fire apparatuses will be located, and the red is the administration side of the building. He showed where the entrances will be on the building and showed the metal awnings over the doorways. Mr. Morrison said the four (4) overhead doors will have 2 rows of windows on the doors and translucent panels above the doors to allow daylight in. He explained there will be metal screening being used that City Staff has been able to see at another fire station Archimages designed in Wyandotte County. Ms. Crow inquired to where the metal façade was going to be. Mr. Morrison replied there was a design change, so the metal façade removed and the façade is now mostly glass and black masonry. Ms. Crow asked what the antenna looking items are on the west elevation. Mr. Morrison answered those items are the flag poles and look differently as they do on the north elevation.

Ms. Crow explained there are no access points to the parcels currently. There are 3 proposed access

points off 191st Street. The western most access point will be used for the entrance to the employee parking lot and for providing access to fire truck circling to the rear bay entrances. The eastern most access point will be used for the administration side of the building and visitors. The center access point is to be used by the fire apparatuses and provide quick access for the equipment in responding to emergency calls. Due to the use of fire apparatuses and equipment, this has led to a request of an access point of seventy-one (71) feet. Ms. Crow explained the City typically permits access points of thirty-six (36) feet. A memorandum requesting a deviation from the City's requirement has been provided and attached to the minutes. Ms. Crow said the turn radius shown in the plans is why the deviation is needed. Mr. Smith said this access point will only be used by the fire equipment and not standard traffic. To optimize access, each bay should have straight access to 191st Street without needing to turn. He explained JCFD1 wants their equipment to be able to get off 191st Street then back into the bays as to not stop traffic on 191st Street as well. The hammerhead off the center access point will allow this to happen. Mr. Morrison said trucks and other equipment will need to get onto 191st Street the quickest way possible, so it is best to allow each bay access to the street without needing to turn and jamming the access point. He explained Archimages has designed many stations and having the straight access is necessary for fire departments. Ms. Crow showed the Commissioners how each bay can go straight out to 191st Street and the hammerhead turn around area. Mr. Smith stated the hammerhead has been shortened in the new design. Ms. Crow stated City Staff supports the deviation and this is a special deviation request and is not open to all projects in Logistic Park Kansas City. Chairperson Daley clarified that nobody else will be using the center access point. Mr. Smith replied that is correct. He explained each access point and showed the Commission where each proposed access point to the different sides of the building is to be located. Ms. Crow said the east access point does allow access to the rear side of the bays. Mr. Morrison said it is most likely the equipment will be facing out in the front and rear of the building so a lot of equipment can be dispatched at once and not have to wait for other equipment to move. Commissioner Crooks inquired if any traffic lights will be installed. Ms. Crow replied a traffic study will be needed to see if there is a need for any lights. Commissioner Crooks asked if JCFD1 will use emergency traffic lights. Chief Holly answered the location is a low traffic area and the installation of any traffic lights has not been discussed. Ms. Crow inquired how JCFD1 determines if one is needed. Chief Holly replied it has not been required at this time due to the traffic volume. Mr. Morrison agreed with Chief Holly that the traffic does not warrant a traffic light at this time.

Ms. Crow explained the City Engineer has requested details for the connection to the City street and the curb cut needed to install the curb and gutter should not be any farther than two and a half (2.5) feet away from the back of the curb. Mr. Smith stated that has been corrected on updated plans.

Ms. Crow said City Staff also requested a photometric plan to be provided for review before the issuance of a building permit. The applicant has recently provided that to City Staff for review. City Staff will ensure it meets the requirements outlined in the UDC.

Ms. Crow stated City Staff has discussed the handicapped access and parking for the fire station. The sidewalks along Essex Street do not connect to 191st Street but will in the future. The accessible ramps on the north side of 191st Street should align with the sidewalks when it is extended along Essex Street. Ms. Crow said there are 4 proposed handicapped accessible parking stalls, 2 on the north side and 2 on the west side of the building. The applicant has stated the accessible route will go behind vehicles. The City Engineer has cited the United States Access Board and stated it is preferable that the accessible route does not pass behind any parked vehicles. The north stalls should be shifted to accommodate the accessible route going in front of all the vehicles. Mr. Morrison stated there are a few

options for relocating the spaces and that detail will be worked out with the City Engineer.

Ms. Crow explained City Staff has reviewed the proposed screening material and approves its use for this project. Ms. Crow stated City Staff will monitor the project during construction to ensure screening used meets all code requirements. This includes the trash enclosure and color renderings were provided to City Staff earlier in the day before the meeting. Mr. Smith pointed out the location of the trash enclosure on the Site Plan and Ms. Crow provided each Commissioner with a copy of the color renderings. The rendering has been attached to the minutes. Chairperson Daley inquired if a man door is required on the trash enclosure. Ms. Crow replied it is not required on L-P zoned parcels, but the Planning Commission can require it if desired. Ms. Crow explained the landscaping proposed meets the requirements of the UDC and City Staff will ensure it is maintained. Ms. Crow explained the City Engineer did have comments regarding the stormwater management report that was shared with the applicant and those comments will need to be addressed as well.

Chairperson Daley opened the public hearing. No public comment was made at this time. Commissioner Lebakken motioned to close the public hearing. The motion was seconded by Commissioner Little. The public hearing was closed, 4-0.

Chairperson Daley asked if parking stalls on the north will be reserved for the sheriff's office. Mr. Morrison replied it was an early proposed design and there will be an office they can use in the building, but the spaces will not be reserved. Chairperson Daley asked if ambulance will be on site. Chief Holly answered there will be 1 housed at this station. Chairperson Daley inquired how many people will be onsite. Chief Holly replied around fourteen (14) during the day and 4 to six (6) at night and will be built for potential growth of the department. Chairperson Daley inquired if the administration was moving from the station located in New Century. Chief Holly said yes and the station there will still be functional to serve that area.

Chief Holly asked if it is possible to get a variance for the landscaping. Ms. Crow replied typically a variance is not granted for the landscaping and the Planning Commission usually requires more than the UDC. If a variance is to be requested, it would have to go to the Board of Zoning Appeals. Chief Holly said he understands and there is not much landscaping at other stations and not a lot of maintenance needed at those stations.

Mr. Smith inquired about the sidewalk access across 191st Street. Ms. Crow answered the sidewalk being proposed will need to include ramps that align with the sidewalk along Essex Street. Mr. Smith stated typically there would need to be a place to go but there currently there is not sidewalks at the intersection of Essex Street and 191st Street. Ms. Crow explained the City is looking into extending that sidewalk to 191st Street and the location of the ramps will be coordinated with City Staff.

Mr. Smith said the location of the water line is still being discussed with Water 7. Ms. Crow inquired if the easements need to be relocated on the Final Plat. Mr. Smith replied it was drawn to provide leeway for the easements. The sanitary sewer and water line easement may be swapped but not relocate the easements. Chief Holly said there is a meeting with Water 7 currently in session where this is being discussed. Ms. Crow stated it should be resolved before the recording of the Final Plat and stressed that Water 7 will not allow landscaping in their easement. She inquired if crosswalk striping will be done across the center access point. Mr. Morrison replied that is not typical but can be done.

Ms. Crow said City Staff has 2 recommendations related to the application. She stated upon review of

additional documentation with the Commission, City Staff recommends approval of the driveway width deviation for FS2020-09, Final Site Plan for Fire Station #123. The approval of the deviation will be subject to any stipulations outlined before.

Commissioner Crooks motioned to approve deviation for the 71-foot access point width. Commissioner Lebakken seconded the motion. The access point deviation was approved, 4-0.

The second recommendation from City Staff is to approve Application FS2020-09 with the following stipulations:

1. The comments discussed with the Commission will need to be addressed.
2. The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads and other City requirements (landscaping/berm plan, lighting plan, etc.) used in physical development, when approved by the Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notation contained in the site plan instrument.
3. The owner, prior to the issuance of any development permit, shall sign all site plans and submit full size renderings to the City. A Final Site Plan filed for record shall indicate that the application shall perform all obligation and requirements contained therein and be signed by the owner.

Commissioner Crooks motioned to approve Final Site Plan FS2020-09 with the stipulations outlined by City Staff. The motion was seconded by Commissioner Little. Final Site Plan FS2020-09 was approved with stipulations, 4-0.

FUTURE MEETING

The next Planning Commission meeting is scheduled for November 10, 2020 at 7:00 PM.

ADJOURNMENT

Motion by Commissioner Little to adjourn the meeting, Commissioner Lebakken seconded. Motion was approved, 4-0. The meeting was adjourned at 7:46 PM.

Submitted by Chris Clinton, Planning and Zoning Coordinator/City Clerk

STAFF REPORT

January 12, 2021

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: Application **ZA2020-02** - Rezoning of a parcel of land generally located southeast of the intersection of West 199th Street and South Gardner Road

APPLICATION INFORMATION

Applicant: Brett Powell, Agent
NPD Management, LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150

Property Owners: Wellsville Farms, LLC,
4825 NW 41st Street, Suite 500
Riverside, MO 64150

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

Legal Description: See attached application for complete legal description.

Site Address/Location: Generally located near the southeast corner of S Gardner Road and W 199th Street.

Existing Zoning and Land Uses: Johnson County Rural (RUR), no current development.

Existing Improvements: None.

Site Size: 106.13 acres

REASON FOR REZONING REQUEST:

This rezoning is being requested for future intermodal-related, logistics park development. This property was annexed into the City of Edgerton on December 17, 2020 as part of the Phase II expansion of Logistics Park Kansas City (LPKC). LPKC is a 2,300-acre master-planned distribution and warehouse development anchored by the Burlington Northern Santa Fe Railway (BNSF) intermodal facility, which opened in late 2013 and is located approximately two miles north and west of the subject site. Companies located within LPKC benefit from significant transportation savings.

The subject property is outlined red or blue on the following maps.

Figure 1 is color coded to indicate the zoning of the parcels adjacent to the subject property. The green denotes Johnson County Rural (RUR) and City of Gardner – Agricultural (A) zoning designations. The light yellow indicates Johnson County Residential Low Density (RLD) zoned parcels. The border between the City of Gardner and the City of Edgerton, prior to the annexation, is shown as a dotted and dashed line.

Figure 1

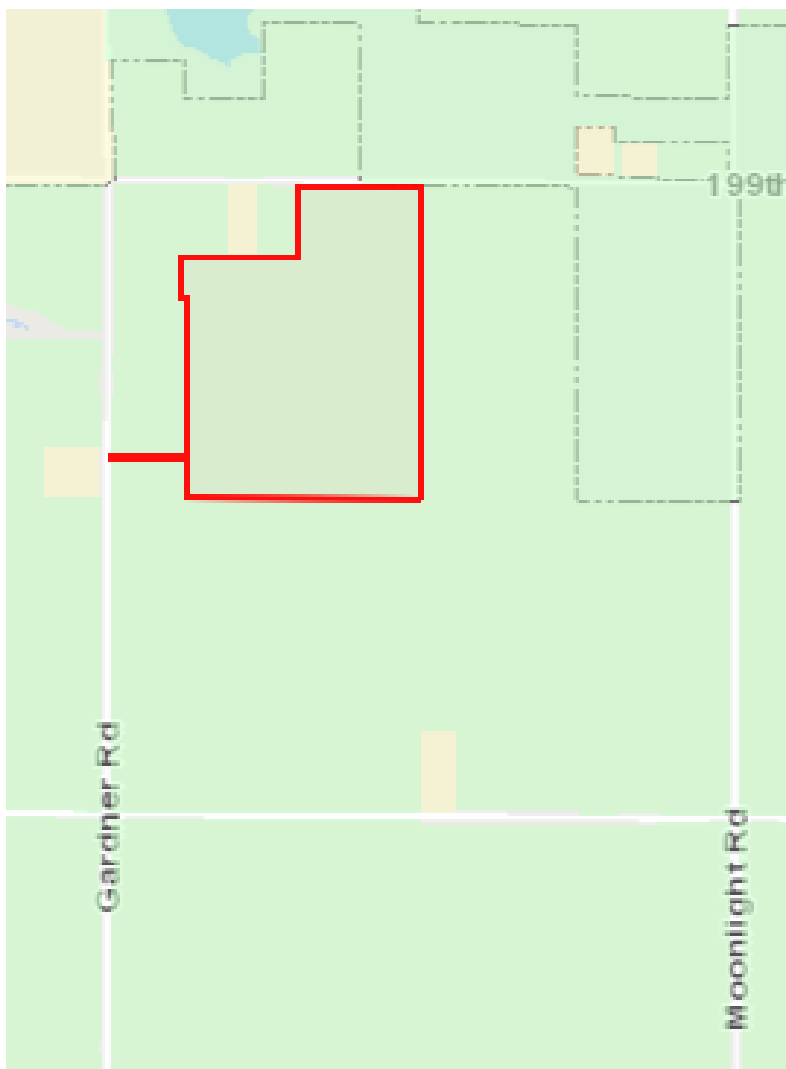


Figure 2 is a closer look at the adjacent parcels and their zoning designations.

On the east, south and west sides of the subject property are parcels located in unincorporated Johnson County. The majority of those parcels are zoned RUR. Per the Johnson County AIMS website, RUR zoned parcels are agricultural uses and single-family dwellings with a ten (10) acre minimum lot size. There is one (1) parcel on the west side of the subject property that is zoned RLD. RLD zoned parcels are for single-family dwellings with a three (3) acre minimum lot size. North of the subject property there is one RLD zoned parcel as well. The northeast side of the subject parcel is adjacent to the City of Gardner. The zoning on those bordering parcels located in the City of Gardner is A, or Agricultural. Per the City of Gardner’s website, the “Agricultural District provides agricultural and related uses in a manner that preserves the natural and open character of land, where infrastructure and facilities supporting development will not be provided within a reasonable time.”

The subject property is outlined in red in the figures below.

Figure 2

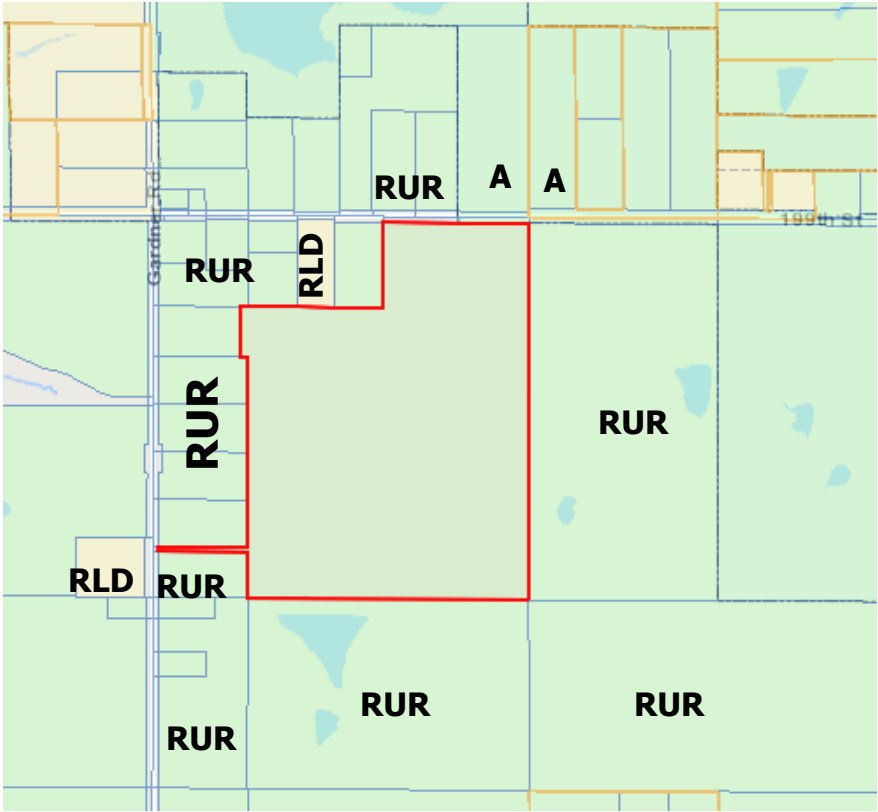


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.63 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly Road and 207th Street. This parcel is located 1.1 miles from I-35.

Figure 3

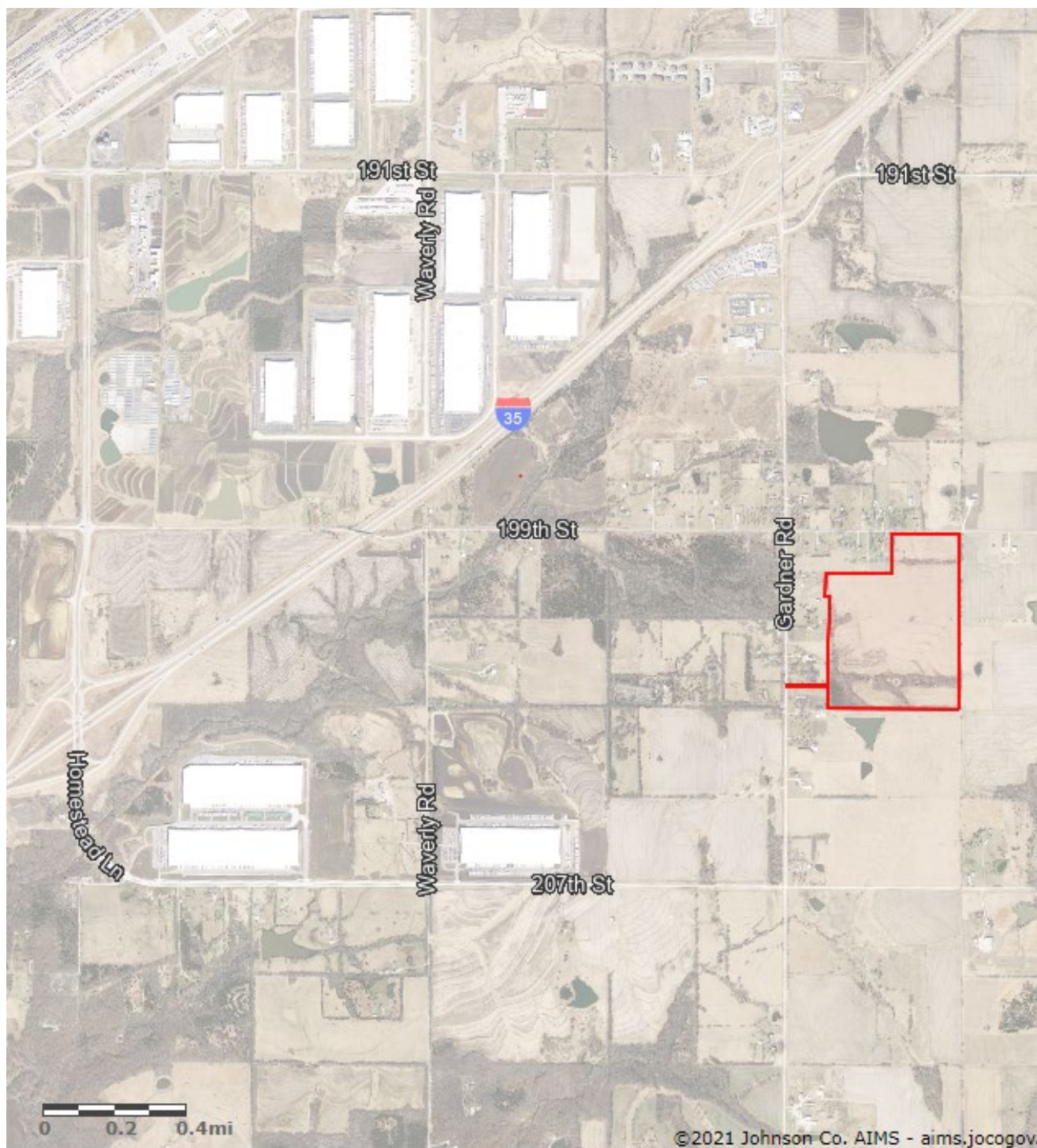
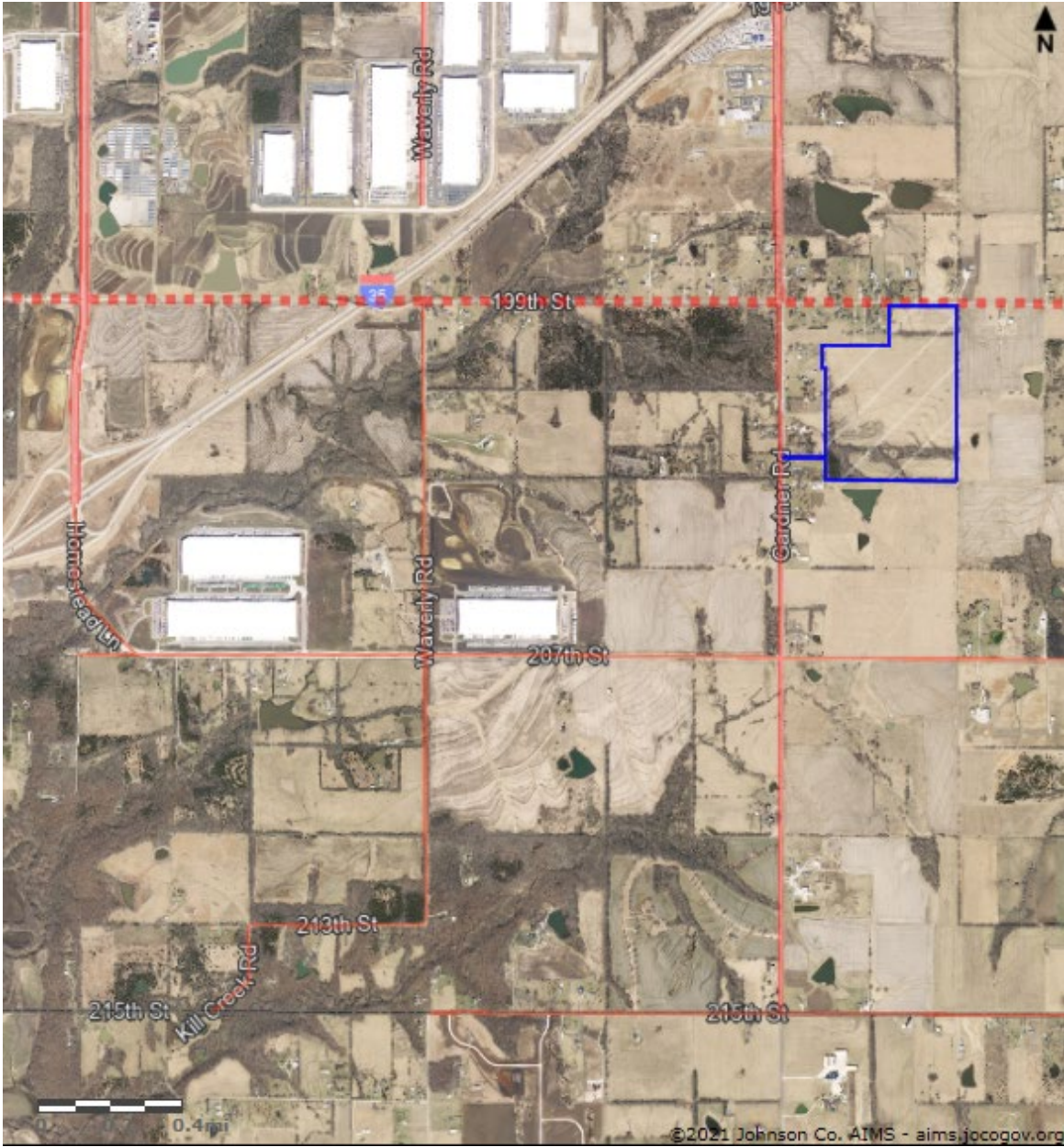


Figure 4 shows the relation of the subject property, outlined in blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

Figure 4



- CARNP Roads
- Type I / 2 Lanes 120ft. ROW
 - Type II / 2 Lanes 120ft. ROW
 - Type II / 4 Lanes 120ft. ROW
 - • Type III / 2 Lanes 150-200ft. ROW
 - ■ Type III / 4 Lanes 150-200ft. ROW

INFRASTRUCTURE AND SERVICES

1. Access to the parcel is currently from 199th Street on the north and Gardner Road on the west.
2. Utilities and service providers.
 - a. Water - Johnson County Water District #7
 - b. Sanitary Sewer – None currently. Any development would connect to the City of Edgerton sanitary sewer system.
 - c. Electrical Service - Kansas City Power & Light
 - d. Gas Service – Kansas Gas Service
 - e. Police services would be 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 December 17, 2020. Prior to that, the property was in unincorporated Johnson County and as of this application the parcels remain zoned Johnson County (RUR).

STAFF ANALYSIS

The applicant has requested rezoning to Logistics Park (L-P) District. 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. The conduction of outdoor activities and outdoor storage is not allowed. 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; along with 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** – When the parcel was annexed into Edgerton, it contained a RUR zoning designation as assigned by Johnson County. That zoning designation is only a holding designation and a rezoning is necessary prior to any land development occurring. The applicant has requested L-P Zoning District designation to allow future construction of projects similar to other projects in L-P zoned areas. Given the parcels' proximity to LPKC Phases I and II, the BNSF Railway intermodal facility and I-35, L-P District zoning is the most compatible designation for these uses.
2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it

does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (106 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial development.

3. **Whether or not the change will bring harm to established property rights** - The subject property is surrounded by undeveloped acreage and low-density rural single-family residential. L-P zoning designations require significant berming and landscaping adjacent to any residential developments. If rezoned L-P, as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Part of a Site Plan review would include attention to buffering and setbacks, stormwater management and transition of uses between adjoining properties and any proposed industrial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.
4. **Effective use of Land** - L-P District permitted uses at this location are an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the I-35 interstate system.
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 uses 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** – This parcel is located near the new 207th Street corridor, Kubota Tractor North American Distribution Center and the Hostess Distribution Center. Continued development of the area includes intermodal related uses. With the extensive road improvements, including the interchange at I-35 and Homestead Lane and the improvements on 207th Street, the character of the area is changing from rural to industrial. Some nearby parcels zoned Johnson County RUR contain single family homes. However, the residential density in this area is lower than some of the parcels adjacent to development in Phase I of LPKC. As noted previously, 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.
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 nearby parcels, specifically to the southwest. 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 is designed to 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 viewed as a

holding designation related to the annexation of the parcel. Johnson County RUR zoning is primarily for agricultural and low-density residential use. An industrial use on a property zoned for agriculture would not be a permitted use therefore, a rezoning to the L-P District is the most appropriate designation for the proposed use indicated by the applicant.

9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, the property has been used for agricultural purposes in unincorporated Johnson County dating back to at least 2006.
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 southwest. 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** - Utility providers have extended service to Hostess Distribution Center at the northeast corner of Waverly and 207th Street. As development continues in the area, the developer will be responsible for extending any additional necessary utilities not already in their service area. The City of Edgerton Municipal Code requires that all properties within city boundaries connect to City of Edgerton sanitary sewer service. Should this parcel be developed, the developer would be responsible for the extension of and connection to City of Edgerton wastewater infrastructure.
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** - Today 199th Street is a two-lane road from Waverly Road to Moonlight Road. However, the Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type III/4-Lane Arterial Roadway designation to 199th Street and designates it as a main thoroughway. As this area continues to develop, 199th will be a crucial component to providing transportation access across southern Johnson County. Additionally, Homestead Lane and 207th Street to just east of Waverly Road have been constructed to accommodate the traffic that will accompany the Phase II expansion of LPKC. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.
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 revenues to respective jurisdictions. During the Covid-19 pandemic, supply chain logistics were instrumental to delivering food and supplies to areas across the United States. This type of commercial industry continues to be an important contributor to the economy of this area.
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 these zoning applications. 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** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. This parcel is located 1.1 miles from I-35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be in compliance with the City of Edgerton UDC. L-P Zoning does not allow tenants to conduct exterior operations or have exterior storage. The review of strict parameters related to the aesthetics of development on L-P zoned parcels is conducted as part of a Site Plan review, including an evaluation of building materials, screening between adjacent parcels and parking requirements.
18. **The recommendation of professional staff** - See Recommendation below.

Recommendation:

City staff recommends **approval** of proposed rezoning **Application ZA2020-02** from Johnson County Rural (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 be developed in accordance with a Site Plan reviewed and approved by the City.

