

**EDGERTON PLANNING COMMISSION
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
April 13, 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 emergency declaration to advance the conduct of governmental affairs and ensure the transaction of government business is open to the public.

Any resident wishing to attend the Planning Commission meeting may do so and is required to practice the social distancing guidelines as established by the State of Kansas and Centers for Disease Control and Prevention (CDC). The room will be set up to be in compliance with these requirements.

Any member of the public wishing to testify must sign in on the sign-up sheet provided at City Hall. You will be requested to provide your name and address and comments will be limited to three (3) minutes per person.

Any member of the public wishing to provide general public comment or comment about an agenda item without attending the meeting in person may do so by email to Kara Banks (kbanks@edgertonks.org). If you are unable to email the comments, you may call the following number, and staff will report your comment on your behalf. (913) 893-6231. Any comments should be submitted by phone or email by close of business (4:30 PM) on day of the scheduled meeting.

Call to Order

1. **Roll Call** ____ Daley ____ Berger ____ Crooks ____ Lebakken ____ Little
2. **Welcome**
3. **Pledge of Allegiance**

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.)*

4. Approve Minutes from the March 9, 2021 Planning Commission Meeting.

Motion: _____ Second: _____ Vote: _____

Regular Agenda

5. **Declaration.** At this time Planning Commission members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

Business Requiring Action

Old Business

6. **REZONING APPLICATIONS ZA2020-02 through ZA2020-08** Consider rezoning applications originally heard during the Public Hearing on January 12, 2021. Applications are as follows:
 - A. **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
 - B. **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
- C. **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
- D. **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
- E. **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
- F. **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
- G. **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

Individual action will be taken on each application.

New Business

7. **HOLD A PUBLIC HEARING TO CONSIDER APPLICATION ZA2021-06 FOR REZONING OF 29.39 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET FROM JOHNSON COUNTY RUR (RURAL DISTRICT) TO CITY OF EDGERTON L-P (LOGISTICS PARK).** Applicant: Joshua Cooley, Agent - CY Edgerton, LLC

Action requested: Open the public hearing, receive comments, and close or continue the public hearing.

8. **CONSIDER APPLICATION ZA2021-06 FOR REZONING OF 29.39 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET FROM JOHNSON COUNTY RUR (RURAL DISTRICT) TO CITY OF EDGERTON L-P (LOGISTICS PARK).** Applicant: Joshua Cooley, Agent - CY Edgerton, LLC

Motion: _____ Second: _____ Vote: _____

9. **HOLD A PUBLIC HEARING TO CONSIDER PRELIMINARY PLAT APPLICATION PP2021-02 FOR ARROWHEAD PHASE III GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.** Applicant: Joshua Cooley, Agent - CY Edgerton, LLC

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

10. **CONSIDER PRELIMINARY PLAT APPLICATION PP2021-02 FOR ARROWHEAD PHASE III GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.** Applicant: Joshua Cooley, Agent - CY Edgerton, LLC

Motion: _____ Second: _____ Vote: _____

11. **CONSIDER FINAL PLAT APPLICATION FP2021-02 FOR ARROWHEAD PHASE III GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.** Applicant: Joshua Cooley, Agent - CY Edgerton, LLC

Motion: _____ Second: _____ Vote: _____

12. **HOLD A PUBLIC HEARING TO CONSIDER FINAL SITE PLAN APPLICATION FS2021-05 FOR ARROWHEAD PHASE III GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.** Applicant: Joshua Cooley, Agent - CY Edgerton, LLC

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

13. **CONSIDER FINAL SITE PLAN APPLICATION FS2021-05 FOR ARROWHEAD PHASE III GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.** Applicant: Joshua Cooley, Agent - CY Edgerton, LLC

Motion: _____ Second: _____ Vote: _____

14. **HOLD A PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT APPLICATION CU2021-02 FOR ARROWHEAD PHASE III CARGO CONTAINER STORAGE LOT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.**

Applicant: Joshua Cooley, Agent - CY Edgerton, LLC

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

15. **CONSIDER CONDITIONAL USE PERMIT APPLICATION CU2021-02 FOR ARROWHEAD PHASE III CARGO CONTAINER STORAGE LOT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.** Applicant: Joshua Cooley, Agent - CY Edgerton, LLC

Motion: _____ Second: _____ Vote: _____

16. **CONSIDER TEMPORARY CONSTRUCTION USE APPLICATION TU2021-05 FOR A ROCK CRUSHING OPERATION FOR ARROWHEAD PHASE III GENERALLY LOCATED AT THE SOUTHEAST CORNER OF HOMESTEAD LANE AND 191ST STREET.** Applicant: Joshua Cooley, Agent - CY Edgerton, LLC

Motion: _____ Second: _____ Vote: _____

17. **HOLD A PUBLIC HEARING TO CONSIDER PRELIMINARY PLAT APPLICATION PP2021-01 FOR PARCELS GENERALLY LOCATED AT THE NORTHWEST CORNER OF KILL CREEK ROAD AND 213TH STREET.** Applicant: Scott Uranich, Agent - Clayco

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

18. **CONSIDER PRELIMINARY PLAT APPLICATION PP2021-01 FOR PARCELS GENERALLY LOCATED AT THE NORTHWEST CORNER OF KILL CREEK ROAD AND 213TH STREET.** Applicant: Scott Uranich, Agent - Clayco

Motion: _____ Second: _____ Vote: _____

19. **CONSIDER FINAL PLAT APPLICATION FP2021-01 FOR PARCELS GENERALLY LOCATED AT**

THE NORTHWEST CORNER OF KILL CREEK ROAD AND 213TH STREET. Applicant: Scott Uranich, Agent - Clayco

Motion: _____ Second: _____ Vote: _____

20. **HOLD A PUBLIC HEARING TO CONSIDER FINAL SITE PLAN APPLICATION FS2021-04 FOR PROJECT POLARIS GENERALLY LOCATED AT THE NORTHWEST CORNER OF KILL CREEK ROAD AND 213TH STREET.** Scott Uranich, Agent - Clayco

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

21. **CONSIDER FINAL SITE PLAN APPLICATION FS2021-04 FOR PROJECT POLARIS GENERALLY LOCATED AT THE NORTHWEST CORNER OF KILL CREEK ROAD AND 213TH STREET.** Scott Uranich, Agent – Clayco

Motion: _____ Second: _____ Vote: _____

22. **CONSIDER TEMPORARY CONSTRUCTION USE APPLICATION TU2021-04 FOR THE USE OF A BATCH PLANT FOR PROJECT POLARIS LOCATED AT 20520 WAVERLY ROAD.** Applicant: Steve Schuering, Agent - Concrete Strategies, Inc.

Motion: _____ Second: _____ Vote: _____

23. Future Meeting Reminders

- Regular Session – May 11, 2021 at 7:00 PM
- Regular Session – June 8, 2021 at 7:00 PM

24. Adjourn

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
March 9, 2021

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 and Commissioner Deb Lebakken. Commissioner Charlie Crooks and Commissioner Tim Berger were absent from the meeting. Also present were City Administrator Beth Linn, Marketing and Communications Director Kara Banks, Development Services Director Katy Crow, City Clerk Alex Clower and Planning and Zoning Coordinator Chris Clinton.

The Planning and Zoning Coordinator announced a quorum was present.

CONSENT AGENDA

Commissioner Lebakken motioned to approve the consent agenda. Commissioner Little seconded the motion. The consent agenda was approved, 3-0.

NEW BUSINESS

TEMPORARY CONSTRUCTION USE FOR HAUPT CONSTRUCTION ROCK CRUSHING – APPLICATION TU2021-02

Chairperson Daley introduced Application TU2021-02 as a temporary construction use for Haupt Construction to conduct rock crushing operations. He requested City Staff present their findings.

Ms. Katy Crow, Development Service Director, stated Article 9, Section 6.E of the Unified Development Code (UDC) of the City of Edgerton, Kansas states that the Planning Commission (the Commission) is authorized to review and approve the use of property during times of construction, reconstruction or adaptation to permit temporary living quarters for construction personnel, offices, buildings for storage, outdoor storage, machinery yards, portable concrete or asphalt mixing plants, sanitary facilities, and similar uses. She explained on previous occasions, the Edgerton Planning Commission has approved the use of construction-related activities associated with the Burlington Northern Santa Fe (BNSF) Intermodal Facility and Logistics Park Kansas City (LPKC) developments subject to the approval of City Staff and conditioned with appropriate stipulations.

Ms. Crow stated on February 16, 2021, City Staff received a request from Haupt Construction, to construct a temporary rock crushing operation on property located on the northwest corner of 213th Street and Kill Creek Road. This temporary operation will be for the construction of Project Polaris. If approved, operations would commence when the applicant has received an approved blasting permit and an approved Land Disturbance Permit. All rock crushing activities would end by July 9, 2021. She said the applicant requests performing rock crushing activities Monday through Saturday, 7:00 AM to 7:00 PM. While the request letter is from Haupt Construction, permission to conduct this type of operation has been granted by the property owner, Wellsville Arms, LLC as represented by NPD Management, LLC. A copy of the letter was included in the application.

Ms. Crow said the application materials submitted describe the proposed operation as mobile rock crushing equipment that will move around the site as the rock is excavated. Crushers will be moved around the site to ensure efficiency of the crushing process. The applicant provided a map that shows where the rock will be crushed. Trucks will be used onsite to move the rock where it is needed for building pads and as base rock in paved areas. She explained the rock crushing equipment contains a dust containment system, and the Kansas Department of Health & Environment (KDHE) will be engaged to test the air prior to the start of crushing activities. Monitoring equipment on the crushers will test the air to make sure it does not exceed the level allowed by KDHE. The applicant indicates the operator will be responsible for mitigating dust and maintaining haul roads on site will be kept wet to ensure that airborne dust does not spread to neighboring properties. Ms. Crow stated if this permit is not approved, the applicant has stated on-site rock that would need to be hauled away would equate 14,200 truck trips plus an additional 8,100 truck trips would be needed to haul in the necessary aggregate material for construction applications. If this occurs, the increased truck traffic on adjacent roadways would be detrimental to the flow of local traffic.

Ms. Crow informed the Commission that City Staff recommends approval of Application TU2021-02, a rock crushing operation, deemed to be temporary construction related activities pursuant to Article 9, Section 9.6.E of the UDC of the City of Edgerton, located on the northwest corner of 213th Street and Kill Creek Road, by Haupt Construction for construction-related activities related to Project Polaris, with the following stipulations:

1. Prior to any work occurring on site, both a Blasting Permit and a Land Disturbance Permit must be in place;
2. Temporary living quarters are not permitted on-site unless prior authorization has been provided by the Planning Commission;
3. All occupied buildings shall have access to potable water from an approved water source;
4. All signage shall be placed pursuant to applicable sign regulations in Article 12 of the Unified Development Code of the City of Edgerton;
5. All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use;
6. All vertical structures shall require a building permit pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton prior to being occupied;
7. Contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or another applicable chapter of City Code;
8. Off-site impacts from on-site construction-related activities shall be minimized to the extent possible. This shall include compliance with City Regulations and Policies with regards to the tracking of debris onto public streets. Improvements for a construction entrance and the access road shall be required prior to operation and must be continually maintained in good condition;
9. On-site Stormwater Management Plan shall be approved by City prior to the disturbance of land;
10. Land disturbance activities shall be done pursuant to Article 12 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton;
11. Contractors agree to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable period;
12. All blasting shall be done according to Article 13 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton;
13. Hours of operation shall be limited to from 7:00 AM to 7:00 PM, Monday through Saturday;

14. Holding tanks shall be used in lieu of sanitary sewer service, and shall be permitted and inspected pursuant to the Johnson County Environmental Sanitary Code;
15. Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan;
16. Property owner and/or general contractors shall provide a Construction Management Plan to the City;
17. Applicant shall maintain a valid City of Edgerton Business License;
18. Staff retains the ability to establish reasonable requirements for their operation;
19. All activities will be performed in compliance with KDHE and the requirements of the KDHE Bureau of Air;
20. Permission for temporary construction activities is granted for a period ending July 9, 2021.

Chairperson Daley inquired if any of the activity would take place at night. Ms. Crow replied no, activity would be allowed from 7:00 AM to 7:00 PM.

Commissioner Little motioned to approved Application TU2021-02 with the stipulations. Commissioner Lebakken seconded the motion. Application TU2021-02 was approved with the stipulation, 3-0.

Mr. Ron Dove, 22933 Bedford Road, Spring Hill, KS 66083, inquired about speaking regarding this item and when the public hearing was held. Ms. Crow replied there is no public hearing regarding this item. Mr. Dove stated the Commission is assuming that the pending rezoning will be approved. Ms. Beth Linn, City Administrator, explained the property owner is allowed to perform land disturbance work including grading, regardless of the zoning designation assigned to the parcels. Mr. Dove stated it is known the property owner is not going to put something small on the property. He pointed out the Staff Report mentions the amount of hauling would have to take place for the type of building that is going to go there, which will be a warehouse. The warehouse is based on the rezoning which has not been approved by the Governing Body at this time. Ms. Linn explained the property owner can do land disturbance on any zoned property which can include grading, blasting, and rock crushing.

TEMPORARY CONSTRUCTION USE FOR HAUPT CONSTRUCTION ROCK CRUSHING – APPLICATION TU2021-03

Chairperson Daley introduced Application TU2021-03 as a temporary construction use for Haupt Construction to conduct rock crushing operations. He requested City Staff present their findings.

Ms. Katy Crow, Development Service Director, stated Article 9, Section 6.E of the UDC of the City of Edgerton, Kansas states that the Commission is authorized to review and approve the use of property during times of construction, reconstruction, or adaptation to permit temporary living quarters for construction personnel, offices, buildings for storage, outdoor storage, machinery yards, portable concrete or asphalt mixing plants, sanitary facilities, and similar uses. She explained on previous occasions, the Edgerton Planning Commission has approved the use of construction-related activities associated with the BNSF Intermodal Facility and LPKC developments subject to the approval of City Staff and conditioned with appropriate stipulations.

Ms. Crow stated on February 16, 2021, City Staff received a request from Haupt Construction, to construct a temporary rock crushing operation on property located north of the Hostess Distribution Center (Inland Port 51) located at 30800 W 207th Street. This temporary operation will be for the

construction of Inland Port 52. If approved, operations would commence on March 10, 2021 and end by May 9, 2021. All rock crushing activities would end by July 9, 2021. She said the applicant requests performing rock crushing activities Monday through Saturday, 7:00 AM to 7:00 PM. While the request letter is from Haupt Construction, permission to conduct this type of operation has been granted by the property owner, ELHC LII, LLC as represented by NPS Management, LLC. A copy of the letter was included in the application.

Ms. Crow said the application materials submitted describe the proposed operation as mobile rock crushing equipment that will move around the site as the rock is excavated. Crushers will be moved around the site to ensure efficiency of the crushing process. The applicant provided a map that shows where the rock will be crushed. Trucks will be used onsite to move the rock where it is needed for building pads and as base rock in paved areas. She explained the rock crushing equipment contains a dust containment system, and the KDHE will be engaged to test the air prior to the start of crushing activities. Monitoring equipment on the crushers will test the air to make sure it does not exceed the level allowed by KDHE. The applicant indicates the operator will be responsible for mitigating dust and maintaining haul roads on site will be kept wet to ensure that airborne dust does not spread to neighboring properties. Ms. Crow stated if this permit is not approved, the applicant has stated on-site rock that would need to be hauled away would equate 11,200 truck trips plus an additional 6,400 truck trips would be needed to haul in the necessary aggregate material for construction applications. If this occurs, the increased truck traffic on adjacent roadways would be detrimental to the flow of local traffic.

Ms. Crow informed the Commission that City Staff recommends approval of Application TU2021-03, a rock crushing operation, deemed to be temporary construction related activities pursuant to Article 9, Section 9.6.E of the UDC of the City of Edgerton, located north of the Hostess Distribution Center, by Haupt Construction for construction-related activities related to Inland Port 52, with the following stipulations:

1. Temporary living quarters are not permitted on-site unless prior authorization has been provided by the Planning Commission;
2. All occupied buildings shall have access to potable water from an approved water source;
3. All signage shall be placed pursuant to applicable sign regulations in Article 12 of the Unified Development Code of the City of Edgerton;
4. All buildings, outdoor storage, machinery yards, and similar uses shall be able to be fully secured when not in use;
5. All vertical structures shall require a building permit pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton prior to being occupied;
6. Contractors shall obtain all required permits pursuant to the Code of Regulations for Buildings and Construction, 2010 Edition or another applicable chapter of City Code;
7. Off-site impacts from on-site construction-related activities shall be minimized to the extent possible. This shall include compliance with City Regulations and Policies with regards to the tracking of debris onto public streets. Improvements for a construction entrance and the access road shall be required prior to operation and must be continually maintained in good condition;
8. On-site Stormwater Management Plan shall be approved by City prior to the disturbance of land;
9. Land disturbance activities shall be done pursuant to Article 12 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton;

10. Contractors agree to address any issues that affect off-site properties or public rights-of-way or easements in a reasonable period;
11. All blasting shall be done according to Article 13 of the Code of Regulations for Buildings and Construction, 2010 Edition of the City of Edgerton;
12. Hours of operation shall be limited to from 7:00 AM to 7:00 PM, Monday through Saturday;
13. Holding tanks shall be used in lieu of sanitary sewer service, and shall be permitted and inspected pursuant to the Johnson County Environmental Sanitary Code;
14. Property owner and/or general contractors shall provide City and emergency response agencies a copy of a site-specific Safety Action Plan;
15. Property owner and/or general contractors shall provide a Construction Management Plan to the City;
16. Applicant shall maintain a valid City of Edgerton Business License;
17. Staff retains the ability to establish reasonable requirements for their operation;
18. All activities will be performed in compliance with KDHE and the requirements of the KDHE Bureau of Air;
19. Permission for temporary construction activities is granted for a period ending May 9, 2021.

Commissioner Lebakken motioned to approved Application TU2021-03 with the stipulations. Commissioner Little seconded the motion. Application TU2021-03 was approved with the stipulation, 3-0.

REVISED SITE PLAN FOR INLAND PORT 51 – APPLICATION FS2021-03

Chairperson Daley introduced Application FS2021-03 as a Revised Final Site Plan for Inland Port 51 (IP 51). He requested City Staff present their findings.

Ms. Crow stated the applicant is Mr. Brett Powell who is an agent for NPD Management, LLC. The property is owned by ELHC LI, LLC. Mr. Powell is requesting approval of the Revised Final Site Plan. The property is located at 30800 W 207th Street and is zoned Logistics Park (L-P) with a current warehouse constructed on the parcel that is approximately 62.27 acres in size. She explained IP 51 is also the Hostess Distribution Center. The Revised Final Site Plan is for the construction of a private drive on the north side of the existing warehouse.

Ms. Crow explained part of the approval of Application FS2020-11 for Inland Port 52, the City requested the applicant to provide a plan for the bifurcation of Waverly Road to remove truck traffic traveling between 199th Street and 207th Street. Current access from Waverly Road to IP 51 will be removed with the bifurcation. She stated discussions regarding the plans for the bifurcation are ongoing, but the applicant is required to submit a final plan prior to the Certificate of Occupancy being issued for Inland Port 52 (IP 52). The private street shown in the application was originally proposed as part of Application FS2020-11 for IP 52, which was approved by the Commission of February 9, 2021. However, those plans showed the private street located on the site of IP 51, which initiated the requirement of a Revised Final Site Plan for IP 51.

Ms. Crow said current access to IP 51 is provided from a private drive off Waverly Road and two entrances off 207th Street. Water is supplied by Johnson County Water District #7, the City will provide sanitary sewer, and Everygy will be the electrical service provider. Gas will be provided by Kansas Gas Service and police service will be provided by the City through the Johnson County Sheriff's Office.

Johnson County Fire District #1 will provide fire protection. Ms. Crow stated the development is located within the Bull Creek watershed.

Ms. Crow informed the Commission the initial approval of Final Site Plan FS2019-06 for IP 51, the applicant was required to place a barrier arm at both 199th Street and 207th Street ends of Waverly Road to prohibit truck traffic traveling along Waverly Road. During the reconstruction of the 199th Street bridge over Interstate 35 (I-35), the Kansas Department of Transportation (KDOT) needed additional right of way for their project and the applicant is no longer available to install a barrier arm on the north end of Waverly Road. She said the bifurcation of Waverly Road, which is a stipulation of the approval for IP 52, will remove the need for a barrier arm on either end of Waverly Road. The installation of the private street shown as part of this Revised Final Site Plan also help facilitate the bifurcation of Waverly Road as it allows access to the west end of the IP 51 site. She stated City Staff recommends the Commission remove the prior stipulation on FS2019-06 for the installation of barrier arms on Waverly Road. Ms. Crow said the City Engineer noted the grading plan has not been updated to show the proposed contours for the private drive and the access easement will need to be recorded for the private drive.

Ms. Crow said City Staff recommends approval of FS2021-03 Final Site Plan revisions to Final Site Plan FS2019-06 for IP 51, subject to compliance with the following stipulations:

1. The City Staff recommendations and comments stated earlier are included as stipulations as part of approval of this Revised Final Site Plan.
2. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City.
3. Any items added must comply with the Edgerton UDC and it is the building owner's ultimate responsibility to ensure code compliance.
4. Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads, and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein.

Commissioner Lebakken inquired to what will prohibit trucks from using Waverly Road between 207th Street and 199th Street. Ms. Linn answered Waverly Road will be bifurcated, meaning the road will actually be cut in two so there would not be a way for through traffic. Chairperson Daley added the applicant was speaking to neighbors at the last meeting regarding this issue.

Commissioner Little motioned to approve Revised Final Site Plan FS2021-03 with the stipulations outlined by City Staff. Commissioner Lebakken seconded the motion. Revised Final Site Plan FS2021-03 was approved, 3-0.

PUBLIC HEARING – CONDITIONAL USE PERMIT – APPLICATION CU2021-01

Chairperson Daley introduce Application CU2021-01. He explained it is an application for a conditional use permit for one Interstate Pole Sign at 32501 W 200th Street.

Chairperson Daley opened the public hearing and requested City Staff present their findings.

Ms. Crow stated the applicant and property owner is Mr. Moussa Sobaiti who is requesting the approval of a conditional use permit for one (1) Interstate Pole Sign. The address of the site is 32501 W 200th Street and the Interstate Pole Sign is to be placed on the portion platted as Tract A on On the Go Travel Center First Plat. Tract A is approximately 2.11 acres and is designated to be used as a detention basin. She said the site is zoned C-2, Heavy Service Commercial District and is currently under development. The site to the north is also zoned C-2 and is under development for a travel center and truck maintenance facility. The parcel to the south is right-of-way for I-35. The site to the east is undeveloped and is also zoned C-2. To the west of the site is interstate right-of-way and Homestead Lane. Ms. Crow explained Figure 1 provided in the Staff Report shows the zoning of nearby parcels. She stated Figure 2 shows the current land use, but it does not depict the development of the travel center to the north.

Ms. Crow explained the parcel is part of the On the Go Travel Plaza approved Final Site Plan FS2019-04. On the parcel directly to the north of the subject parcel, the travel plaza is currently under construction. The plaza will be comprised of a travel center, restaurant, fueling station for vehicles and trucks, and a truck maintenance facility. A Revised Final Site Plan will be considered later in this meeting to reflect updates to the initial Site Plan approved on August 13, 2019. She said City Staff received the application for a conditional use permit for an Interstate Pole Sign for the On the Go project site on February 5, 2021. The proposed sign is to have space for the business located onsite including the fuel partner, Phillips 66, and the tenant of the travel center, TA Express, restaurant tenants and truck services. The applicant has also indicated a digital display area which will reflect gasoline and diesel prices with a cash price that flashes. The applicant has indicated the sign will be double faced and internally illuminated. The height of the proposed sign is eighty-three (83) feet from the grade where the pole is located. The sign will be supported by a single telescoping pipe.