Attachments:

- Rezoning Application ZA2020-02.
- City of Edgerton Future Land Use Map

Located near SE Corner of 199th and Gardner Road.
Reference attached for location and property boundaries

LOCATION OR ADDRESS OF SUBJECT PROPERTY: _____

PURPOSE FOR REZONING: For the purpose of constructing and operating a light manufacturing and/or distribution center.REQUESTED REZONING CHANGE: FROM RUR TO L-P Logistics Park
(Current Zoning) (Proposed Zoning)LEGAL DESCRIPTION: See attached descriptionCURRENT LAND USE: AgriculturalPROPERTY OWNER'S NAME(S): Wellsville Farms, LLC PHONE: N/ACOMPANY: _____ FAX: N/AMAILING ADDRESS: 4825 NW 41st Street, Suite 500, Riverside, MO 64150
Street City State ZipAPPLICANT/AGENTS NAME(S): Brett Powell (representing property owner) PHONE: 816.888.7380COMPANY: NPD Management, LLC; represented by NorthPoint Development, LLC FAX: _____MAILING ADDRESS: 4825 NW 41st Street, Suite 500, Riverside, MO 64150
Street City State ZipENGINEER/ARCHITECT'S NAME(S): 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:  Nathaniel Hagedorn, Manager

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

FOR OFFICE USE ONLYCase No.: RZ- ZA2020-02 Amount of Fee Paid: \$ 250.00 Date Fee Paid: 12/11/2020 Receipt # 58500213Received By: Katy Crow Digitally signed by Katy Crow
DN: cn=US, e=kcrow@edgertonks.org, o=City of Edgerton,
ou=Community Development, cn=Katy Crow
Date: 2020.12.14 13:17:34 -0800 Date of Hearing: 01/12/2021**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

PROPERTY OWNER NOTIFICATION LETTERCase No.: RZ- ZA2020-02, ZA2020-03, ZA2020-04, ZA2020-05, ZA2020-06, ZA2020-07, ZA2020-08

Dear Sir or Madam:

This letter is to notify you that a public hearing will be held at the Edgerton Community Building, 404 E. Nelson St., Edgerton, Kansas, to consider a rezoning change request from RUR

(current zoning) to L-P Logistics Park

(proposed zoning), on the following described tract of land:

Legal Description: See attached

General Location: The area proposed to be rezoned is generally located between 199th St to the north, 215th St to the south, Gardner Rd to the west and Moonlight Rd to the east with some property to the southwest of the intersection of 207th St and Gardner Rd.

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on January 12, 2021. Any interested persons or property owners are invited to attend. Information regarding this rezoning application is available in the office of the City Clerk at City Hall or by phone at (913) 893-6231. You may also contact the undersigned for additional information regarding this rezoning request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition in the office of the City Clerk. If valid protest petitions are received from twenty (20) percent of the property owners within the notification area, a three-quarters ($\frac{3}{4}$) vote of the Governing Body is required to approve this rezoning request.

Copies of the protest petitions are available in the office of the City Clerk.

Respectfully,

Nathaniel Hagedorn - NorthPoint Development, LLC

Applicant (or Owner or Agent)

ADDRESS: 4825 NW 41st St, Suite 500 , Riverside, MO 64150

Street

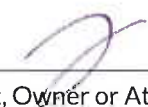
City

State

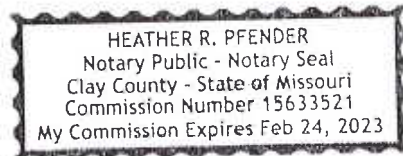
Zip

PROPERTY OWNER NOTIFICATION AFFIDAVITCase No.: RZ- ZA2020-02I, Nathaniel Hagedorn, of lawful age being first duly sworn upon oath, state:

That I am the authorized signer (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

These notices were mailed on the 23rd day of December, 2020.

Signature of Agent, Owner or AttorneySubscribed and sworn to before me this 22nd day of December, 2020.

Notary PublicMy Commission Expires: 2-24-23 (SEAL)
Date

Property Information for 2F221512-1001

<i>Tax Property ID</i>	2F221512-1001	<i>KS Uniform Parcel #</i>	0462011202001001000
<i>Situs Address</i>	Not Available	<i>Acres</i>	105.15 (4,580,320.96 ft ²)
<i>Owner1 Name</i>	WELLSVILLE FARMS LLC	<i>Owner2 Name</i>	
<i>Owner Address</i>	4825 NW 41ST ST STE 500, RIVERSIDE, MO 64150		
<i>Class</i>	A	<i>Year Built</i>	0
<i>LBCS</i>	9010	<i>Neighborhood Code</i>	804,5
<i>Zoning</i>	RUR	<i>Taxing Unit</i>	0059
<i>City</i>	Gardner Twp	<i>Zip Code</i>	66030
<i>AIMS Map No.</i>	U12 (T-R-S: 15-22-12)	<i>Quarter Section</i>	NW
<i>Fire Dist.</i>	JoCo FD #1	<i>Sheriff Dist.</i>	4
<i>Commissioner Dist.</i>	6 (Mike Brown)	<i>FEMA Flood Panel #</i>	20091C0135G
<i>School District</i>	Gardner-Edgerton	<i>High School</i>	Gardner-Edgerton
<i>Middle School</i>	Trail Ridge	<i>Elementary School</i>	Nike
<i>Legal Desc. (abbreviated)</i>	12-15-22 NW1/4 EX BG NW CR E 1005' S 630' W 395' S 350' E 50' S 1320' W 660' N 2300' TO POB & EX BG NW CR E 1258' E 344' X S 630' & EX BG SW CR N 310' X W 660' EX 3.659 AC & EX .93 AC IN ST 106.756 ACS M/L		

Property Map for 2F221512-1001



Property Description:

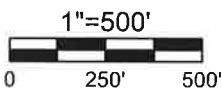
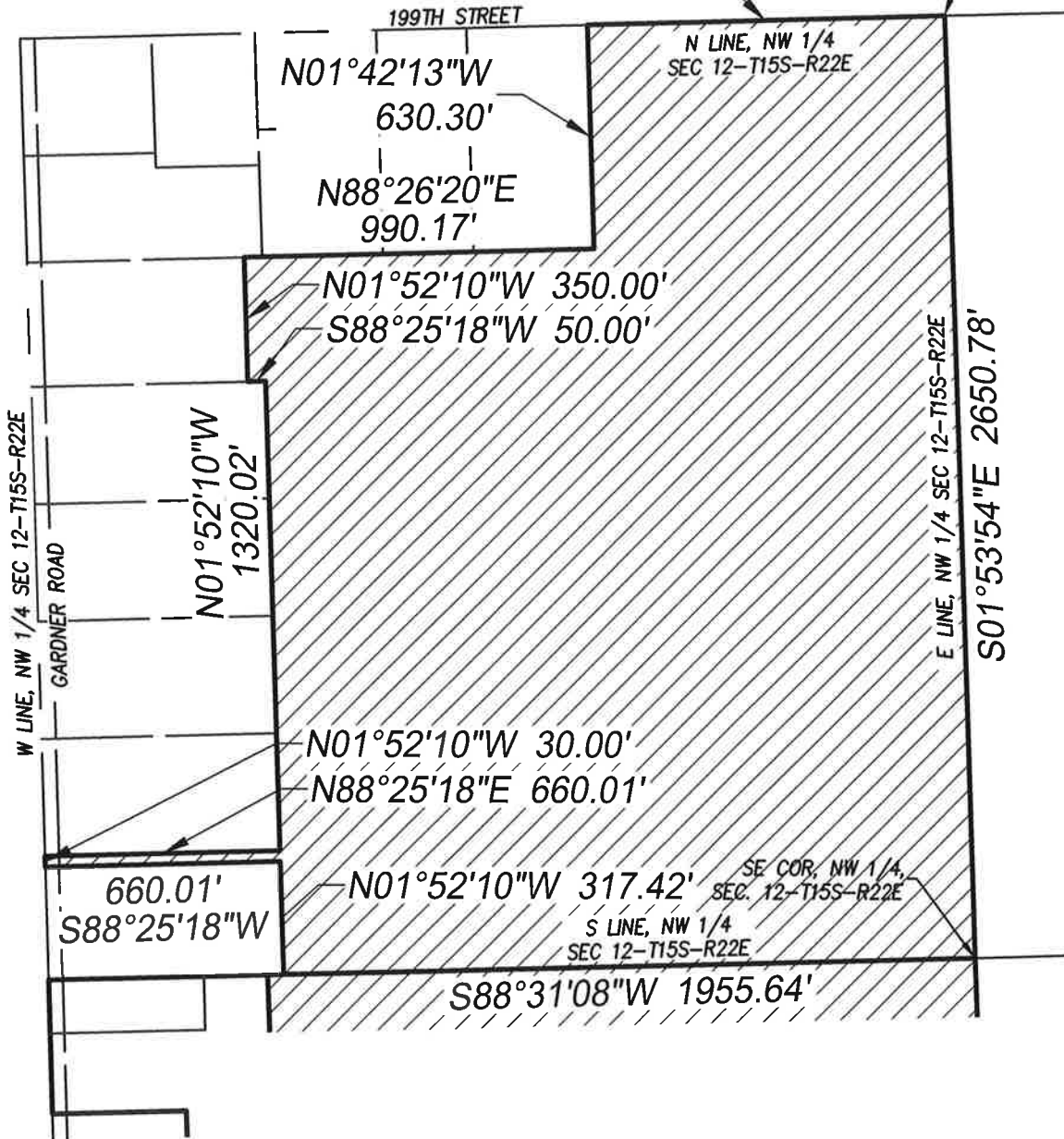
All that part of the Northwest Quarter of Section 12, Township 15 South, Range 22 East, in Johnson County, Kansas, more particularly described as follows:

Beginning at the Northeast corner of said Northwest Quarter; thence South $01^{\circ}53'54''$ East, coincident with the East line of said Northwest Quarter, a distance of 2,650.78 feet to the Southeast corner thereof; thence South $88^{\circ}31'08''$ West, coincident with the South line of said Northwest Quarter, a distance of 1,955.64 feet to a point 660 feet east of the West line of said Northwest Quarter as measured at right angles thereto; thence North $01^{\circ}52'10''$ West, parallel with the West line of said Northwest Quarter, a distance of 317.42 feet to a point 2,330 feet south of the North line of said Northwest Quarter as measured at right angles thereto; thence South $88^{\circ}25'18''$ West, parallel with said North line, a distance of 660.01 feet to a point on the West line of said Northwest Quarter; thence North $01^{\circ}52'10''$ West, coincident with said West line, a distance of 30.00 feet to a point 2,300 feet south of the North line of said Northwest Quarter as measured at right angles thereto; thence North $88^{\circ}25'18''$ East, parallel with said North line, a distance of 660.01 feet to a point 660 feet east of the West line of said Northwest Quarter as measured at right angles thereto; thence North $01^{\circ}52'10''$ West, parallel with said West line, a distance of 1,320.02 feet to a point 980 feet south of the North line of said Northwest Quarter as measured at right angles thereto; thence South $88^{\circ}25'18''$ West, parallel with said North line, a distance of 50.00 feet to a point 610 feet east of the West line of said Northwest Quarter as measured at right angles thereto; thence North $01^{\circ}52'10''$ West, parallel with said West line, a distance of 350.00 feet to a point 630 feet south of the North line of said Northwest Quarter as measured at right angles thereto; thence North $88^{\circ}26'20''$ East, a distance of 990.17 feet; thence North $01^{\circ}42'13''$ West a distance of 630.30 feet to a point on the North line of said Northwest Quarter; thence North $88^{\circ}25'18''$ East, coincident with said North line, a distance of 1,012.30 feet to the Point of Beginning, containing 4,623,083 square feet, or 106.131 acres, more or less.

Annexation Exhibit

POINT OF BEGINNING
NE COR, NW 1/4,
SEC. 12-T15S-R22E

N88°25'18"E 1012.30'



20-3074
Prepared 12-09-2020

132 Abbie Avenue
Kansas City, Kansas 66103

913.317.9500
www.ri-consult.com

STAFF REPORT

January 12, 2021

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: Application **ZA2020-03** - Rezoning of a parcel of land generally located northeast of the intersection of West 207th Street and South Gardner Road

APPLICATION INFORMATION

Applicant: Brett Powell, Agent
NPD Management, LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150

Property Owners: Hillsdale Land & Cattle LLC,
4825 NW 41st Street, Suite 500
Riverside, MO 64150

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

Legal Description: See attached application for complete legal description.

Site Address/Location: Generally located east of Gardner Road and between 199th Street and 207th Street.

Existing Zoning and Land Uses: Johnson County Rural (RUR), no current development.

Existing Improvements: None.

Site Size: 59.51 acres

REASON FOR REZONING REQUEST:

This rezoning is being requested for future intermodal-related, logistics park development. This property was annexed into the City of Edgerton on December 17, 2020 as part of the Phase II expansion of Logistics Park Kansas City (LPKC). LPKC is a 2,300-acre master-planned distribution and warehouse development anchored by the Burlington Northern Santa Fe Railway (BNSF) intermodal facility, which opened in late 2013 and is located approximately two miles north and west of the subject site. Companies located within LPKC benefit from significant transportation savings.

The subject property is outlined red or blue on the following maps.

Figure 1 is color coded to indicate the zoning of the parcels adjacent to the subject property. The green indicates Johnson County Rural (RUR) and City of Gardner – Agricultural (A) zoning designations. The light yellow indicates Johnson County Residential Low Density (RLD) zoned parcels. The purple is City of Edgerton Logistics Park (L-P) zoning. The border between the City of Gardner and the City of Edgerton, prior to the annexation, is shown as a dotted and dashed line.

Figure 1

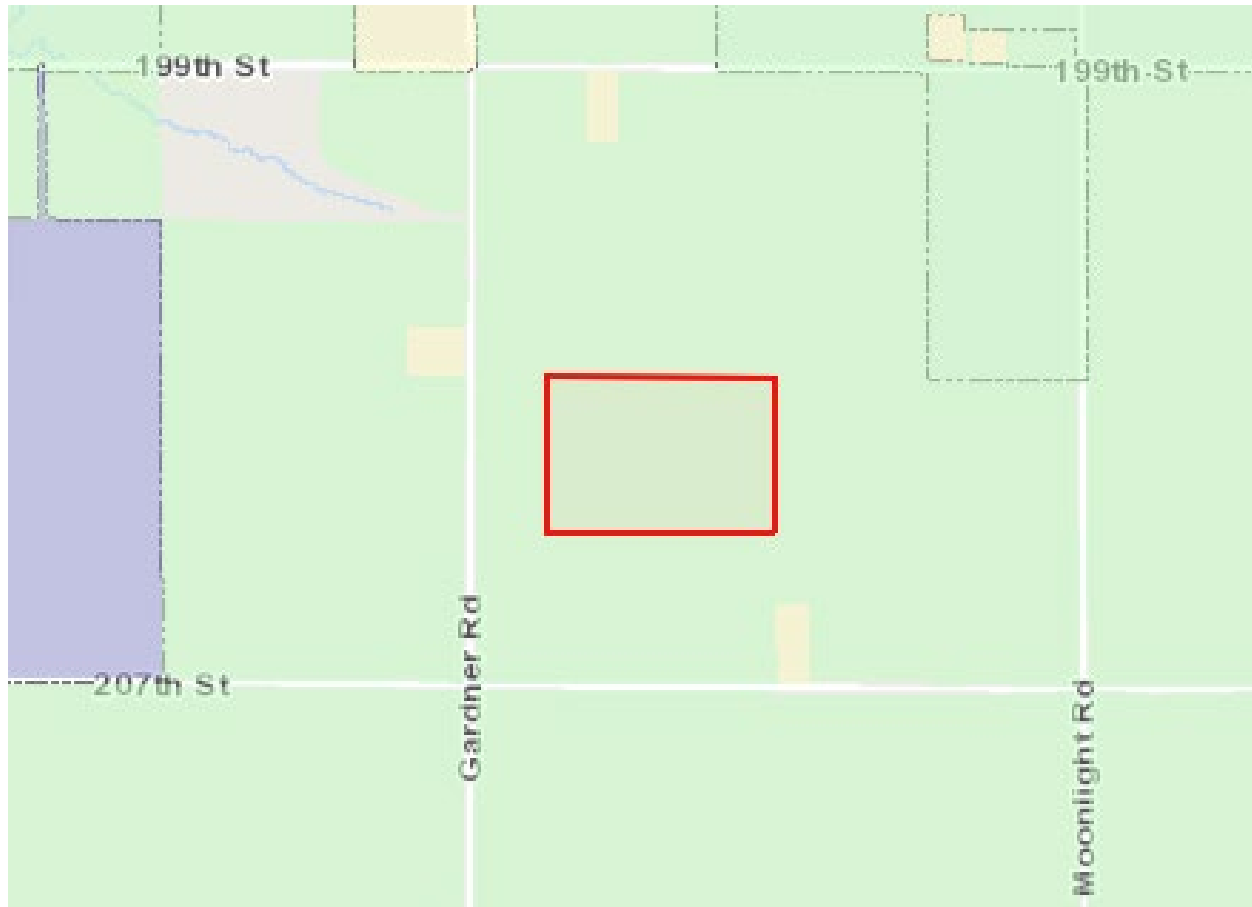


Figure 2 is a closer look at the adjacent parcels and their zoning designations.

On the east and west sides of the subject property are parcels located in unincorporated Johnson County. Those parcels are zoned Rural (RUR). Per the Johnson County AIMS website, RUR zoned parcels are agricultural uses and single-family dwellings with a ten (10) acre minimum lot size. The parcels to the north and south of the subject property are currently zoned RUR. However, rezoning Applications ZA2020-02 and ZA2020-04 have been received which request rezoning to City of Edgerton Logistics Park (L-P) zoning.

Figure 2

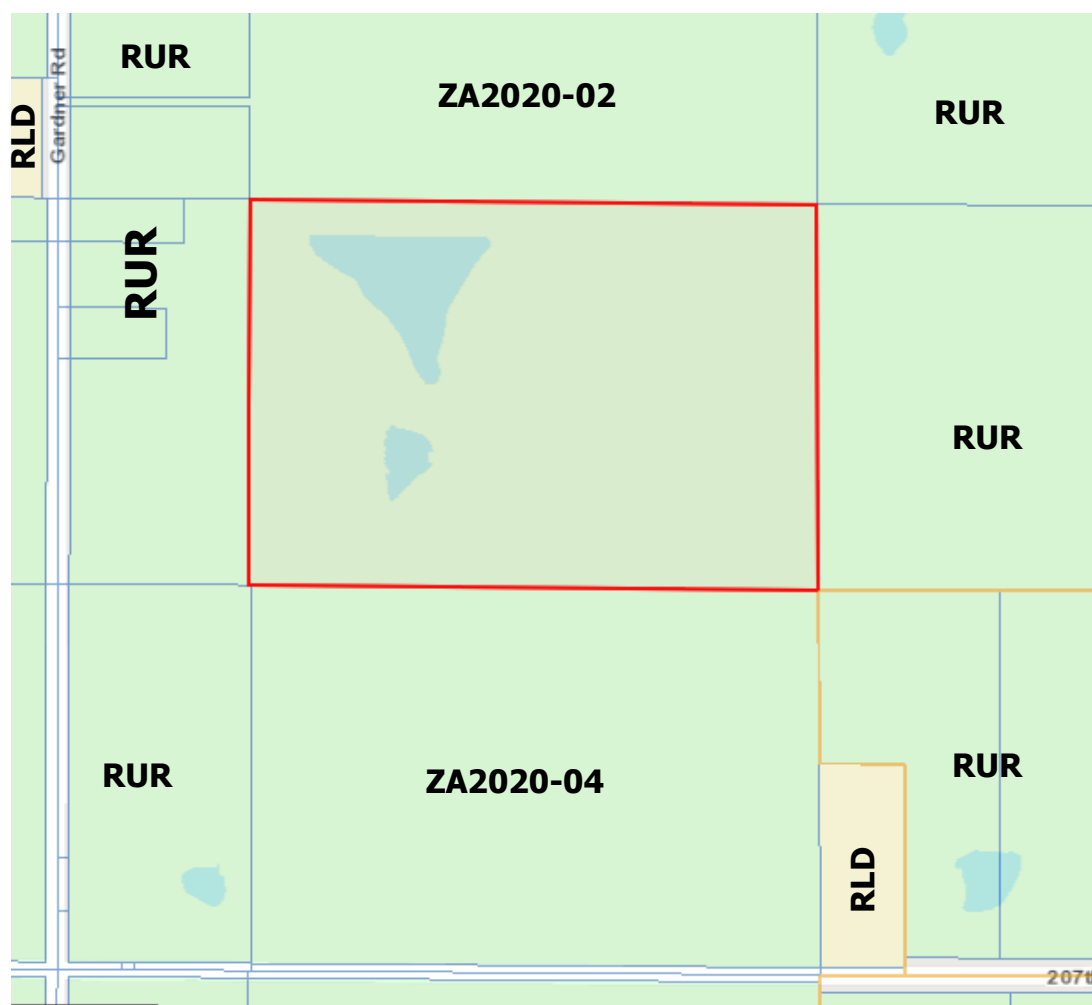


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.64 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly Road and 207th Street. This parcel is located 1.3 miles from I-35.

Figure 3

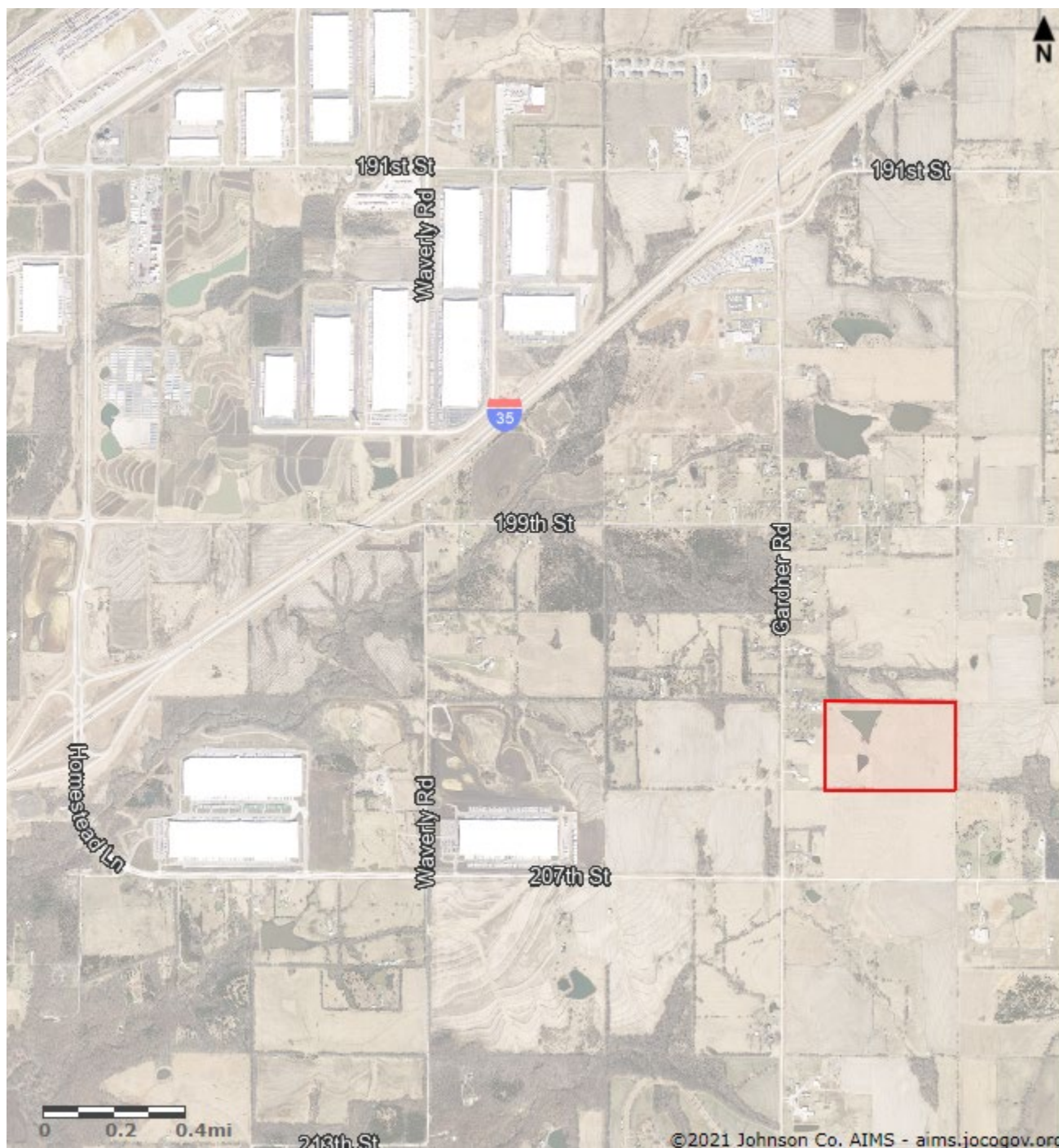
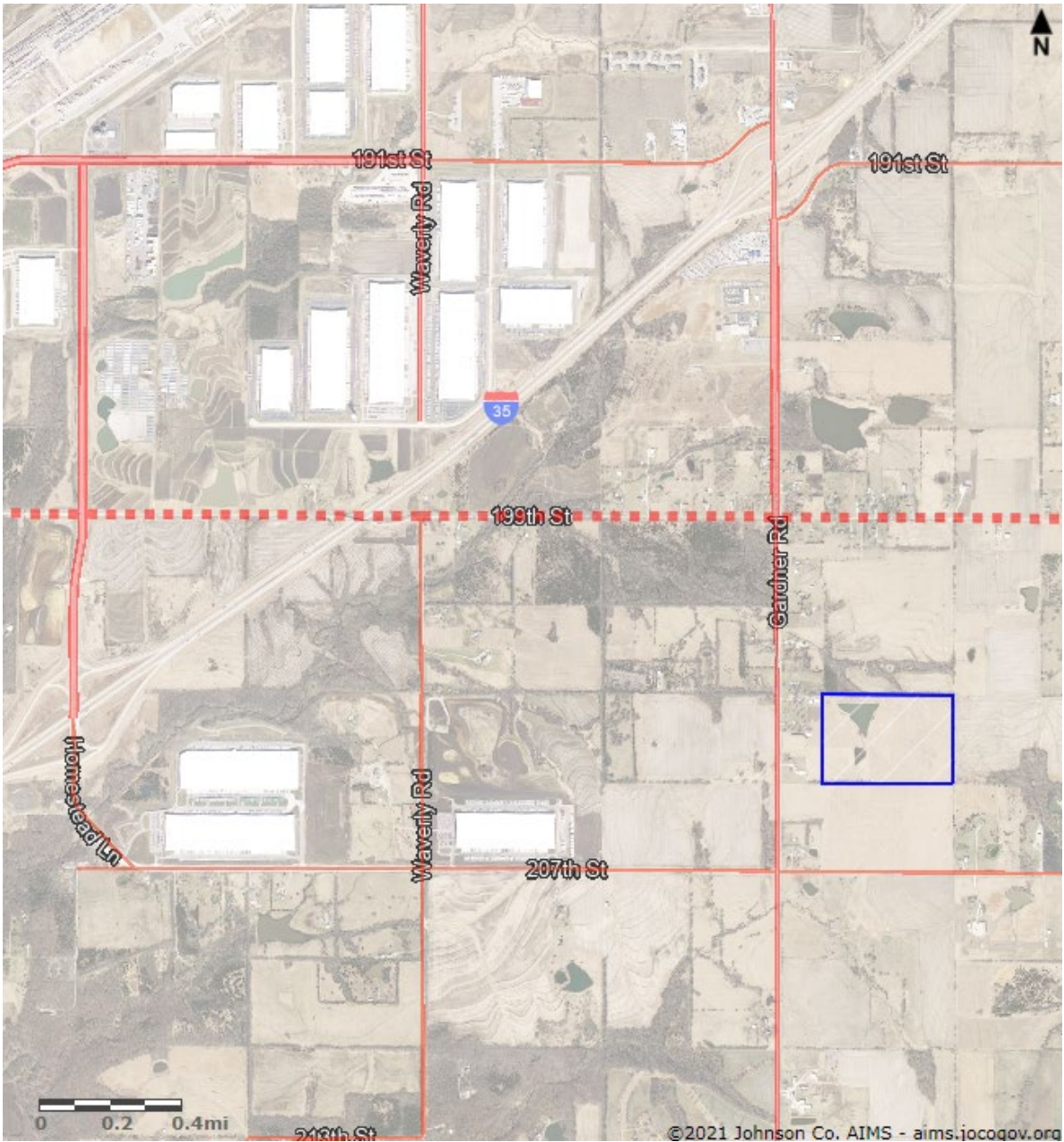


Figure 4 shows the relation of the subject property, outlined blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

Figure 4



- CARNP Roads
- Type I / 2 Lanes 120ft. ROW
 - Type II / 2 Lanes 120ft. ROW
 - Type II / 4 Lanes 120ft. ROW
 - Type III / 2 Lanes 150-200ft. ROW
 - Type III / 4 Lanes 150-200ft. ROW

INFRASTRUCTURE AND SERVICES

1. Currently there is no access to this parcel from Gardner Road or 207th Street. Access to the parcel will have to be constructed during any project development.
2. Utilities and service providers.
 - a. Water - Johnson County Water District #7
 - b. Sanitary Sewer – None currently; any development would connect to the City of Edgerton sewer.
 - c. Electrical Service - Kansas City Power & Light
 - d. Gas Service – Kansas Gas Service
 - e. Police services would be 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 December 17, 2020. Prior to that, the property was in unincorporated Johnson County and as of this application the parcels remain zoned Johnson County (RUR).