Ms. Crow said the subject parcel is located within the limits of the City. The site development is ongoing as the project moves toward completion. The only utility that would be required for this project would be electrical, which will be supplied by Evergy and all infrastructures would be installed by the developer and applicant. This project is within the On the Go Tax Increment Financing (TIF) District and part of a Community Improvement District (CID).

Ms. Crow explained City Staff reviewed the Site Plan and Sign Design to Article 12, Sign Regulations, and Article 7, Conditional Uses, of the UDC. The purpose of Article 7 is to provide for certain uses, which because of their unique characteristics cannot be distinctly listed as a permitted use in a particular zoning district. The Commission may recommend approval of conditional uses to the Governing Body after consideration in each case, of the impact of such uses upon neighboring uses, the surrounding area, and the public need for the particular use at the particular location. Limitations and standard are herein established to ensure the use's consistency with the character, uses and activities in the zoning district. Before any conditional use shall be approved, the Governing Body shall review the record of the public hearing held by the Commission. The Commission will provide a recommendation to the Governing Body which will be heard on April 8, 2021. She stated the Commission, in accordance with the procedures and standards of the UDC, may recommend the Governing Body authorize buildings, structures, and uses as conditional uses in specific instances and in particular districts set forth provided that:

- a. The location is appropriate and consistent with the Comprehensive Plan;
- b. That the public health, safety, morals, and general welfare will not be adversely affected;
- c. The necessary safeguards will be provided to surrounding property, persons, and neighborhood values; and
- d. Further provide that additional standards of Article 7 be specified as a condition for approval.

Ms. Crow stated no conditional use shall be authorized unless the Commission finds that the establishment, maintenance, or operation of the conditional use meets the standards set forth in the UDC. The burden of proof and the burden of persuasion is on the applicant to bring forth the evidence on all questions of fact that are determined by the Commission.

Ms. Crow explained in order to recommend approval or disapproval of a proposed conditional use permit, both the Commission and the Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the City. In making such determination, the Commission and Governing Body may consider all factors they deem relevant to the questions of compatibility and the best interest of the City, including the following criteria. She stated the criteria will be read then followed by City Staff's findings.

- a. The extent to which there is a need in the community for the proposed use. The recently approved travel center at the Homestead Lane exit is currently under construction. Having signage adjacent to the interstate can help direct travelers to businesses established within the Edgerton city limits and to a much-needed ancillary service to travelers. Staff determination: Positive
- b. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space. The location of the Interstate Pole Sign is on a parcel of land which borders I-35. The adjacent parcels are zoned C-2 or are designated interstate right-of-way. The next closest parcels are either across Homestead Lane, a four-lane divided roadway, or across I-35. The closest residentially zoned parcel is over 1,100 feet to the northwest. There are no restrictions posed by the neighboring area. Staff determination: Positive
- c. The nature and intensity of the proposed use and its compatibility with the zoning and uses of nearby properties. Such determination should include the location, nature, and height of structures, walls, fences, and other improvements connected with the proposed use, their relation to adjacent property and uses, and the need for buffering and screening. The immediate property to the south is interstate right of way and an actual interstate highway, I-35. There are no other structures, other than those to the north, which is the travel plaza itself, near the Interstate Pole Sign. Those businesses are the ones that this Interstate Pole Sign would be advertising for. Staff determination: Positive
- d. Suitability of the uses of the property without the proposed conditional use permit. The parcel is zoned C-2. In the current UDC, Article 4 – Commercial Zoning Districts, several permitted uses are allowed – all seventy-two (72) uses allowed in C-1 zoning districts, plus eight (8) additional C-2 specific uses. There are also four (4) Conditional Uses allowed. One of the Conditional Uses is the installation of an Interstate Pole Sign. Staff determination: Positive
- e. Length of time the subject property has remained vacant without the proposed conditional use permit. Per the Johnson County AIMS system, the parcel has been used as detention at least since 2006. The main purpose of this parcel is stormwater detention, but the Interstate Pole

Sign will be located in the southwest corner of parcel. Because the Conditional Use Permit is for a sign and not for a business operation, the property being vacant is not a consideration for this type of use. Staff determination: Neutral

- f. The extent to which the proposed use may detrimentally affect nearby property. This sign will help bring attention to businesses and operations within the City. These businesses in turn will provide a much-needed service to travelers along the I-35 corridor and to employees, vendors, and truck drivers traveling to LPKC. The closest adjacent properties all contain the same C-2 zoning designation. The nearby properties are not affected detrimentally by the Interstate Pole Sign. Staff determination: Positive
- g. The adequacy of ingress and egress to and within the site of the proposed use, traffic flow and control, the adequacy of off-street parking and loading areas, the adequacy of required yard and open space requirements and sign provisions. Because this application is for a sign and not a business type, the ingress, egress, traffic flow, parking, et cetera is not applicable. City Staff has reviewed the requirements set forth in the UDC outlined later. Staff determination: Neutral
- h. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services. The only utility this Conditional Use Permit would require is electrical for possible lighting. Every provides service to the parcel. Staff determination: Positive
- i. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the proposed use, or present parking problems in the vicinity of the property. The Interstate Pole Sign is out of any adjacent roadway and is not in a parking lot of any of the operations on the parcel to the north. Staff determination: Positive
- j. The environmental impacts that the proposed use 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 only environmental impact related to the signage could potentially be excessive nighttime lighting. Even if approval is granted for a Conditional Use Permit on this site, any and all signage must still be in compliance with the adopted sign code in Article 12 of the UDC. City Staff will monitor the site and any complaints received by City Staff will be addressed. Staff determination: Neutral
- k. The economic impact of the proposed use on the community. As was stated previously, the Interstate Pole Sign would be utilized to attract travelers along the I-35 corridor to the businesses located at this site. Additionally, the services provided by this development will provide a much need amenity for both the residents of Edgerton and the employees at LPKC. The businesses located in this development are part of both a CID and a TIF District. Revenues received through sales generated at these businesses will provide a positive tax benefit to the City of Edgerton. Staff determination: Positive
- l. The relative gain (if any) to the public health, safety, and welfare from a denial of the application for conditional use permit as compared to the hardship imposed upon the conditional use applicant from such denial. There would be no gain to public health, safety, and welfare from denial. Nor would there be any hardship imposed in the permit was denied. Staff determination: Neutral
- m. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton, and the general safety, health, comfort and general welfare of the community. The UDC only allows Interstate Pole Signs to be located on properties that are near an interstate and properly zoned. This application is for a parcel that

abuts interstate right-of-way and has the correct zoning for an Interstate Pole Sign. This permit is consistent with the current zoning under the UDC. Staff determination: Positive

- n. In addition to the above criteria, the recommendation of professional staff is also required per Ordinance 798. The City Staff recommendation will be stated later.

Ms. Crow explained Article 7 also narrows down requirements for each conditional use for each zoning district. She said the first requirement is the applicant is to provide the use of proposed development. The Interstate Pole Sign is to advertise the businesses and services located at the On the Go Travel Plaza located on the adjacent parcel to the north and meets the requirement.

Ms. Crow read the next requirement is the height of the buildings needs to be provided. The applicant has provided the height of the buildings as twenty (20) feet and six inches (6) to top of cornice feature on the convenience store and eighteen (18) feet and eight (8) inches to the top of the main body of the building on the truck maintenance building. That requirement has been met.

Ms. Crow said the next requirement was the surrounding land uses and zoning districts. Those have been provided by the applicant and discussed earlier.

Ms. Crow informed the Commission the next requirement is to provide the relationship of the Interstate, the property where the Interstate Pole Sign is to be placed must have 50% of the site within 800 feet of the centerline or 500 feet of the right of way, whichever is less, of an interstate. She said the parcel borders I-35 right-of-way and meets that requirement.

Ms. Crow explained the next requirement is the elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway. The applicant indicated the elevation of the finished grade of the adjacent roadway is 1018 feet. This has been confirmed by City Staff and this requirement has been met.

Ms. Crow stated the requirement of the proposed height and signable area of the pole sign to be provided. The applicant has indicated the proposed pole sign will be 83 feet from finished grade.

Ms. Crow read the next requirement is the applicant shall provide a line of sight drawing which includes evaluation of natural land grade and highway curvature for sign placement. Line of sight vantage should be shown at a half mile and 1-mile distances from both directions. She explained the applicant did not provide this information until after the packet was published. City Staff will review this submitted drawings to ensure all requirements are met.

Ms. Crow said the final requirement is for the sign to meet the requirements in Article 12 of the UDC. She explained City Staff reviewed the requirements of the Interstate Pole Sign as outlined in Article 12. The first requirement outlined in Article 12 is the sign area is limited to 900 square feet in area per sign side which includes the total of all sign faces. The total area of all of the proposed signs is 872 square feet and meets the requirement. The next requirement is the pole sign is the height must be sixty (60) feet above finished grade of the adjacent city roadway and cannot be taller than 100 feet about the finished grade. She said the applicant indicates the grade of the centerline of Homestead Lane is 1018 feet and the finished grade of the sign is 995 feet with a height of 83 feet. The height of the sign would be twenty-three (23) feet above the existing grade of Homestead Lane and meets the requirements. Ms. Crow said a sign permit is required and the applicant has acknowledged this

requirement. The sign is to be internally illuminated which meets the requirements. The zoning of the parcel is correct for an Interstate Pole Sign. There is a changeable copy with the cash price of diesel fuel will be flashing which meet requirements as well. The flashing must be displayed for at least 8 seconds. She explained the applicant indicated the flasher will be ordered from the factory to toggle at 8 second intervals. The applicant has stated the flasher can also be turned off, so the image is static. The sign location is on the same plat of the development the signs are advertising and that is the final requirement that needed to be met for Article 12.

Ms. Crow said City Staff recommends approval of Application CU2021-01 for the Interstate Pole Sign as shown on the Site Plan for a period of ten (10) years with the following stipulations:

1. The staff recommendations and comments noted related to any requirements for the sign and all else discussed are included as stipulations as part of approval of this Conditional Use Permit;
2. Installation of the Interstate Pole Sign must follow all City of Edgerton building code requirements including a building permit application, plans review and contractor licensing.
3. The Interstate Pole Sign must be kept in good condition and should repairs be required, repaired in accordance with the time frame of the City of Edgerton UDC in effect at the time the repair is needed. Failure to properly maintain the Interstate Pole Sign shall be cause for revocation of the Conditional Use Permit(s);
4. Any major modifications to the Interstate Pole Sign, as defined by City Staff, will render Conditional Use Permit CU2021-01 null and void. Should the Conditional Use Permit be determined to be null and void, the Interstate Pole Sign would then need to be removed within 60 days after notification to the property owner by the City;
5. This Conditional Use Permit shall be valid for ten (10) years from date of approval by the City of Edgerton Governing Body, regardless of ownership;
6. Should the Conditional Use Permit not be renewed and approved by the Governing Body prior to their expiration date, then the Interstate Pole Sign will be considered non-compliant with the UDC and will be required to be removed within 60 days of written notification to the property owner by the City.

Mr. Judd Claussen, Applicant Representative, thanked the Commission for their considerations of the application and City Staff for their work on the report. He stated all of the requirements have been met.

No further public comment was made at this time. Chairperson Daley closed the public hearing.

Chairperson Daley inquired if the sign location will be in the water of the detention basin. Ms. Crow replied no it is on the edge of the basin. Mr. Claussen concurred and said it will be on the embankment and not where the water will collect.

Commissioner Lebakken motioned to recommend approval of Application CU2021-01 with the stipulations outlined by City Staff. Commissioner Little seconded the motion. Application CU2021-01 was recommended for approval, 3-0.

REVISED SITE PLAN FOR ON THE GO TRAVEL CENTER – APPLICATION FS2021-01

Chairperson Daley introduced Application FS2021-01 as a Revised Final Site Plan for On the Go Travel Center. He requested City Staff present their findings.

Ms. Crow stated Application FS2021-01 has been applied for by Mr. Judd Claussen from Phelps Engineering. The property is owned by Mr. Sobaiti and is located just north of the subject parcel where the Interstate Pole Sign addressed in CU2021-01 will be located. The site is approximately 12.162 acres. She stated the development is located on the northeast corner of Homestead Lane and I-35. The project will serve highway traffic along the I-35 corridor and LPKC. The 7,200 square foot travel center proposes a convenience store with quick service food, fuel pumps for both passenger vehicles with a truck wash and truck service facility.

Ms. Crow explained the submitted Revised Final Site Plan contains several updates since receiving approval for other revisions from the Commission on March 10, 2020. The new proposed changes include the addition of a vestibule on the truck maintenance facility, the location of the Interstate Pole Sign addressed in Application CU2021-01, and a proposed restaurant expansion of 4,700 square feet on the north end of the building with a drive through for quick service food delivery.

Ms. Crow said access to the property is from W 200th Street via 2 private access points. Water is provided by Johnson County Water District #7 and sanitary sewer will be provided by the City. The electrical service will be provided by Evergy and Kansas Gas will provide gas service. The City will provide police service through the Johnson County Sheriff's Office and Johnson County Fire District #1 will provide fire protection. She said the development is located within the Bull Creek watershed.

Ms. Crow informed the Commission that upon review of the Revised Final Site Plan submittal for compliance with the requirements of Article 10, Site Plans and Design Standards; Section 4.3, Heavy Service Commercial, or C-2, District; Section 4.6, Awning and Fencing; Section 4.7, Fuel Stations, Convenience Stores and/or Drive-Throughs, of Article 4, and Article 16, Parking and Loading Regulations, of the UDC, City Staff did note items that need to be addressed.

Ms. Crow said the first item is the addition of the drive-thru lane and end cap restaurant area has decreased the total amount of proposed vehicle parking stalls. Applicant did not provide an updated parking count at the time the packet was published. The applicant has since provided revised drawings and stated the parking is adequate. City Staff will review to ensure this requirement has been met. The second item was the sidewalks and ramps need to meet ADA requirements and need to be marked as pedestrian crossings. The sidewalks near the curbside pickup stalls should be widened to at least six (6) feet to account for vehicle overhang. Ms. Crow explained the City Engineer has stated that the proposed sidewalk crossing of the thirty (30) foot wide access point should be perpendicular to the centerline of the roadway. The City Engineer also noted that the ten (10) foot radius of the north side of the drive-thru connection will be tight for vehicle movement and should be reconsidered. The applicant has again provided updated plans that will be reviewed by City Staff to ensure it meets the requirements.

Ms. Crow stated the requirements outlined in Article 4 have been met. The applicant will use the same materials on the expansions as the previously approved buildings. She pointed out the changes made to the overhead doors to be used on the truck wash. Glass doors are proposed on three (3) out of the five (5) previously aluminum doors. City Staff believes this change will increase the aesthetics of the

building and meets UDC requirements. City Staff will also continue to ensure all equipment is adequately screened, including ground mounted equipment. She explained the final item City Staff noted were the awnings to be used for the drive-thru windows. The applicant will use the same awnings as previously approved Final Site Plan.

Ms. Crow informed the Commission no approval for any signage, including but not limited to monument signs, parked vehicle service signs, onsite identification signs, vehicle drive lane signs, vehicle drive lane accessory signs, wall signs have been provided as part of the Revised Final Site Plan process. The applicant has acknowledged that before the installation of any signage including the drive-thru menu boards, the applicant must provide sign specification that meet Article 12 of the UDC and complete a Sign Application for each sign to be installed. An approved Sign Permit and/or Building Permit will be required as well.

Ms. Crow said City Staff recommends approval of Revised Final Site Plan FS2021-01 which revises FS2020-01 subject to compliance with the following stipulations:

1. The staff recommendations and comments noted related to infrastructure, landscaping, the stormwater plan and all else discussed as included in the Staff Report are included as stipulations as part of approval of this Final Site Plan.
2. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City. No work may be completed until a Building Permit has been issued.
3. Any items added must comply with the Edgerton UDC and it is the building owner's ultimate responsibility to ensure code compliance.
4. Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein.

Chairperson Daley said most of the changes were part of the original concept and he does not see any issues with the revisions.

Commissioner Little motioned to approve Revised Final Site Plan FS2021-01 with the stipulations outline by City Staff. Commissioner Lebakken seconded the motion. Application FS2021-01 was approved with the stipulations, 3-0.

PRESENTATION FROM MR. JAMES OLTMAN, PRESIDENT OF ELEVATEEDGERTON!

Ms. Linn requested a short recess to allow Mr. Oltman to set up for the presentation. Chairperson Daley adjourned the meeting for a short recess at 7:53 PM. The meeting reconvened at 7:56 PM.

Ms. Linn explained following one of the recent Planning Commission meetings, Commissioner Crooks requested information about economic development in Edgerton if it could be presented to the Commission. She invited local experts, Mr. Oltman and Mr. Chris Gutierrez, President of KC SmartPort. She said the goal of this presentation is to provide information to the Commission.

Mr. Oltman thanked City Staff and the Commission for this opportunity. He explained ElevateEdgerton! (Elevate) is a public-private partnership and Elevate is its own separate organization. Mr. Oltman clarified he is not employed by the City and he answers to a board. Elevate does have a contract with the City to aid in economic development, but seventy percent (70%) of the funding of Elevate is from private business. Those are partners who have invested in Edgerton; not only LPKC but the residential aspect as well. He stated BNSF, Johnson County Water District #7, Evergy, and Central Bank of the Midwest are members of Elevate. In total there is about twenty (20) members support Elevate and support Edgerton.

Mr. Oltman said Elevate has four (4) main priorities. The first being commercial and retail development recruitment. The second priority is residential development recruitment. So far, there has been great success in commercial and retail development and Elevate is trying to get residential to catch up. Elevate is also attempting to recruit retail developers right now to support Edgerton and LPKC. The third priority are workforce development. Elevate has been working on increasing in number of jobs and keeping those jobs filled. He explained Elevate needs to make sure partners are getting positions hired and keeping them employed here in the community. Johnson County Community College is also a partner and they help educate and train employees to advance in a company they work for. The final priority is assisting with the growth of LPKC. Mr. Oltman said Elevate's partners in NorthPoint and BNSF do most of the hard work at recruitment of companies, but they do some as well. Elevate looks to regional partners to help and they have forwarded potential companies to Elevate to help show the company the benefits of Edgerton and LPKC.

Mr. Oltman said he is the presentation will be regarding the projected growth of Edgerton. There are three (3) segments that need to be looked for growth. He explained those segments are residential, commercial including retail, and LPKC. He wants to provide information as to where development may occur now and in the future. This will include to what the Commission can expect to see in terms of applications that will be presented to them and the challenges that has limited certain types of development.

Mr. Oltman started with the residential segment which can then be broken down to 3 main types of development. Residential development can take place in the form of single-family which are the typical houses; medium-density multi-family in the form of duplexes or townhomes and high-density multi-family which are larger apartment complexes. He showed an aerial photograph to indicate some areas for natural residential growth to happen. The natural progression of growth would be towards the southeast of the residential area of Edgerton. The land is privately owned land with some potential sellers, and some are not interested in selling at all. Mr. Oltman explained this is challenging as some areas might be better suit for development, but the property owner does not want to sell at this time. Mr. Oltman stated location is also key in development. He explained there is a property in middle of the City and the property owner wants to develop it. However, it is limited it to single family development as it is between two other single-family developments.

Mr. Oltman said closer to I-35 is where higher density development should be built that will transition to single-family development. He said there could be some development north of Highway 56 but there are challenges in providing infrastructure to that area. The sanitary sewer is the most challenging as there are roadways to maneuver around. It is also possible for there to be some commercial retail and mixed-use development along 56 Highway that could transition to medium-density and single-family

residential developments. With these developments, the first thing to look at is the infrastructure like the sanitary sewer system. Currently, the sanitary sewer does not extend to the south and will have to be extended. This will add to the cost over the development, which is owed by the developer unless it is negotiated. Mr. Oltman explained some parcels are not for sale so there cannot be development on those parcels. Developers also have Big Bull Creek Park that is not available for development. He said the infrastructure is limiting where the growth can go. There have been conversations regarding residential development and even some developers reached out as recently as the end of 2020.

Mr. Oltman focused on commercial development and stated there are 3 main areas for short term growth. Those areas are along 56 Highway, near the Sunflower Street exit, and near the Homestead Lane interchange. He explained the north side of 56 Highway could be developed with retail and mix-uses. The main challenges are the sanitary sewer expansion, and the property owners are not willing to sell at this time. Mr. Oltman stated another big challenge is the location of a gas main that has a 100-foot building setback on either side of the gas main. He explained this dampens the chance of development of any site the gas main is in. Sidewalks and parking lots can be placed on top of the gas main and within the setback, but all buildings have to be at least 100-feet away from the main. This limits where a business can be the building and location and visibility is extremely important to these developments. Mr. Oltman said Elevate and City Staff can suggest good locations for developers, but it is ultimately up to the company where they build. Elevate tries to work through the challenges, but the companies are the ones making the investment.

Mr. Oltman said another area where commercial development could happen is near the Sunflower Road exit. He said there is already a huge benefit to the community in this area with the recent opening of Lewis Indoor Sports. This could help aid commercial development near Sunflower Road. This would be commercial development for the residential community as this interchange is not to be used for truck traffic. All commercial development to be utilized by truck traffic will be pushed to Homestead Lane. He said there have been some developers who wanted to put truck service and repair in this area but the City and Elevate will not support that development at this intersection. Mr. Oltman explained there could be a residential with commercial development on the east side of Sunflower Road at I-35. This could be developed on the south of I-35 as well, but all infrastructures would have to be extended across I-35. Once the north has been fully developed, then development will cross I-35. Chairperson Daley inquired if there have been any serious attempts for property acquisitions. Mr. Oltman replied there have been some prospects on both side of Sunflower Road which City Staff and Elevate have put in a lot of time and effort, but the numbers did not work for an agreement to be reached. There are many challenges to overcome and most of the time, the discussions do not work out. Ms. Linn stated another big challenge is the sizes of the parcels. She explained there are a limited number of developers who could purchase a large lot of land and develop it over many years. Most residential developers want smaller parcels then slowly expand as the properties are sold. Combined with the available infrastructure, the number of developers able to undertake this challenge is small. Typically, developers start with 10 acres, but the parcels are much larger than that. Mr. Oltman explained developers know the market is there, but nobody is wanting to take that big of a risk to develop the large lots. He knows there has not been a residential development in Edgerton in many years. He explained if the only concerns were about the numbers then the development would be there, but the City wants a quality developer with a quality product that will last decades. The development needs to be a good fit for the community for the long run.

Mr. Oltman said Homestead Lane is where the new travel center is going. There is a commercial

corridor at 200th St and Homestead Lane where there is some commercially zoned property. Getting the first building and tenant to come in is always the key to kickstart development. That is why the construction of the travel center is a big deal for the City. He said this will open the opportunity for other companies come in and take smaller parcels for development. There has been some interest from other quick service restaurants, or a small strip mall type development could go on the 10-acre parcel to the east of the travel center. Mr. Oltman said some interest has been expressed for the land on the west of Homestead Lane. There was a development that did not work out, but this area is in the TIF district to help entice developers. Once the travel center opens, Elevate expects a lot more development to happen in this area. He explained there could be another truck stop and other restaurants to open nearby. Perhaps a hotel or two could be constructed at the interchange. Before the pandemic hit, a feasibility study was completed, and it did show a hotel could thrive in this area.

Mr. Gutierrez spoke to the Commission. He explained Edgerton has a lot going on but is a small part of Kansas City area in terms of logistics. He stated the regional economic development plan focuses on industrial development. There was \$900,000,000 in capital investments in the Kansas City (KC) metro area and 16,000,000 square feet of warehouses constructed in 2020. This was another record-breaking year for industrial development for the KC area. The pandemic has changed how Americans eat and how the food is prepared. The need for frozen food has expanded and is still increasing. Over half of the projects in 2020 were food related. This has led to an increased need in cold storage as there is a lack of these facilities across the nation and Edgerton is home to ColdPoint. Mr. Gutierrez said e-commerce was growing before the pandemic and the pandemic made it boom even quicker. There has been 5 years of development in 3 months in e-commerce and the need for distribution during the pandemic per UPS. This has led to an increase of spec and industrial development in all areas of KC and LPKC is at the forefront of KC. He said 2021 is on pace for another record year as 12,000,000 square feet of warehouses are planned to be built this year. Edgerton is great market for KC and LPKC and logistics will continue to grow. Ms. Linn inquired to as why KC has been a hub for logistics development. She explained people often think Edgerton is battling nearby cities like Lenexa and Olathe for development, but Edgerton is also battling Dallas and Indianapolis and other large cities. She also asked Mr. Gutierrez about the workforce flow. Mr. Gutierrez said KC is the prime location for logistics as it is in the center of the nation. 85% of the population can be reached in 2 days by truck. There was a large amount of freight before the pandemic, and it has only increased since then. There is also the ability to utilize all 4 modes of transportation. Companies can use truck, rail, air, and ship to get things in and out of KC. The other reason why KC is large in logistics is because companies can get to the market quick than in other cities. He explained there is an available workforce in KC as well. There are low unemployment numbers and having JCCC onsite to help train employees is a huge asset to Edgerton. KC is competing against other large cities, but KC is also coming up with solutions quicker than the other cities. KC has the employees, has ways to train them, and is able to be competitive in benefits and in wages.

Mr. Oltman showed a map of Phase I of LPKC, which is north of I-35. He explained there are some areas where warehouses could be built. LPKC started as a small triangle and the BNSF Intermodal took a large part of that area. He said just north of the intermodal is reserved for rail-served projects. A rail spur would be constructed to allow a train to pull items right up to or into the building. If rail spur is not going to be utilized, then a project would be better suited to be on another property. Mr. Oltman said there is a property with one single house that is privately owned and there is some interest in selling the property but there is a lot of flood plain on the property that presents a challenge to develop the property. There is also the tree farm in the area that takes up property. The property owners do not

want to sell so that land is currently undevelopable. He stated there is flood plain on the east of Homestead Lane preventing development on that side. There are some sites available for smaller buildings are possible there but not for large scale warehouses. There are other properties that are not owned by NorthPoint or unable to be developed at this time. There are other developers who could build out there as well on any of the privately owned land. Elevate has attempted to direct companies to some land that is privately owned for development, but nothing has stuck yet.

Mr. Oltman explained there are 2 main types of buildings constructed in LPKC. Those are spec buildings and built-to-suit construction. Developers will construct a warehouse with no tenant as a spec building and it is a huge risk for the developer. The most successful spec buildings are typically around 1,000,000 square feet. Built-to-suit constructions are when a company asks for a certain size building and requests the developer to build it. There are more built-to-suit areas than spec areas in Phase I. In Phase I, there is about 2,200,000 square feet of warehouse space left to build until Phase I is built out. Commissioner Little inquired about the difficulty for rail-serve projects. Mr. Oltman replied there is an ability to build up to 2,500,000 square feet of warehouse for rail-serve projects. Ms. Linn added those projects are built-to-suit and it is a large investment as it is a lot of construction at a high price. There are also issues of conservation for the rail-served area. The southwest corner of the rail-served area will be the most difficult. Commissioner Little inquired if there are any prospects for a rail-served project. Mr. Oltman replied there have been submissions but Elevate has not landed one yet. Ms. Linn stated out of the leads for LPKC, about 20% to 25% companies believe they require rail service, and those companies who think it is necessary, see the price of the construction and reconsider rail service. She explained there are certain companies that use the rail-serve. Mayor Roberts said he has not heard of one rail-served project since he has been Mayor. Mr. Oltman said many companies who use rail-serve, also use lay down lots and then construct only an office and restroom. Those types of sites were not the intention of Edgerton when LPKC was considered. LPKC is a logistics park that looks and feels like a business park. Outdoor storage is not allowed and there are design standards to be followed.

Mr. Oltman showed a map of Phase II of LPKC, which is south of I-35. He said the map shows what has been annexed and most of it has been rezoned. There is space where Kubota could construct another building. The Hostess Distribution Center and IP 52, that will be built soon, is shown as well. There is a small amount of space currently in Phase II. He estimated 1,500,000 square feet of warehouse space is available in Phase II after IP 52 is built. He warned if no more land is rezoned, then there would be no more development of LPKC. There has been a lot of discussions about available land, but once it is looked carefully the challenges are considered, the options dwindle quickly.

Mr. Oltman focused on the future growth of LPKC. In-fill development will continue as project requirements allow and will go until all available space is full. He said it is not feasible to cross 56 Highway. An off-grade crossing over the trans-continental rail line would need to be constructed, is extremely expensive and cost prohibitive. This option was looked at during the early stages of planning of LPKC with the City of Gardner and it was estimated it would cost about \$200,000,000. There are also oil wells north of 56 Highway that make industrial development prohibitive. The developer would have to shut down and cap the wells. The cost and work would not be conducive for a large-scale development. On top of those challenges, the land is privately owned and would have to be purchased first. Mr. Oltman explained KDOT has made investments in 207th Street to facilitate future growth to the south of I-35. The total cost to upgrade Homestead Lane and 207th Street was \$12,000,000 and KDOT invested \$9,000,000 on the interchange. This shows KDOT does expect to see additional development south of I-35. There has been significant infrastructure development made by KDOT, Johnson County,

and the City to try to keep traffic within LPKC and direct traffic to the Homestead Lane interchange. Gardner Road was never intended to be used for LPKC traffic. The diverging diamond interchange was constructed at Homestead Lane, a median was placed to prevent truck traffic on 183rd Street. There are areas within Edgerton's jurisdiction that have not been upgraded purposefully to discourage truck traffic. Mr. Oltman said Waverly Road north of ColdPoint was not fully developed to discourage trucks using that route. He explained Edgerton has no control over traffic flow and infrastructure upgrades outside its jurisdiction. The City cannot control Gardner Road over I-35 or 191st Street at Gardner Road. Edgerton wants to work with other jurisdictions to come up with a plan for truck traffic. What has been built in LPKC is designed for LPKC traffic. When Kubota was constructed on 207th Street, the road was gravel, and the City knew the requirement of upgrading it was part of the development. Mr. Oltman warned that LPKC is getting dangerously close to being full and if nothing changes then the growth stops. He said LPKC has been a benefit for Edgerton and the region. The Cities of Gardner and Spring Hill have grown as well in residential and commercial development. The Gardner-Edgerton School District, Fire Department, Johnson County Library, and Johnson County Parks all receive funds from LPKC.

The Commission thanked Mr. Oltman for the information and his time.

FUTURE MEETING

The next Planning Commission meeting is scheduled for April 13, 2021 at 7:00 PM.

ADJOURNMENT

Motion by Commissioner Lebakken to adjourn the meeting, Commissioner Little seconded. Motion was approved, 3-0. The meeting was adjourned at 9:02 PM.

Submitted by Chris Clinton, Planning and Zoning Coordinator

MEMORANDUM

Date: April 13, 2021
To: City of Edgerton Planning Commission
From: Beth Linn, City Administrator and Katy Crow, Development Services Director
Re: Rezoning Applications ZA2020-02 through ZA2020-08

On January 12, 2021 a public hearing was held by the City of Edgerton Planning Commission (the Commission) regarding Applications ZA2020-02 through ZA2020-08. Upon conclusion of the public hearing, the Commission voted to continue these applications to the February 9, 2021 Commission meeting and requested that staff assemble a presentation of the possible economic impacts on the applicant properties and to neighboring properties as a result of the requested rezoning. Staff provided a memo at the February 9, 2021 Commission meeting and subsequent to the review of the staff memo, the Commission voted to recommend denial of Applications ZA2020-02 through ZA2020-08.

On March 11, 2021 the City of Edgerton City Council heard public comment related to Applications ZA2020-02 through ZA2020-08 and reviewed the Planning Commission staff reports. Typically for any rezoning applications (zoning amendments) presented to the City Council for consideration, the City Attorney would prepare a draft ordinance based on findings presented in the Planning Commission staff report and any additional discussions held by the Planning Commission. The recommendation for denial from the Planning Commission did not include any findings or information to provide the context for recommendation for denial.

At the March 11 City Council meeting, the City Attorney discussed the *Golden v. City of Overland Park* case for further clarification of the role both the Planning Commission and City Council play in requests for zoning amendment. The City Attorney advised the Governing Body that when considering rezoning applications both the Planning Commission and the City Council are sitting in a quasi-judicial role. In that role, a decision is made which could be challenged in court by a party to the rezoning. Should that occur, a reviewing court would be determining if the City's approach to making its decision on the rezoning was reasonable. What the *Golden* case provides is a method by which a City can demonstrate that its decision was reasonable, through use of the factors both the Commission and the City Council review and discuss.

In the *Golden* court decision, the court states that "a mere yes or no vote upon a motion to grant or deny leaves a reviewing court, be it trial or appellate, in a quandary as to why or on what basis the board took its action. A board, council or commission, in denying or granting a specific zoning change, should enter a written order, summarizing the evidence before it and stating the factors which it considered in arriving at its determination."

Due to the fact that the Commission's recommendations on Applications ZA2020-02 through ZA2020-08 were blanket denials and did not include specific evidence of the rationale for the Commission's decision, the City Attorney advised the Governing Body to remand Applications ZA2020-02 through ZA2020-08 to the Commission to allow it to provide such evidence and

factors considered. This was in contrast to Applications ZA2021-01 to ZA2021-05 considered by the Commission, in which the motion to approve included specific reasoning for approval (location of the property in relation to the LPKC infrastructure) or cited City Staff's specific recommendations for approval. It is also important to note that in the City Council's order to remand Applications ZA2020-02 through ZA2020-08 it specifically stated that such revisiting of the Applications be without additional public hearing but solely involve clarification of the rationale for its recommendation.

City Attorney stated that not all the factors considered in a rezoning case carry the same weight; nor do the findings of all the factors have to all be in support of either a recommendation for approval or denial. However, both the Planning Commission and City Council do need to include in the motion those factors relevant to support their findings. These do not need to be submitted in advance or in writing as they will be reflected in the minutes; however, do need to be included with the motion.

Enclosed with this memo are several items provided previously to either Planning Commission/City Council related to Applications ZA2020-02 through ZA2020-08.

- **Planning Commission Staff Reports** – Includes a review of each 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.
- **Memo to Planning Commission related to Economic Impact Analysis** – Examines the economic impact of the properties requested to be rezoned, then continues to get broader in nature to address the economic impact of the adjacent properties and finally the economic impact more regionally.
- **Memo to City Council** – Provides information related to several recurring themes throughout the public process including:
 - Inadequate Current Infrastructure
 - Truck Traffic
 - Revenue Generated by LPKC
 - Investment by Edgerton of LPKC Revenues
 - Stormwater and Impact to Hillsdale Lake

Any public comments received by the City related to these applications can be found through the following links on the City's website. These public comments were not duplicated in this packet as there are already available through the links below and City Council specifically remanded the applications without further public comment.

Planning Commission Packets and Minutes:

January 12, 2021

<https://edgertonks.org/wp-content/uploads/PC2021-01-12-PACKET.pdf>

<https://edgertonks.org/wp-content/uploads/2021-1-12-Minutes.pdf>

February 9, 2021

<https://edgertonks.org/wp-content/uploads/PC2021-02-09-PACKET-Part-1.pdf>

<https://edgertonks.org/wp-content/uploads/PC2021-02-09-PACKET-Part-2.pdf>

<https://edgertonks.org/wp-content/uploads/2021-2-09-Minutes-Compiled.pdf>

City Council Packet and Minutes:

March 11, 2021:

<https://edgertonks.org/wp-content/uploads/AMENDED-PACKET-1-of-2-03.11.2021.pdf>

<https://edgertonks.org/wp-content/uploads/PACKET-2-of-2-03.11.2021.pdf>

<https://edgertonks.org/wp-content/uploads/Minutes-03-11-2021.pdf>

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

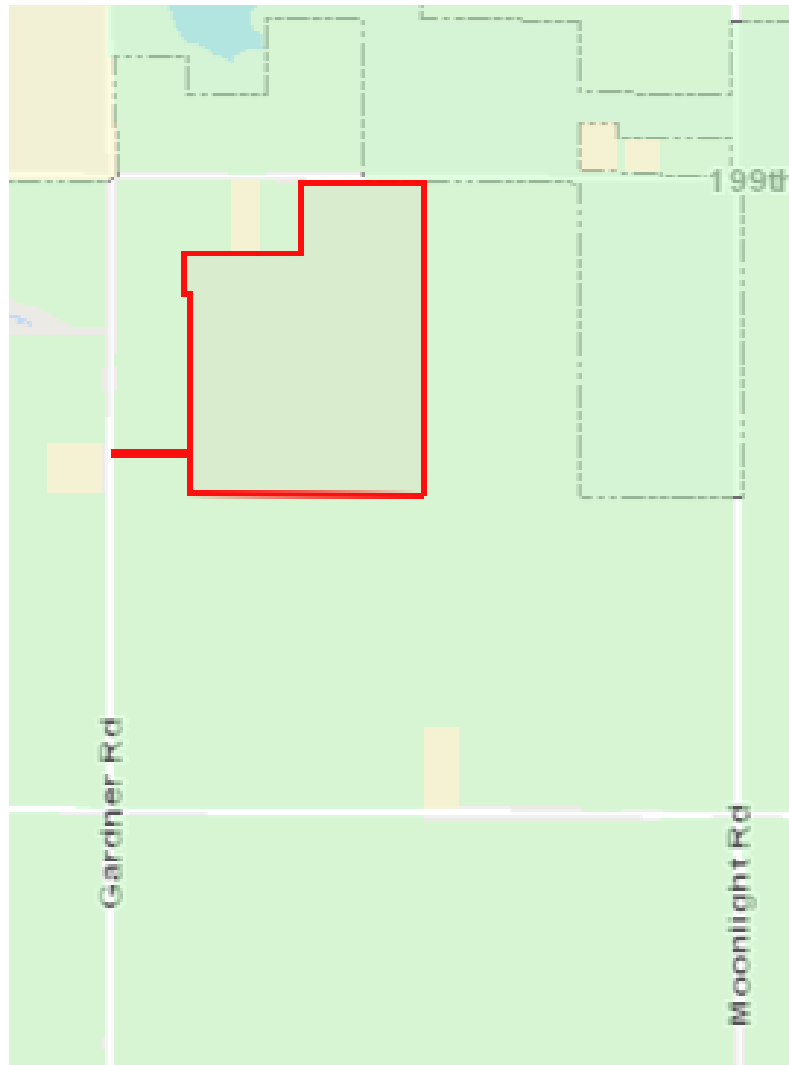


Figure 2 is a closer look at the adjacent parcels and their zoning designations.

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

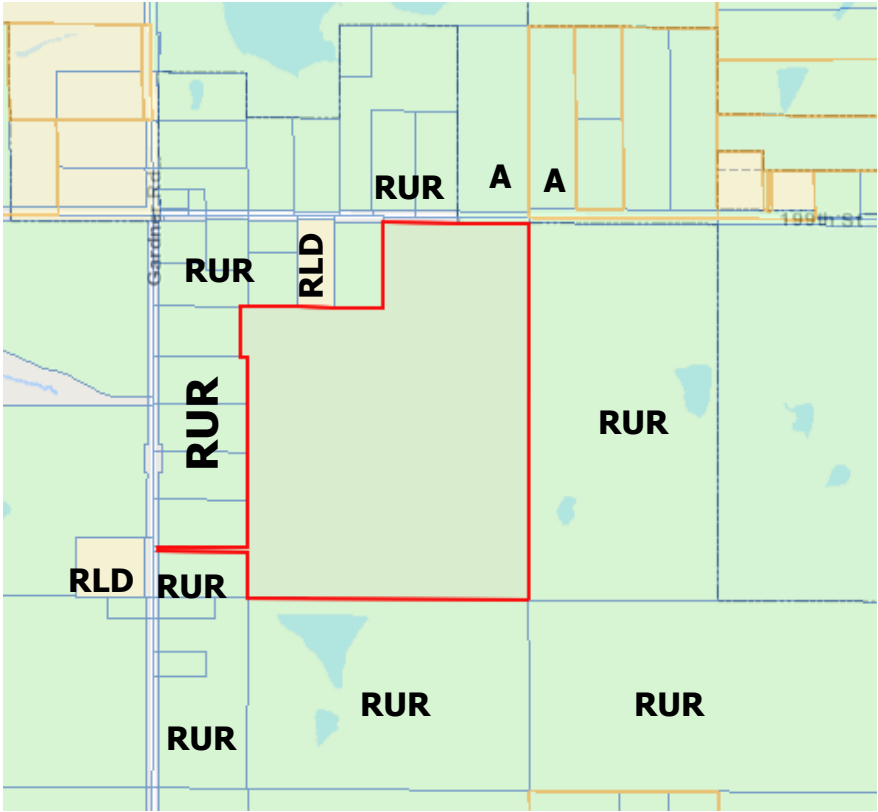


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.63 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly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

Figure 3

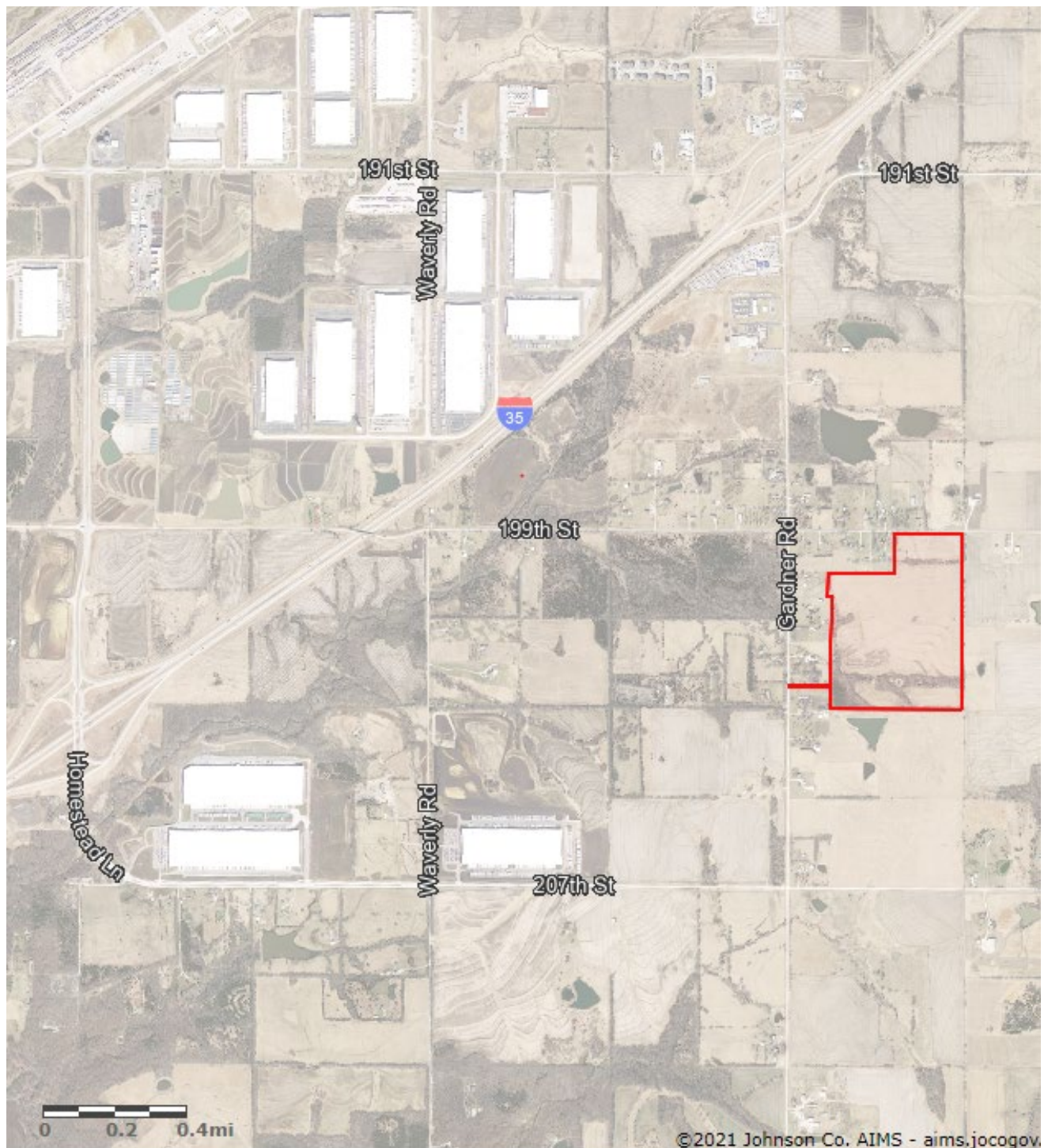
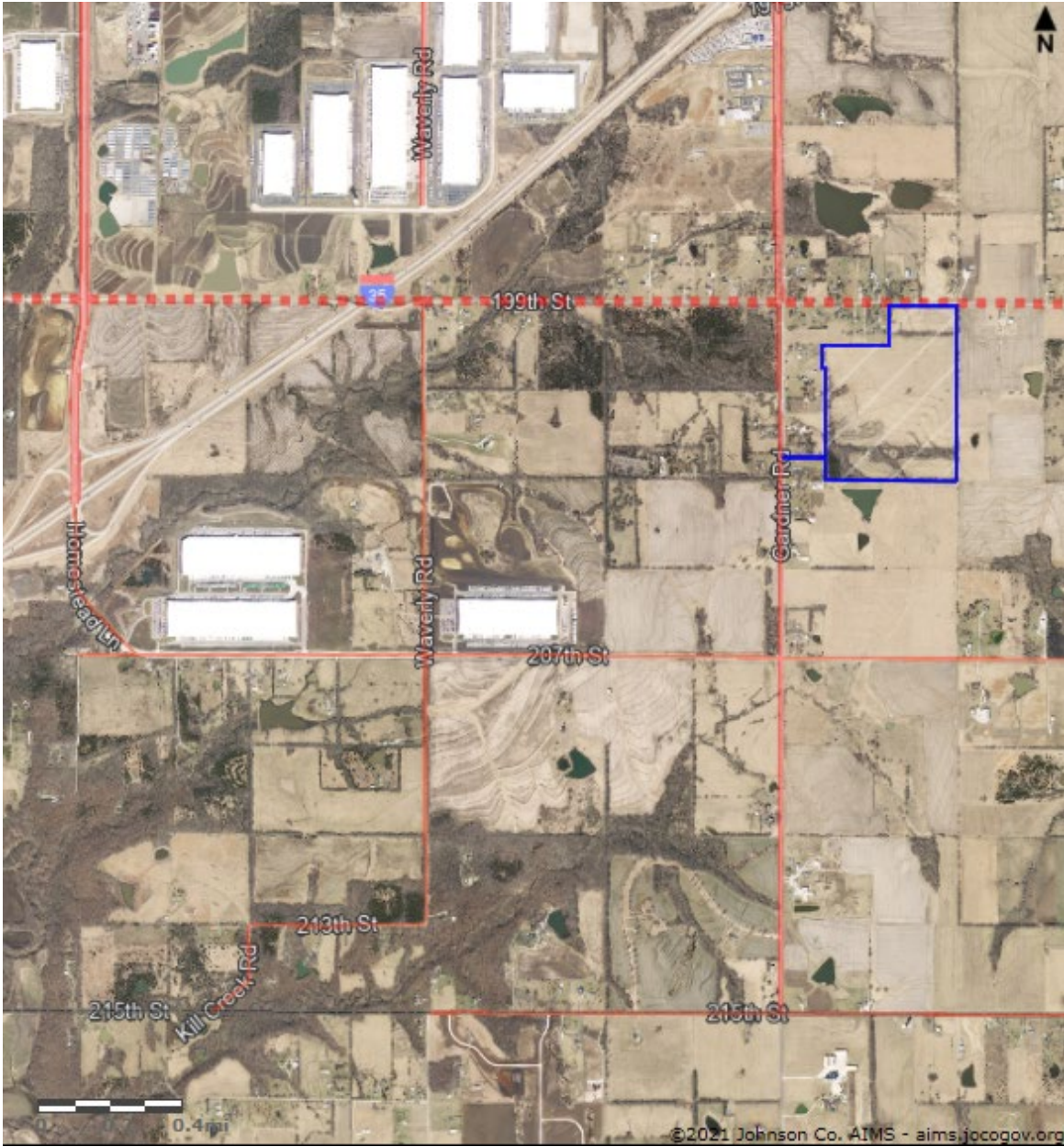