STAFF ANALYSIS

The applicant has requested rezoning to Logistics Park (L-P) District. 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. The conduction of outdoor activities and outdoor storage is not allowed. 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; along with 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** – When the parcel was annexed into Edgerton, it contained a RUR zoning designation as assigned by Johnson County. That zoning designation is only a holding designation and a rezoning is necessary prior to any land development occurring. The applicant has requested L-P Zoning District designation to allow future construction of projects similar to other projects in L-P zoned areas. Given the parcels' proximity to LPKC Phases I and II, the BNSF Railway intermodal facility and I-35, L-P District zoning is the most compatible designation for these uses.
2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive

Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (60 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial development.

3. **Whether or not the change will bring harm to established property rights** - The subject property is surrounded by undeveloped acreage and low-density rural single-family residential. L-P zoning designations require significant berming and landscaping adjacent to any residential developments. If rezoned L-P, as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Part of a Site Plan review would include attention to buffering and setbacks, stormwater management and transition of uses between adjoining properties and any proposed industrial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.
4. **Effective use of Land** - L-P District permitted uses at this location are an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the I-35 interstate system.
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 uses 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** - This parcel is located near the new 207th Street corridor, Kubota Tractor North American Distribution Center and the Hostess Distribution Center. Continued development of the area includes intermodal related uses. With the extensive road improvements, including the interchange at I-35 and Homestead Lane and the improvements on 207th Street, the character of the area is changing from rural to industrial. Some nearby parcels zoned Johnson County RUR contain single family homes. However, the residential density in this area is lower than some of the parcels adjacent to development in Phase I of LPKC. As noted previously, 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.
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 nearby parcels, specifically to the southwest. 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 is designed to 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 viewed as a holding designation related to the annexation of the parcel. Johnson County RUR zoning is primarily for agricultural and low-density residential use. An industrial use on a property zoned for agriculture would not be a permitted use therefore, a rezoning to the L-P District is the most appropriate designation for the proposed use indicated by the applicant.
9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, the property has been used for agricultural purposes in unincorporated Johnson County dating back to at least 2006.
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 southwest. 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** – Utility providers have extended service to Hostess Distribution Center at the northeast corner of Waverly and 207th Street. As development continues in the area, the developer will be responsible for extending any additional necessary utilities not already in their service area. The City of Edgerton Municipal Code requires that all properties within city boundaries connect to City of Edgerton sanitary sewer service. Should this parcel be developed, the developer would be responsible for the extension of and connection to City of Edgerton wastewater infrastructure.
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** – Today this parcel is landlocked with no access to a major arterial. Should any development occur, it would need to be coordinated with the use of an adjacent parcel for roadway access. Homestead Lane and 207th Street east to Waverly Road have been constructed to accommodate the traffic that will accompany the Phase II expansion of LPKC. Today 199th Street is a two-lane road from Waverly Road to Moonlight Road. However, the Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type III/4-Lane Arterial Roadway designation to 199th Street and designates it as a main throughway. As this area continues to develop, 199th will be a crucial component to providing transportation access across southern Johnson County. Gardner Road is a paved 2-lane road from 199th Street south to 215th Street. The Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type II/2-Lane Arterial Roadway designation to Gardner Road and designates it as a main throughway. As this area continues to develop, Gardner Road will be a crucial component to providing transportation access to

southern Johnson County. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.

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 revenues to respective jurisdictions. During the Covid-19 pandemic, supply chain logistics were instrumental to delivering food and supplies to areas across the United States. This type of commercial industry continues to be an important contributor to the economy of this area.
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 these zoning applications. 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** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. This parcel is located 1.3 miles from I-35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be in compliance with the City of Edgerton UDC. L-P Zoning does not allow tenants to conduct exterior operations or have exterior storage. The review of strict parameters related to the aesthetics of development on L-P zoned parcels is conducted as part of a Site Plan review, including an evaluation of building materials, screening between adjacent parcels and parking requirements.
18. **The recommendation of professional staff** - See Recommendation below.

Recommendation:

City staff recommends **approval** of proposed rezoning **Application ZA2020-03** from Johnson County Rural (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 be developed in accordance with a Site Plan reviewed and approved by the City.

Attachments:

- Application for Rezoning ZA2020-03
- City of Edgerton Future Land Use Map

LOCATION OR ADDRESS OF SUBJECT PROPERTY:

Located between 199th and 207th st close to Gardner Rd.
Reference attached for location and property boundaries.PURPOSE FOR REZONING: For the purpose of constructing and operating a light
manufacturing and/or distribution center.REQUESTED REZONING CHANGE: FROM RUR TO L-P Logistics Park
(Current Zoning) (Proposed Zoning)LEGAL DESCRIPTION: See attached descriptionCURRENT LAND USE: AgriculturalPROPERTY OWNER'S NAME(S): Hillsdale Land and Cattle, LLC PHONE: N/ACOMPANY: _____ FAX: N/AMAILING ADDRESS: 4825 NW 41st St, Suite 500, Riverside, MO 64150

Street City State Zip

APPLICANT/AGENTS NAME(S): Brett Powell (representing property owner) PHONE: 816.888.7380COMPANY: NPD Management, LLC; represented by NorthPoint Development, LLC FAX: _____MAILING ADDRESS: 4825 NW 41st St, Suite 500, Riverside, MO 64150

Street City State Zip

ENGINEER/ARCHITECT'S NAME(S): Patrick Cassity PHONE: 816.800.0950COMPANY: Renaissance Infrastructure Consulting FAX: _____MAILING ADDRESS: 5015 NW Canal St. Suite 100, Riverside, MO 64150

Street City State Zip

SIGNATURE OF OWNER OR AGENT:  Nathaniel Hagedorn, Manager

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

FOR OFFICE USE ONLYCase No.: RZ- ZA2020-03 Amount of Fee Paid: \$ 250.00 Date Fee Paid: 12/11/2020 Receipt # 58500213Received By: Katy Crow  Digitally signed by Katy Crow
DN: cn=Katy Crow, o=City of Edgerton, ou=City of Edgerton, email=Katy.Crow@cityofedgerton.org, c=US
Date: 2020.12.14 16:10:07 -0500 Date of Hearing: 01/12/2021**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

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

PROPERTY OWNER NOTIFICATION LETTERCase No.: RZ- ZA2020-02, ZA2020-03, ZA2020-04, ZA2020-05, ZA2020-06, ZA2020-07, ZA2020-08

Dear Sir or Madam:

This letter is to notify you that a public hearing will be held at the Edgerton Community Building, 404 E. Nelson St., Edgerton, Kansas, to consider a rezoning change request from RUR

(current zoning) to L-P Logistics Park

(proposed zoning), on the following described tract of land:

Legal Description: See attached

General Location: The area proposed to be rezoned is generally located between 199th St to the north, 215th St to the south, Gardner Rd to the west and Moonlight Rd to the east with some property to the southwest of the intersection of 207th St and Gardner Rd.

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on January 12, 2021. Any interested persons or property owners are invited to attend. Information regarding this rezoning application is available in the office of the City Clerk at City Hall or by phone at (913) 893-6231. You may also contact the undersigned for additional information regarding this rezoning request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition in the office of the City Clerk. If valid protest petitions are received from twenty (20) percent of the property owners within the notification area, a three-quarters ($\frac{3}{4}$) vote of the Governing Body is required to approve this rezoning request.

Copies of the protest petitions are available in the office of the City Clerk.

Respectfully,

Nathaniel Hagedorn - NorthPoint Development, LLC

Applicant (or Owner or Agent)

ADDRESS: 4825 NW 41st St, Suite 500 , Riverside, MO 64150

Street

City

State

Zip

PROPERTY OWNER NOTIFICATION AFFIDAVIT

Case No.: RZ- ZA2020-03

I, Nathaniel Hagedorn, of lawful age being first duly sworn upon oath, state:

That I am the authorized signer (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

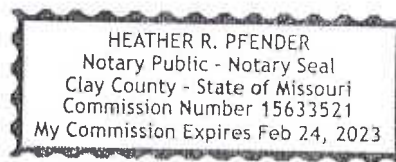
These notices were mailed on the 23rd day of December, 20 20

[Signature]
Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 22nd day of December, 20 20

[Signature]
Notary Public

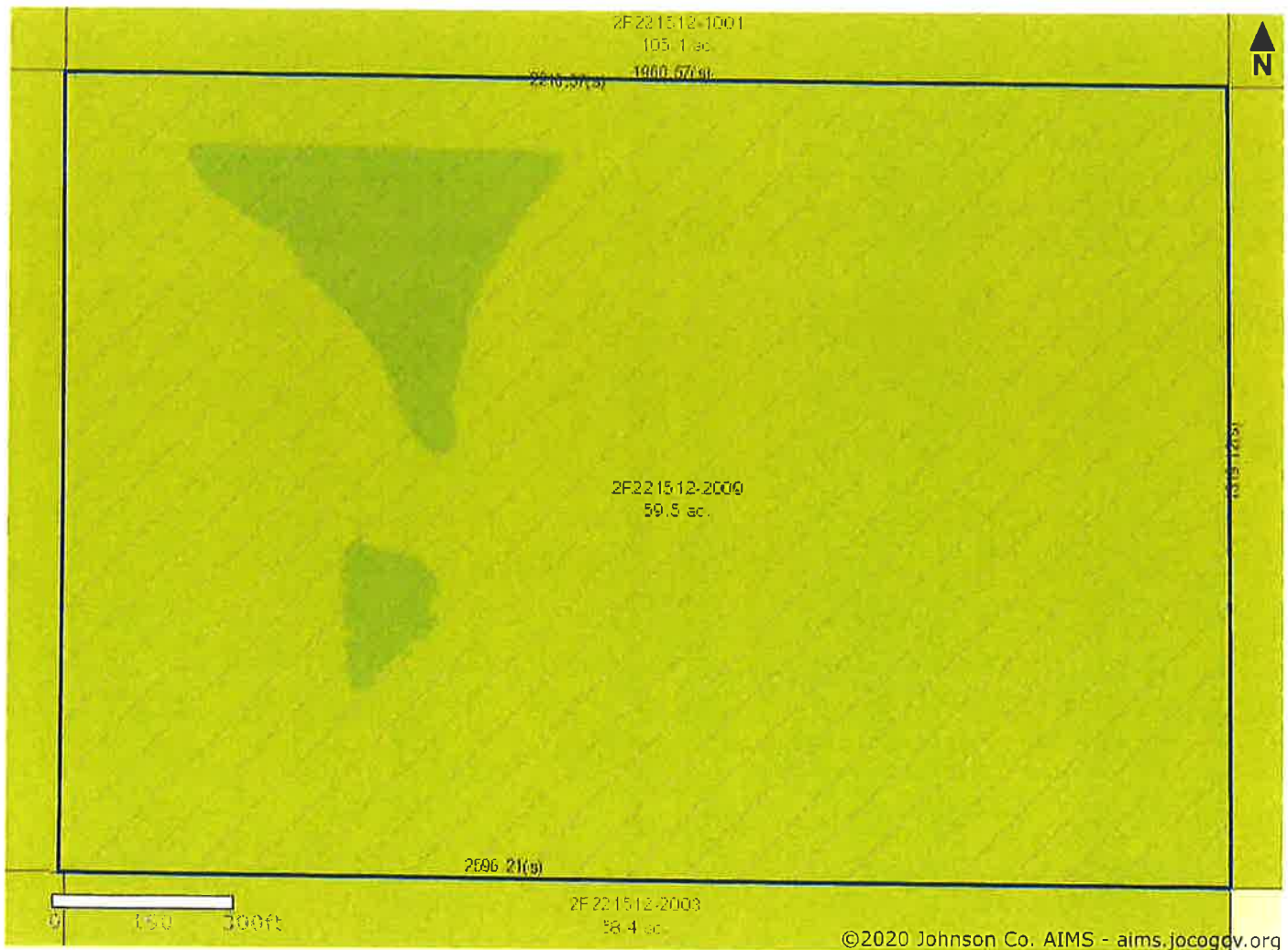
My Commission Expires: 2-24-23 (SEAL)
Date



Property Information for 2F221512-2009

<i>Tax Property ID</i>	2F221512-2009	<i>KS Uniform Parcel #</i>	0462011203001001010
<i>Situs Address</i>	Not Available	<i>Acres</i>	59.51 (2,592,332.17 ft ²)
<i>Owner1 Name</i>	HILLSDALE LAND & CATTLE LLC	<i>Owner2 Name</i>	
<i>Owner Address</i>	4825 NW 41ST ST STE 500, RIVERSIDE, MO 64150		
<i>Class</i>	A	<i>Year Built</i>	0
<i>LBCS</i>	9010	<i>Neighborhood Code</i>	804.4
<i>Zoning</i>	RUR	<i>Taxing Unit</i>	0059
<i>City</i>	Gardner Twp	<i>Zip Code</i>	66030
<i>AIMS Map No.</i>	U12 (T-R-S: 15-22-12)	<i>Quarter Section</i>	SW
<i>Fire Dist.</i>	JoCo FD #1	<i>Sheriff Dist.</i>	4
<i>Commissioner Dist.</i>	6 (Mike Brown)	<i>FEMA Flood Panel #</i>	20091C0135G
<i>School District</i>	Gardner-Edgerton	<i>High School</i>	Gardner-Edgerton
<i>Middle School</i>	Trail Ridge	<i>Elementary School</i>	Nike
<i>Legal Desc. (abbreviated)</i>	12-15-22 BG 660.01' E NW CR SW1/4 E 1955.64' S 1322.65' W 1964.56' N 1322.95' TO POB 59.52 ACS M/L		

Property Map for 2F221512-2009

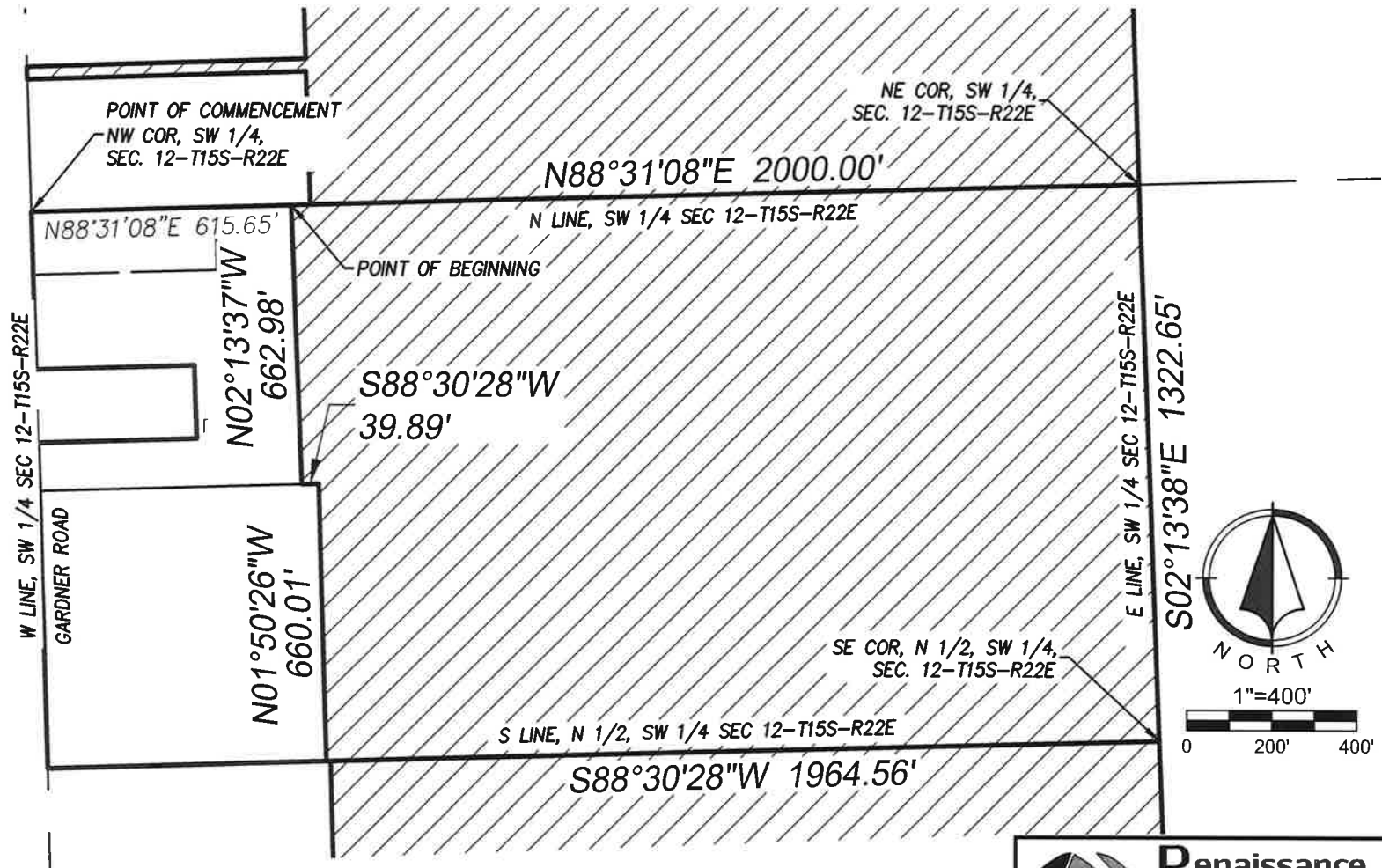


Property Description:

All that part of the North half of the Southwest Quarter of Section 12, Township 15 South, Range 22 East, in Johnson County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Southwest Quarter; thence North $88^{\circ}31'08''$ East, coincident with the North line of said Southwest Quarter, a distance of 615.65 feet to the Point of Beginning; thence continuing North $88^{\circ}31'08''$ East, coincident with said North line, a distance of 2,000.00 feet to the Northeast corner thereof; thence South $02^{\circ}13'38''$ East, coincident with the East line of said Southwest Quarter, a distance of 1,322.65 feet to the Southeast corner of the North half of said Southwest Quarter; thence South $88^{\circ}30'28''$ West, coincident with the South line of said North half, a distance of 1,964.56 feet; thence departing said South line, North $01^{\circ}50'26''$ West a distance of 660.01 feet; thence South $88^{\circ}30'28''$ West a distance of 39.89 feet; thence North $02^{\circ}13'37''$ West a distance of 662.98 feet to the Point of Beginning, containing 2,620,604 square feet, or 60.161 acres, more or less.

Annexation Exhibit



**Renaissance
Infrastructure
Consulting**

20-3074
Prepared 12-09-2020

132 Abbie Avenue
Kansas City, Kansas 66103

913.317.9500
www.rii-consult.com

STAFF REPORT

January 12, 2021

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: Application **ZA2020-04** - Rezoning of a parcel of land generally located northeast of the intersection of West 207th Street and South Gardner Road

APPLICATION INFORMATION

Applicant: Brett Powell, Agent
NPD Management, LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150

Property Owners: Hillsdale Land & Cattle LLC,
4825 NW 41st Street, Suite 500
Riverside, MO 64150

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

Legal Description: See attached application for complete legal description.

Site Address/Location: Generally located northeast of the intersection of Gardner Road and 207th Street.

Existing Zoning and Land Uses: Johnson County Rural (RUR), no current development.

Existing Improvements: None.

Site Size: 58.36 acres

REASON FOR REZONING REQUEST:

This rezoning is being requested for future intermodal-related, logistics park development. This property was annexed into the City of Edgerton on December 17, 2020 as part of the Phase II expansion of Logistics Park Kansas City (LPKC). LPKC is a 2,300-acre master-planned distribution and warehouse development anchored by the Burlington Northern Santa Fe Railway (BNSF) intermodal facility, which opened in late 2013 and is located approximately two miles north and west of the subject site. Companies located within LPKC benefit from significant transportation savings.

The subject property is outlined in red and blue in the following figures.

Figure 1 indicates the zoning of the parcels adjacent to the subject property. The green indicates a Johnson County Rural (RUR) zoning designation. The purple indicates a City of Edgerton L-P (Logistics Park) zoning designation. The light yellow is a Johnson County Residential Low Density (RLD) zoning designation. The border between the City of Gardner and the City of Edgerton, prior to the annexation, is shown as a dotted and dashed line.

Figure 1

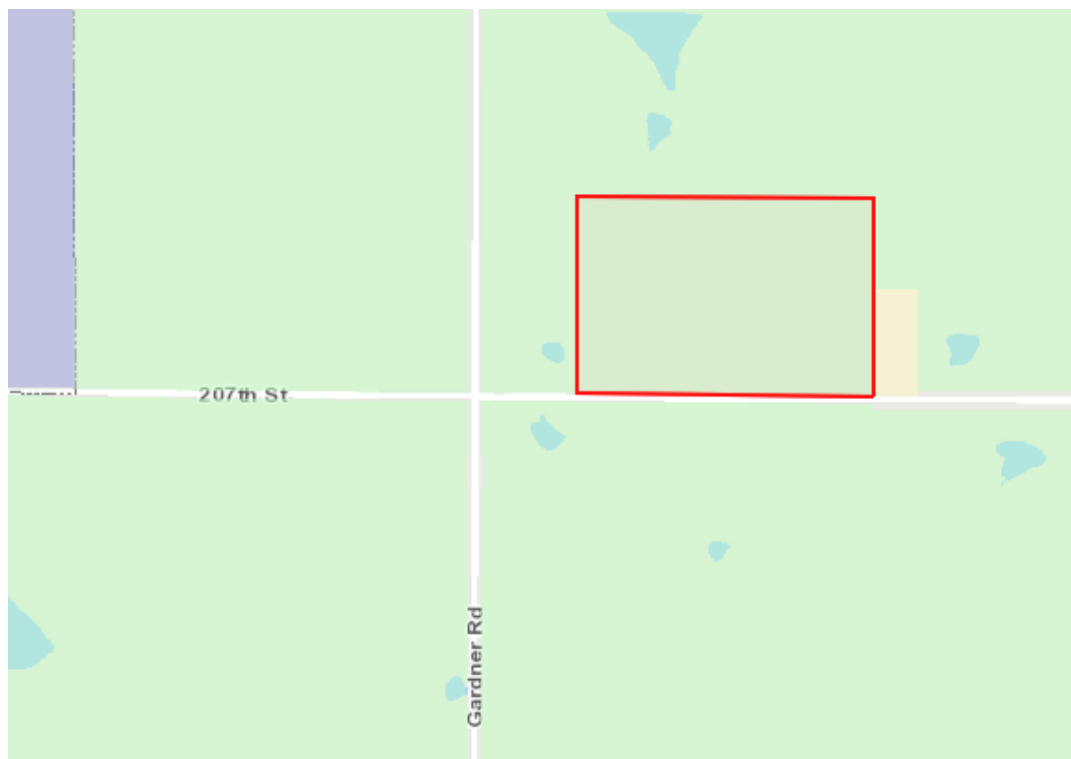


Figure 2 is a closer look at the adjacent parcels and their zoning designations.

On the east and west sides of the subject property are parcels located in unincorporated Johnson County. Those parcels are zoned Johnson County RUR and RLD. Per the Johnson County AIMS website, RUR zoned parcels are agricultural uses and single-family dwellings with a ten (10) acre minimum lot size and RLD zoned parcels are for single family dwellings with a three (3) acre minimum lot size. The parcels to the north and south of the subject property are currently zoned RUR. However, rezoning Applications ZA2020-03 and ZA2020-07 have been received which request rezoning to City of Edgerton Logistics Park (L-P) zoning.

Figure 2

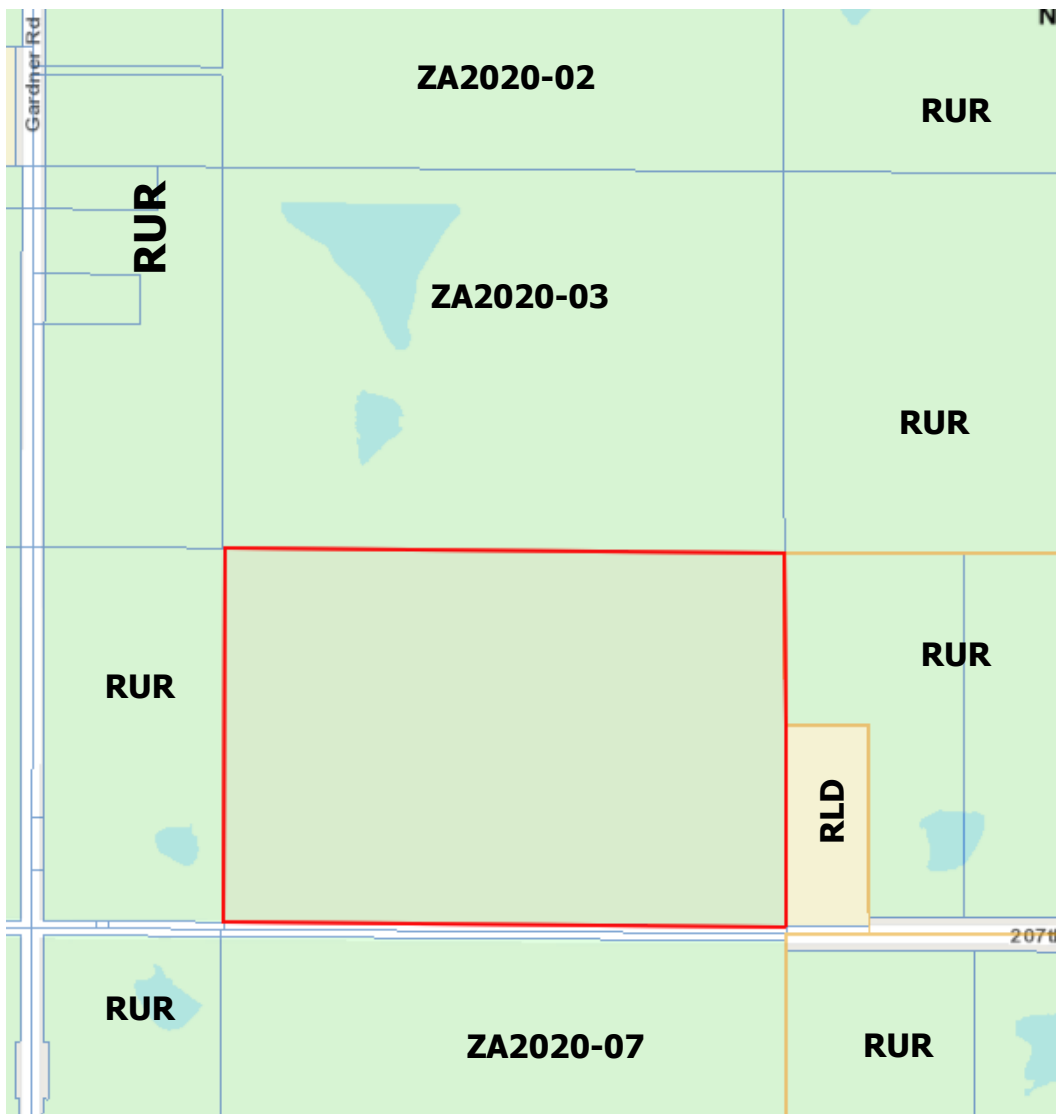


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.64 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly Road and 207th Street. This parcel is located 1.4 miles from I-35.