Figure 4 shows the relation of the subject property, outlined in blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

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:

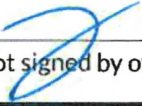
1. All infrastructure requirements of the City shall be met;
2. All platting requirements of the City shall be met;
3. All Site Plan application requirements of the City shall be met;
4. Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and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

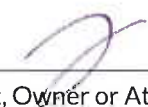
City

State

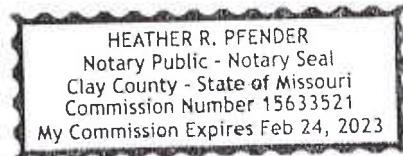
Zip

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:

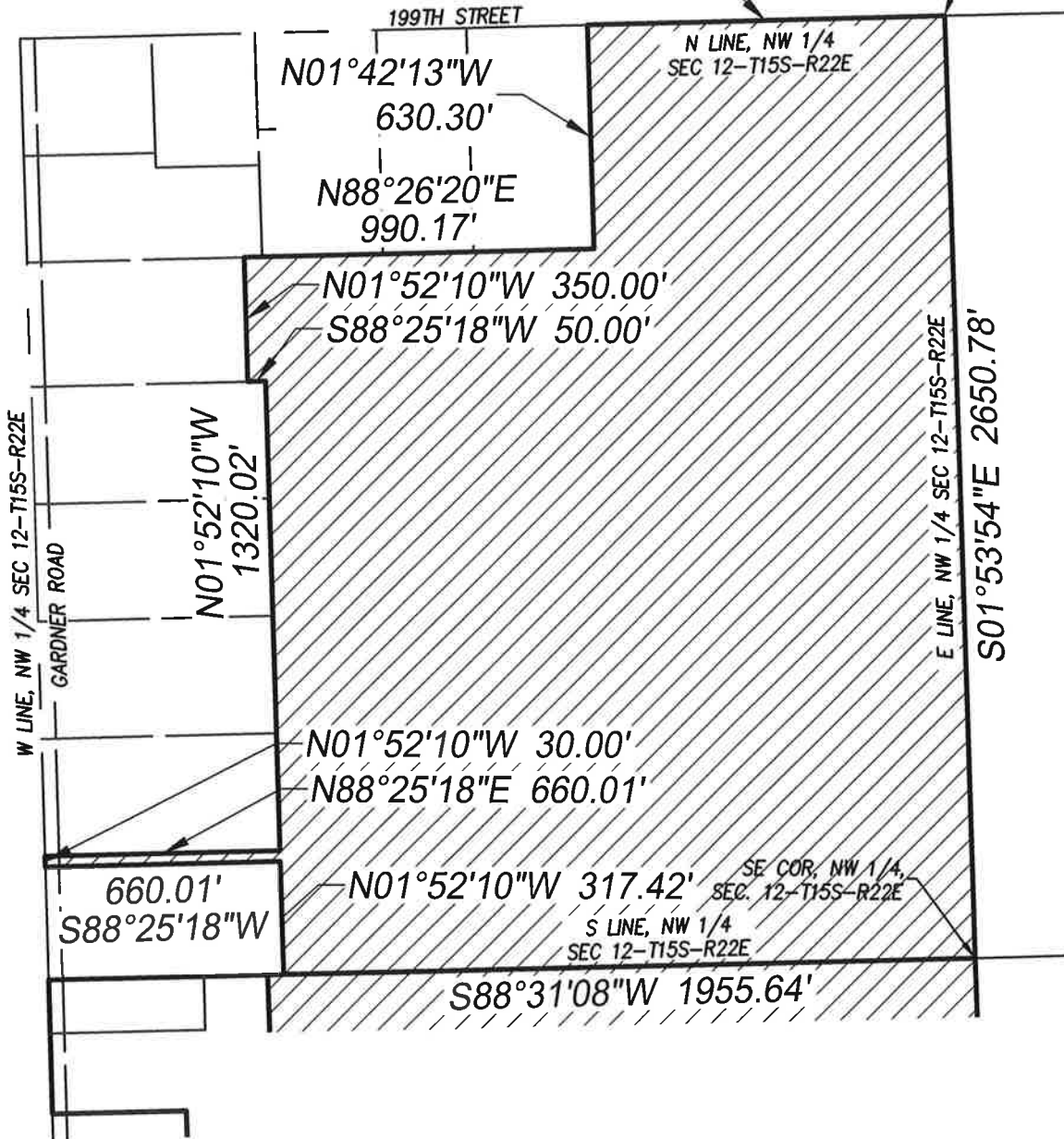
All that part of the Northwest Quarter of Section 12, Township 15 South, Range 22 East, in Johnson County, Kansas, more particularly described as follows:

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'



1"=500'

0 250' 500'



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

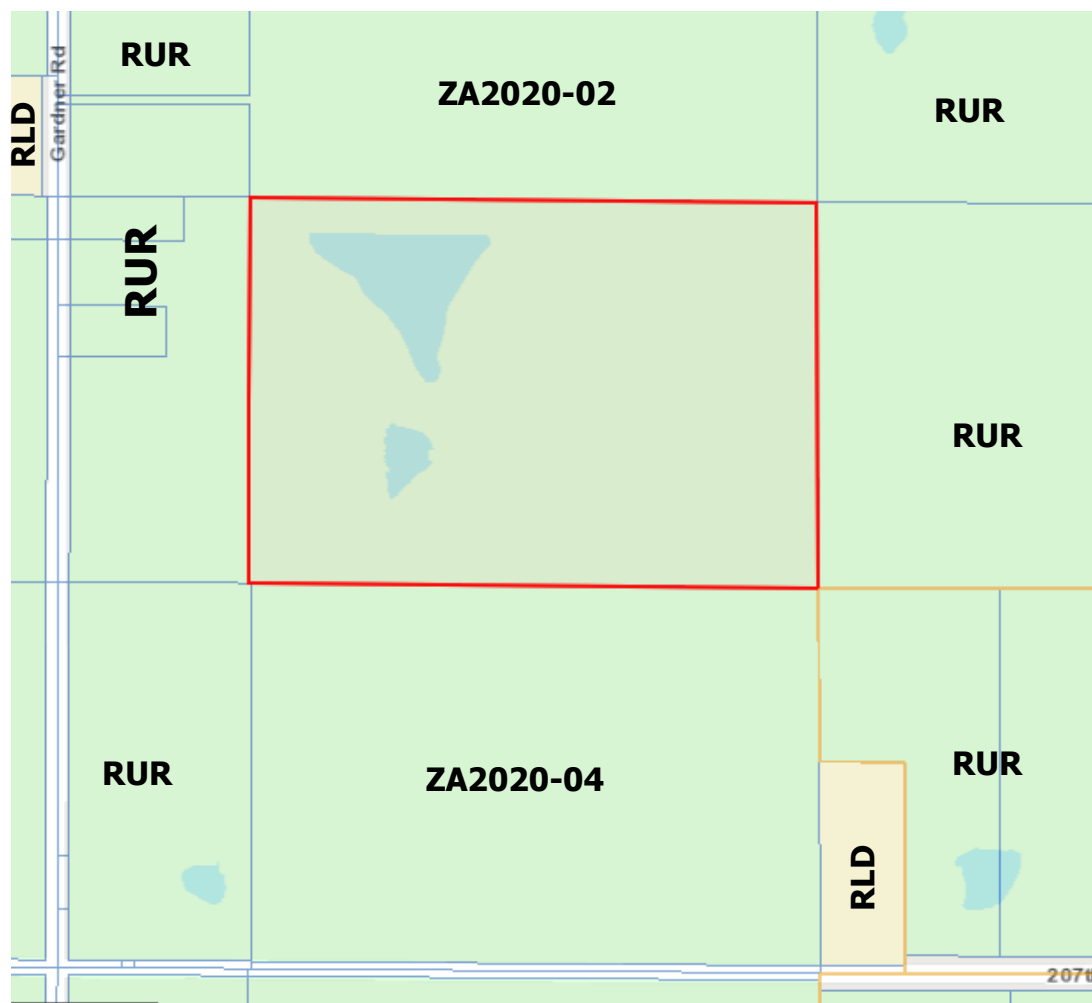


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.64 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly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

Figure 3

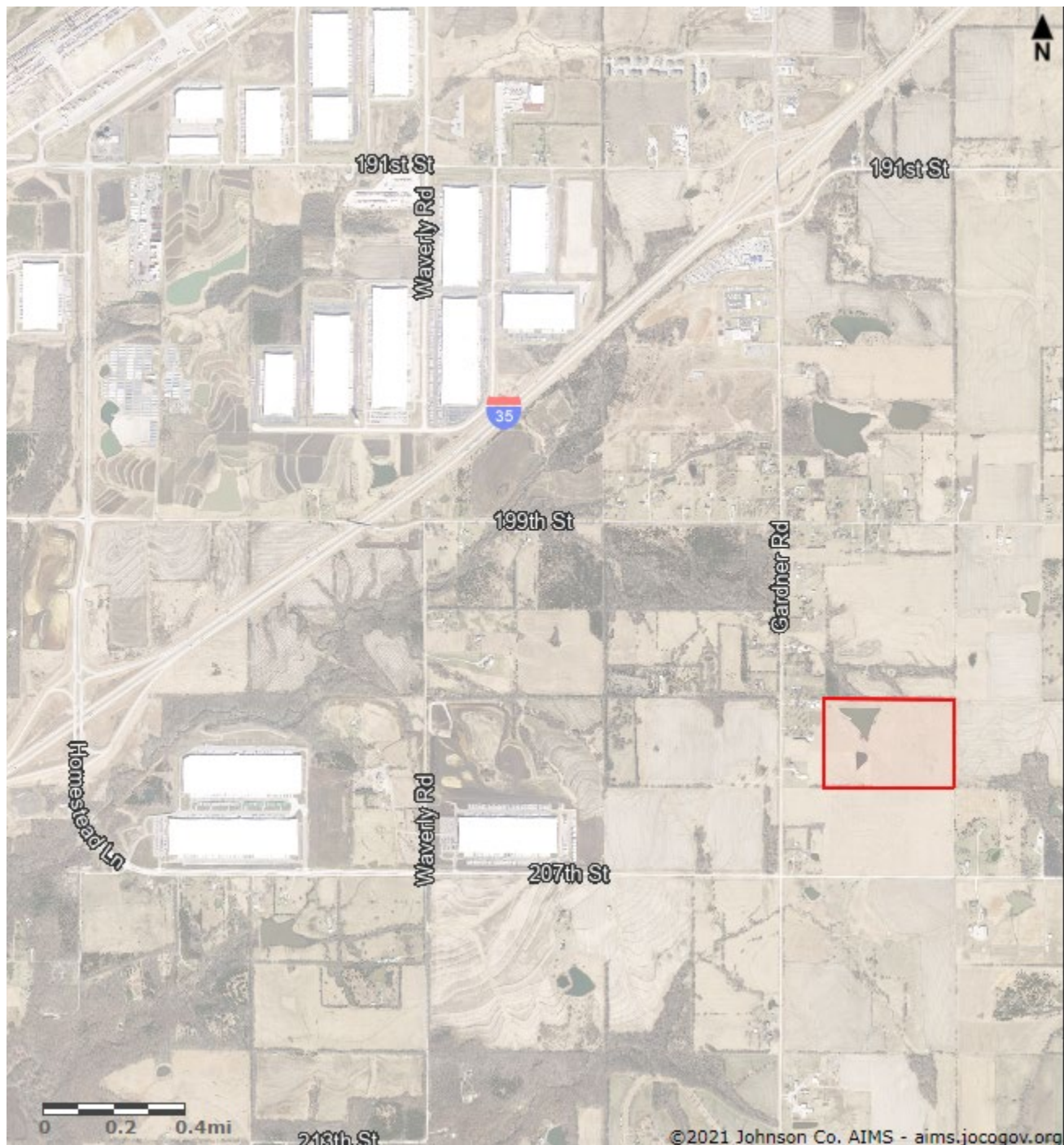
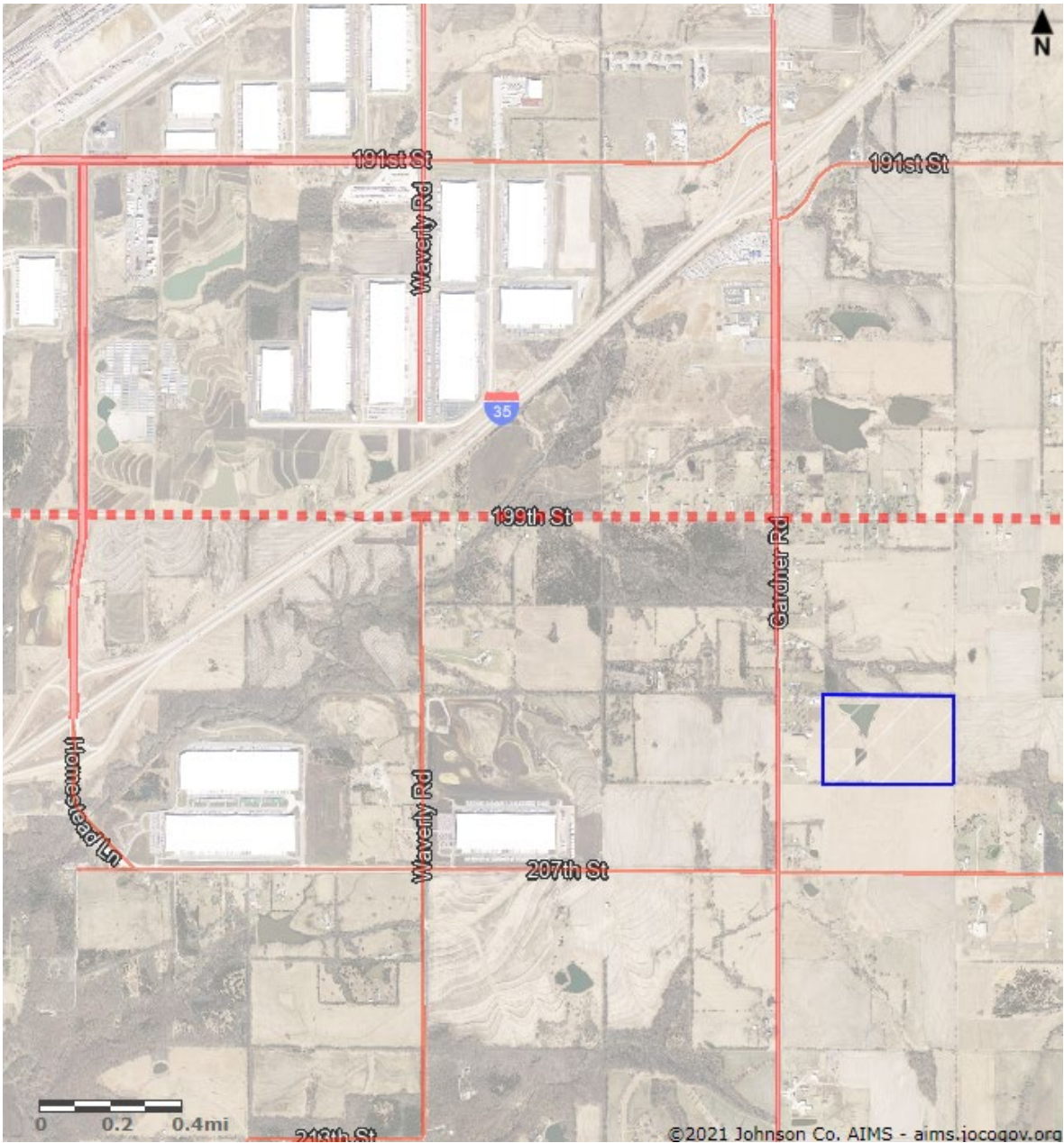


Figure 4 shows the relation of the subject property, outlined blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

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:

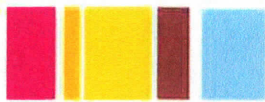
City staff recommends **approval** of proposed rezoning **Application ZA2020-03** from Johnson County Rural (RUR), to City of Edgerton Logistics Park District (L-P) with the following stipulations:

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.

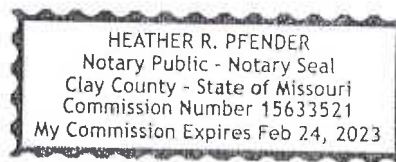
These notices were mailed on the 23rd day of December, 20 20

[Signature]
Signature of Agent, Owner or Attorney

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

[Signature]
Notary Public

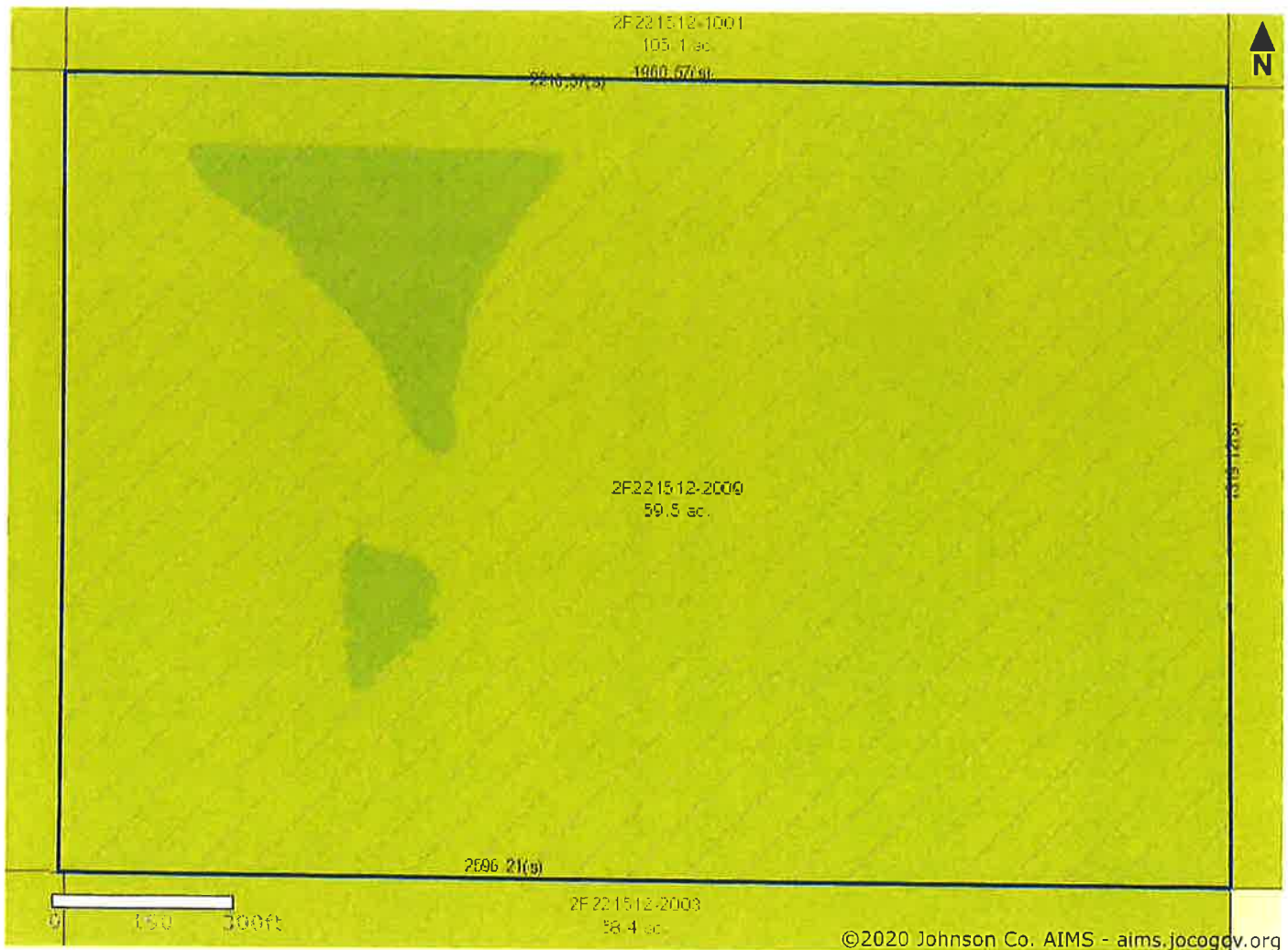
My Commission Expires: 2-24-23 (SEAL)
Date



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.</i> (abbreviated)	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

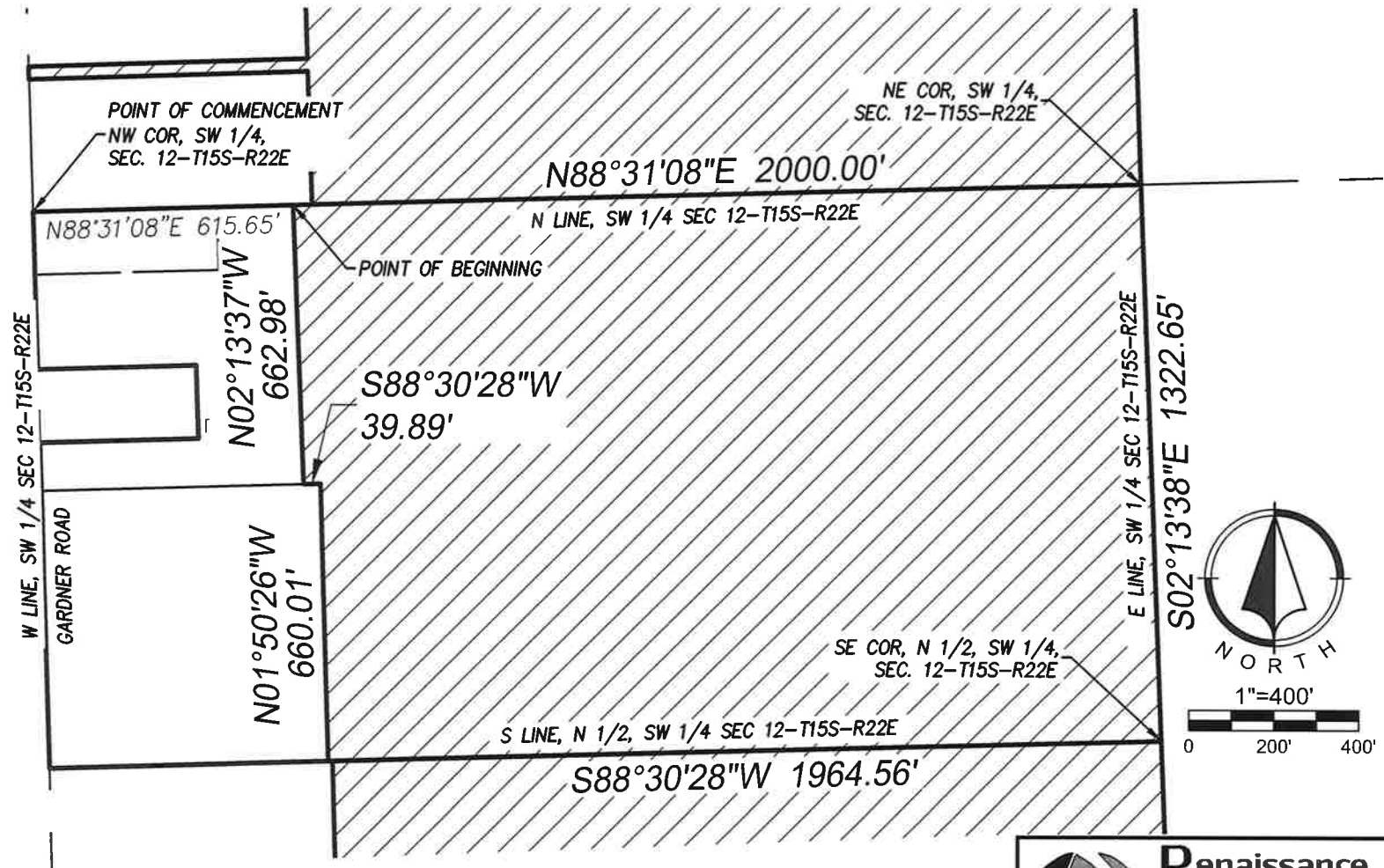


Property Description:

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

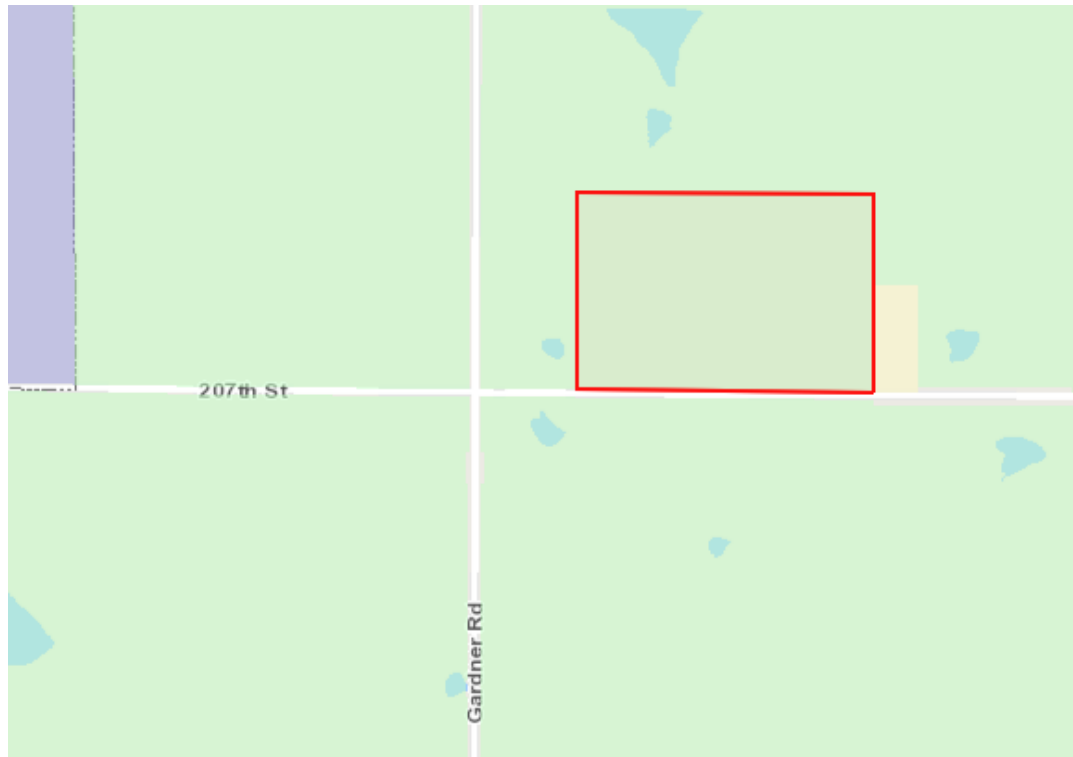


Figure 2 is a closer look at the adjacent parcels and their zoning designations.

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

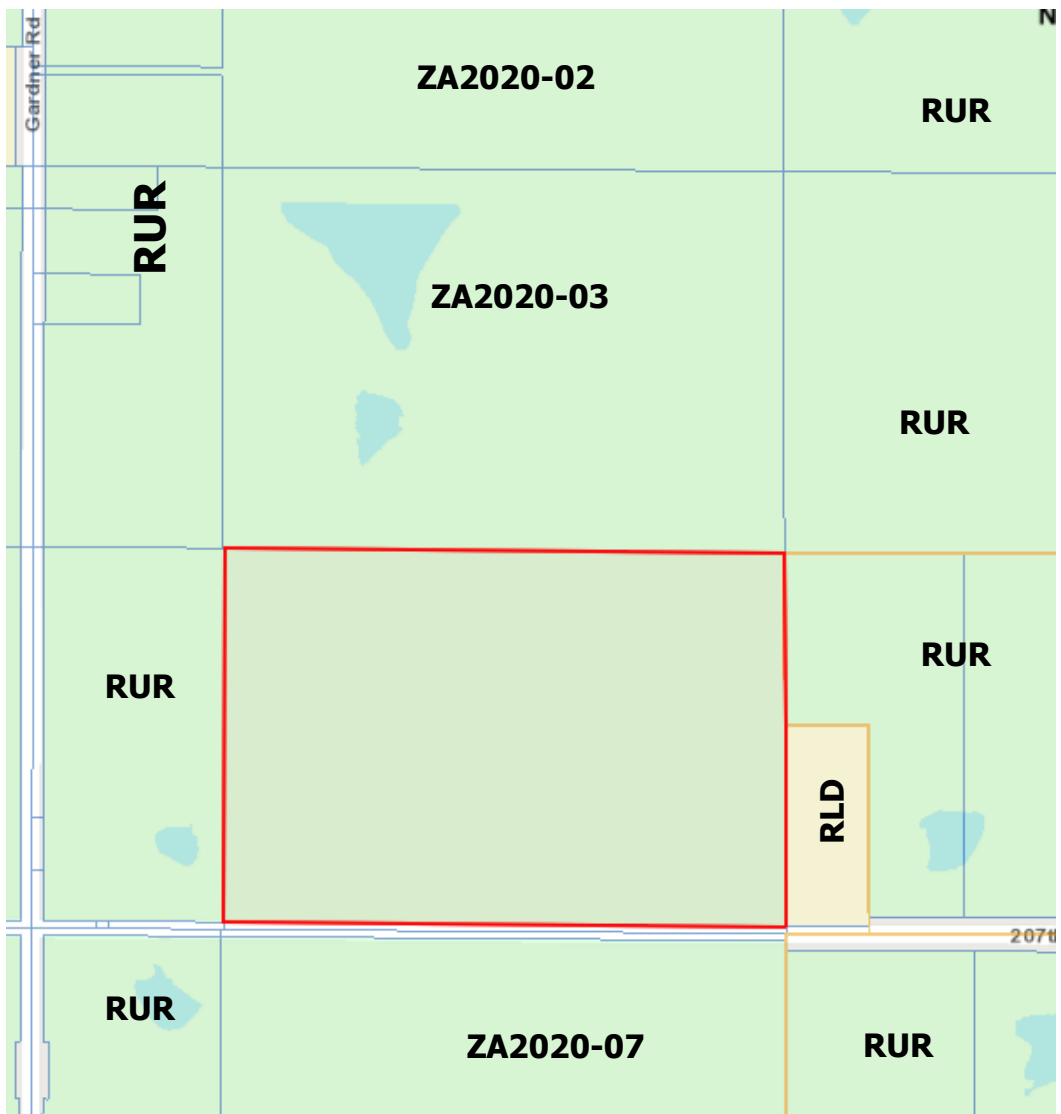


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.64 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly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

Figure 3

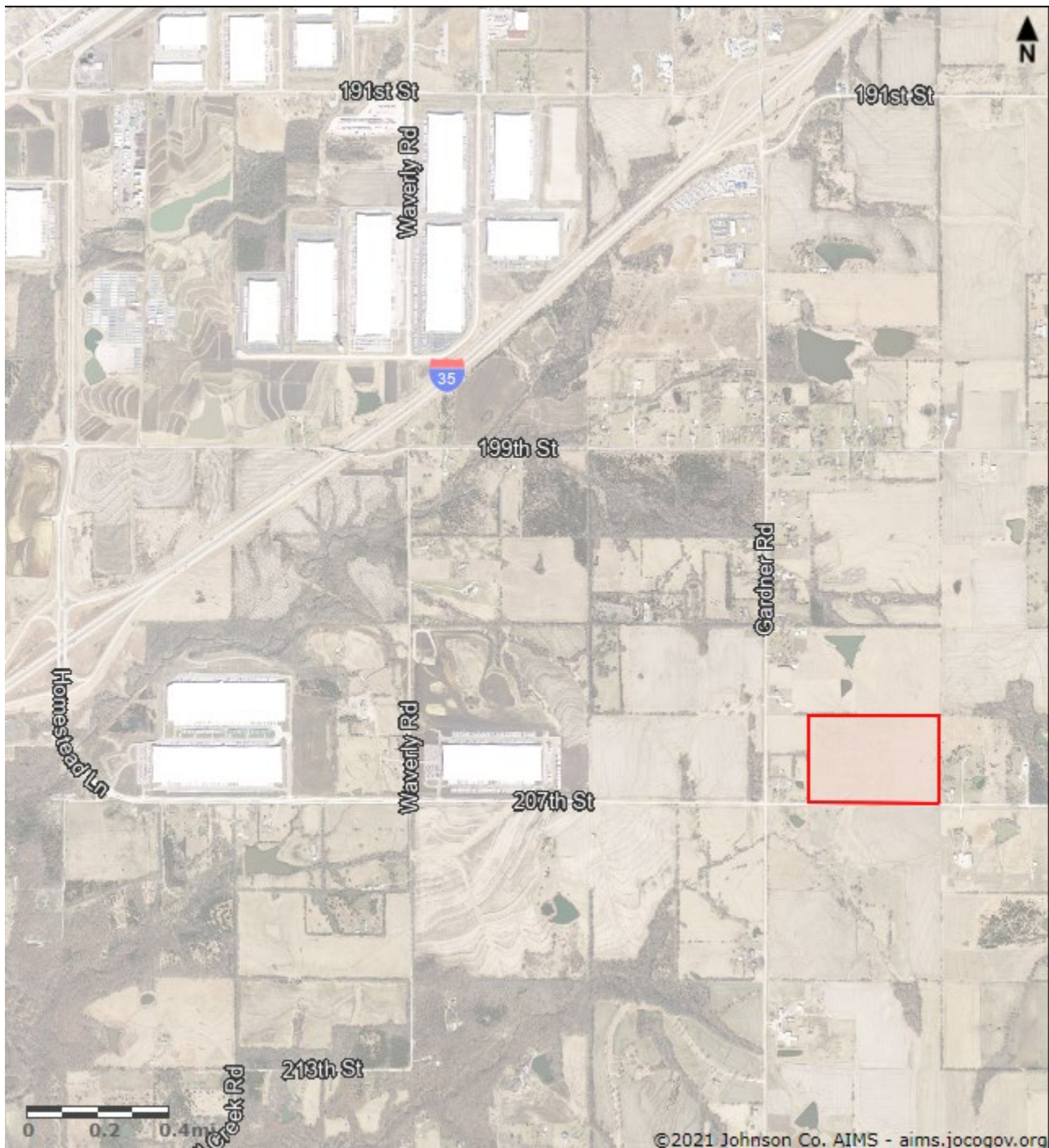
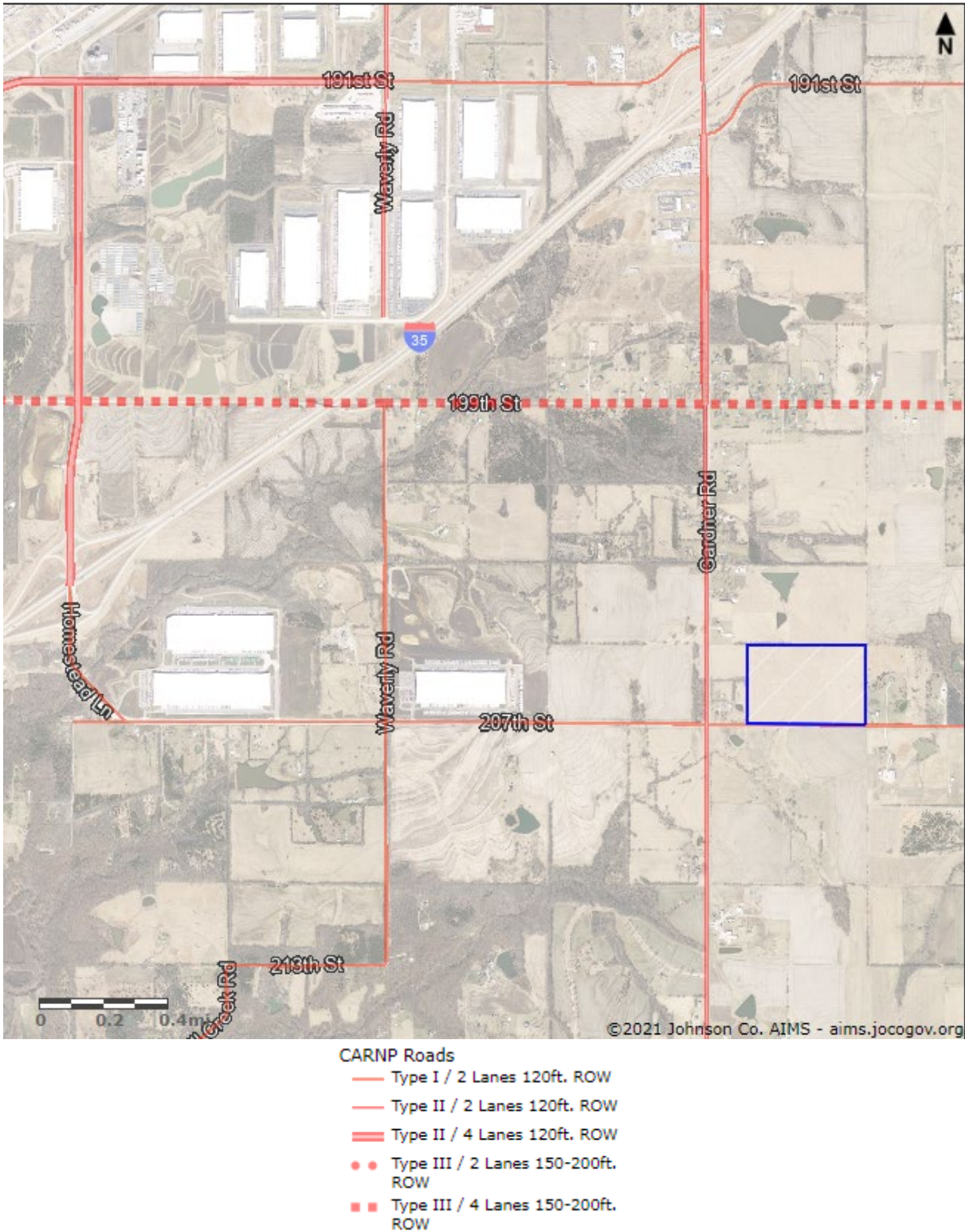


Figure 4 shows the relation of the subject property, outlined in blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

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

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)


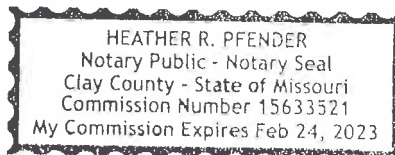
ADDRESS: 4825 NW 41st St, Suite 500 , Riverside, MO 64150

Street

City

State

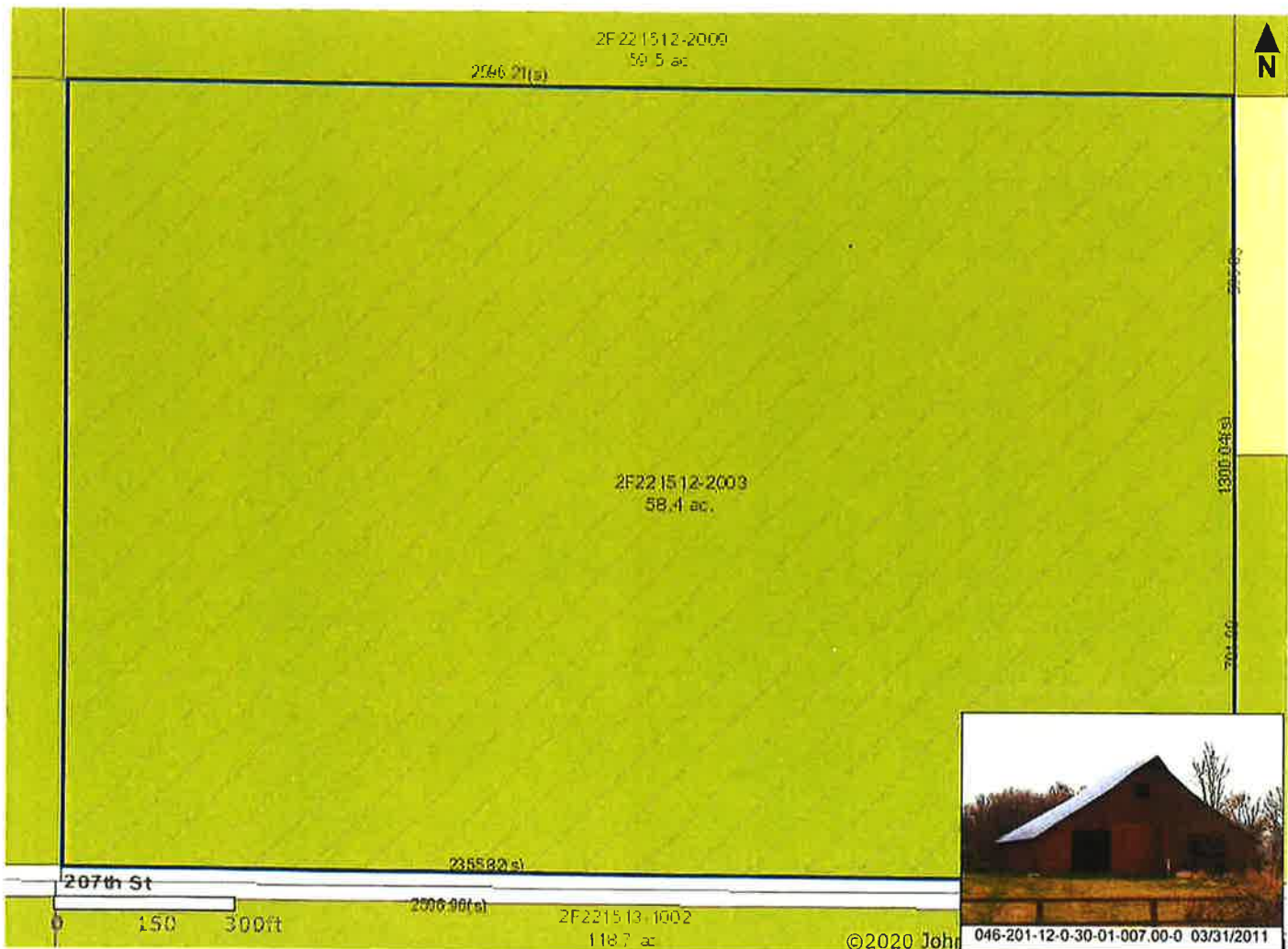
Zip

PROPERTY OWNER NOTIFICATION AFFIDAVITCase No.: RZ- ZA2020-04I, 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.</i> (abbreviated)	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

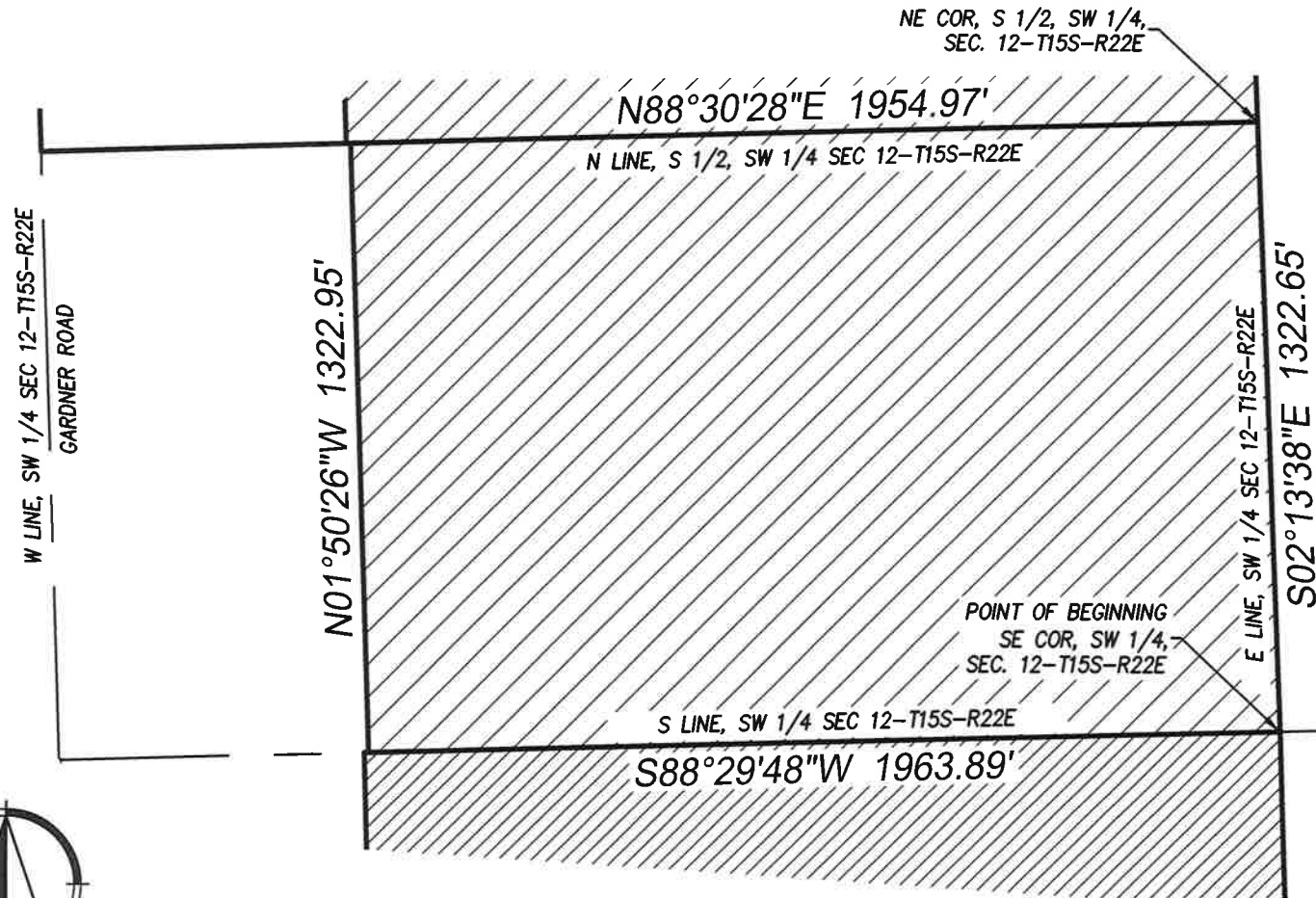


Property Description:

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

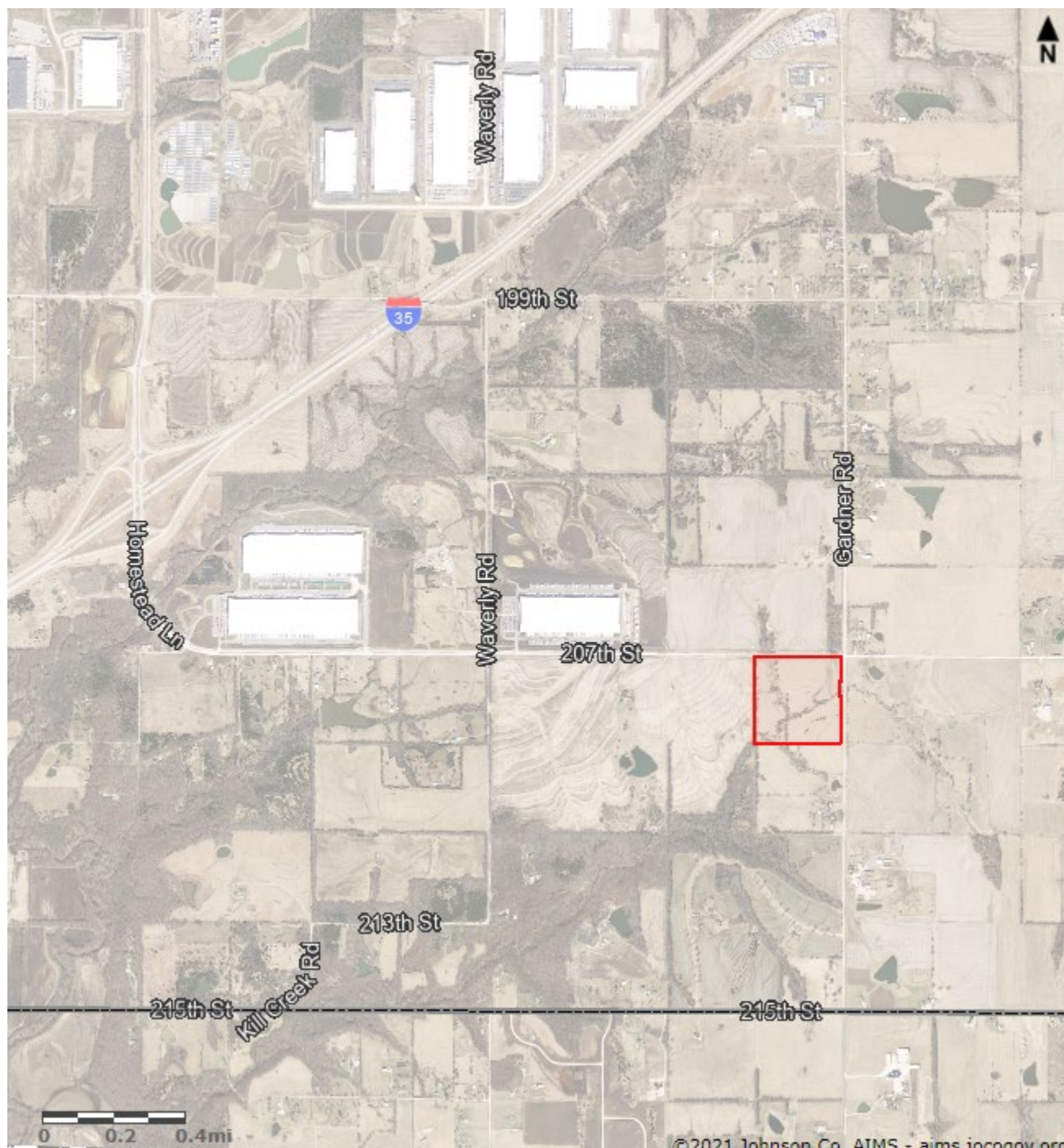
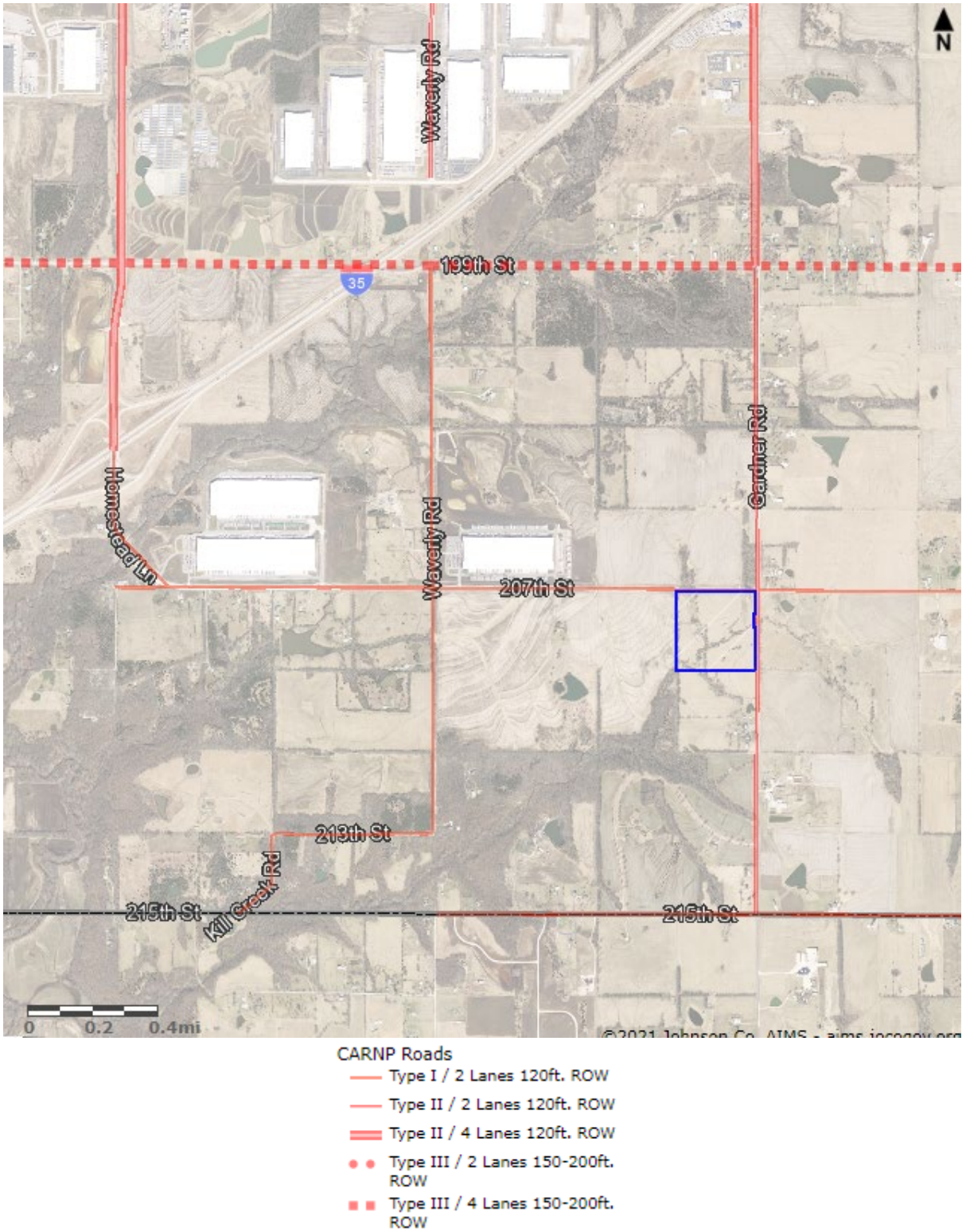


Figure 4 shows the relation of the subject property, outlined blue, to the transportation network with the Johnson County Comprehensive Arterial Network Plan (CARNP) routes highlighted.

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.

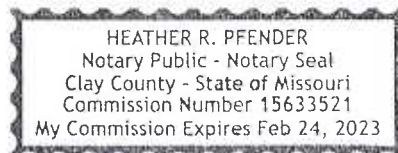
These notices were mailed on the 23rd day of December, 2020.

[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

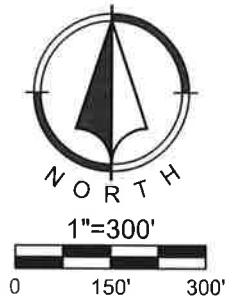
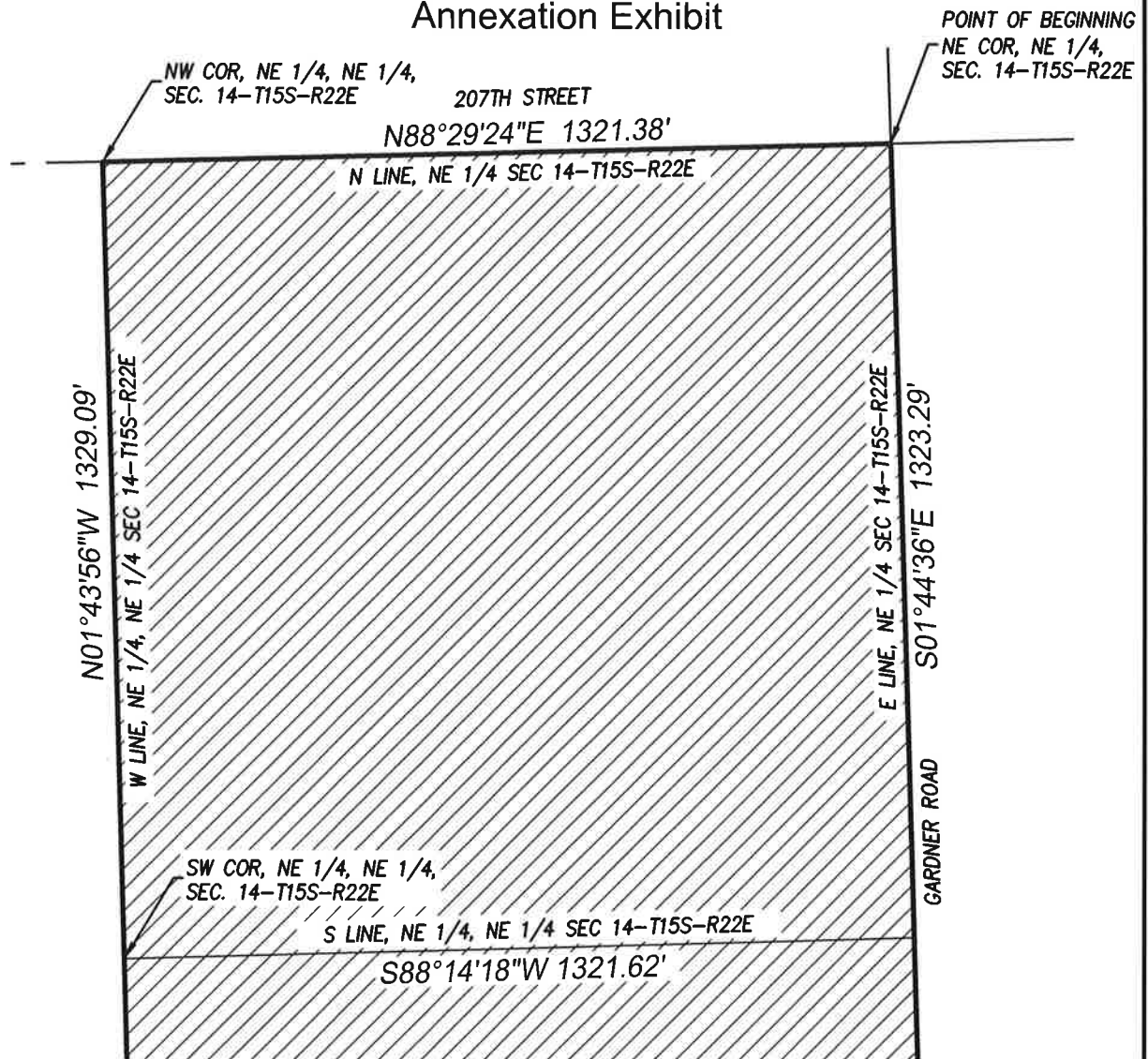


Property Description:

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



**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 **ZA2020-06** - 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

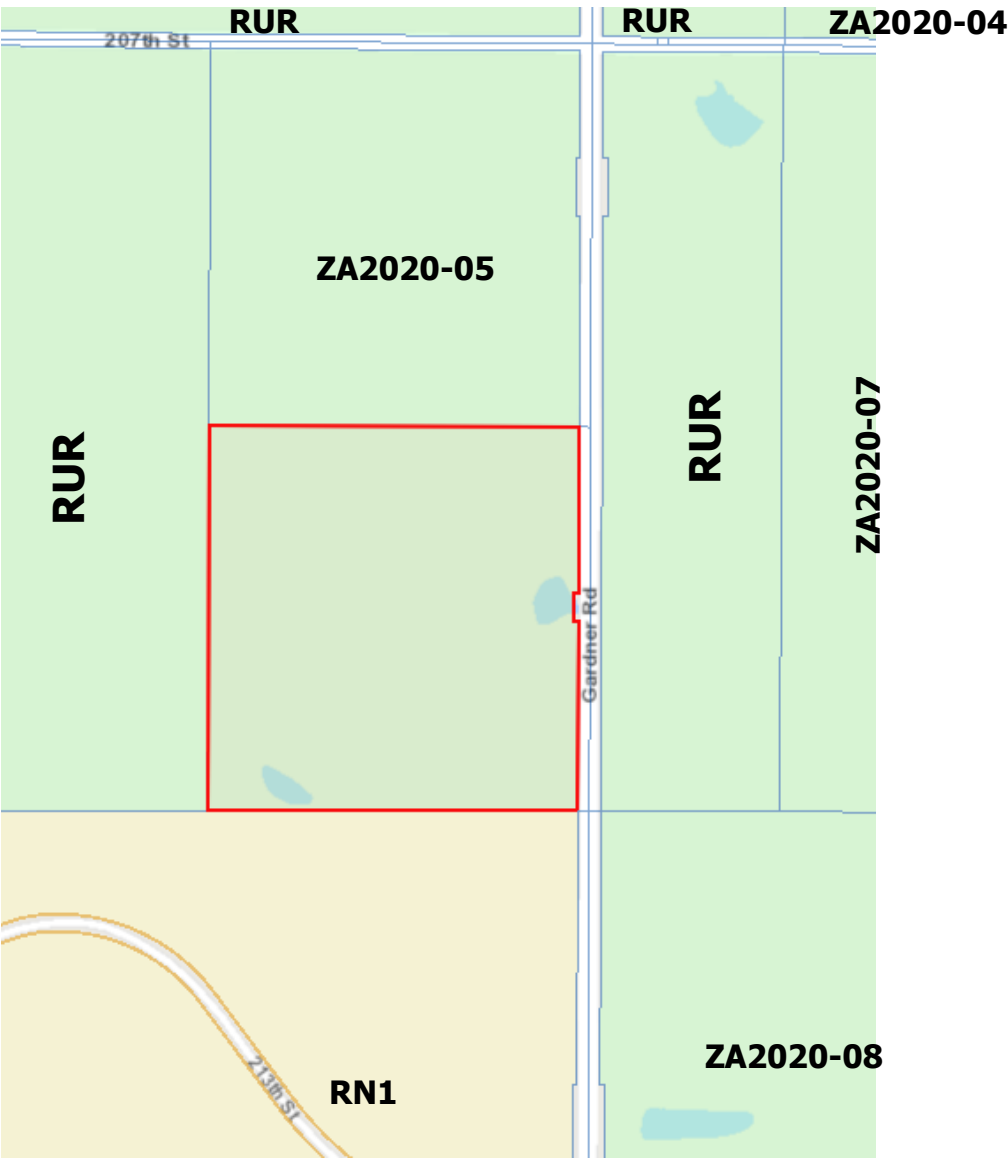


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.37 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly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

Figure 3

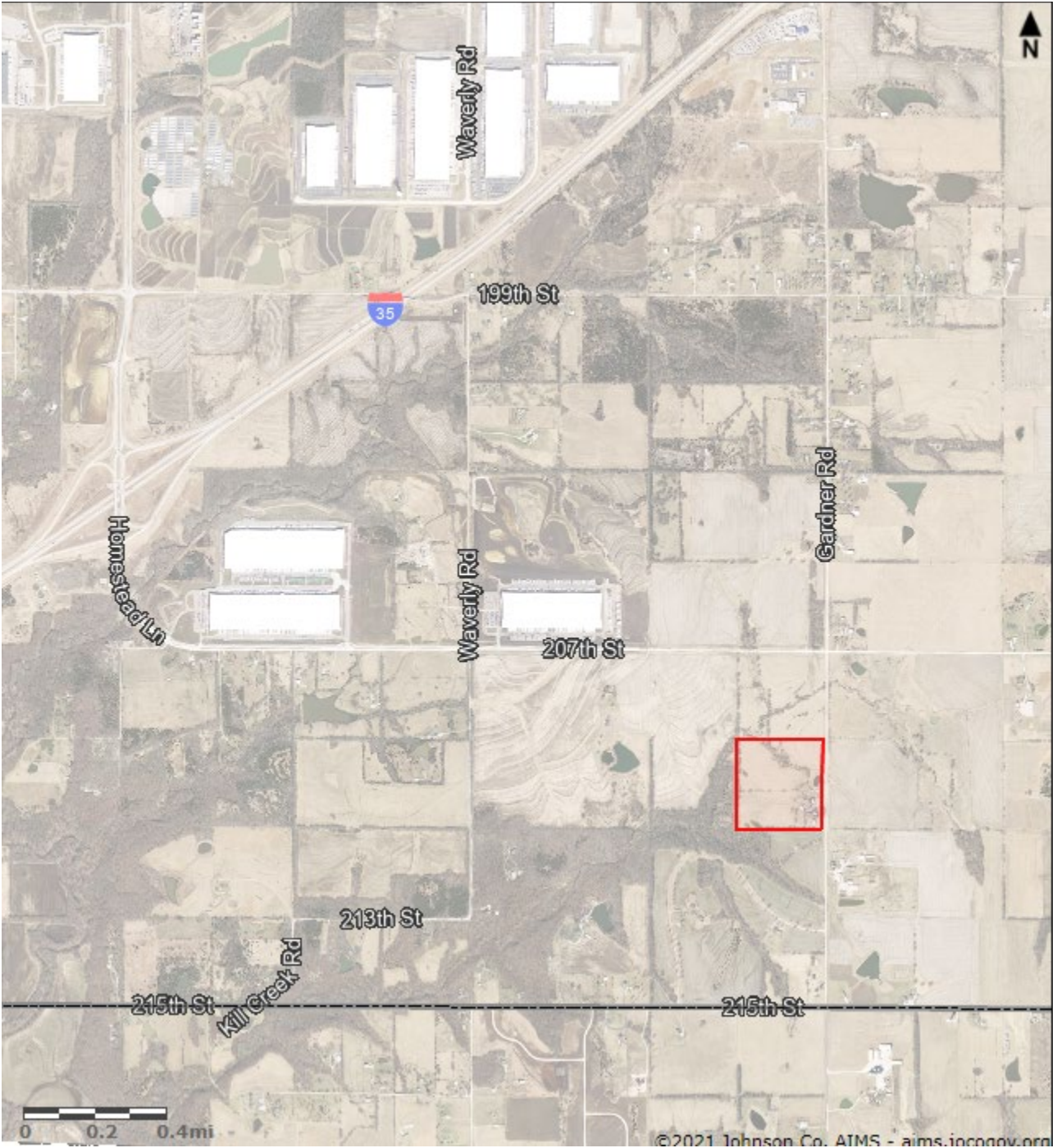
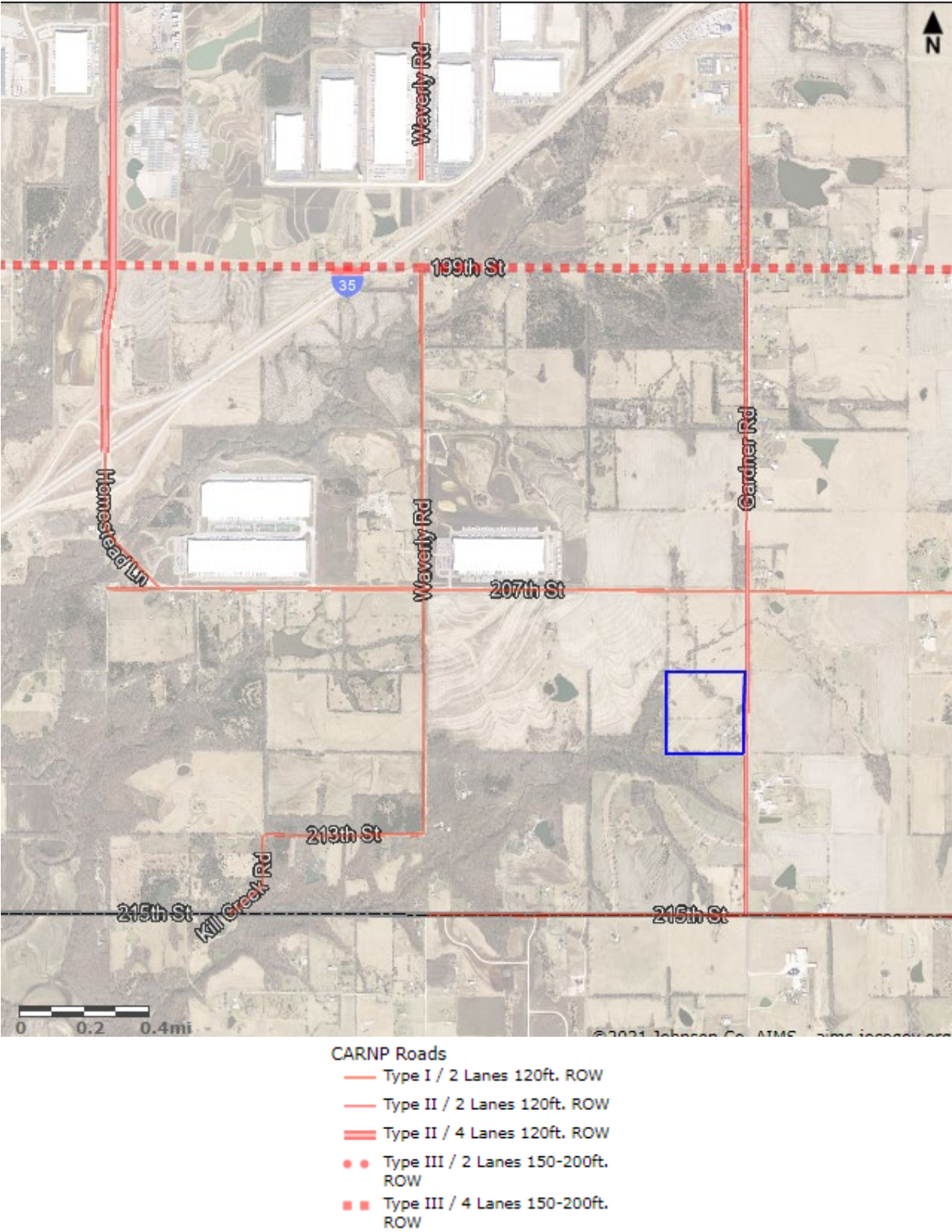


Figure 4 shows the relation of the subject property, outlined blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

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.
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 ZA2020-06** 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

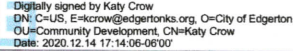
Street City State Zip

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.

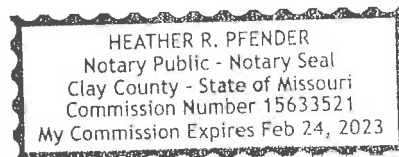
These notices were mailed on the 23rd day of December, 2020.