Figure 3

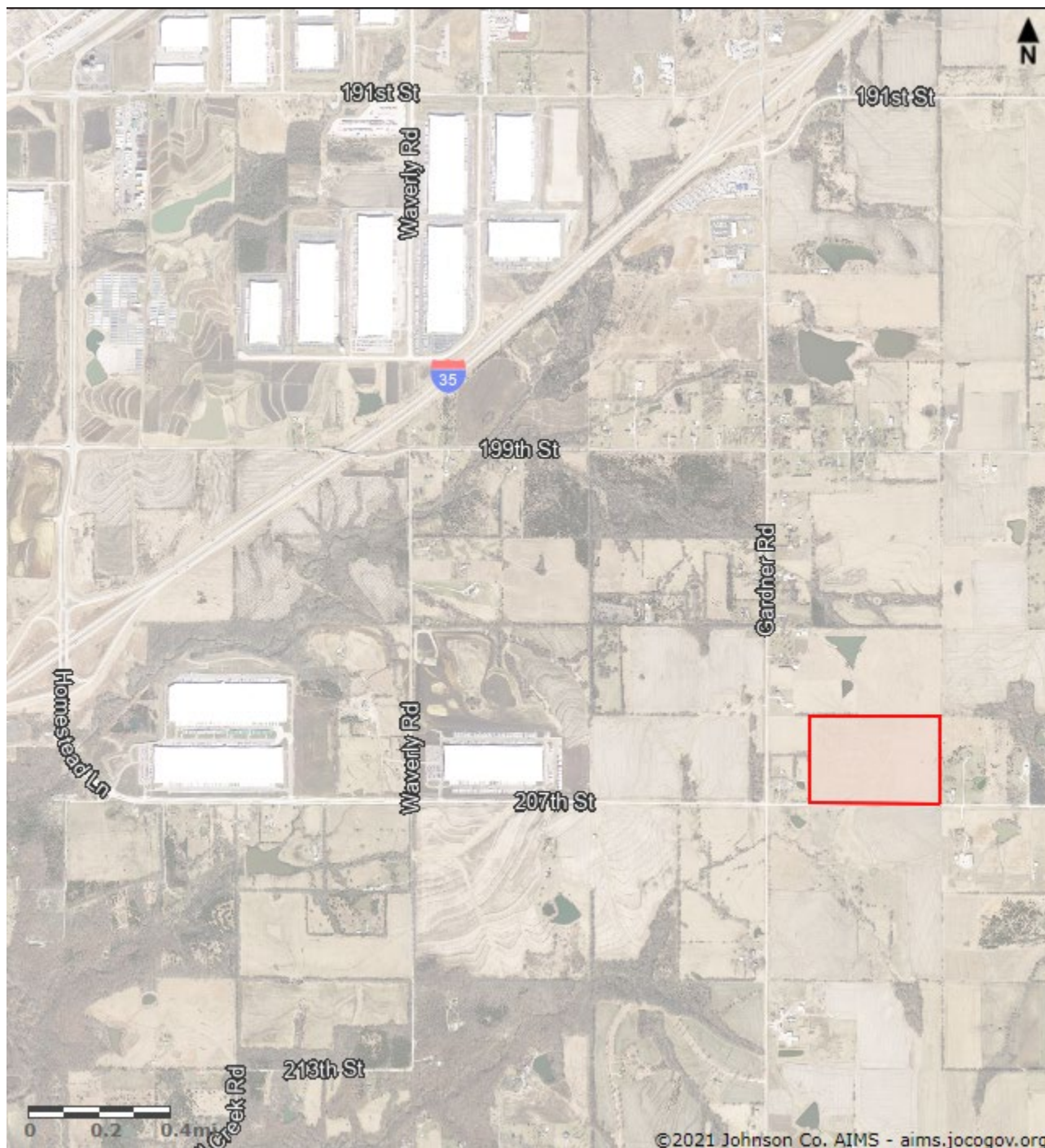
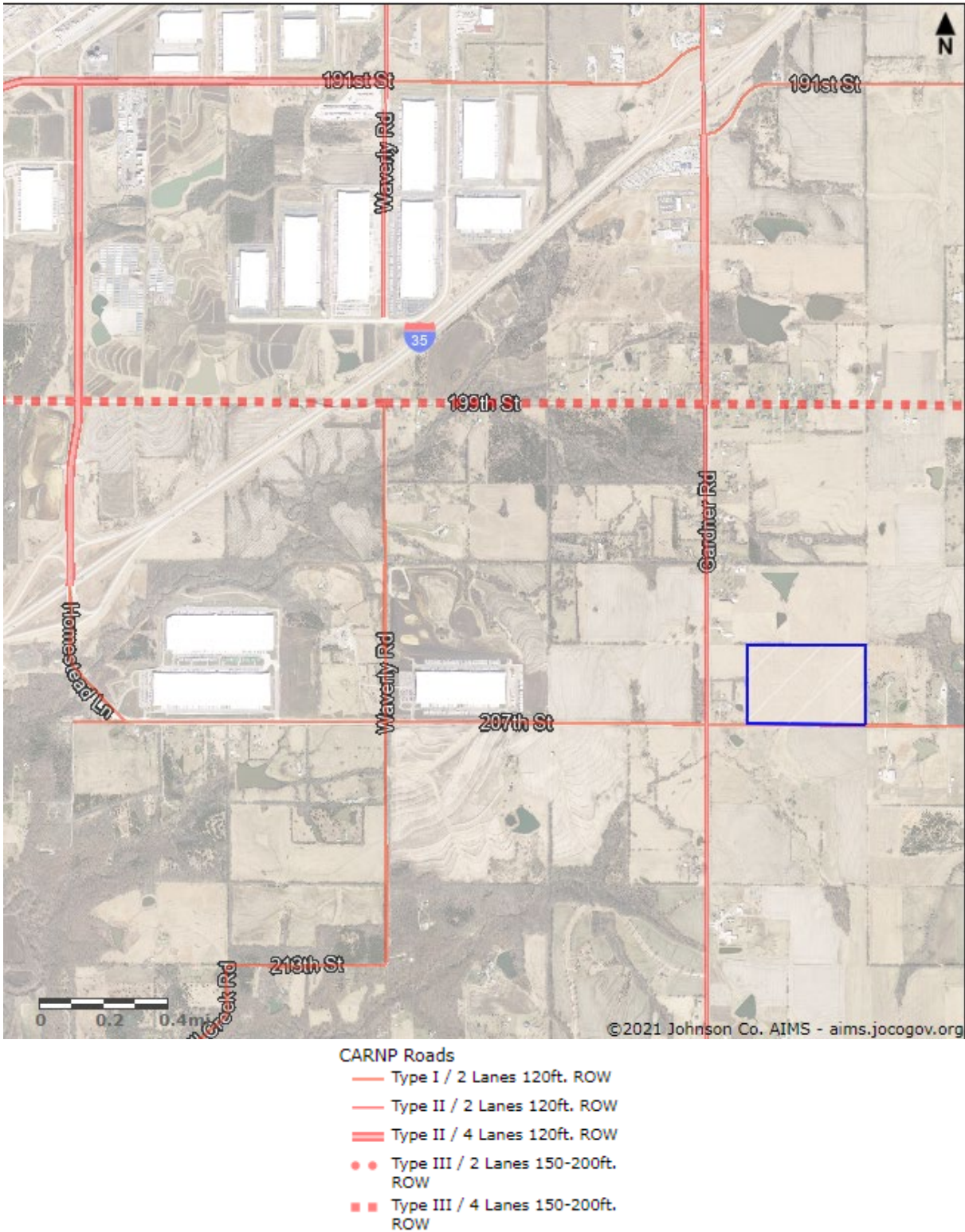


Figure 4 shows the relation of the subject property, outlined in blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

Figure 4



INFRASTRUCTURE AND SERVICES

1. Current access to the parcel is from 207th Street.
2. Utilities and service providers.
 - a. Water - Johnson County Water District #7
 - b. Sanitary Sewer – None currently; any development would connect to the City of Edgerton sewer.
 - c. Electrical Service - Kansas City Power & Light
 - d. Gas Service – Kansas Gas Service
 - e. Police services would be 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 December 17, 2020. Prior to that, the property was in unincorporated Johnson County and as of this application the parcels remain zoned Johnson County (RUR).

STAFF ANALYSIS

The applicant has requested rezoning to Logistics Park (L-P) District. 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. The conduction of outdoor activities and outdoor storage is not allowed. 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; along with 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** – When the parcel was annexed into Edgerton, it contained a RUR zoning designation as assigned by Johnson County. That zoning designation is only a holding designation and a rezoning is necessary prior to any land development occurring. The applicant has requested L-P Zoning District designation to allow future construction of projects similar to other projects in L-P zoned areas. Given the parcels' proximity to LPKC Phases I and II, the BNSF Railway intermodal facility and I-35, L-P District zoning is the most compatible designation for these uses.
2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it

does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (58 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial development.

3. **Whether or not the change will bring harm to established property rights** - The subject property is surrounded by undeveloped acreage and low-density rural single-family residential. L-P zoning designations require significant berming and landscaping adjacent to any residential developments. If rezoned L-P, as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Part of a Site Plan review would include attention to buffering and setbacks, stormwater management and transition of uses between adjoining properties and any proposed industrial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.
4. **Effective use of Land** - L-P District permitted uses at this location are an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the I-35 interstate system.
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 uses 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** – This parcel is located near the new 207th Street corridor, Kubota Tractor North American Distribution Center and the Hostess Distribution Center. Continued development of the area includes intermodal related uses. With the extensive road improvements, including the interchange at I-35 and Homestead Lane and the improvements on 207th Street, the character of the area is changing from rural to industrial. Some nearby parcels zoned Johnson County RUR contain single family homes. However, the residential density in this area is lower than some of the parcels adjacent to development in Phase I of LPKC. As noted previously, 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.
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 nearby parcels, specifically to the southwest. 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 is designed to 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 viewed as a

holding designation related to the annexation of the parcel. Johnson County RUR zoning is primarily for agricultural and low-density residential use. An industrial use on a property zoned for agriculture would not be a permitted use therefore, a rezoning to the L-P District is the most appropriate designation for the proposed use indicated by the applicant.

9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, the property has been used for agricultural purposes in unincorporated Johnson County dating back to at least 2006.
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 southwest. 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** - Utility providers have extended service to Hostess Distribution Center at the northeast corner of Waverly and 207th Street. As development continues in the area, the developer will be responsible for extending any additional necessary utilities not already in their service area. The City of Edgerton Municipal Code requires that all properties within city boundaries connect to City of Edgerton sanitary sewer service. Should this parcel be developed, the developer would be responsible for the extension of and connection to City of Edgerton wastewater infrastructure.
13. **The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property – The 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** - This parcel contains direct access to 207th Street. 207th Street to east of Waverly Road and Homestead Lane have been improved to accommodate the traffic that will accompany the Phase II expansion of LPKC. Gardner Road is a paved 2-lane road from 199th Street south to 215th Street. The Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type II/2 Lane Arterial Roadway designation to Gardner Road and designates it as a main throughway. As this area continues to develop, Gardner Road will be a crucial component to providing transportation access to southern Johnson County. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate

the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.

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 revenues to respective jurisdictions. During the Covid-19 pandemic, supply chain logistics were instrumental to delivering food and supplies to areas across the United States. This type of commercial industry continues to be an important contributor to the economy of this area.
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 these zoning applications. 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** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. This parcel is located 1.4 miles from I-35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be in compliance with the City of Edgerton UDC. L-P Zoning does not allow tenants to conduct exterior operations or have exterior storage. The review of strict parameters related to the aesthetics of development on L-P zoned parcels is conducted as part of a Site Plan review, including an evaluation of building materials, screening between adjacent parcels and parking requirements.
18. **The recommendation of professional staff** - See Recommendation below.

Recommendation:

City staff recommends **approval** of proposed rezoning **Application ZA2020-04** from Johnson County Rural (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 be developed in accordance with a Site Plan reviewed and approved by the City.

Attachments:

- Application for Rezoning ZA2020-04
- City of Edgerton Future Land Use Map

LOCATION OR ADDRESS OF SUBJECT PROPERTY: Located on 207th close to Gardner Rd. Reference attached for location and property boundaries.PURPOSE FOR REZONING: For the purpose of constructing and operating a light manufacturing and/or distribution center.REQUESTED REZONING CHANGE: FROM RUR TO L-P Logistics Park
(Current Zoning) (Proposed Zoning)LEGAL DESCRIPTION: See attached descriptionCURRENT LAND USE: AgriculturalPROPERTY OWNER'S NAME(S): Hillsdale Land and Cattle, LLC PHONE: N/ACOMPANY: _____ FAX: N/AMAILING ADDRESS: 4825 NW 41st St, Suite 500, Riverside, MO 64150

Street City State Zip

APPLICANT/AGENTS NAME(S): Brett Powell (representing property owner) PHONE: 816.888.7380COMPANY: NPD Management, LLC; represented by NorthPoint Development, LLC FAX: _____MAILING ADDRESS: 4825 NW 41st St, Suite 500, Riverside, MO 64150

Street City State Zip

ENGINEER/ARCHITECT'S NAME(S): Patrick Cassity PHONE: 816.800.0950COMPANY: Renaissance Infrastructure Consulting FAX: _____MAILING ADDRESS: 5015 NW Canal St. Suite 100, Riverside, MO 64150

Street City State Zip

SIGNATURE OF OWNER OR AGENT:  Nathaniel Hagedorn, Manager

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

FOR OFFICE USE ONLYCase No.: RZ- ZA2020-04 Amount of Fee Paid: \$ 250.00 Date Fee Paid: 12/11/2020 Receipt #58500213Received By: Katy Crow ¹Digitally signed by Katy Crow
DN: cn=Katy Crow, o=City of Edgerton,
ou=Edgerton, email=Katy.Crow@cityofedgerton.org,
c=US, date=2020.12.14 16:19:58-0500 Date of Hearing: 01/12/2021**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

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

PROPERTY OWNER NOTIFICATION LETTERCase No.: RZ- ZA2020-02, ZA2020-03, ZA2020-04, ZA2020-05, ZA2020-06, ZA2020-07, ZA2020-08

Dear Sir or Madam:

This letter is to notify you that a public hearing will be held at the Edgerton Community Building, 404 E. Nelson St., Edgerton, Kansas, to consider a rezoning change request from RUR

(current zoning) to L-P Logistics Park

(proposed zoning), on the following described tract of land:

Legal Description: See attached

General Location: The area proposed to be rezoned is generally located between 199th St to the north, 215th St to the south, Gardner Rd to the west and Moonlight Rd to the east with some property to the southwest of the intersection of 207th St and Gardner Rd.

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on January 12, 2021. Any interested persons or property owners are invited to attend. Information regarding this rezoning application is available in the office of the City Clerk at City Hall or by phone at (913) 893-6231. You may also contact the undersigned for additional information regarding this rezoning request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition in the office of the City Clerk. If valid protest petitions are received from twenty (20) percent of the property owners within the notification area, a three-quarters ($\frac{3}{4}$) vote of the Governing Body is required to approve this rezoning request.

Copies of the protest petitions are available in the office of the City Clerk.

Respectfully,

Nathaniel Hagedorn - NorthPoint Development, LLC

Applicant (or Owner or Agent)


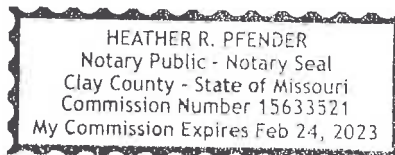
ADDRESS: 4825 NW 41st St, Suite 500 , Riverside, MO 64150

Street

City

State

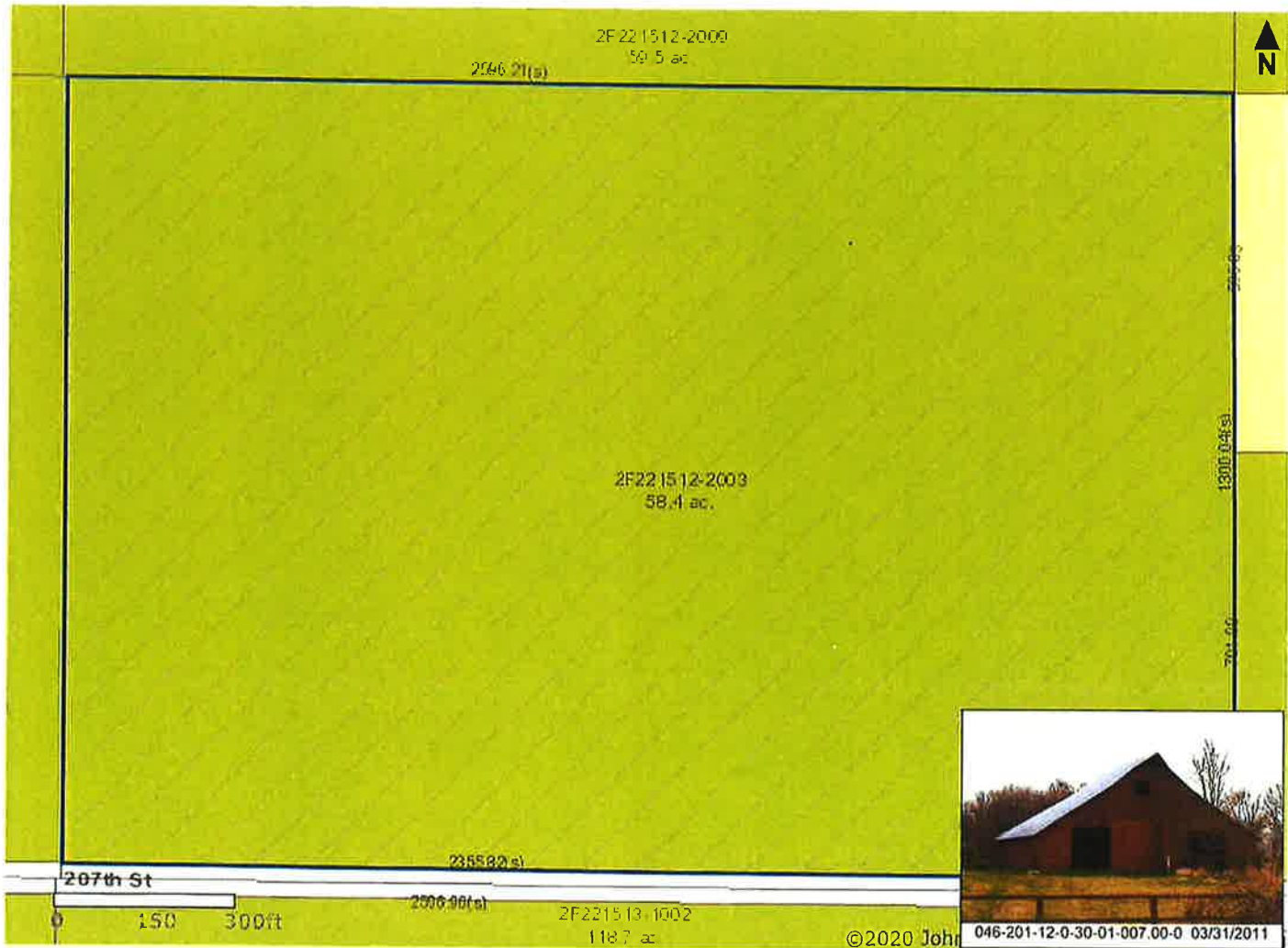
Zip

PROPERTY OWNER NOTIFICATION AFFIDAVITCase No.: RZ- ZA2020-04I, Nathaniel Hagedorn, of lawful age being first duly sworn upon oath, state:That I am the authorized signer (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.These notices were mailed on the 23rd day of December, 2020.
Signature of Agent, Owner or AttorneySubscribed and sworn to before me this 22nd day of December, 2020.
Notary PublicMy Commission Expires: 2-24-23 (SEAL)
Date

Property Information for 2F221512-2003

<i>Tax Property ID</i>	2F221512-2003	<i>KS Uniform Parcel #</i>	0462011203001007000
<i>Situs Address</i>	Not Available	<i>Acres</i>	58.36 (2,542,378.16 ft ²)
<i>Owner1 Name</i>	HILLSDALE LAND & CATTLE LLC	<i>Owner2 Name</i>	
<i>Owner Address</i>	4825 NW 41ST ST STE 500, RIVERSIDE, MO 64150	<i>Year Built</i>	0
<i>Class</i>	A	<i>Neighborhood Code</i>	804.4
<i>LBCS</i>	9010	<i>Taxing Unit</i>	0059
<i>Zoning</i>	RUR		
<i>City</i>	Gardner Twp	<i>Zip Code</i>	66030
<i>AIMS Map No.</i>	U12 (T-R-S: 15-22-12)	<i>Quarter Section</i>	SW
<i>Fire Dist.</i>	JoCo FD #1	<i>Sheriff Dist.</i>	4
<i>Commissioner Dist.</i>	6 (Mike Brown)	<i>FEMA Flood Panel #</i>	20091C0135G
<i>School District</i>	Gardner-Edgerton	<i>High School</i>	Gardner-Edgerton
<i>Middle School</i>	Trail Ridge	<i>Elementary School</i>	Nike
<i>Legal Desc. (abbreviated)</i>	12-15-22 S 1/2 SW1/4 EX W 226'S 200' EX 1.10 AC EX .2075 AC& EX 17.993 AC 59.671 ACS M/L		

Property Map for 2F221512-2003

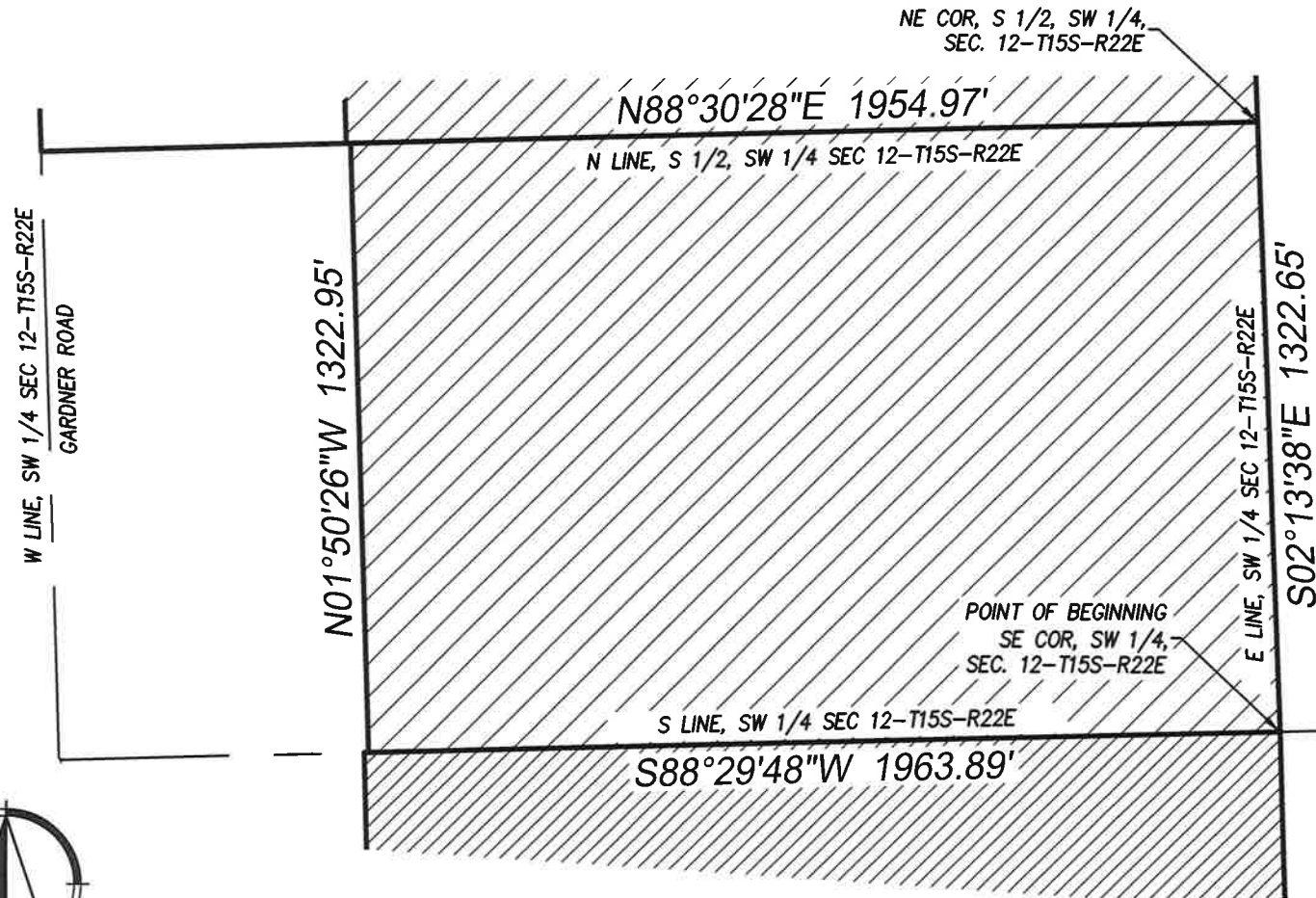


Property Description:

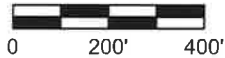
All that part the South Half of the Southwest Quarter of Section 12, Section 14, Township 15 South, Range 22 East of the Sixth Principal Meridian in Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southeast Corner of said Southwest Quarter; thence South $88^{\circ}29'48''$ West, along the South line of said Southwest Quarter, a distance of 1,963.89 feet; thence North $01^{\circ}50'26''$ West, a distance of 1,322.95 feet to a point on the North line of the South Half of said Southwest Quarter; thence North $88^{\circ}30'28''$ East, along said North line, a distance of 1,954.97 feet to the Northeast Corner of said South Half; thence South $02^{\circ}13'38''$ East, along the East line of said Southwest Quarter, 1,322.65 feet to the Point of Beginning. Containing 2,591,793 square feet or 59.499 acres, more or less.

Annexation Exhibit



1"=400'



**Renaissance
Infrastructure
Consulting**

20-3074
Prepared 12-09-2020

132 Abbie Avenue
Kansas City, Kansas 66103

913.317.9500
www.ric-consult.com

STAFF REPORT

January 12, 2021

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: Application **ZA2020-05** - Rezoning of a parcel of land generally located southwest of the intersection of West 207th Street and South Gardner Road

APPLICATION INFORMATION

Applicant: Brett Powell, Agent
NPD Management, LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150

Property Owners: Hillsdale Land & Cattle LLC,
4825 NW 41st Street, Suite 500
Riverside, MO 64150

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

Legal Description: See attached application for complete legal description.

Site Address/Location: Generally located southwest of the intersection of Gardner Road and 207th Street.

Existing Zoning and Land Uses: Johnson County Rural (RUR), no current development.

Existing Improvements: None.

Site Size: 38.21 acres

REASON FOR REZONING REQUEST:

This rezoning is being requested for future intermodal-related, logistics park development. This property was annexed into the City of Edgerton on December 17, 2020 as part of the Phase II expansion of Logistics Park Kansas City (LPKC). LPKC is a 2,300-acre master-planned distribution and warehouse development anchored by the Burlington Northern Santa Fe Railway (BNSF) intermodal facility, which opened in late 2013 and is located approximately two miles north and west of the subject site. Companies located within LPKC benefit from significant transportation savings.

The subject property is outlined red or blue on the following maps.

Figure 1 indicates the zoning of the parcels adjacent to the subject property. The green indicates a Johnson County Rural (RUR) zoning designation. The purple indicates City of Edgerton Logistics Park (L-P) zoning designation. The light yellow to the southwest of the subject parcel is Johnson County Residential Neighborhood 1 (RN1) zoning designation. The border between the City of Gardner and the City of Edgerton, prior to the annexation, is shown as a dotted and dashed line.

Figure 1



Figure 2 is a closer look at the adjacent parcels and their zoning designations. The subject parcel is outline in red.

On the east and west sides of the subject property are parcels located in unincorporated Johnson County. Those parcels are zoned RUR. Per the Johnson County AIMS website, RUR zoned parcels are agricultural uses and single-family dwellings with a ten (10) acre minimum lot size. RN1 zoned parcels are single family dwellings with a one (1) acre minimum lot size. North of the subject property is a parcel that is zoned RUR. Rezoning Application ZA2020-06 has been received which requests rezoning to City of Edgerton Logistics Park (L-P) for the parcel to the south.

Figure 2



Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.26 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly Road and 207th Street. The parcel is located 1.4 miles from I-35.