[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

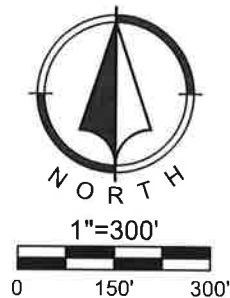
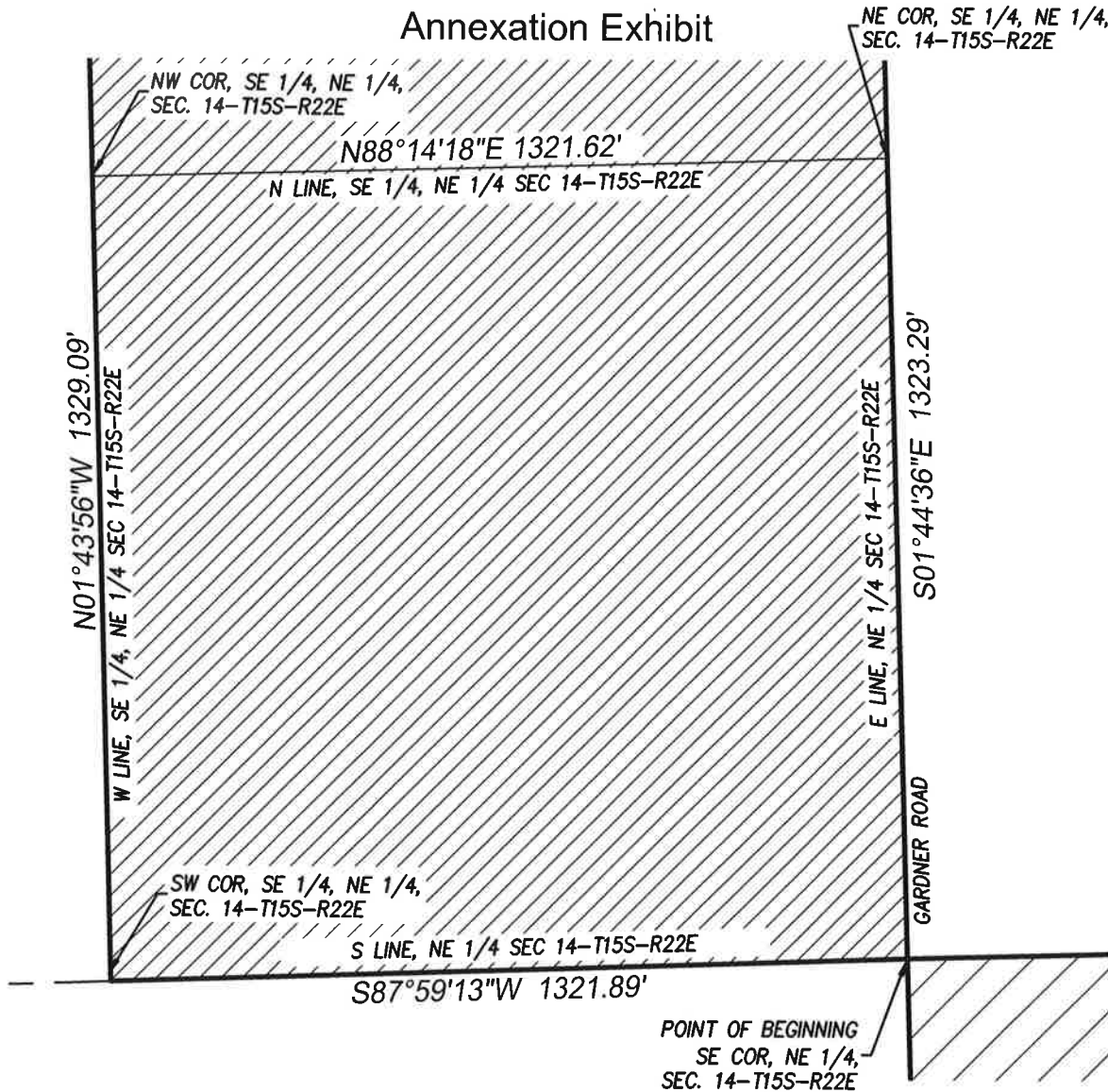


Property Description:

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

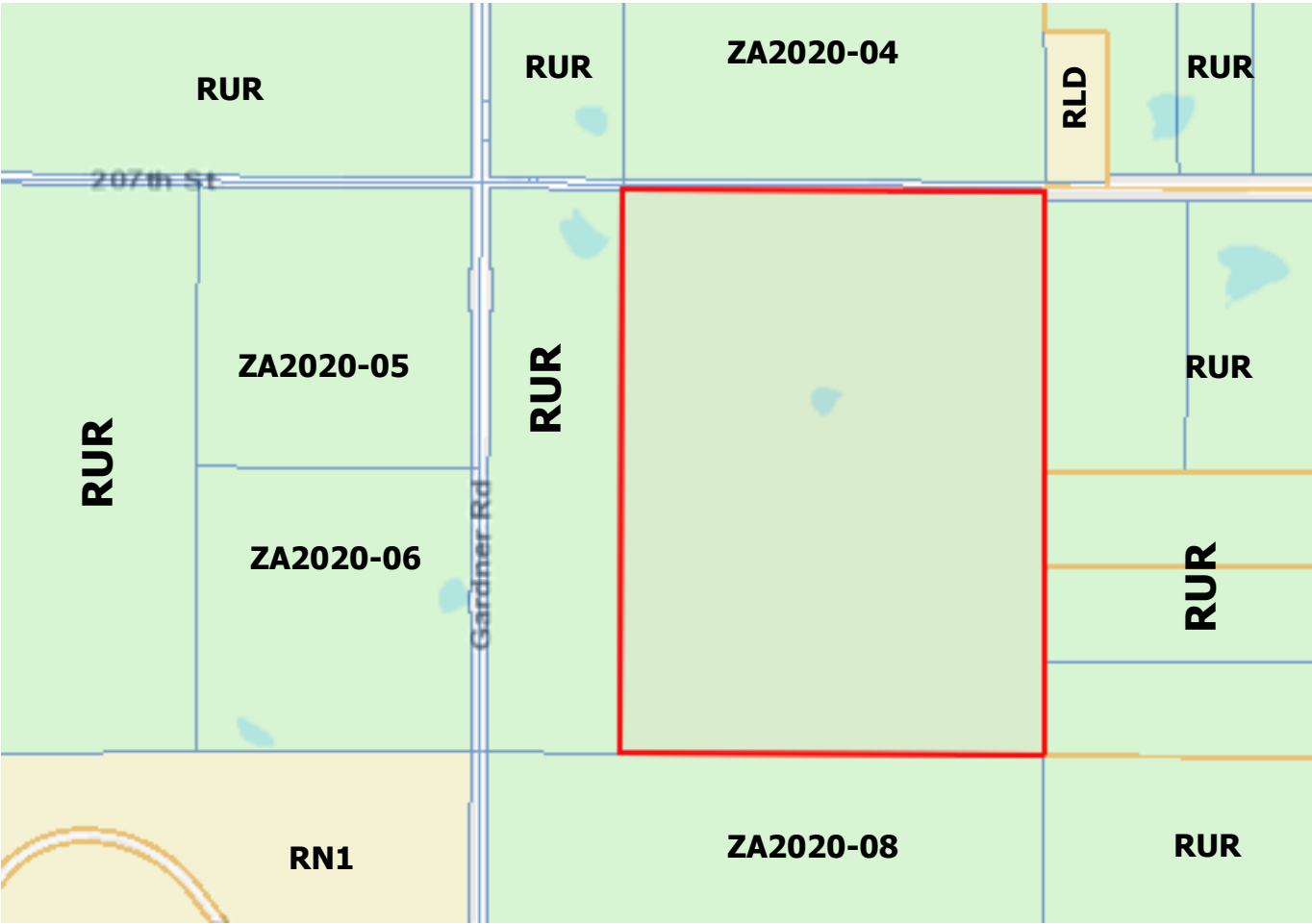


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.64 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly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

Figure 3

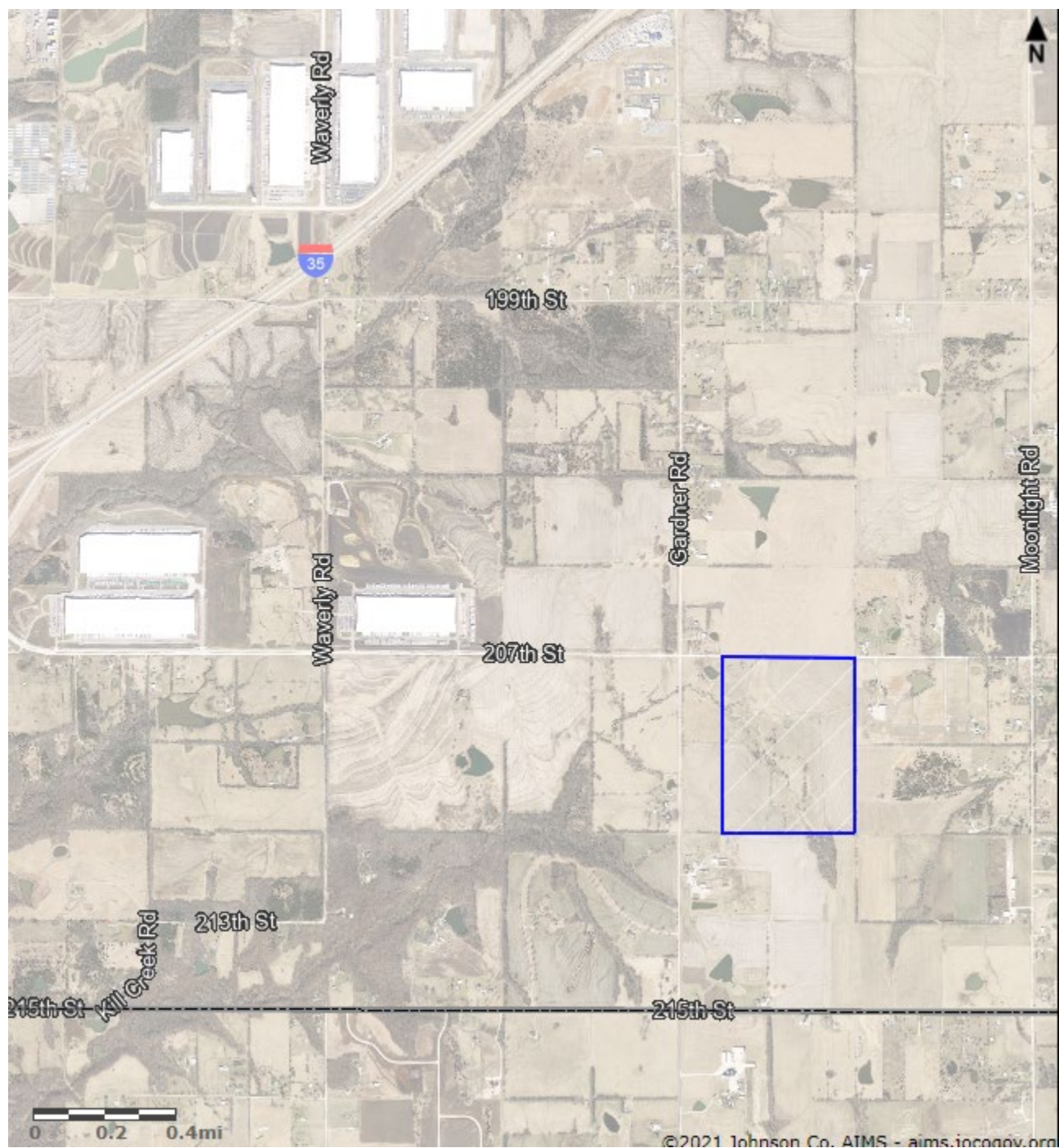
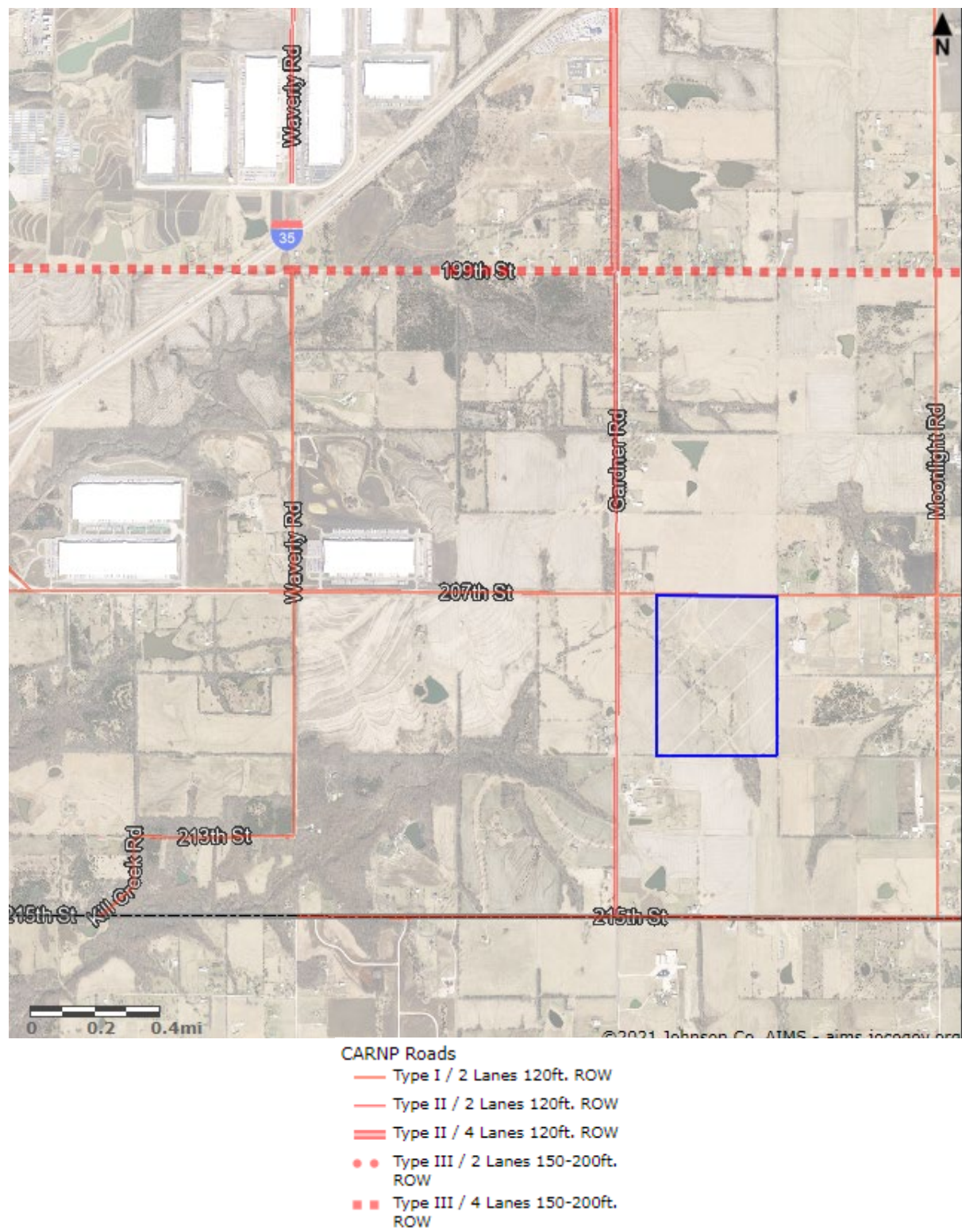


Figure 4 shows the relation of the subject property, outlined in blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

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.
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): 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

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- ZA2020-07 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****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 (¾) 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

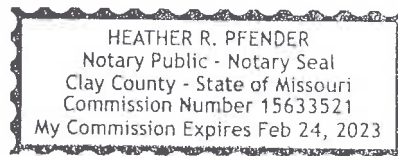
Zip

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>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>	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

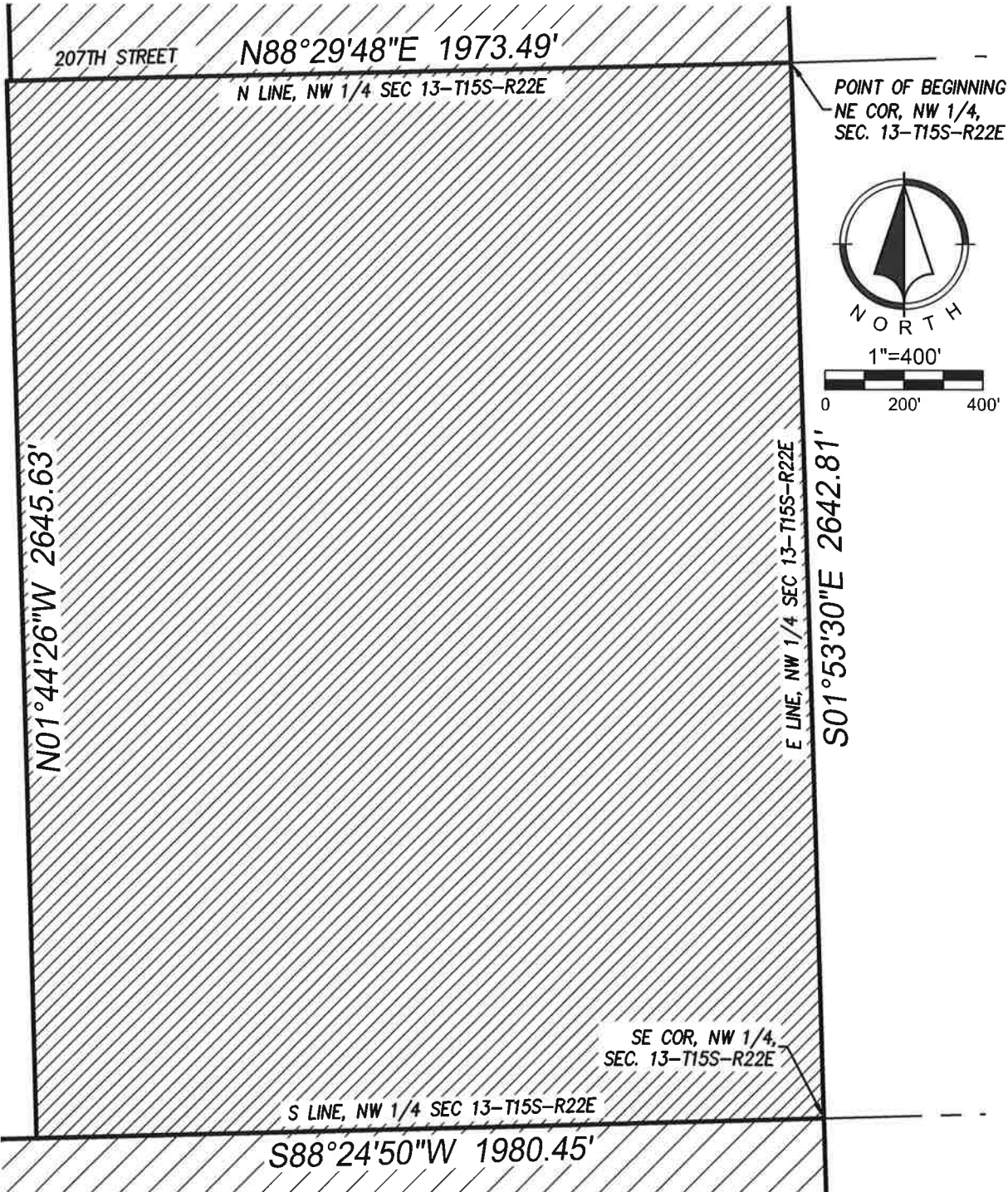


Property Description:

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

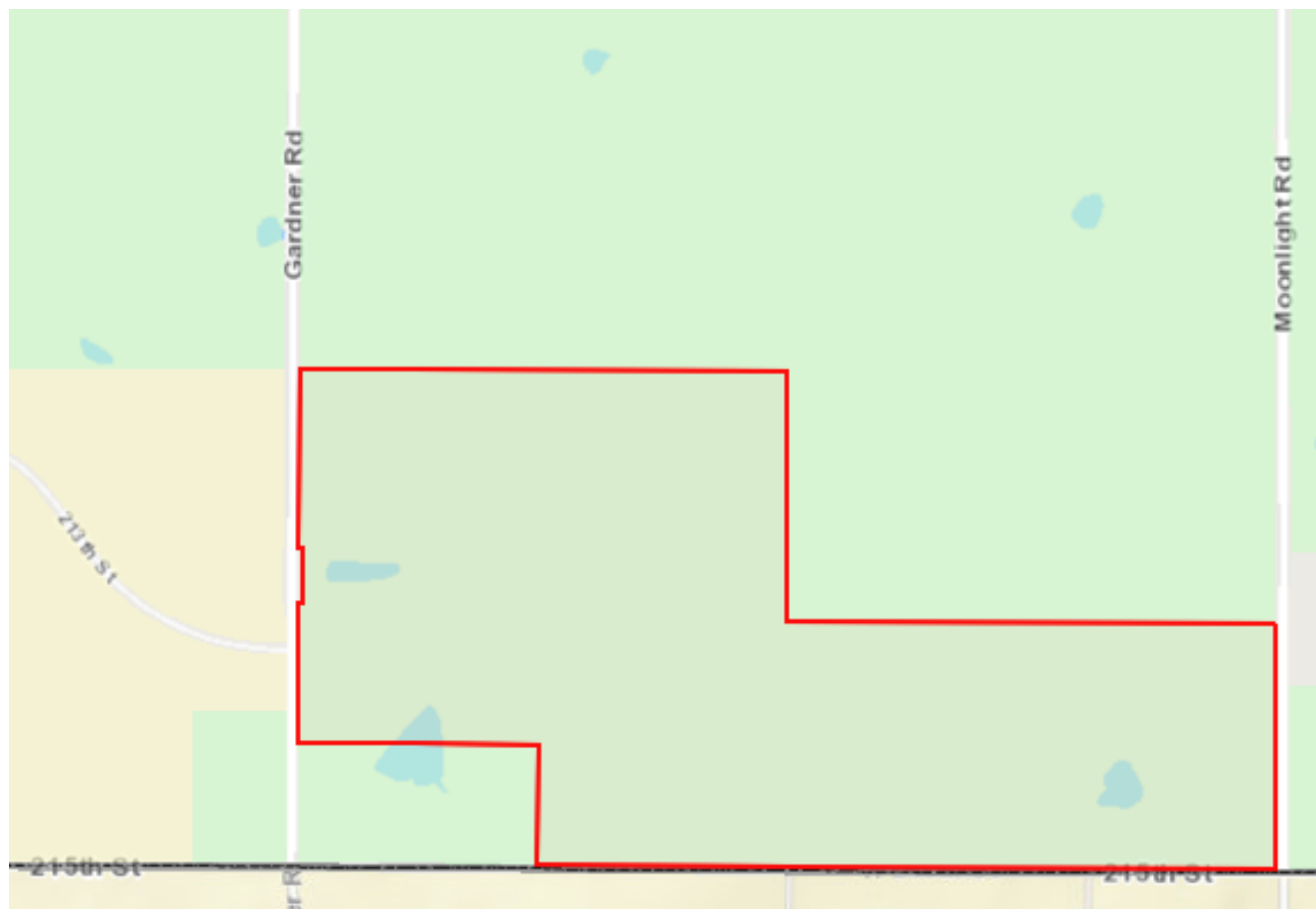


Figure 2 is a closer look at the adjacent parcels and their zoning designations. The subject parcel is outlined in red.