Figure 3

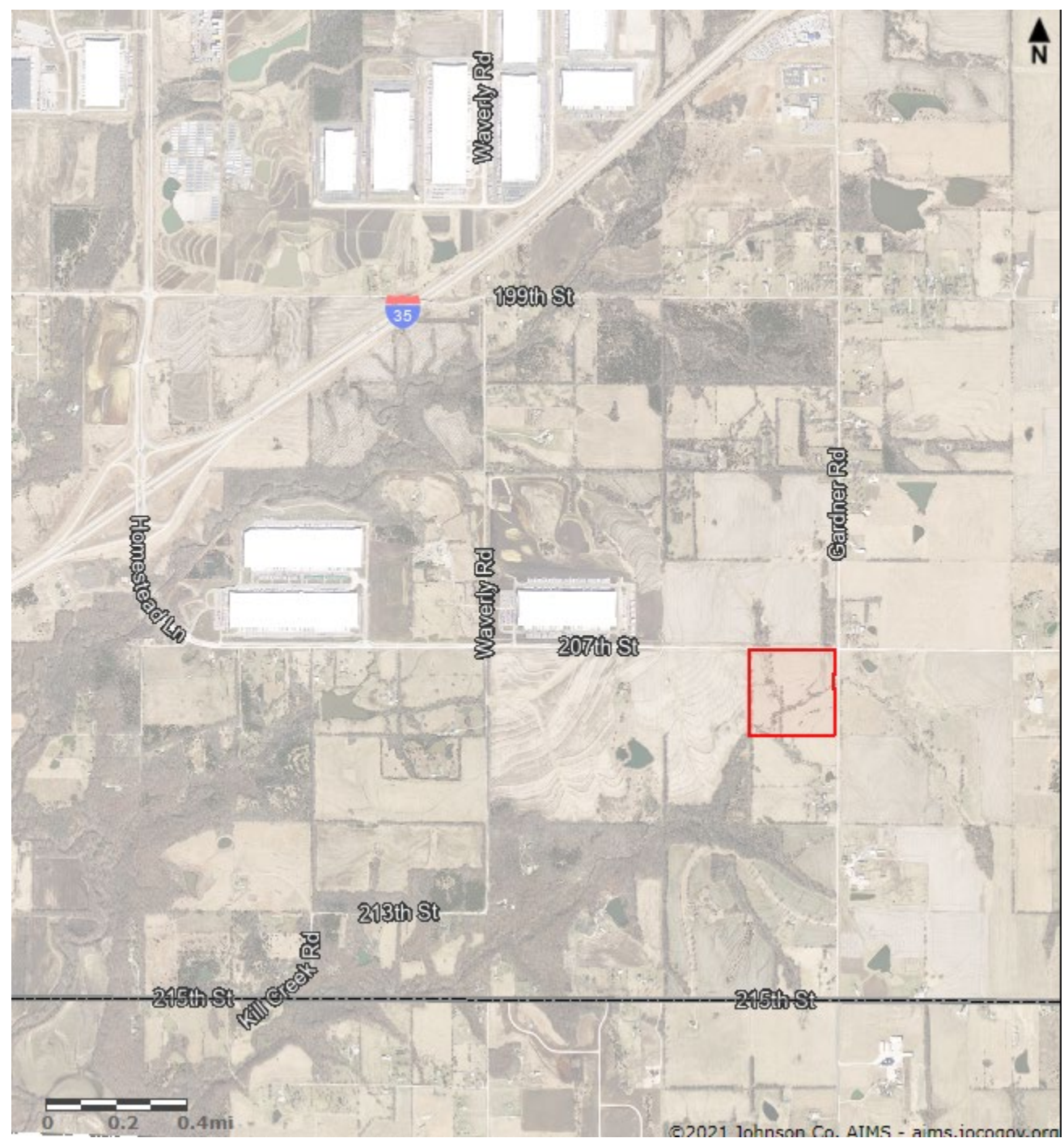
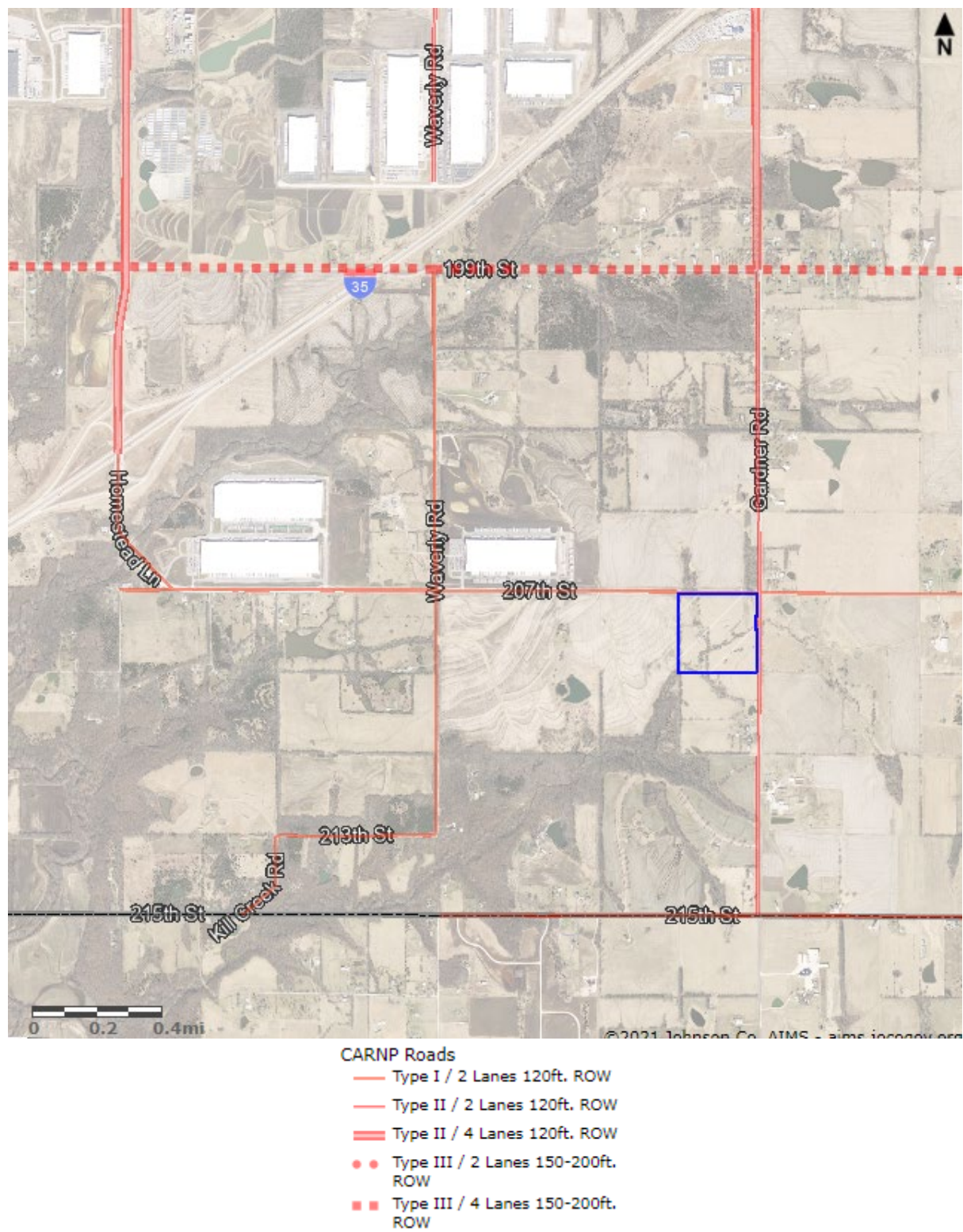


Figure 4 shows the relation of the subject property, outlined blue, to the transportation network with the Johnson County Comprehensive Arterial Network Plan (CARNP) routes highlighted.

Figure 4



INFRASTRUCTURE AND SERVICES

1. Current access to the parcel is from 207th Street and Gardner Road.
2. Utilities and service providers.
 - a. Water - Johnson County Water District #7
 - b. Sanitary Sewer – None currently; any development would connect to the City of Edgerton sewer.
 - c. Electrical Service - Kansas City Power & Light
 - d. Gas Service – Kansas Gas Service
 - e. Police services would be 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 December 17, 2020. Prior to that, the property was in unincorporated Johnson County and as of this application the parcels remain zoned Johnson County (RUR).

STAFF ANALYSIS

The applicant has requested rezoning to Logistics Park (L-P) District. 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. The conduction of outdoor activities and outdoor storage is not allowed. 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; along with 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** – When the parcel was annexed into Edgerton, it contained a RUR zoning designation as assigned by Johnson County. That zoning designation is only a holding designation and a rezoning is necessary prior to any land development occurring. The applicant has requested L-P Zoning District designation to allow future construction of projects similar to other projects in L-P zoned areas. Given the parcels' proximity to LPKC Phases I and II, the BNSF Railway intermodal facility and I-35, L-P District zoning is the most compatible designation for these uses.
2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it

does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (38 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial development.

3. **Whether or not the change will bring harm to established property rights** - The subject property is surrounded by undeveloped acreage and low-density rural single-family residential. L-P zoning designations require significant berming and landscaping adjacent to any residential developments. If rezoned L-P, as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Part of a Site Plan review would include attention to buffering and setbacks, stormwater management and transition of uses between adjoining properties and any proposed industrial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.
4. **Effective use of Land** - L-P District permitted uses at this location are an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the I-35 interstate system.
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 uses 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** – This parcel is located near the new 207th Street corridor, Kubota Tractor North American Distribution Center and the Hostess Distribution Center. Continued development of the area includes intermodal related uses. With the extensive road improvements, including the interchange at I-35 and Homestead Lane and the improvements on 207th Street, the character of the area is changing from rural to industrial. Some nearby parcels zoned Johnson County RUR contain single family homes. However, the residential density in this area is lower than some of the parcels adjacent to development in Phase I of LPKC. As noted previously, 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.
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 nearby parcels, specifically to the southwest. 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 is designed to 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 viewed as a

holding designation related to the annexation of the parcel. Johnson County RUR zoning is primarily for agricultural and low-density residential use. An industrial use on a property zoned for agriculture would not be a permitted use therefore, a rezoning to the L-P District is the most appropriate designation for the proposed use indicated by the applicant.

9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, the property has been used for agricultural purposes in unincorporated Johnson County dating back to at least 2006.
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 southwest. 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** – Utility providers have extended service to Hostess Distribution Center at the northeast corner of Waverly and 207th Street. As development continues in the area, the developer will be responsible for extending any additional necessary utilities not already in their service area. The City of Edgerton Municipal Code requires that all properties within city boundaries connect to City of Edgerton sanitary sewer service. Should this parcel be developed, the developer would be responsible for the extension of and connection to City of Edgerton wastewater infrastructure.
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** – Both Homestead Lane and 207th Street to just east of Waverly Road have been constructed to accommodate the traffic that will accompany the Phase II expansion of LPKC. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.
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 revenues to respective jurisdictions. During the Covid-19 pandemic, supply chain logistics were instrumental to delivering food and supplies to areas across the United States. This type of commercial industry continues to be an important contributor to the economy of this area.
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 these zoning applications. 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** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. The parcel is located 1.4 miles from I-35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be in compliance with the City of Edgerton UDC. L-P Zoning does not allow tenants to conduct exterior operations or have exterior storage. The review of strict parameters related to the aesthetics of development on L-P zoned parcels is conducted as part of a Site Plan review, including an evaluation of building materials, screening between adjacent parcels and parking requirements.
18. **The recommendation of professional staff** - See Recommendation below.

Recommendation:

City staff recommends **approval** of proposed rezoning **Application ZA2020-05** from Johnson County Rural (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 be developed in accordance with a Site Plan reviewed and approved by the City.

Attachments:

- Application for Rezoning ZA2020-05
- City of Edgerton Future Land Use Map

Located near SW Corner of 207th and Gardner Rd.

LOCATION OR ADDRESS OF SUBJECT PROPERTY: Reference attached for location and property boundaries.PURPOSE FOR REZONING: For the purpose of constructing and operating a light manufacturing and/or distribution center.REQUESTED REZONING CHANGE: FROM RUR TO L-P Logistics Park
(Current Zoning) (Proposed Zoning)LEGAL DESCRIPTION: See attached descriptionCURRENT LAND USE: AgriculturalPROPERTY OWNER'S NAME(S): Hillsdale Land and Cattle, LLC PHONE: N/ACOMPANY: _____ FAX: N/AMAILING ADDRESS: 4825 NW 41st St, Suite 500, Riverside, MO 64150

Street City State Zip

Brett Powell (representing property owner)APPLICANT/AGENTS NAME(S): _____ PHONE: 816.888.7380COMPANY: NPD Management, LLC; represented by NorthPoint Development, LLC FAX: _____MAILING ADDRESS: 4825 NW 41st St, Suite 500, Riverside, MO 64150


Street City State Zip

ENGINEER/ARCHITECT'S NAME(S): Patrick Cassity PHONE: 816.800.0950COMPANY: Renaissance Infrastructure Consulting FAX: _____MAILING ADDRESS: 5015 NW Canal St. Suite 100, Riverside, MO 64150

Street City State Zip

SIGNATURE OF OWNER OR AGENT:  Nathaniel Hagedorn, Manager

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

FOR OFFICE USE ONLYCase No.: RZ- ZA2020-05 Amount of Fee Paid: \$ 250.00 Date Fee Paid: 12/11/2020 Receipt #58500213Received By: Katy Crow  Date of Hearing: 01/12/2021**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 (¾) 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

PROPERTY OWNER NOTIFICATION LETTERCase No.: RZ- ZA2020-02, ZA2020-03, ZA2020-04, ZA2020-05, ZA2020-06, ZA2020-07, ZA2020-08

Dear Sir or Madam:

This letter is to notify you that a public hearing will be held at the Edgerton Community Building, 404 E. Nelson St., Edgerton, Kansas, to consider a rezoning change request from RUR

(current zoning) to L-P Logistics Park

(proposed zoning), on the following described tract of land:

Legal Description: See attached

General Location: The area proposed to be rezoned is generally located between 199th St to the north, 215th St to the south, Gardner Rd to the west and Moonlight Rd to the east with some property to the southwest of the intersection of 207th St and Gardner Rd.

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on January 12, 2021. Any interested persons or property owners are invited to attend. Information regarding this rezoning application is available in the office of the City Clerk at City Hall or by phone at (913) 893-6231. You may also contact the undersigned for additional information regarding this rezoning request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition in the office of the City Clerk. If valid protest petitions are received from twenty (20) percent of the property owners within the notification area, a three-quarters ($\frac{3}{4}$) vote of the Governing Body is required to approve this rezoning request.

Copies of the protest petitions are available in the office of the City Clerk.

Respectfully,

Nathaniel Hagedorn - NorthPoint Development, LLC

Applicant (or Owner or Agent)

ADDRESS: 4825 NW 41st St, Suite 500 , Riverside, MO 64150

Street

City

State

Zip

PROPERTY OWNER NOTIFICATION AFFIDAVIT

Case No.: RZ- ZA2020-05

I, Nathaniel Hagedorn, of lawful age being first duly sworn upon oath, state:

That I am the authorized signer (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

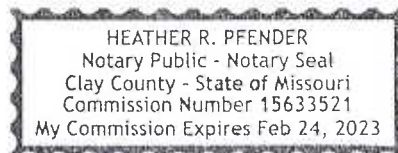
These notices were mailed on the 23rd day of December, 2020.

[Signature]
Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 22nd day of December, 2020.

[Signature]
Notary Public

My Commission Expires: 2-24-23 (SEAL)
Date



Property Information for 2F221514-3005

<i>Tax Property ID</i>	2F221514-3005	<i>KS Uniform Parcel #</i>	0462061401001001000
<i>Situs Address</i>	Not Available	<i>Acres</i>	38.21 (1,664,292.28 ft ²)
<i>Owner1 Name</i>	HILLSDALE LAND & CATTLE LLC	<i>Owner2 Name</i>	
<i>Owner Address</i>	4825 NW 41ST ST STE 500, RIVERSIDE, MO 64150		
<i>Class</i>	A	<i>Year Built</i>	0
<i>LBCS</i>	9010	<i>Neighborhood Code</i>	804.3
<i>Zoning</i>	RUR	<i>Taxing Unit</i>	0059
 <i>City</i>	 Gardner Twp	 <i>Zip Code</i>	 66030
<i>AIMS Map No.</i>	U14 (T-R-S: 15-22-14)	<i>Quarter Section</i>	NE
<i>Fire Dist.</i>	JoCo FD #1	<i>Sheriff Dist.</i>	3
<i>Commissioner Dist.</i>	6 (Mike Brown)	<i>FEMA Flood Panel #</i>	20091C0135G
 <i>School District</i>	 Gardner-Edgerton	 <i>High School</i>	 Gardner-Edgerton
<i>Middle School</i>	Trail Ridge	<i>Elementary School</i>	Nike
 <i>Legal Desc.</i> (abbreviated)	14-15-22 N1/2 E1/2 NE1/4 40 ACS M/L GA 225 1		

Property Map for 2F221514-3005

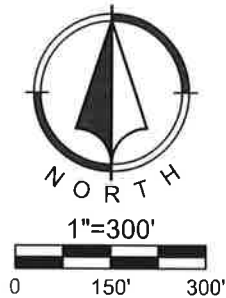
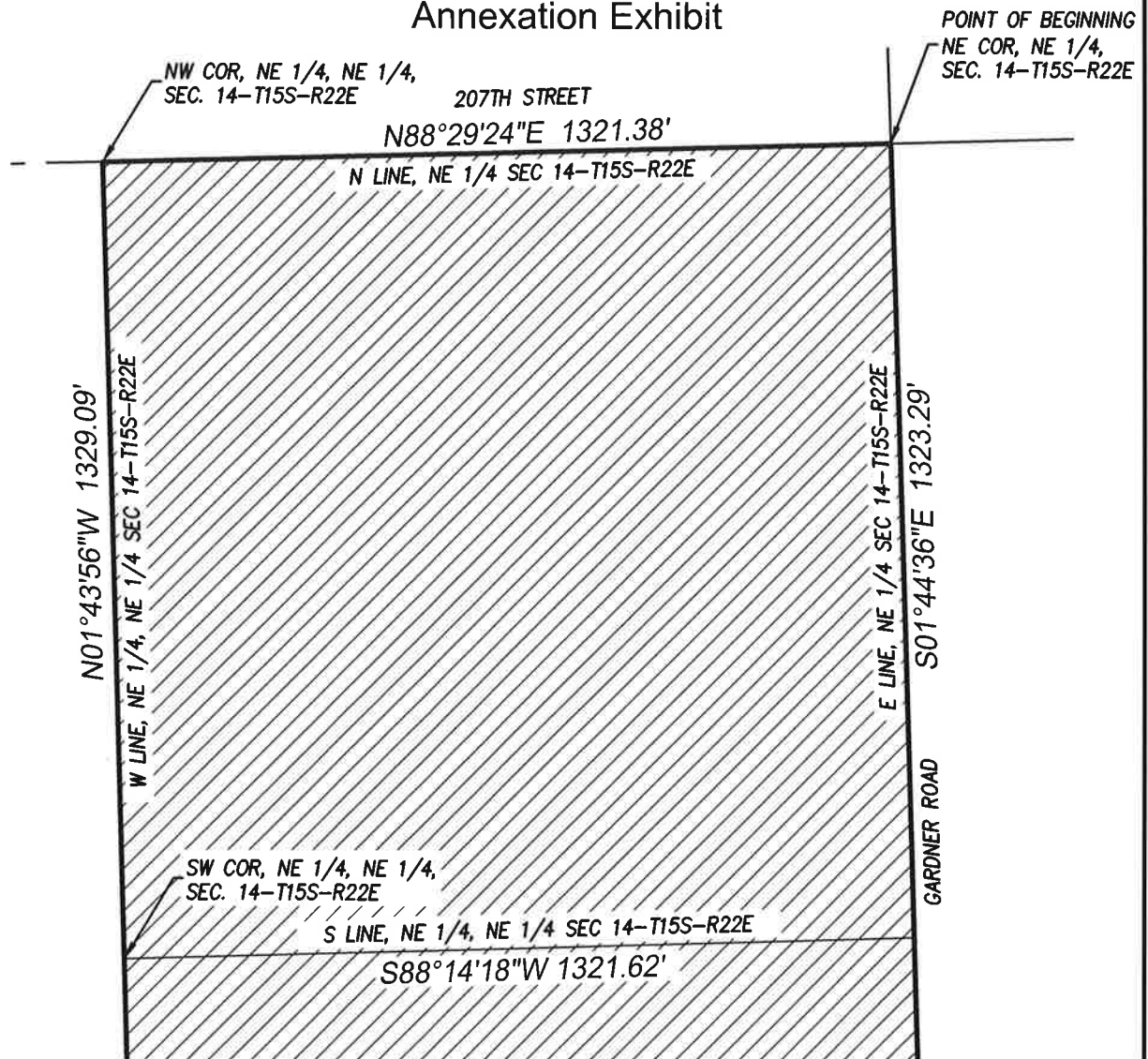


Property Description:

All of the Northeast Quarter of the Northeast Quarter of Section 14, Township 15 South, Range 22 East of the Sixth Principal Meridian in Johnson County, Kansas, being more particularly described as follows:

Beginning at the Northeast Corner of the Northeast Quarter of said Section 14; thence South $01^{\circ}44'36''$ East, along the East line of said Northeast Quarter, a distance of 1,323.29 feet to the Southeast Corner of the Northeast Quarter of said Northeast Quarter; thence South $88^{\circ}14'18''$ West, along the South line of the Northeast Quarter of said Northeast Quarter, a distance of 1,321.62 feet to the Southwest Corner of the Northeast Quarter of said Northeast Quarter; thence North $01^{\circ}43'56''$ West, along the West line of the Northeast Quarter of said Northeast Quarter, a distance of 1,329.09 feet to the Northwest Corner of the Northeast Quarter of said Northeast Quarter; thence North $88^{\circ}29'24''$ East, along the North line of said Northeast Quarter, a distance of 1,321.38 feet to the Point of Beginning. Containing 1,752,553 square feet or 40.233 acres, more or less.

Annexation Exhibit



20-3074
Prepared 12-09-2020



**Renaissance
Infrastructure
Consulting**

132 Abbie Avenue
Kansas City, Kansas 66103

913.317.9500
www.rii-consult.com

STAFF REPORT

January 12, 2021

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: Application **ZA2020-06** - Rezoning of a parcel of land generally southwest of the intersection of West 207th Street and South Gardner Road

APPLICATION INFORMATION

Applicant: Brett Powell, Agent
NPD Management, LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150

Property Owners: Hillsdale Land & Cattle LLC,
4825 NW 41st Street, Suite 500
Riverside, MO 64150

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

Legal Description: See attached application for complete legal description.

Site Address/Location: Generally located south of 207th Street and west of Gardner Road.

Existing Zoning and Land Uses: Johnson County Rural (RUR), no current development.

Existing Improvements: None.

Site Size: 38.98 acres

REASON FOR REZONING REQUEST:

This rezoning is being requested for future intermodal-related, logistics park development. This property was annexed into the City of Edgerton on December 17, 2020 as part of the Phase II expansion of Logistics Park Kansas City (LPKC). LPKC is a 2,300-acre master-planned distribution and warehouse development anchored by the Burlington Northern Santa Fe Railway (BNSF) intermodal facility, which opened in late 2013 and is located approximately two miles north and west of the subject site. Companies located within LPKC benefit from significant transportation savings.

The subject property is outlined red or blue on the following maps.

Figure 1 indicates the zoning of the parcels adjacent to the subject property. The green and some of the yellow indicates a Johnson County Rural (RUR) zoning designation. The yellow also represents Johnson County Residential Neighborhood 1 (RN1) and Rural Low Density (RLD). The purple indicates a City of Edgerton Logistics Park (L-P) zoning designation. 215th Street is the Miami County line. The border between the City of Gardner and the City of Edgerton, prior to the annexation, is shown as a dotted and dashed line.

Figure 1



Figure 2 is a closer look at the adjacent parcels and their zoning designations.

On the east and west sides of the subject property are parcels located in unincorporated Johnson County. Those parcels are zoned RUR. RN1 zoned parcels are adjacent to the south. Per the Johnson County AIMS website, RUR zoned parcels are agricultural uses and single-family dwellings with a ten (10) acre minimum lot size, RN1 zoned parcels are for single family dwellings with a one (1) acre minimum lot size, and RLD parcels are for single family dwellings with a three (3) acre minimum lot size. Rezoning Application has been received for the parcel to the south, requesting rezoning to City of Edgerton Logistics Park (L-P) zoning.

Figure 2

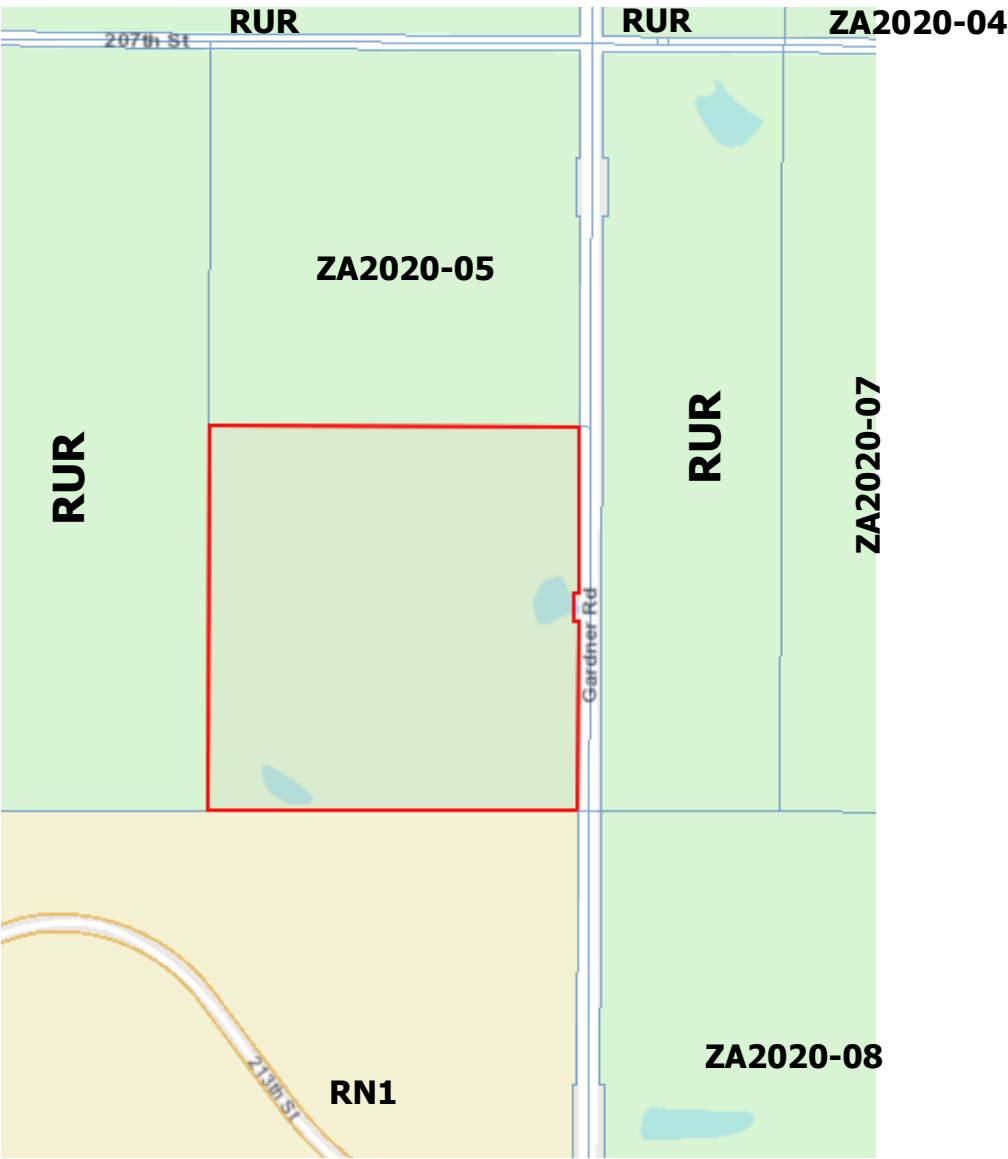


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.37 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly Road and 207th Street. This parcel is located 1.4 miles from I-35.

Figure 3

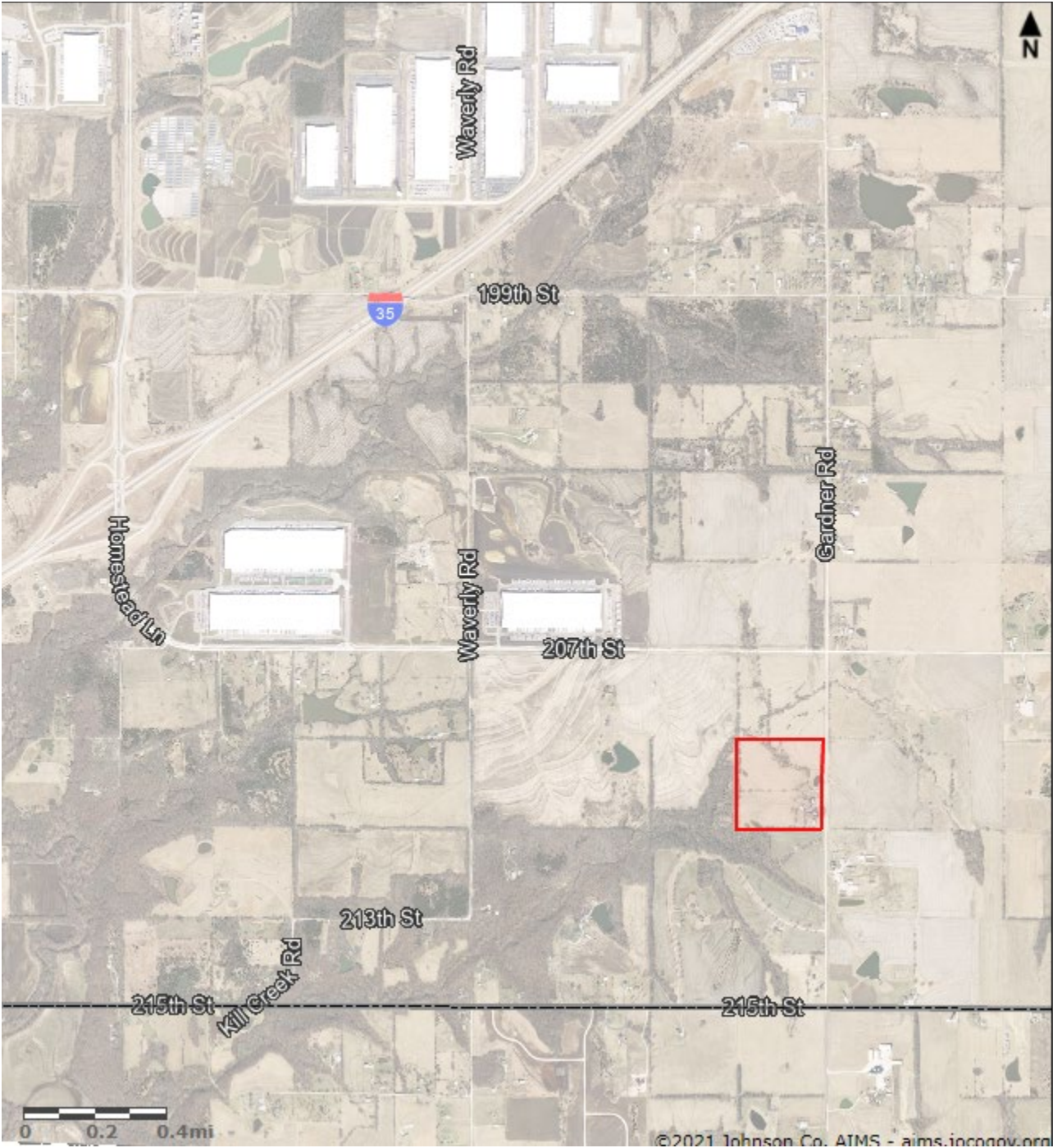
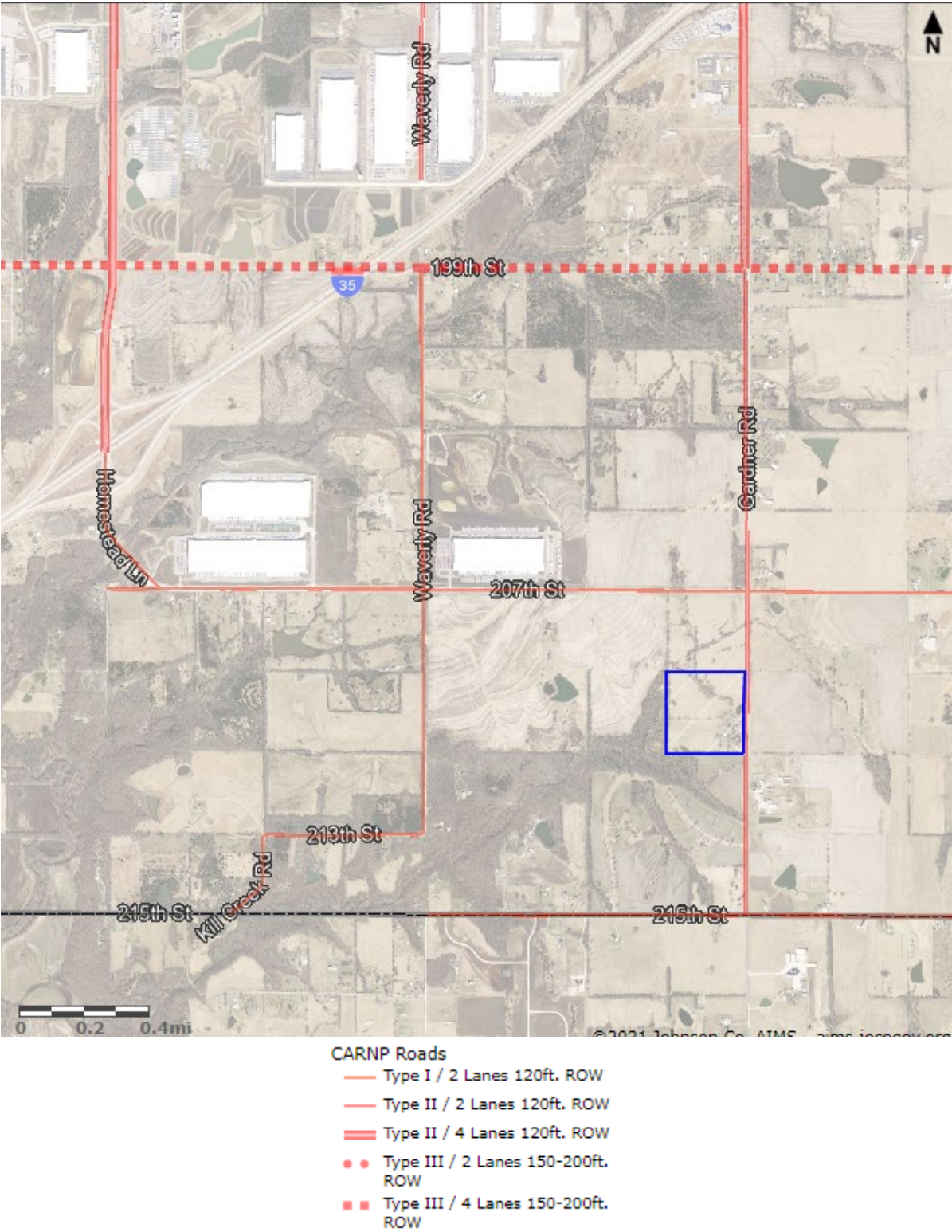


Figure 4 shows the relation of the subject property, outlined blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

Figure 4



INFRASTRUCTURE AND SERVICES

1. Current access to the parcel is from Gardner Road.
2. Utilities and service providers.
 - a. Water - Johnson County Water District #7
 - b. Sanitary Sewer – None currently; any development would connect to the City of Edgerton sewer.
 - c. Electrical Service - Kansas City Power & Light
 - d. Gas Service – Kansas Gas Service
 - e. Police services would be 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 December 17, 2020. Prior to that, the property was in unincorporated Johnson County and as of this application the parcels remain zoned Johnson County (RUR).

STAFF ANALYSIS

The applicant has requested rezoning to Logistics Park (L-P) District. 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. The conduction of outdoor activities and outdoor storage is not allowed. 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; along with 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** – When the parcel was annexed into Edgerton, it contained a RUR zoning designation as assigned by Johnson County. That zoning designation is only a holding designation and a rezoning is necessary prior to any land development occurring. The applicant has requested L-P Zoning District designation to allow future construction of projects similar to other projects in L-P zoned areas. Given the parcels' proximity to LPKC Phases I and II, the BNSF Railway intermodal facility and I-35, L-P District zoning is the most compatible designation for these uses.
2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it

does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (approximately 39 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial development.

3. **Whether or not the change will bring harm to established property rights** - The subject property is surrounded by undeveloped acreage and low-density rural single-family residential. L-P zoning designations require significant berming and landscaping adjacent to any residential developments. If rezoned L-P, as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Part of a Site Plan review would include attention to buffering and setbacks, stormwater management and transition of uses between adjoining properties and any proposed industrial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.
4. **Effective use of Land** - L-P District permitted uses at this location are an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the I-35 interstate system.
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 uses 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** – This parcel is located near the new 207th Street corridor, Kubota Tractor North American Distribution Center and the Hostess Distribution Center. Continued development of the area includes intermodal related uses. With the extensive road improvements, including the interchange at I-35 and Homestead Lane and the improvements on 207th Street, the character of the area is changing from rural to industrial. Some nearby parcels zoned Johnson County RUR contain single family homes. However, the residential density in this area is lower than some of the parcels adjacent to development in Phase I of LPKC. As noted previously, 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.
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 nearby parcels, specifically to the southwest. 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 is designed to 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 viewed as a

holding designation related to the annexation of the parcel. Johnson County RUR zoning is primarily for agricultural and low-density residential use. An industrial use on a property zoned for agriculture would not be a permitted use therefore, a rezoning to the L-P District is the most appropriate designation for the proposed use indicated by the applicant.

9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, the property has been used for agricultural purposes in unincorporated Johnson County dating back to at least 2006.
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 southwest. 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** – Utility providers have extended service to Hostess Distribution Center at the northeast corner of Waverly and 207th Street. As development continues in the area, the developer will be responsible for extending any additional necessary utilities not already in their service area. The City of Edgerton Municipal Code requires that all properties within city boundaries connect to City of Edgerton sanitary sewer service. Should this parcel be developed, the developer would be responsible for the extension of and connection to City of Edgerton wastewater infrastructure.
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** – As this area continues to develop, 207th Street and Gardner Road will be crucial components to providing transportation access across southern Johnson County. Both Homestead Lane and 207th Street to east of Waverly Road have been constructed to accommodate the traffic that will accompany the Phase II expansion of LPKC. The Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type II/2 Lane Arterial Roadway to Gardner Road designating it as main thoroughway. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.
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 revenues to respective jurisdictions. During the Covid-19 pandemic, supply chain logistics were instrumental to delivering food and supplies to areas across the United States. This type of commercial industry continues to be an important contributor to the economy of this area.
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 these zoning applications. 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.
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18. **The recommendation of professional staff** - See Recommendation below.

Recommendation:

City staff recommends **approval** of proposed rezoning **Application ZA2020-06** from Johnson County Rural (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 be developed in accordance with a Site Plan reviewed and approved by the City.

Attachments:

- Application for Rezoning ZA2020-06
- City of Edgerton Future Land Use Map

LOCATION OR ADDRESS OF SUBJECT PROPERTY: Located on Gardner Rd between 207th and 215th st.
Reference attached for location and property boundaries.PURPOSE FOR REZONING: For the purpose of constructing and operating a light
manufacturing and/or distribution center.REQUESTED REZONING CHANGE: FROM RUR TO L-P Logistics Park
(Current Zoning) (Proposed Zoning)LEGAL DESCRIPTION: See attached descriptionCURRENT LAND USE: AgriculturalPROPERTY OWNER'S NAME(S): Hillsdale Land and Cattle, LLC PHONE: N/ACOMPANY: _____ FAX: N/AMAILING ADDRESS: 4825 NW 41st St, Suite 500, Riverside, MO 64150

Street City State Zip

APPLICANT/AGENTS NAME(S): Brett Powell (representing property owner) PHONE: 816.888.7380COMPANY: NPD Management, LLC; represented by NorthPoint Development, LLC FAX: _____MAILING ADDRESS: 4825 NW 41st St, Suite 500, Riverside, MO 64150


Street City State Zip

ENGINEER/ARCHITECT'S NAME(S): Patrick Cassity PHONE: 816.800.0950COMPANY: Renaissance Infrastructure Consulting FAX: _____MAILING ADDRESS: 5015 NW Canal St. Suite 100, Riverside, MO 64150

Street City State Zip

SIGNATURE OF OWNER OR AGENT:  Nathaniel Hagedorn, Manager

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

FOR OFFICE USE ONLYCase No.: RZ- ZA2020-06 Amount of Fee Paid: \$ 250.00 Date Fee Paid: 12/11/2020 Receipt #58500213Received By: Katy Crow  Date of Hearing: 01/12/2021**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

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

PROPERTY OWNER NOTIFICATION LETTERCase No.: RZ- ZA2020-02, ZA2020-03, ZA2020-04, ZA2020-05, ZA2020-06, ZA2020-07, ZA2020-08

Dear Sir or Madam:

This letter is to notify you that a public hearing will be held at the Edgerton Community Building, 404 E. Nelson St., Edgerton, Kansas, to consider a rezoning change request from RUR

(current zoning) to L-P Logistics Park

(proposed zoning), on the following described tract of land:

Legal Description: See attached

General Location: The area proposed to be rezoned is generally located between 199th St to the north, 215th St to the south, Gardner Rd to the west and Moonlight Rd to the east with some property to the southwest of the intersection of 207th St and Gardner Rd.

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on January 12, 2021. Any interested persons or property owners are invited to attend. Information regarding this rezoning application is available in the office of the City Clerk at City Hall or by phone at (913) 893-6231. You may also contact the undersigned for additional information regarding this rezoning request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition in the office of the City Clerk. If valid protest petitions are received from twenty (20) percent of the property owners within the notification area, a three-quarters ($\frac{3}{4}$) vote of the Governing Body is required to approve this rezoning request.

Copies of the protest petitions are available in the office of the City Clerk.

Respectfully,

Nathaniel Hagedorn - NorthPoint Development, LLC

Applicant (or Owner or Agent)

ADDRESS: 4825 NW 41st St, Suite 500 , Riverside, MO 64150

Street

City

State

Zip

PROPERTY OWNER NOTIFICATION AFFIDAVIT

Case No.: RZ- ZA2020-06

I, Nathaniel Hagedorn, of lawful age being first duly sworn upon oath, state:

That I am the authorized signer (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

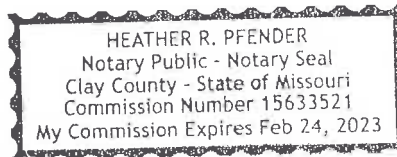
These notices were mailed on the 23rd day of December, 2020.

[Signature]
Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 22nd day of December, 2020.

[Signature]
Notary Public

My Commission Expires: 2-24-23 (SEAL)
Date



Property Information for 2F221514-3004

Tax Property ID	2F221514-3004	KS Uniform Parcel #	0462061401001003000
Situs Address	21050 GARDNER RD	Acres	38.98 (1,698,167.18 ft ²)
Owner1 Name	HILLSDALE LAND & CATTLE LLC	Owner2 Name	
Owner Address	4825 NW 41ST ST STE 500, RIVERSIDE, MO 64150		
Class	F	Year Built	1900
LBCS	9050	Neighborhood Code	804.1
Zoning	RUR	Taxing Unit	0059
City	Gardner Twp	Zip Code	66030
AIMS Map No.	U14 (T-R-S: 15-22-14)	Quarter Section	NE
Fire Dist.	JoCo FD #1	Sheriff Dist.	3
Commissioner Dist.	6 (Mike Brown)	FEMA Flood Panel #	20091C0150G
School District	Gardner-Edgerton	High School	Gardner-Edgerton
Middle School	Trail Ridge	Elementary School	Nike
Legal Desc. (abbreviated)	14-15-22 S1/2 E1/2 NE1/4 40 ACS M/L GA 225		

Property Map for 2F221514-3004

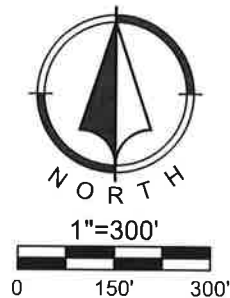
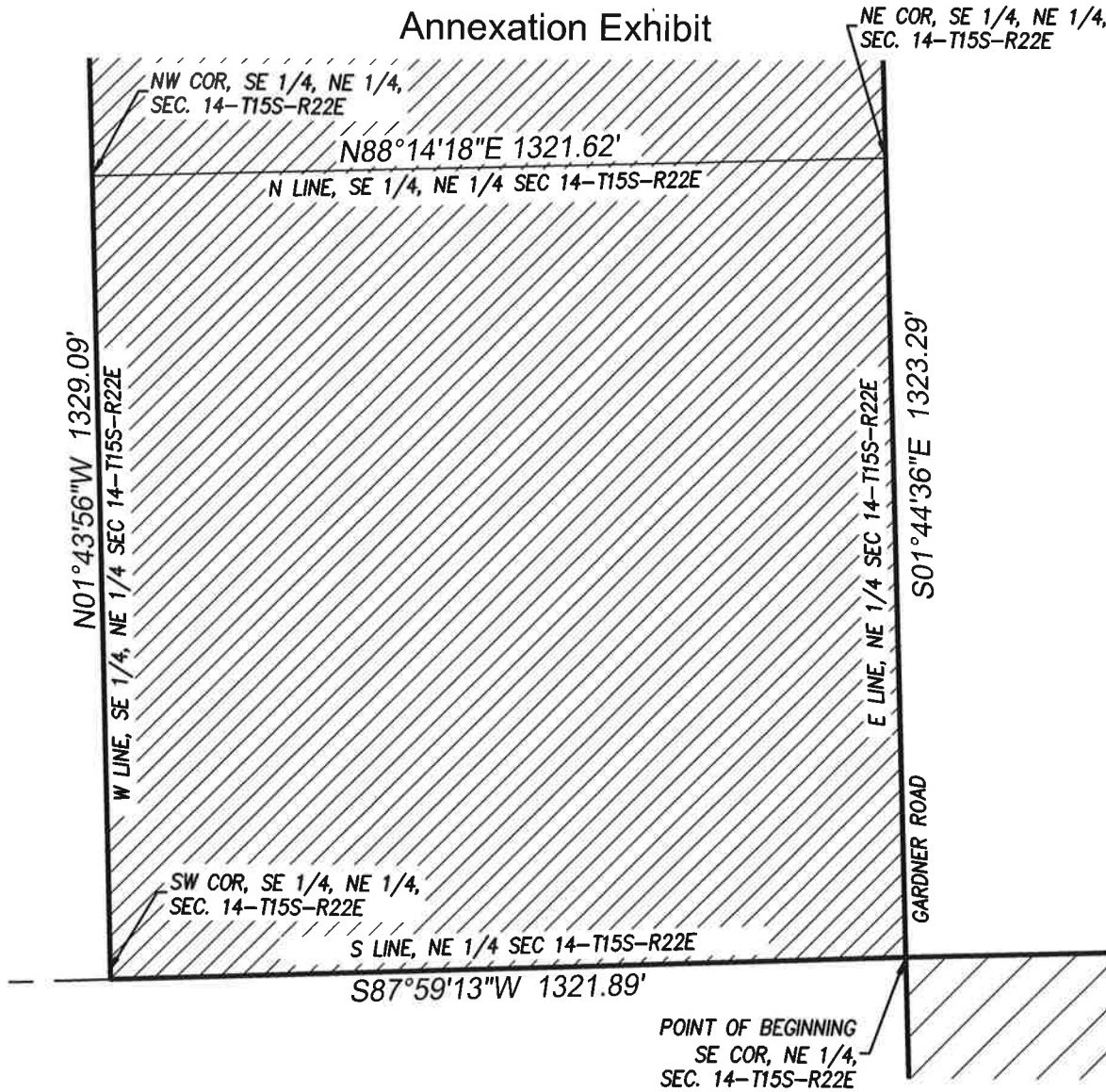


Property Description:

All of the Southeast Quarter of the Northeast Quarter of Section 14, Township 15 South, Range 22 East of the Sixth Principal Meridian in Johnson County, Kansas, being more particularly described as follows:

Beginning at the Southeast Corner of the Northeast Quarter of said Section 14; thence South $87^{\circ}59'13''$ West, along the South line of said Northeast Quarter, a distance of 1,321.89 feet to the Southwest corner of the Southeast Quarter of said Northeast Quarter; thence North $01^{\circ}43'56''$ West, along the West line of the Southeast Quarter of said Northeast Quarter, a distance of 1,329.09 feet to the Northwest Corner of the Southeast Quarter of said Northeast Quarter; thence North $88^{\circ}14'18''$ East, along the North line of the Southeast Quarter of said Northeast Quarter, a distance of 1,321.62 feet to the Northeast Corner of the Southeast Quarter of said Northeast Quarter; thence South $01^{\circ}44'36''$ East, along the East line of said Northeast Quarter, a distance of 1,323.29 feet to the Point of Beginning. Containing 1,752,890 square feet or 40.241 acres, more or less.

Annexation Exhibit



20-3074
 Prepared 12-09-2020

132 Abbie Avenue
 Kansas City, Kansas 66103

913.317.9500
 www.ri-consult.com

STAFF REPORT

January 12, 2021

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: Application **ZA2020-07** - Rezoning of a parcel of land generally located southeast of the intersection of West 207th Street and South Gardner Road

APPLICATION INFORMATION

Applicant: Brett Powell, Agent
NPD Management, LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150

Property Owners: East Kansas Land & Cattle LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150

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

Legal Description: See attached application for complete legal description.

Site Address/Location: Generally located south of 207th Street and east of Gardner Road.

Existing Zoning and Land Uses: Johnson County Rural (RUR), no current development.

Existing Improvements: None.

Site Size: 118.70 acres

REASON FOR REZONING REQUEST:

This rezoning is being requested for future intermodal-related, logistics park development. This property was annexed into the City of Edgerton on December 17, 2020 as part of the Phase II expansion of Logistics Park Kansas City (LPKC). LPKC is a 2,300-acre master-planned distribution and warehouse development anchored by the Burlington Northern Santa Fe Railway (BNSF) intermodal facility, which opened in late 2013 and is located approximately two miles north and west of the subject site. Companies located within LPKC benefit from significant transportation savings.

The subject property is outlined red or blue on the following maps.

Figure 1 indicates the zoning of the parcels adjacent to the subject property. The green and orange indicates a Johnson County Rural (RUR) zoning designation. The purple indicates City of Edgerton Logistics Park (L-P) zoning designation. The light yellow at the north east corner is Johnson County Rural Low Density (RLD). The yellow further east is Johnson County Rural (RUR). The border between the City of Gardner and the City of Edgerton, prior to the annexation, is shown as a dotted and dashed line.

Figure 1



Figure 2 is a closer look at the adjacent parcels and their zoning designations.

On the east and west sides of the subject property are parcels located in unincorporated Johnson County. Those parcels are zoned RUR. There is a parcel zoned Rural Low Density (RLD) to the northeast. Per the Johnson County AIMS website, RUR zoned parcels are agricultural uses and single-family dwellings with a ten (10) acre minimum lot size, RLD zoned parcels are for single family dwellings with a three (3) acre minimum lot size. North of the subject property is a parcel requesting annexation to City of Edgerton Logistics Park (L-P) zoning on Application ZA2020-04. To the south is a parcel requesting rezoning to City of Edgerton Logistics Park (L-P) on Application ZA2020-08.

Figure 2

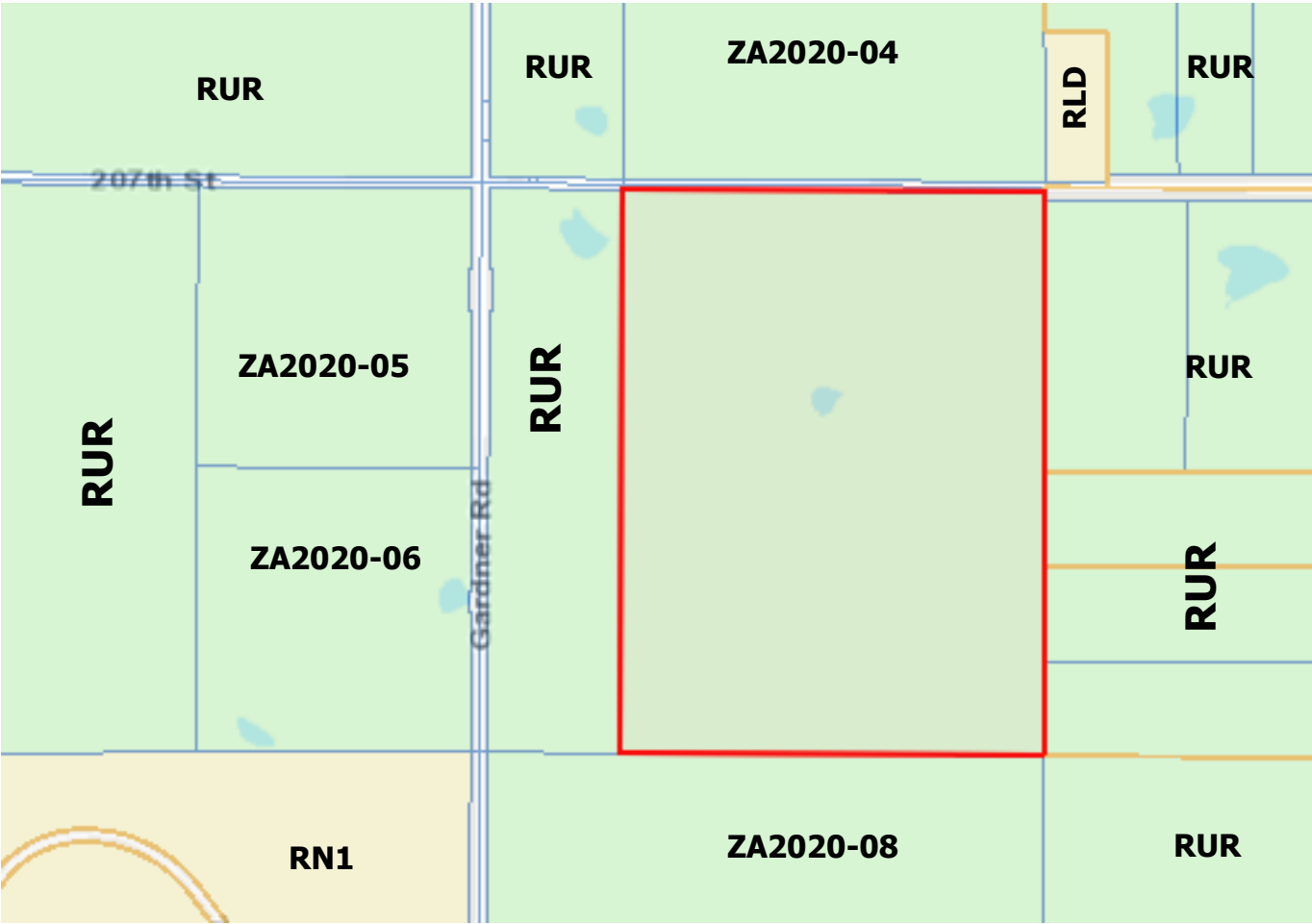


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.64 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly Road and 207th Street. This parcel is located 1.6 miles from I-35.

Figure 3

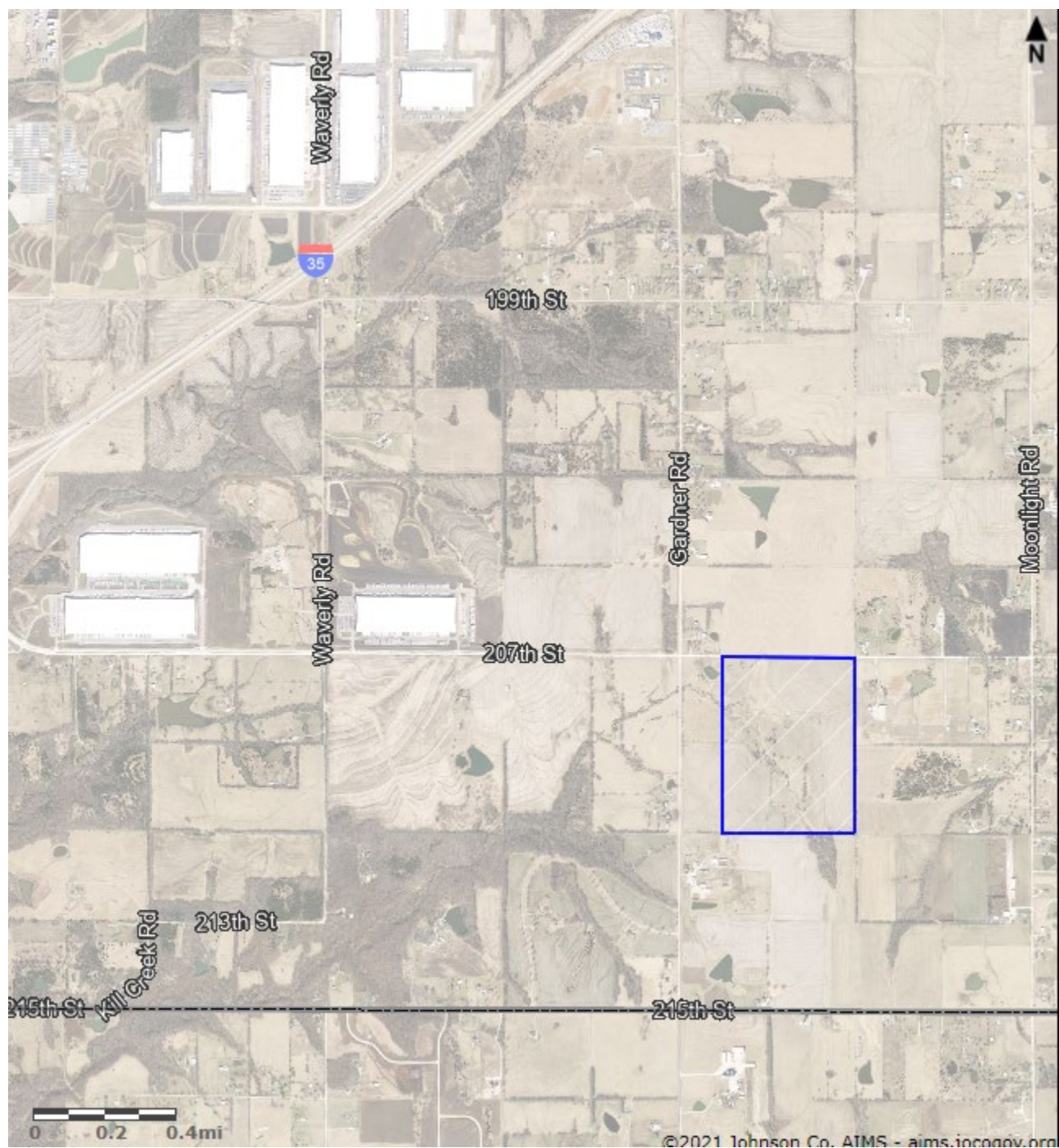
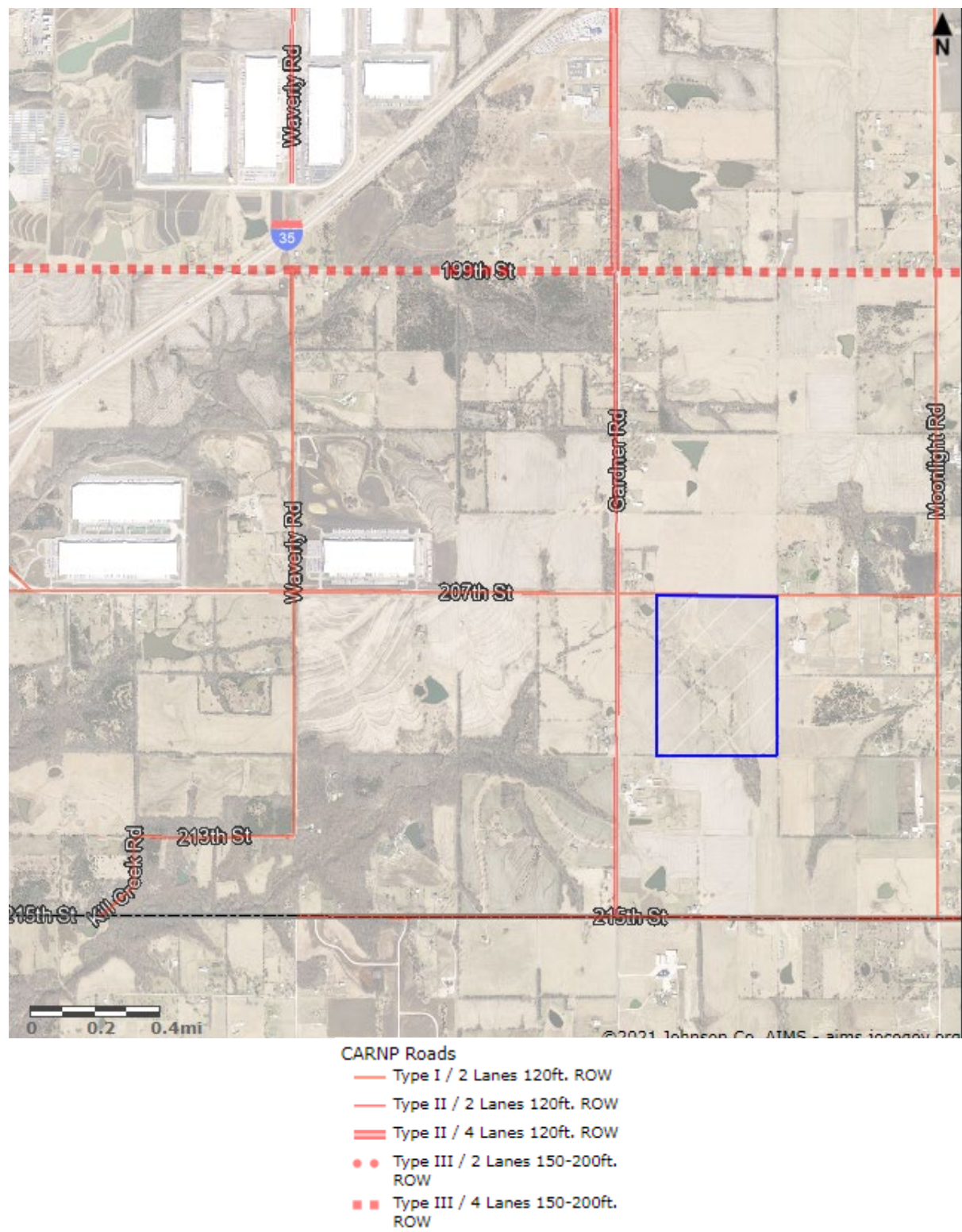


Figure 4 shows the relation of the subject property, outlined in blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

Figure 4



INFRASTRUCTURE AND SERVICES

1. Current access to the parcel is from 207th Street.
2. Utilities and service providers.
 - a. Water - Johnson County Water District #7
 - b. Sanitary Sewer – None currently; any development would connect to the City of Edgerton sewer.
 - c. Electrical Service - Kansas City Power & Light
 - d. Gas Service – Kansas Gas Service
 - e. Police services would be 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 December 17, 2020. Prior to that, the property was in unincorporated Johnson County and as of this application the parcels remain zoned Johnson County (RUR).

STAFF ANALYSIS

The applicant has requested rezoning to Logistics Park (L-P) District. 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. The conduction of outdoor activities and outdoor storage is not allowed. 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; along with 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** – When the parcel was annexed into Edgerton, it contained a RUR zoning designation as assigned by Johnson County. That zoning designation is only a holding designation and a rezoning is necessary prior to any land development occurring. The applicant has requested L-P Zoning District designation to allow future construction of projects similar to other projects in L-P zoned areas. Given the parcels' proximity to LPKC Phases I and II, the BNSF Railway intermodal facility and I-35, L-P District zoning is the most compatible designation for these uses.
2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it

does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (approximately 120 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial development.

3. **Whether or not the change will bring harm to established property rights** - The subject property is surrounded by undeveloped acreage and low-density rural single-family residential. L-P zoning designations require significant berming and landscaping adjacent to any residential developments. If rezoned L-P, as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Part of a Site Plan review would include attention to buffering and setbacks, stormwater management and transition of uses between adjoining properties and any proposed industrial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.
4. **Effective use of Land** - L-P District permitted uses at this location are an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the I-35 interstate system.
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 uses 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** - This parcel is located near the new 207th Street corridor, Kubota Tractor North American Distribution Center and the Hostess Distribution Center. Continued development of the area includes intermodal related uses. With the extensive road improvements, including the interchange at I-35 and Homestead Lane and the improvements on 207th Street, the character of the area is changing from rural to industrial. Some nearby parcels zoned Johnson County RUR contain single family homes. However, the residential density in this area is lower than some of the parcels adjacent to development in Phase I of LPKC. As noted previously, 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.
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 nearby parcels, specifically to the southwest. 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 is designed to 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 viewed as a

holding designation related to the annexation of the parcel. Johnson County RUR zoning is primarily for agricultural and low-density residential use. An industrial use on a property zoned for agriculture would not be a permitted use therefore, a rezoning to the L-P District is the most appropriate designation for the proposed use indicated by the applicant.

9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, the property has been used for agricultural purposes in unincorporated Johnson County dating back to at least 2006.
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 southwest. 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** – Utility providers have extended service to Hostess Distribution Center at the northeast corner of Waverly and 207th Street. As development continues in the area, the developer will be responsible for extending any additional necessary utilities not already in their service area. The City of Edgerton Municipal Code requires that all properties within city boundaries connect to City of Edgerton sanitary sewer service. Should this parcel be developed, the developer would be responsible for the extension of and connection to City of Edgerton wastewater infrastructure.
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** – This parcel contains direct access to 207th Street which along with Homestead Lane has been improved to east of Waverly Road to accommodate the traffic that will accompany the Phase II expansion of LPKC. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.
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 revenues to respective jurisdictions. During the Covid-19 pandemic, supply chain logistics were instrumental to delivering food and supplies to areas across the United States. This type of commercial industry continues to be an important contributor to the economy of this area.
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 these zoning applications. 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** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. This parcel is located 1.6 miles from I-35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be in compliance with the City of Edgerton UDC. L-P Zoning does not allow tenants to conduct exterior operations or have exterior storage. The review of strict parameters related to the aesthetics of development on L-P zoned parcels is conducted as part of a Site Plan review, including an evaluation of building materials, screening between adjacent parcels and parking requirements.
18. **The recommendation of professional staff** - See Recommendation below.

Recommendation:

City staff recommends **approval** of proposed rezoning **Application ZA2020-07** from Johnson County Rural (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 be developed in accordance with a Site Plan reviewed and approved by the City.

Attachments:

- Application for Rezoning ZA2020-07
- City of Edgerton Future Land Use Map

Located near SE Corner of 207th and Gardner Rd.

LOCATION OR ADDRESS OF SUBJECT PROPERTY: Reference attached for location and property boundaries.PURPOSE FOR REZONING: For the purpose of constructing and operating a light manufacturing and/or distribution center.REQUESTED REZONING CHANGE: FROM RUR TO L-P Logistics Park
(Current Zoning) (Proposed Zoning)LEGAL DESCRIPTION: See attached descriptionCURRENT LAND USE: AgriculturalPROPERTY OWNER'S NAME(S): East Kansas Land and Cattle, LLC PHONE: N/ACOMPANY: _____ FAX: N/AMAILING ADDRESS: 4825 NW 41st St, Suite 500, Riverside, MO 64150

Street City State Zip

Brett Powell (representing property owner)816.888.7380

APPLICANT/AGENTS NAME(S): _____ PHONE: _____

COMPANY: NPD Management, LLC; represented by NorthPoint Development, LLC FAX: _____MAILING ADDRESS: 4825 NW 41st St, Suite 500, Riverside, MO 64150

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ENGINEER/ARCHITECT'S NAME(S): Patrick Cassity PHONE: 816.800.0950COMPANY: Renaissance Infrastructure Consulting FAX: _____MAILING ADDRESS: 5015 NW Canal St. Suite 100, Riverside, MO 64150

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FOR OFFICE USE ONLYCase No.: RZ- ZA2020-07 Amount of Fee Paid: \$ 250.00 Date Fee Paid: 12/11/2020 Receipt #58500213Received By: Katy Crow Digitally signed by Katy Crow
DN: C=US, E=kcrow@edgertonks.org, O=City of Edgerton,
OU=Community Development, CN=Katy Crow
Date: 2020.12.14 17:23:48-06'00' Date of Hearing: 01/12/2021**REZONING INSTRUCTIONS**

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vs. 9-9-11

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 - ☐ 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

PROPERTY OWNER NOTIFICATION LETTERCase No.: RZ- ZA2020-02, ZA2020-03, ZA2020-04, ZA2020-05, ZA2020-06, ZA2020-07, ZA2020-08

Dear Sir or Madam:

This letter is to notify you that a public hearing will be held at the Edgerton Community Building, 404 E. Nelson St., Edgerton, Kansas, to consider a rezoning change request from RUR

(current zoning) to L-P Logistics Park

(proposed zoning), on the following described tract of land:

Legal Description: See attached

General Location: The area proposed to be rezoned is generally located between 199th St to the north, 215th St to the south, Gardner Rd to the west and Moonlight Rd to the east with some property to the southwest of the intersection of 207th St and Gardner Rd.

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on January 12, 2021. Any interested persons or property owners are invited to attend. Information regarding this rezoning application is available in the office of the City Clerk at City Hall or by phone at (913) 893-6231. You may also contact the undersigned for additional information regarding this rezoning request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition in the office of the City Clerk. If valid protest petitions are received from twenty (20) percent of the property owners within the notification area, a three-quarters ($\frac{3}{4}$) vote of the Governing Body is required to approve this rezoning request.

Copies of the protest petitions are available in the office of the City Clerk.

Respectfully,

Nathaniel Hagedorn - NorthPoint Development, LLC

Applicant (or Owner or Agent)

ADDRESS: 4825 NW 41st St, Suite 500 , Riverside, MO 64150

Street


City

State

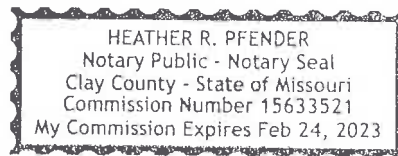
Zip

PROPERTY OWNER NOTIFICATION AFFIDAVITCase No.: RZ- ZA2020-07I, Nathaniel Hagedorn, of lawful age being first duly sworn upon oath, state:

That I am the authorized signer (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

These notices were mailed on the 23rd day of December, 2020.

Signature of Agent, Owner or AttorneySubscribed and sworn to before me this 22nd day of December, 2020.

Notary PublicMy Commission Expires: 2-24-23 (SEAL)
Date

Property Information for 2F221513-1002

<i>Tax Property ID</i>	2F221513-1002	<i>KS Uniform Parcel #</i>	0462061302001001010
<i>Situs Address</i>	Not Available	<i>Acres</i>	118.7 (5,170,623.95 ft ²)
<i>Owner1 Name</i>	EAST KANSAS LAND & CATTLE LLC	<i>Owner2 Name</i>	
<i>Owner Address</i>	4825 NW 41ST ST STE 500, RIVERSIDE, MO 64150	<i>Year Built</i>	0
<i>Class</i>	A	<i>Neighborhood Code</i>	804.5
<i>LBCS</i>	9010	<i>Taxing Unit</i>	0059
<i>Zoning</i>	RUR		
<i>City</i>	Gardner Twp	<i>Zip Code</i>	66030
<i>AIMS Map No.</i>	U13 (T-R-S: 15-22-13)	<i>Quarter Section</i>	NW
<i>Fire Dist.</i>	JoCo FD #1	<i>Sheriff Dist.</i>	4
<i>Commissioner Dist.</i>	6 (Mike Brown)	<i>FEMA Flood Panel #</i>	20091C0150G
<i>School District</i>	Gardner-Edgerton	<i>High School</i>	Gardner-Edgerton
<i>Middle School</i>	Trail Ridge	<i>Elementary School</i>	Nike
<i>Legal Desc.</i> (abbreviated)	13-15-22 BG 660' E NW CR NW1/4 S 2645.58' E 1975.05' N 2642.79' W 1973.51' TO POB 119.74 ACS M/L		

Property Map for 2F221513-1002

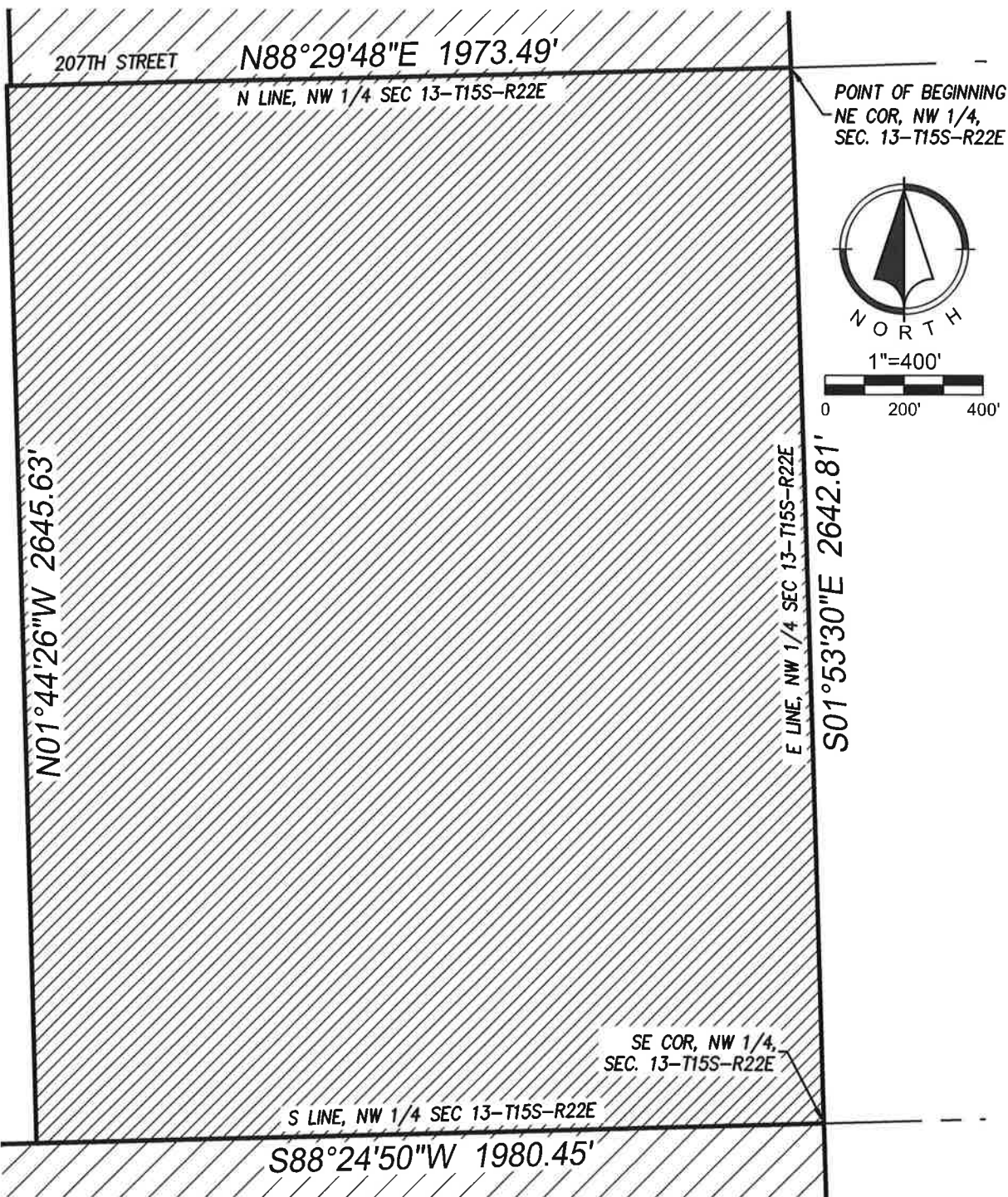


Property Description:

All that that part of Section 13, Township 15 South, Range 22 East of the Sixth Principal Meridian in Johnson County, Kansas, being more particularly described as follows:

Beginning at the Northeast Corner of the Northwest Quarter of said Section 13; thence South $01^{\circ}53'30''$ East, along the East line of said Northwest Quarter, a distance of 2,642.81 feet to the Southeast Corner of said Northwest Quarter; thence South $88^{\circ}24'50''$ West, along the South line of said Northwest Quarter, a distance of 1,980.45 feet; thence North $01^{\circ}44'26''$ West, a distance of 2,645.63 feet to a point on the North line of said Northwest Quarter; thence North $88^{\circ}29'48''$ East, along said North line, a distance of 1,973.49 feet to the Point of Beginning. Containing 5,227,478 square feet or 120.006 acres, more or less.

Annexation Exhibit



**Renaissance
Infrastructure
Consulting**

20-3074
Prepared 12-09-2020

132 Abbie Avenue
Kansas City, Kansas 66103

913.317.9500
www.rio-consult.com

STAFF REPORT

January 12, 2021

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: Application **ZA2020-08** - Rezoning of a parcel of land generally located northeast of the intersection of West 215th Street and South Gardner Road

APPLICATION INFORMATION

Applicant: Brett Powell, Agent
NPD Management, LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150

Property Owners: South JOCO Farms LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150

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

Legal Description: See attached application for complete legal description.

Site Address/Location: Generally located east of Gardner Road, west of Moonlight Road and north of 215th Street

Existing Zoning and Land Uses: Johnson County Rural (RUR), no current development.

Existing Improvements: None.

Site Size: 215.94 acres

REASON FOR REZONING REQUEST:

This rezoning is being requested for future intermodal-related, logistics park development. This property was annexed into the City of Edgerton on December 17, 2020 as part of the Phase II expansion of Logistics Park Kansas City (LPKC). LPKC is a 2,300-acre master-planned distribution and warehouse development anchored by the Burlington Northern Santa Fe Railway (BNSF) intermodal facility, which opened in late 2013 and is located approximately two miles north and west of the subject site. Companies located within LPKC benefit from significant transportation savings.

The subject property is outlined red or blue on the following maps.

Figure 1 indicates the zoning of the parcels adjacent to the subject property. The green indicates the Johnson County Rural (RUR) zoning designation. The light yellow is a Johnson County Residential Neighborhood 1 (RN1) zoning designation. The border between the City of Gardner and the City of Edgerton, prior to the annexation, is shown as a dotted and dashed line. Below 215th Street is Miami County.

Figure 1

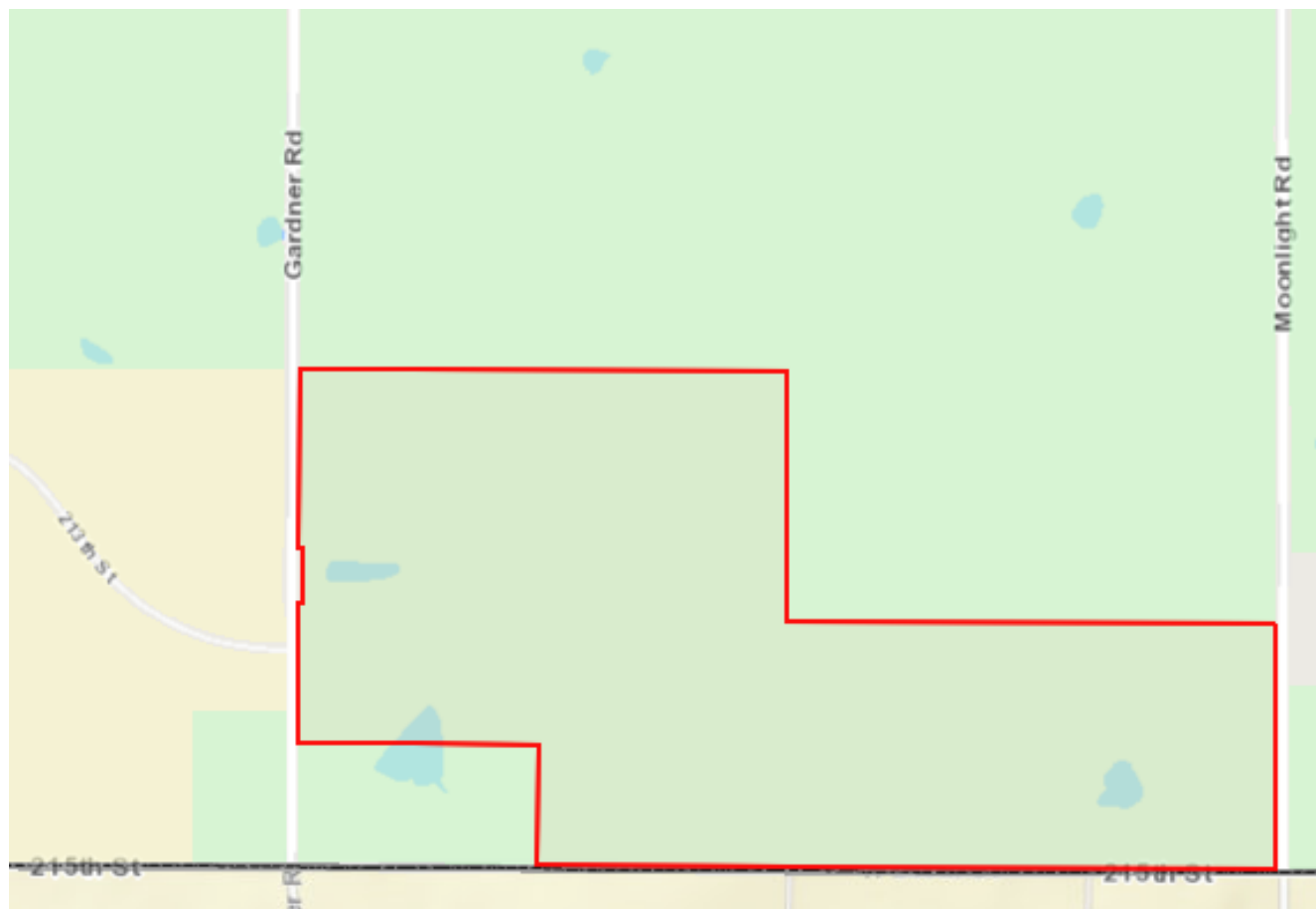


Figure 2 is a closer look at the adjacent parcels and their zoning designations. The subject parcel is outlined in red.

On the west side of the subject property are parcels located in unincorporated Johnson County. Those parcels are zoned Rural (RUR) and Residential Neighborhood 1 (RN1). To the east are also parcels zoned RUR. North of the subject property is a parcel zoned RUR and the parcel requesting rezoning to City of Edgerton Logistics Park (L-P) in application ZA2020-07. Parcels to the south are zoned RUR. Per the Johnson County AIMS website, RUR zoned parcels are agricultural uses and single-family dwellings with a ten (10) acre minimum lot size and RN1 zoned parcels are for single family dwellings with a one (1) acre minimum lot size. A large portion of parcels to the south are located in Miami County and zoned CD - Countryside. Per the Miami County website, the CS district does have similar uses to that of RUR of Johnson County and has the lot size requirement of fifteen (15) acres per single family dwelling.

Figure 2

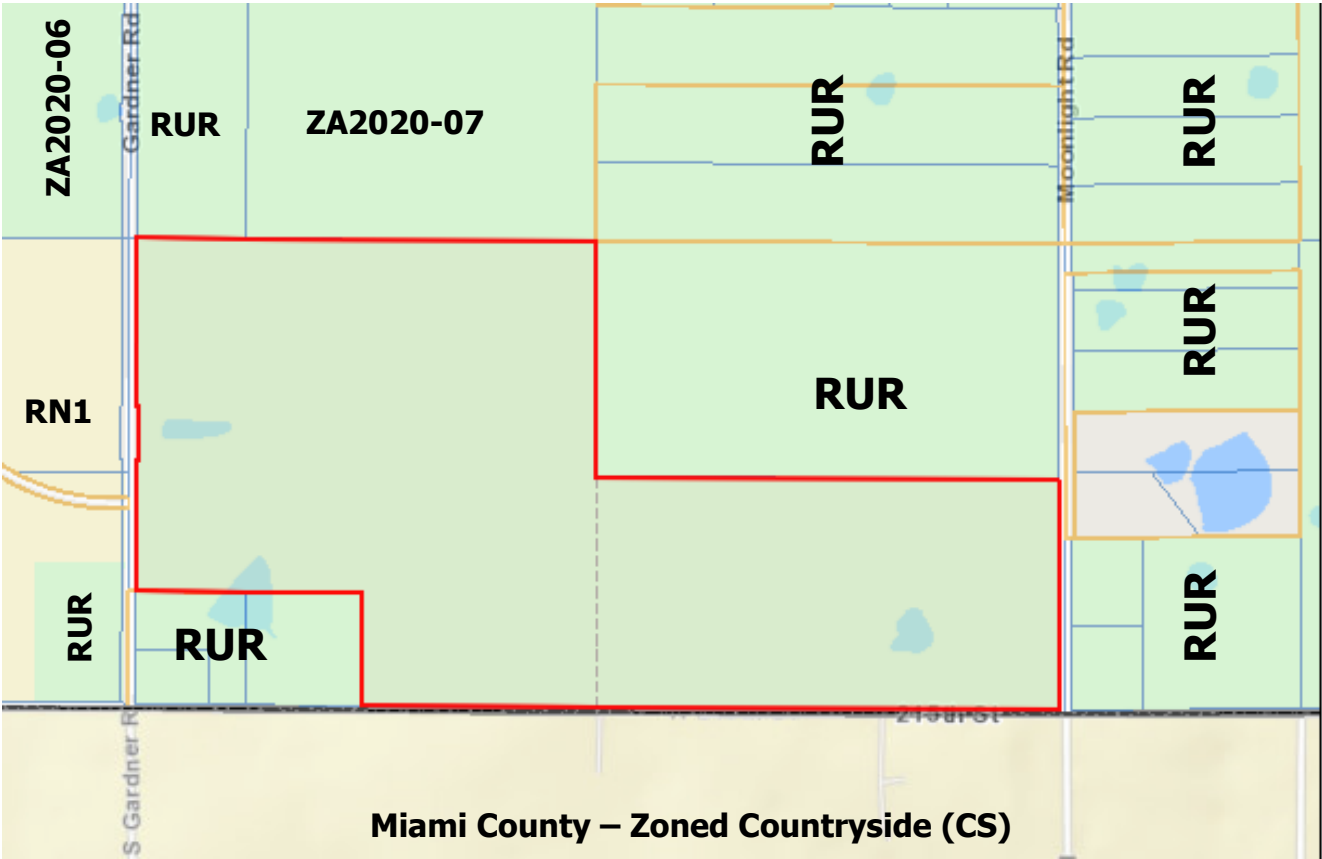


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.73 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly Road and 207th Street. This parcel is located 1.9 miles from I-35.

Figure 3

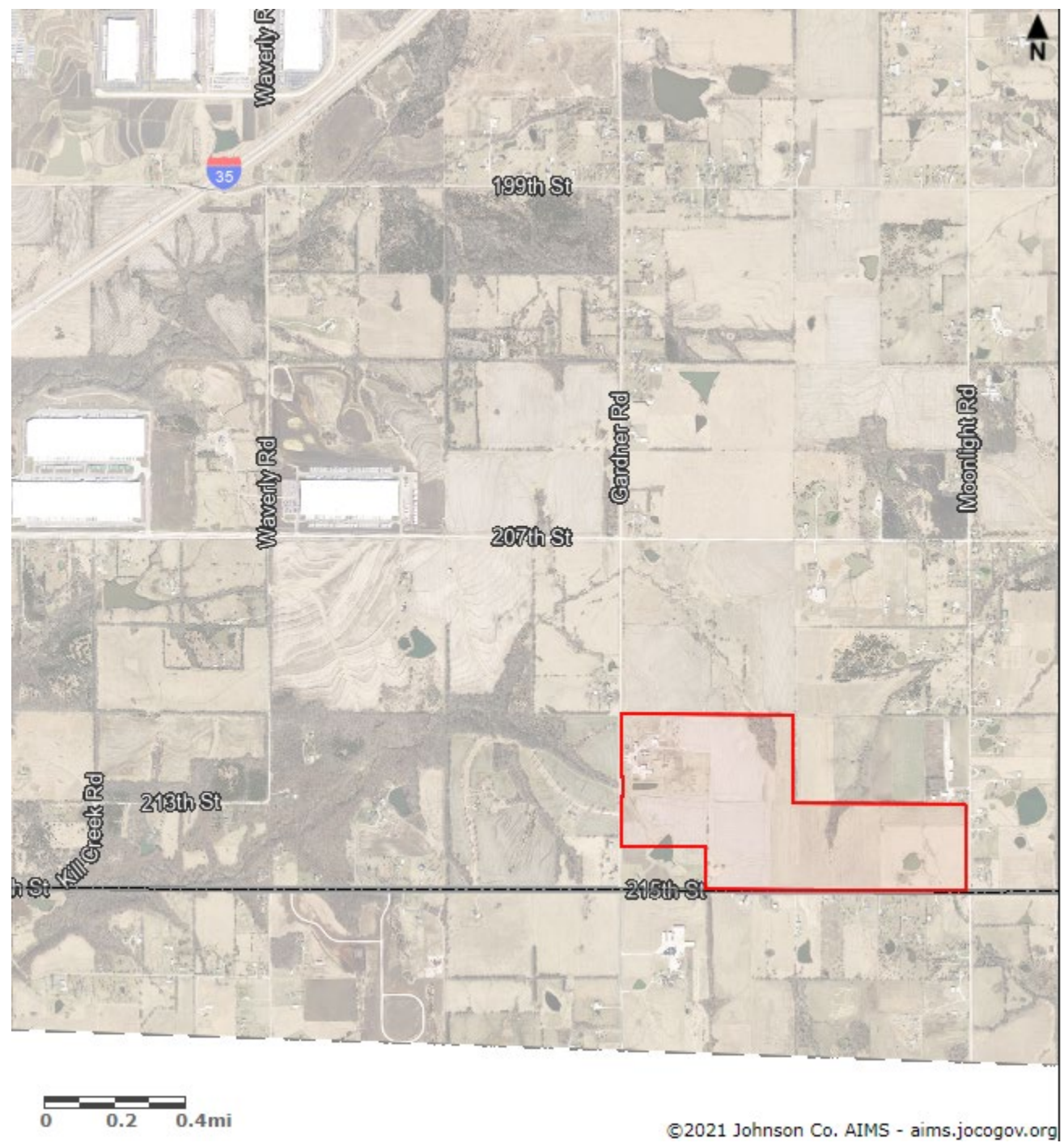
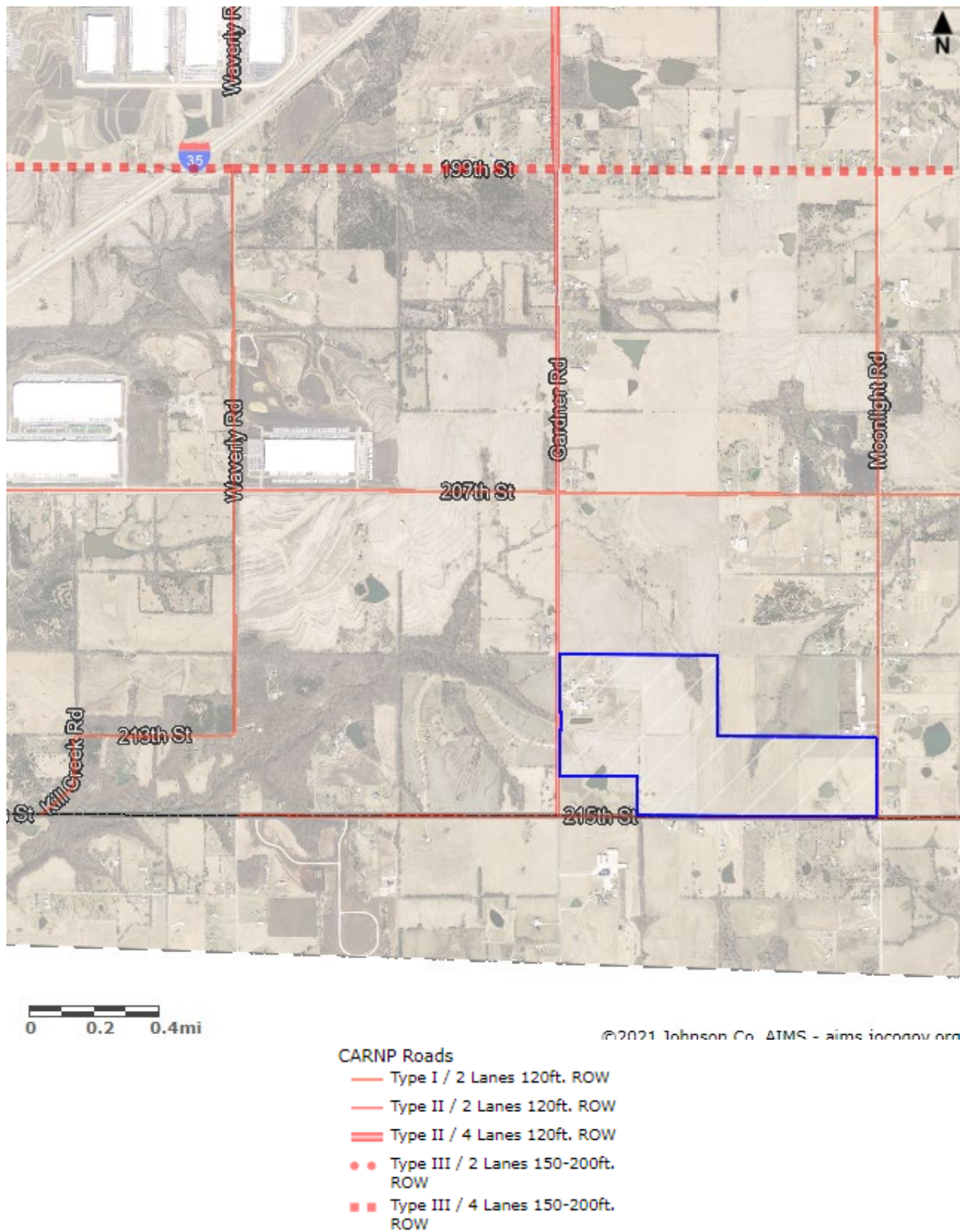


Figure 4 shows the relation of the subject property, outlined in blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

Figure 4



INFRASTRUCTURE AND SERVICES

1. Current access to the parcel is from Gardner Road, Moonlight Road, and 215th Street.
2. Utilities and service providers.
 - a. Water - Johnson County Water District #7
 - b. Sanitary Sewer – None currently; any development would connect to the City of Edgerton sewer.
 - c. Electrical Service - Kansas City Power & Light
 - d. Gas Service – Kansas Gas Service
 - e. Police services would be 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 December 17, 2020. Prior to that, the property was in unincorporated Johnson County and as of this application the parcels remain zoned Johnson County (RUR).

STAFF ANALYSIS

The applicant has requested rezoning to Logistics Park (L-P) District. 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. The conduction of outdoor activities and outdoor storage is not allowed. 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; along with 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** – When the parcel was annexed into Edgerton, it contained a RUR zoning designation as assigned by Johnson County. That zoning designation is only a holding designation and a rezoning is necessary prior to any land development occurring. The applicant has requested L-P Zoning District designation to allow future construction of projects similar to other projects in L-P zoned areas. Given the parcels' proximity to LPKC Phases I and II, the BNSF Railway intermodal facility and I-35, L-P District zoning is the most compatible designation for these uses.
2. **Magnitude of the Change** – When this parcel was part of Johnson County, it contained a zoning designation which only allowed for an agricultural use. Due to the unexpected pace of development in Phase I of LPKC, a Phase II expansion of LPKC was initiated in 2018 and this parcel is part of the area which would comprise that continued expansion. The Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it

does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. As is noted in the Johnson County CARNP, landscaping and vegetation will be used to minimize adverse impacts to adjacent residential properties. Large size parcels like this one (approximately 216 acres) would be appropriately sized to accommodate an industrial development in order to allow for adequate berming and screening along adjacent parcels. Given the parcel's proximity to LPKC, the BNSF Railway intermodal facility, I-35 and the Homestead Lane interchange, the magnitude of the change would not be considered unusual when the property is being used for industrial development.

3. **Whether or not the change will bring harm to established property rights** - The subject property is surrounded by undeveloped acreage and low-density rural single-family residential. L-P zoning designations require significant berming and landscaping adjacent to any residential developments. If rezoned L-P, as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Part of a Site Plan review would include attention to buffering and setbacks, stormwater management and transition of uses between adjoining properties and any proposed industrial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.
4. **Effective use of Land** - L-P District permitted uses at this location are an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the I-35 interstate system.
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 uses 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** - This parcel is located near the new 207th Street corridor, Kubota Tractor North American Distribution Center and the Hostess Distribution Center. Continued development of the area includes intermodal related uses. With the extensive road improvements, including the interchange at I-35 and Homestead Lane and the improvements on 207th Street, the character of the area is changing from rural to industrial. Some nearby parcels zoned Johnson County RUR contain single family homes. However, the residential density in this area is lower than some of the parcels adjacent to development in Phase I of LPKC. As noted previously, 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.
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 nearby parcels, specifically to the southwest. 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 is designed to 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 viewed as a

holding designation related to the annexation of the parcel. Johnson County RUR zoning is primarily for agricultural and low-density residential use. An industrial use on a property zoned for agriculture would not be a permitted use therefore, a rezoning to the L-P District is the most appropriate designation for the proposed use indicated by the applicant.

9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, the property has been used for agricultural purposes in unincorporated Johnson County dating back to at least 2006.
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 southwest. 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** - Utility providers have extended service to Hostess Distribution Center at the northeast corner of Waverly and 207th Street. As development continues in the area, the developer will be responsible for extending any additional necessary utilities not already in their service area. The City of Edgerton Municipal Code requires that all properties within city boundaries connect to City of Edgerton sanitary sewer service. Should this parcel be developed, the developer would be responsible for the extension of and connection to City of Edgerton wastewater infrastructure.
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** - As this area continues to develop, 207th Street, Gardner Road, and 199th Street will be crucial components to providing transportation access across southern Johnson County. Both Homestead Lane and 207th Street east to Waverly Road have been constructed to accommodate the traffic that will accompany the Phase II expansion of LPKC. Today 207th Street is paved half a mile past Waverly Road. The Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type II/2 Lane Arterial Roadway to Gardner Road and a Type III/4 Lane Arterial Roadway designation to 199th Street, designating them both as main throughways. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.

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 revenues to respective jurisdictions. During the Covid-19 pandemic, supply chain logistics were instrumental to delivering food and supplies to areas across the United States. This type of commercial industry continues to be an important contributor to the economy of this area.
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 these zoning applications. 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** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. This parcel is located 1.9 miles from I-35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be in compliance with the City of Edgerton UDC. L-P Zoning does not allow tenants to conduct exterior operations or have exterior storage. The review of strict parameters related to the aesthetics of development on L-P zoned parcels is conducted as part of a Site Plan review, including an evaluation of building materials, screening between adjacent parcels and parking requirements.
18. **The recommendation of professional staff** - See Recommendation below.

Recommendation:

City staff recommends **approval** of proposed rezoning **Application ZA2020-08** from Johnson County Rural (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 be developed in accordance with a Site Plan reviewed and approved by the City.

Attachments:

- Application for Rezoning ZA2020-08
- City of Edgerton Future Land Use Map

LOCATION OR ADDRESS OF SUBJECT PROPERTY:

Located North of 215th St between Gardner Rd. and Moonlight Rd. Reference attached for location and property boundaries.

PURPOSE FOR REZONING: For the purpose of constructing and operating a light manufacturing and/or distribution center.REQUESTED REZONING CHANGE: FROM RUR TO L-P Logistics Park
(Current Zoning) (Proposed Zoning)LEGAL DESCRIPTION: See attached descriptionCURRENT LAND USE: AgriculturalPROPERTY OWNER'S NAME(S): South JOCO Farms, LLC PHONE: N/ACOMPANY: _____ FAX: N/AMAILING ADDRESS: 4825 NW 41st St, Suite 500, Riverside, MO 64150

Street City State Zip

APPLICANT/AGENTS NAME(S): Brett Powell (representing property owner) PHONE: 816.888.7380COMPANY: NPD Management, LLC; represented by NorthPoint Development, LLC FAX: _____MAILING ADDRESS: 4825 NW 41st St, Suite 500, Riverside, MO 64150

Street City State Zip

ENGINEER/ARCHITECT'S NAME(S): Patrick Cassity PHONE: 816.800.0950COMPANY: Renaissance Infrastructure Consulting FAX: _____MAILING ADDRESS: 5015 NW Canal St. Suite 100, Riverside, MO 64150

Street City State Zip

SIGNATURE OF OWNER OR AGENT:  Nathaniel Hagedorn, Manager

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

FOR OFFICE USE ONLYCase No.: RZ- ZA2020-08 Amount of Fee Paid: \$ 250.00 Date Fee Paid: 12/11/2020 Receipt #58500213Received By: Katy Crow Digitally signed by Katy Crow
DN: C=US, E=kcrow@edgertonks.org, O=City of Edgerton,
OU=Community Development, CN=Katy Crow
Date: 2020.12.14 17:26:41-06'00' Date of Hearing: 01/12/2021**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

PROPERTY OWNER NOTIFICATION LETTERCase No.: RZ- ZA2020-02, ZA2020-03, ZA2020-04, ZA2020-05, ZA2020-06, ZA2020-07, ZA2020-08

Dear Sir or Madam:

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(current zoning) to L-P Logistics Park

(proposed zoning), on the following described tract of land:

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Copies of the protest petitions are available in the office of the City Clerk.

Respectfully,

Nathaniel Hagedorn - NorthPoint Development, LLC

Applicant (or Owner or Agent)

ADDRESS: 4825 NW 41st St, Suite 500 , Riverside, MO 64150

Street

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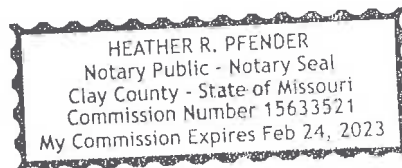
Zip

PROPERTY OWNER NOTIFICATION AFFIDAVITCase No.: RZ- ZA2020-08I, Nathaniel Hagedorn, of lawful age being first duly sworn upon oath, state:

That I am the authorized signer (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

These notices were mailed on the 23rd day of December, 2020.

Signature of Agent, Owner or AttorneySubscribed and sworn to before me this 22nd day of December, 2020.

Notary PublicMy Commission Expires: 2-24-23 (SEAL)
Date

Property Information for 2F221513-2001

<i>Tax Property ID</i>	2F221513-2001	<i>KS Uniform Parcel #</i>	0462061303001001000
<i>Situs Address</i>	21195 GARDNER RD	<i>Acres</i>	215.94 (9,406,363.25 ft ²)
<i>Owner1 Name</i>	SOUTH JOCO FARMS LLC	<i>Owner2 Name</i>	
<i>Owner Address</i>	4187 LOUISIANA TER , OTTAWA, KS 66067		
<i>Class</i>	F	<i>Year Built</i>	1860
<i>LBCS</i>	9050	<i>Neighborhood Code</i>	804.1
<i>Zoning</i>	RUR	<i>Taxing Unit</i>	0059
<i>City</i>	Gardner Twp	<i>Zip Code</i>	66030
<i>AIMS Map No.</i>	U13 (T-R-S: 15-22-13)	<i>Quarter Section</i>	SE
<i>Fire Dist.</i>	JoCo FD #1	<i>Sheriff Dist.</i>	4
<i>Commissioner Dist.</i>	6 (Mike Brown)	<i>FEMA Flood Panel #</i>	20091C0150G
<i>School District</i>	Gardner-Edgerton	<i>High School</i>	Gardner-Edgerton
<i>Middle School</i>	Trail Ridge	<i>Elementary School</i>	Nike
<i>Legal Desc.</i> (abbreviated)	13-15-22 SW1/4 EX 3.5 AC & EX 16.5 AC PLATTED & S 1/2 SE1/4 EX E 35' IN RD 218.94 ACS M/L GA 220		

Property Map for 2F221513-2001



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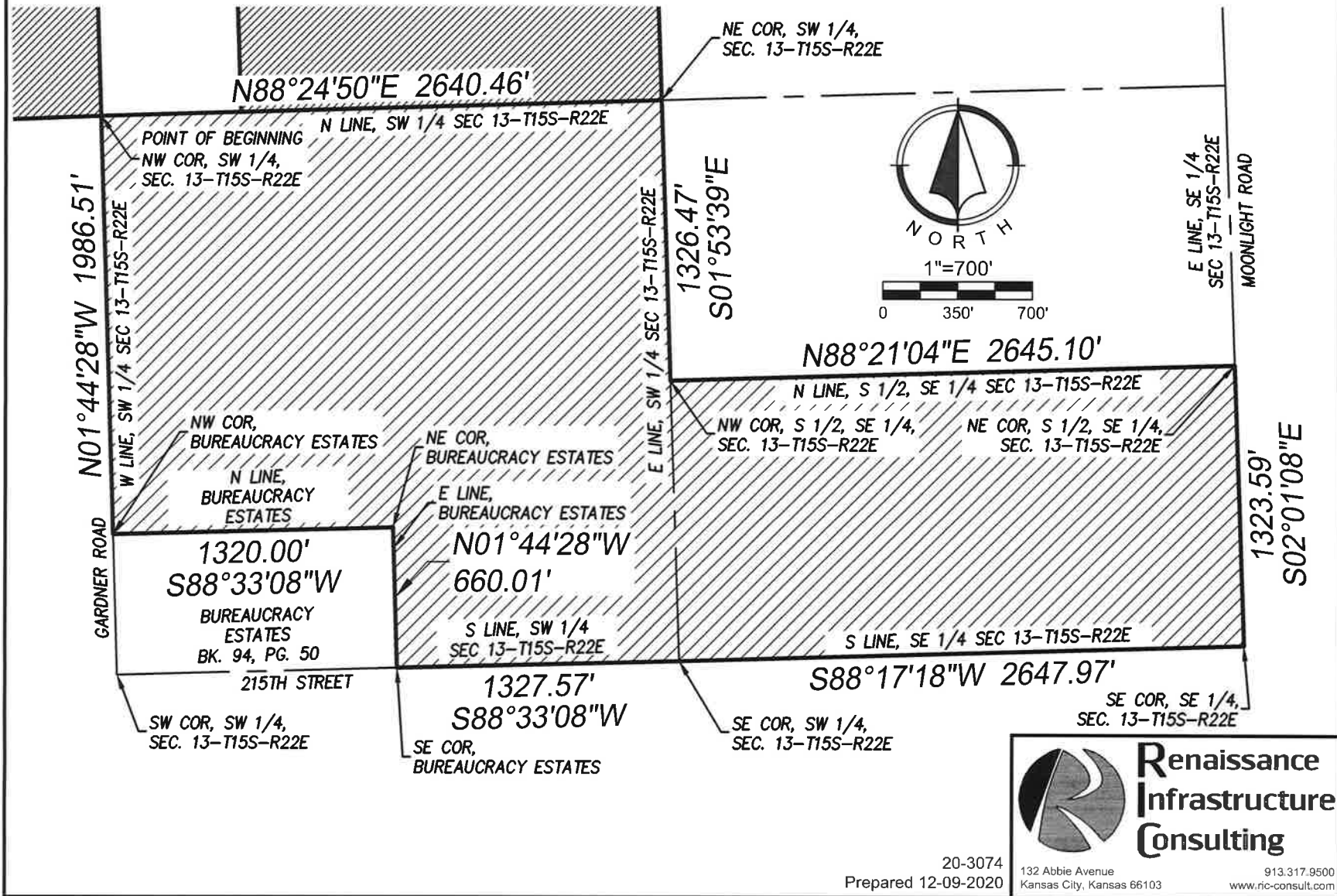
046-206-13-0-30-01-001.00-0 05/13/2016

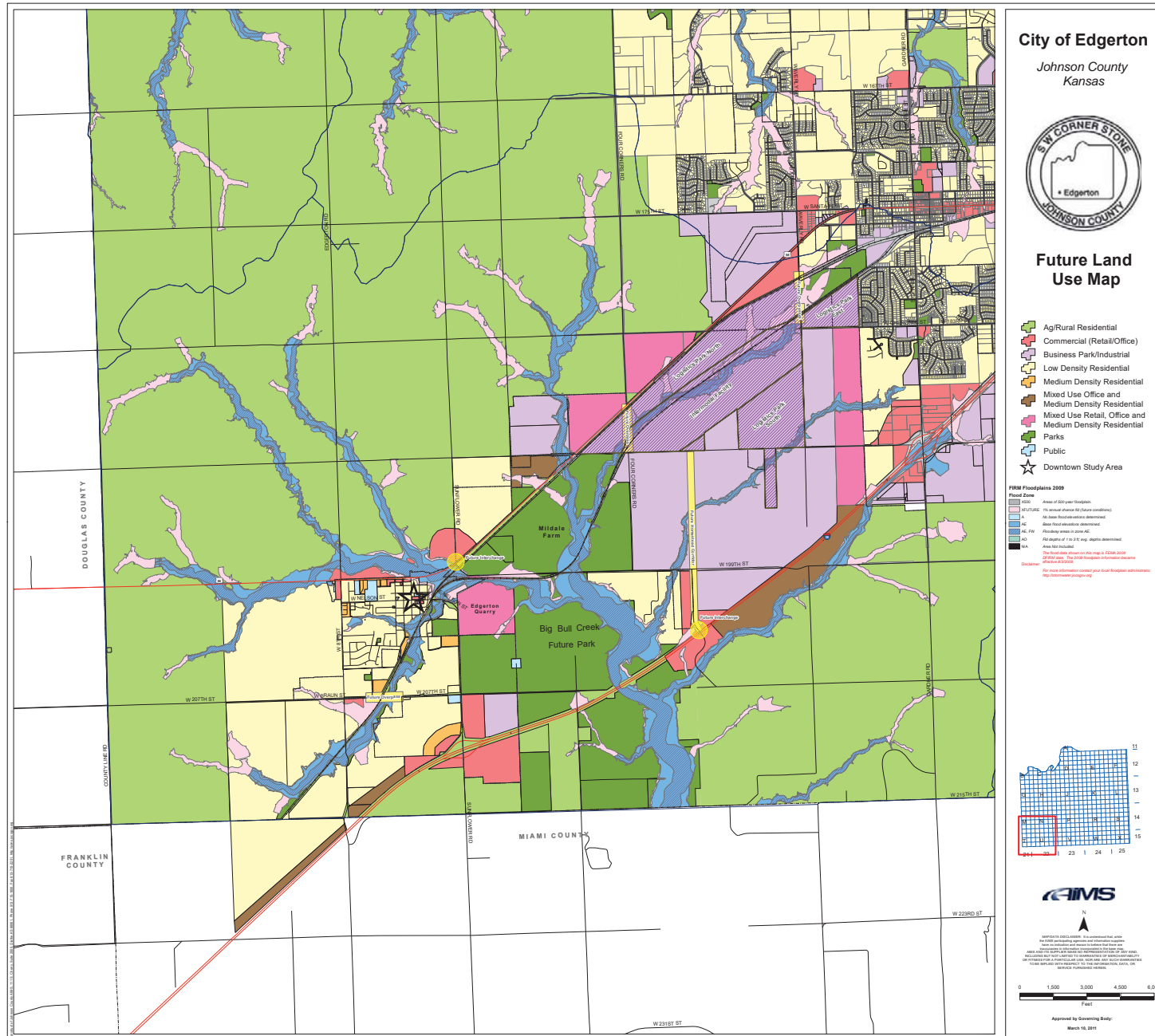
Property Description:

All that that part of Section 13, Township 15 South, Range 22 East of the Sixth Principal Meridian in Johnson County, Kansas, being more particularly described as follows:

Beginning at the Northwest Corner of the Southwest Quarter of said Section 13; thence North $88^{\circ}24'50''$ East, along the North line of said Southwest Quarter, a distance of 2,640.46 feet to the Northeast Corner of said Southwest Quarter; thence South $01^{\circ}53'39''$ East, along the East line of said Southwest Quarter, a distance of 1,326.47 feet to the Northwest Corner of the South Half of the Southeast Quarter of said Section 13; thence North $88^{\circ}21'04''$ East, along the North line of said South Half, a distance of 2,645.10 feet to the Northeast corner of said South Half; thence South $02^{\circ}01'08''$ East, along the East line of said Southeast Quarter, a distance of 1,323.59 feet to the Southeast Corner of said Southeast Quarter; thence South $88^{\circ}17'18''$ West, along the South line of said Southeast Quarter, a distance of 2,647.97 feet to the Southeast Corner of the Southwest Quarter of said Section 13; thence South $88^{\circ}33'08''$ West, along the South line of said Southwest Quarter, a distance of 1,327.57 feet to the Southeast Corner of BUREAUCRACY ESTATES, a subdivision in said Johnson County, Kansas; thence North $01^{\circ}44'28''$ West, along the East line of said BUREAUCRACY ESTATES, a distance of 660.01 feet to the Northeast Corner of said BUREAUCRACY ESTATES; thence South $88^{\circ}33'08''$ West, along the North line of said BUREAUCRACY ESTATES, a distance of 1,320.00 feet to the Northwest Corner thereof, said point being on the West line of said Southwest Quarter; thence North $01^{\circ}44'28''$ West, along said West line, 1,986.51 feet to the Point of Beginning. Containing 9,641,327 square feet or 221.334 acres, more or less.

Annexation Exhibit





STAFF UPDATE

Date: January 12, 2021
To: Edgerton Planning Commission
From: Chris Clinton, Planning and Zoning Coordinator
Re: Application UDCA2020-01 – Revisions to Article 5 – *Industrial Zoning Districts* – Hold a public hearing to consider public comments regarding proposed amendments to the Unified Development Code

BACKGROUND INFORMATION

The City of Edgerton's Uniform Development Code (UDC) was adopted for the purpose of encouraging the most appropriate use of land and to ensure the logical and compatible growth of various districts within the City. The UDC is intended to implement the planning goals and policies contained in the Comprehensive Plan as well as other planning documents and policies set by the Planning Commission and City Council.

To date, the City of Edgerton has received three requests from Logistics Park tenants to place above ground fuel tanks on their sites. Two of these requests were made after the initial Final Site Plan was approved by the Planning Commission. As noted in UDC Article 10 – *Site Plans and Design Standards*, these changes were considered significant modifications which required review and approval by the Planning Commission. As part of the approval process, it was stipulated that the equipment be fully screened from the view of all adjacent parcels and any public right of way.

Because staff has received multiple requests for this same type of site plan amendment, we have evaluated the UDC to see how above ground fuel tanks should be addressed. Within the City of Edgerton, a Logistics-Park (L-P) zoning designation specifically states that limitations are placed on the uses in this district to significantly restrict the outside activities and outside storage of materials, noise, vibration, smoke, pollution, fire and explosive hazard, glare and other potentially adverse influences. This zone is intended for industrial parks and larger, cleaner types of industries and any manufacturing uses should be conducted within a totally enclosed building.

While the above ground fuel tanks that have been approved through the Planning Commission process have been screened from view, the presence of this type of equipment, even with screening, detracts from the overall aesthetics of parcels in the Logistics Park. In addition, above ground fuel tanks can become a safety hazard if not properly maintained.

City Staff requests the Planning Commission review the enclosed proposed amendment to the district regulations for Logistics Park (L-P) zoned parcels. In keeping with the spirit and intent of the zoning designation description, this amendment would require any fuel tanks to be buried underground. This would help retain the clean look and feel of these sites and would contribute to the overall safety of having an onsite fuel tank. Tanks installed below ground would require identification on either the Final Site Plan or a Revised Final Site Plan if installed after initial Site

Plan approval. Installation of any below ground fuel tanks would require adherence to all applicable building codes and all plans would be reviewed for code compliance.

City Staff is requesting that the public hearing be opened, any public comment be accepted, and the hearing closed. With recommendation from the Planning Commission, the final form of the amended Article will go to the Governing Body for approval and adoption. The City Attorney has reviewed and approved the code revision before you. Any changes made to this version will be reviewed by the City Attorney prior to being provided to the Governing Body for adoption.

H. District Regulations.

1. All buildings with a metal exterior shall provide a façade material composed of brick, glass, stone, wood, or a combination of these materials that extends to three walls of the building unless modified by the City.
2. All operations, other than limited storage of motorized machinery and equipment, materials, products or equipment, shall be conducted within a fully enclosed building.
3. All storage of motorized machinery and equipment, materials, products or equipment shall be within a fully enclosed building, or in a storage area or yard. Said storage shall be limited to twenty percent (20%) of the ground floor area of the building or tenant space. All storage materials shall be one hundred (100) percent screened from public view, except when adjacent to another storage area, which is one hundred (100) percent screened from public view. For the purposes of this section, the phrase "screened from public view" means not visible at eye level from adjoining properties or any street right-of-way. Use of landscaping materials is encouraged in lieu of privacy fencing. All storage areas shall be paved or surfaced.
4. Any exterior fuel tank(s) must be located below ground. All below ground fuel tanks must meet, at a minimum, International Building Code (IBC), International Fire Code (IFC), and Kansas Department of Health and Environment (KDHE) requirements. Below ground fuel tanks must be shown on Final Site Plans and must meet the appropriate code requisite building line and property line setbacks. Below ground tanks may only be installed once Final Site Plan approval has been received and a building permit has been issued. This section applies to all fuel tanks installed after January 1, 2021. Any above ground fuel tanks installed prior January 1, 2021 which are moved, repaired or replaced, must be located underground and must comply with this section.