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

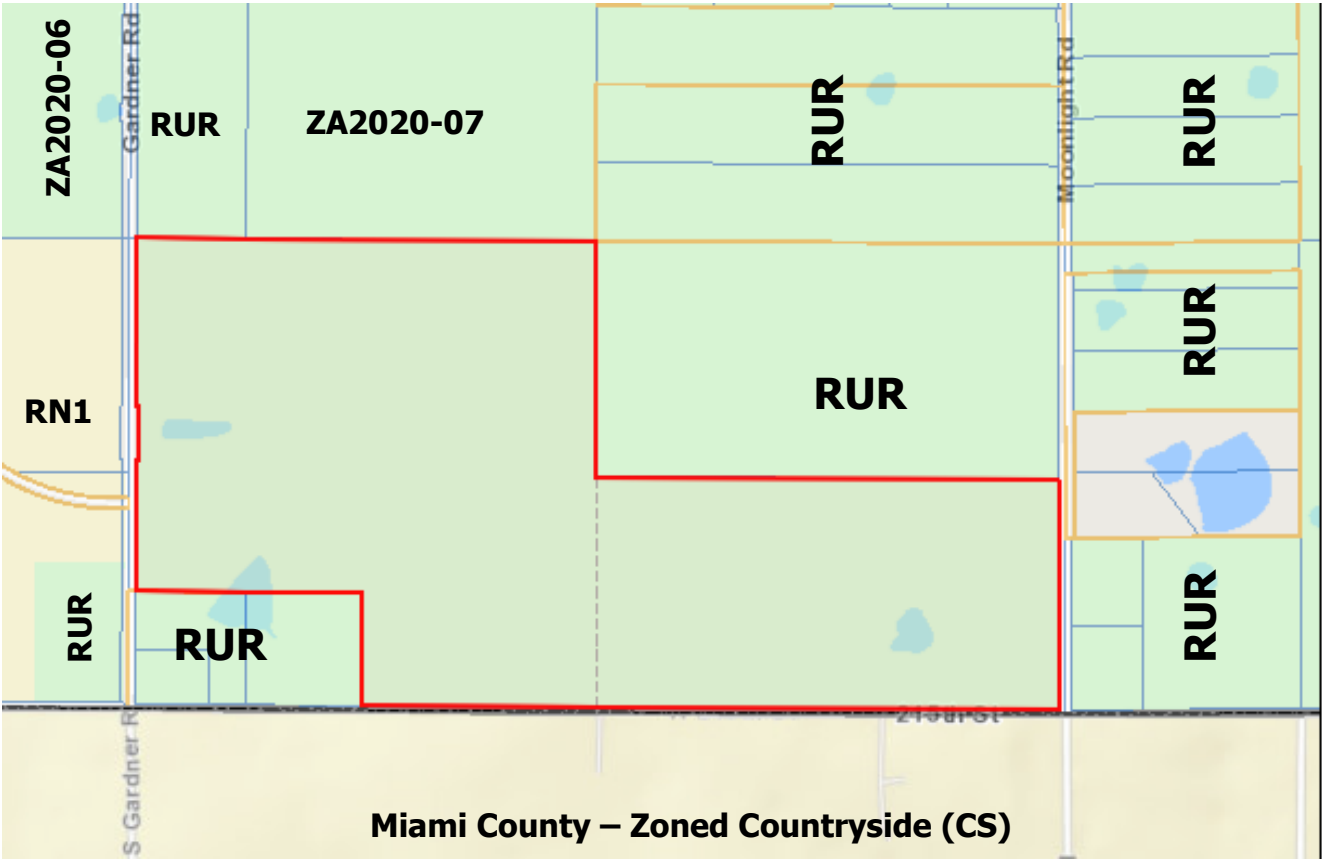


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.73 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly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

Figure 3

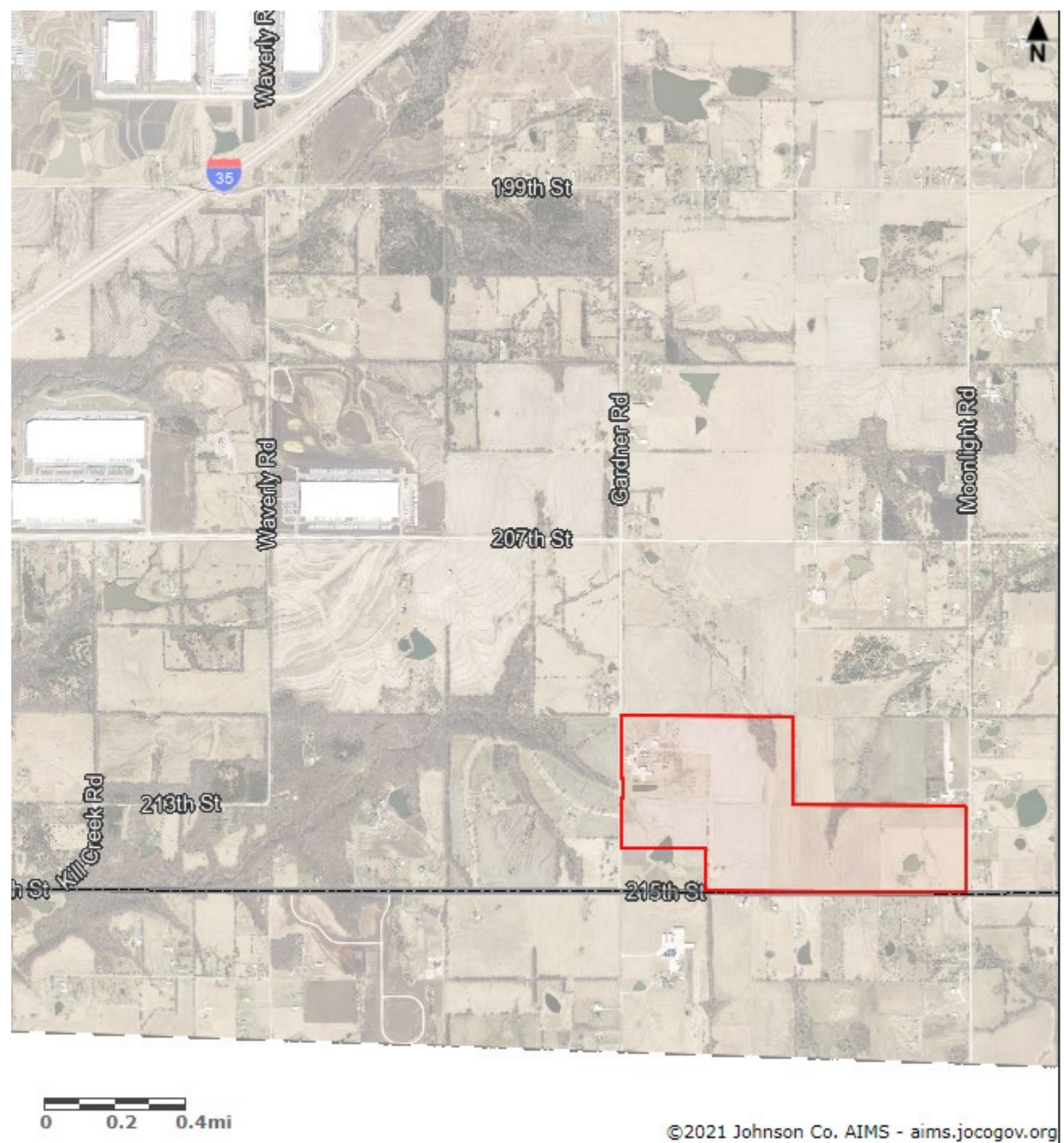
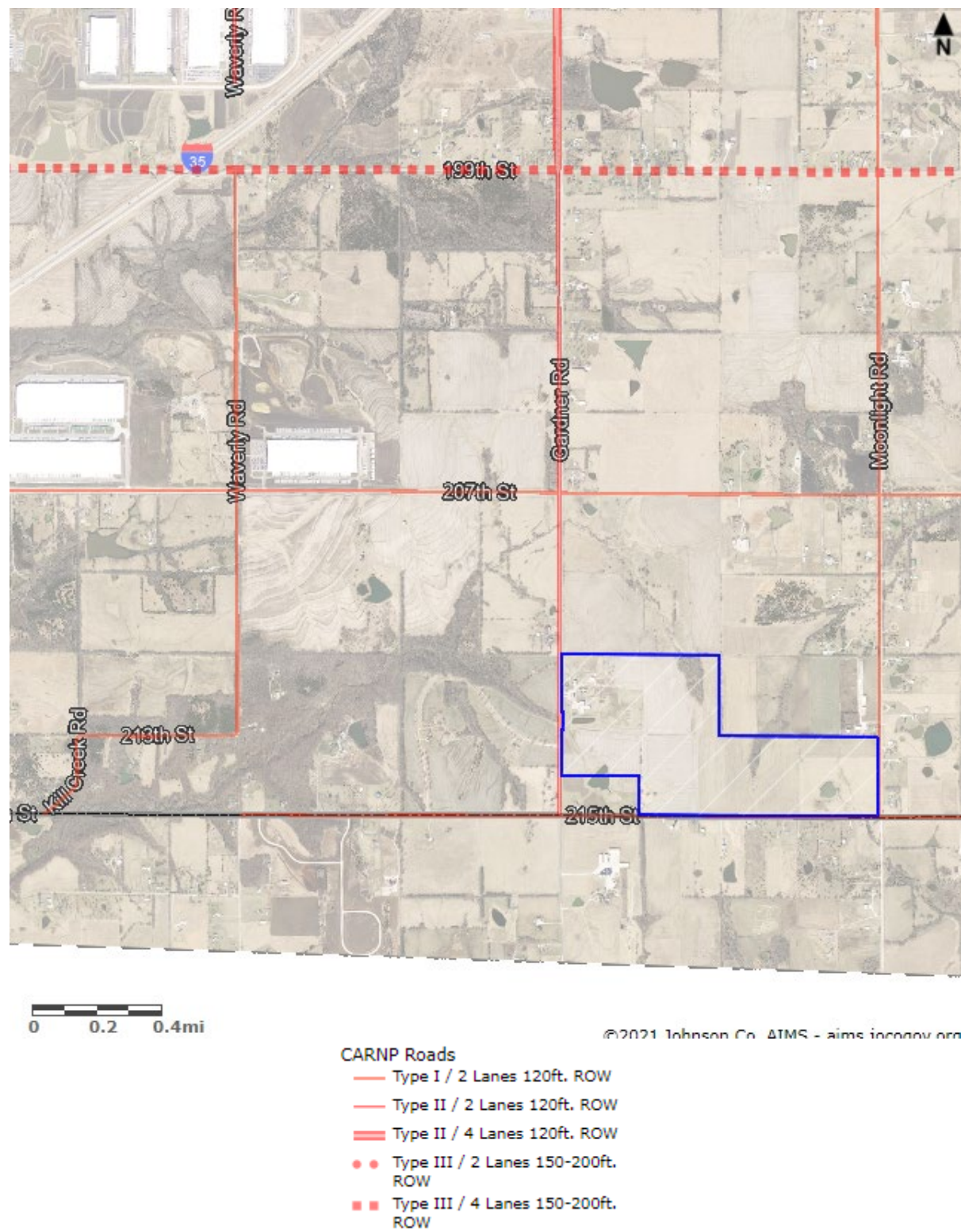


Figure 4 shows the relation of the subject property, outlined in blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

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 thoroughways. 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:

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

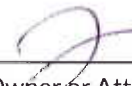
City

State

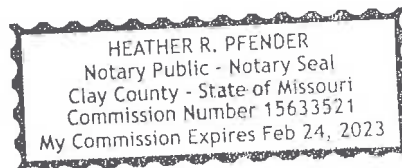
Zip

PROPERTY OWNER NOTIFICATION AFFIDAVITCase No.: RZ- ZA2020-08I, 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



0 0.1 0.2mi



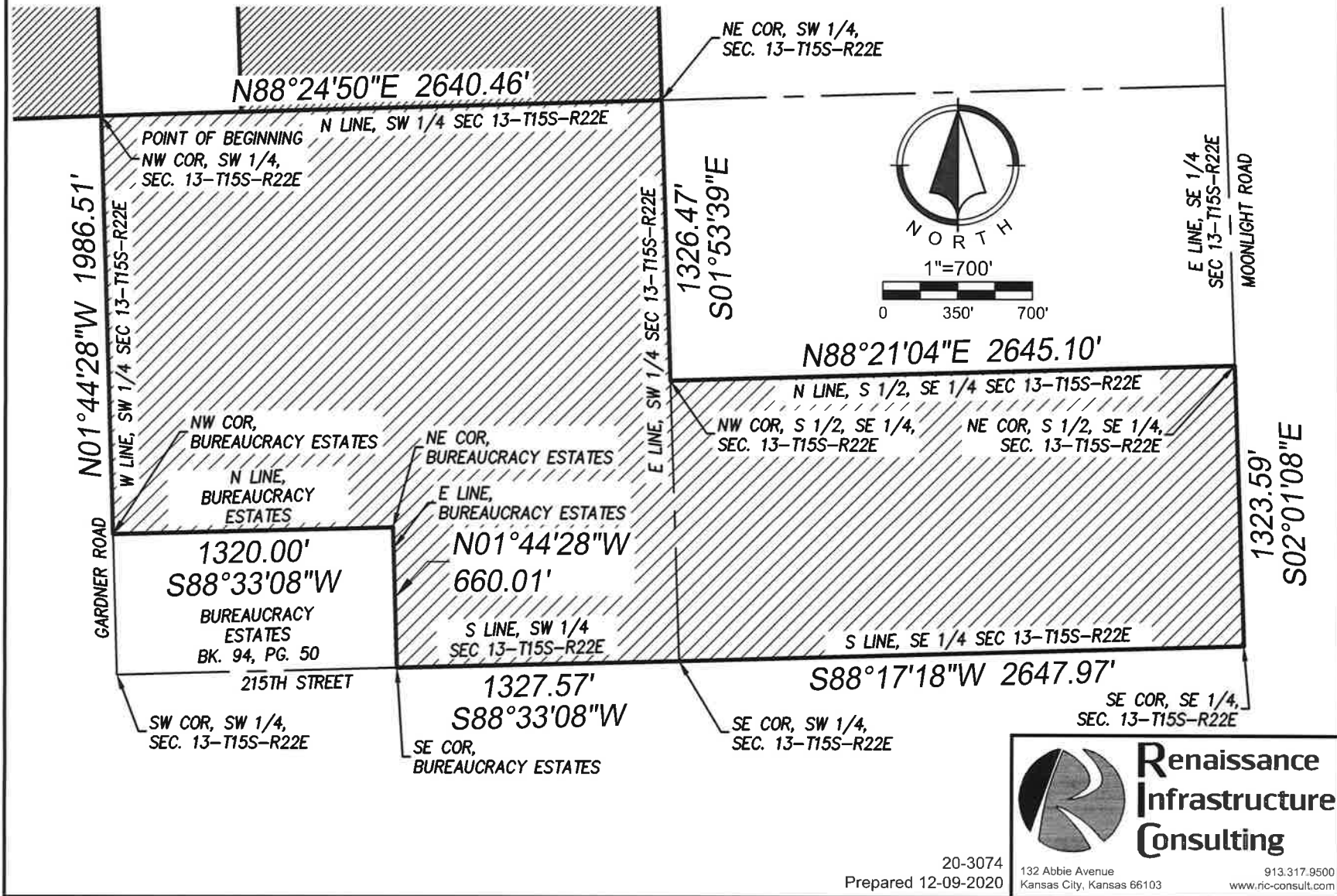
©2020 John 046-206-13-0-30-01-001.00-0 05/13/2016

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



20-3074
Prepared 12-09-2020

132 Abbie Avenue
Kansas City, Kansas 66103

913.317.9500
www.ri-consult.com

February 5, 2020

TO: Planning Commission Members

FROM: Beth Linn, City Administrator

SUBJECT: Economic Impact Analysis

On January 12th, the Edgerton Planning Commission directed staff to assemble a presentation of the possible economic impacts on the applicant properties and to neighboring properties as a result of the requested rezoning. In preparing that presentation staff has used Criteria No. 15 “the economic impact on the community from the uses allowed in the proposed rezoning” as a guide. The analysis below starts by examining the economic impact of the properties requested to be rezoned. The analysis then continues to get broader in nature to address the economic impact of the adjacent properties and finally the economic impact more regionally.

Economic Impact of Parcels Requested to be Rezoned

Property Tax Revenues

To determine the economic impact of the parcels requested to be rezoned the City’s Financial Advisor, Columbia Capital Management (CCM), prepared the chart below of actual and projected revenues generated to all taxing jurisdictions for these properties. Below is a chart summarizing those revenues.

- Current Tax Generation - amount of taxes paid now based on 2020 mill levy rate and current appraised value
- Abatement Tax Generation – projected amount of taxes paid if the properties were developed as logistics park using a similar structure to other LPKC projects
- Post-Abatement Tax Generation – projected amount of taxes paid if the properties were developed as logistics park using a similar structure to other LPKC projects once the abatement expires (after ten years) based on estimated full appraised value

Taxing Jurisdiction	2020 Levy Rate	Current Tax Generation	Abatement Tax Generation	Post- Abatement Tax Generation
USD 231 (Non-Capital)	64.682	\$6,346	\$633,663	\$7,837,599
USD 231 (Capital)	8.000	\$785	\$969,370	\$969,370
JCCC	9.191	\$902	\$90,041	\$1,113,685
City of Edgerton	30.381	\$2,981	\$297,630	\$3,681,304
JoCo Fire #1	17.807	\$1,747	\$174,448	\$2,157,696
JoCo Library	3.905	\$383	\$38,256	\$473,174
JoCo Parks	3.093	\$303	\$30,301	\$374,783
Johnson County	18.799	\$1,844	\$184,166	\$2,277,898
State of Kansas	1.500	\$147	\$14,695	\$181,757
TOTAL	157.358	\$15,439	\$2,432,570	\$19,067,266

Note – NO site plan has been filed at the City for any of these properties. However, in order to complete the analysis of economic impact requested by the Planning Commission staff used logistics park development patterns similar to other areas of LPKC. Any development of these properties would still require all the development process steps to be completed, including but not limited to applications, public hearings, required approvals, etc.

Job Creation

Since opening in 2013, Logistics Park Kansas City has created 4,600 new direct jobs in Edgerton. These jobs range widely in responsibility from warehouse associates and forklift operators to human resources, distribution center managers and even corporate officers.

According to the Economic Policy Institute in January 2019, for every 100 jobs created in the transportation and warehousing sector, there are 276 indirect jobs created in “supplier and induced jobs.” Using this multiplier, a total of 12,696 indirect jobs have been created. Adding direct and indirect job together results in 17,296 job created by LPKC.

Economic Impact to Adjacent Properties

In preparing this portion of the analysis, staff analyzed historical property valuations of residential property (traditional single family, two family/duplex and large lot rural single family) adjacent to the development of warehouse and distribution centers, manufacturing or other similar uses. Staff focused on two example areas for this analysis: area adjacent to Logistics Park Kansas City (LPKC) development in Edgerton; and area adjacent to I-35 Logistics Park/New Century Air Center development in Olathe. Below is a summary of the analysis. All property valuation data was provided by Johnson County.

Adjacent to LPKC/Edgerton

This analysis focuses on several types of residential development adjacent to Logistics Park Kansas City (LPKC). LPKC Phase I (north of Interstate 35) began construction in 2013. LPKC Phase II (south of Interstate 35) began construction in 2018.

- Traditional Single Family and Two Family/Duplex Residential – Staff analyzed property valuation data adjacent to LPKC Phase I in the BlueHawk and Genesis Farms developments located north of 181st Street and just east of the Edgerton city limits, which started in 2003. This area developed before, during and after LPKC.
 - This area had 85 new housing starts after LPKC opened in 2013.
 - The average appraised value in this area for properties constructed prior to 2013 increased 53% from 2013 to 2020. For those constructed after 2013, the average appraised value increased 48%.
 - In 2013, the average appraised value for properties in the area was \$132,775.
 - In 2020, the average appraised value for properties in this area is \$210,986.
- Traditional Single Family – Staff also examined valuation data in the Sherman Estates development located south of 181st Street just east of the Edgerton city limits. This area generally developed prior to the start of LPKC.
 - While most of the development was constructed prior to 2013, there were 6 new housing starts since 2013.
 - The average appraised value in this area for properties constructed prior to 2013 increased 45% from 2013 to 2020. For those constructed after 2013, the average appraised value increased 22%.
 - In 2020, the average appraised value for properties in this area was \$258,517.
- Large Lot Rural Single Family Residential – Staff analyzed property valuation data for large lot rural single family residential properties located within LPKC and/or the Overweight Corridor (i.e. along 191st Street, Waverly Road, Homestead Lane, Four Corners Road).
 - The average appraised value for large lot rural single family residential within LPKC and/or in the Overweight Corridor has increased 697% since 2013.
 - In 2013, the average appraised value for properties in the area was \$101,724.
 - In 2020, the average appraised value for properties in this area is \$447,090.
- Large Lot Rural Single Family Residential – Staff analyzed property valuation data for large lot rural single family residential properties in the Peppertree neighborhood south of 199th Street and east of Homestead Lane. Most of these properties were developed before LPKC opened in 2013. One property in Peppertree was built in 2014.
 - The average appraised value for large lot rural single family residential in the Peppertree neighborhood has increased 56% since 2013.
 - In 2013, the average appraised value for properties in the area was \$234,635.
 - In 2020, the average appraised value for properties in this area is \$369,048.

- Large Lot Rural Single Family Residential – Staff analyzed property valuation data for large lot rural single family residential properties adjacent to LPKC Phase II across the street from the Kubota North American Distribution Center (207th Street from Homestead Lane to Waverly Road). Kubota began construction in 2018.
 - The average appraised value in this area has increased 13% since 2018.
 - In 2018, the average appraised value for properties in the area was \$242,026.
 - In 2020, the average appraised value for properties in this area is \$266,771.

Adjacent to I-35 Logistics Park/New Century Air Center

This area includes several uses similar and more intensive uses than what is permitted in the City of Edgerton Logistics Park (L-P) District such as warehouse and industrial at I-35 Logistics Park; various manufacturing at New Century Air Center; and an asphalt plant and quarry at Hamm Asphalt Plant and Quarry.

- Traditional Single Family Residential – This analysis examines property valuation data for the Reserve at Prairie Highlands development north of 151st Street and South Clare Road within one-half mile to the I-35 Logistics Park development and within one mile of New Century Area Center. This area developed before, during and after the development of the I-35 Logistics Park and New Century Air Center.
 - The average appraised value for traditional single family residential property constructed prior to 2013 has increased 34%.
 - This area included 76 new housing starts since 2013.
 - Average appraised value for homes constructed after 2013 have increased by 51%.
 - In 2013, the average appraised value for properties in the area was \$265,616.
 - In 2020, the average appraised value for properties in this area is \$351,103.

Economic Impact for Region

Finally, development of Logistics Park Kansas City has driven significant private investment regionally as well. Commercial construction projects in our neighboring jurisdictions including development of the Hampton Inn, Groundhouse South, Olathe Health Gardner Edgerton Urgent Care and the future Quik Trip in Gardner. Just down Interstate 35, the City of Wellsville is home to the newly constructed Bert's Truck Plaza, a full service truck stop with large parking area for trucks, truck wash on site, large drivers lounge, private showers and laundry machines. Located next to Bert's is the home of Keim Trucking including their commercial drivers license (CDL) training center.

Neighboring jurisdictions have also experienced significant growth in housing starts. Since LPKC opened in 2013, the City of Gardner had 879 residential building permits issued (both single family and multi family) and the City of Spring Hill had 702 residential building permits issued. While not all of these can be attributed directly to the development of Logistics Park Kansas City, certainly there is a link between growth in employment opportunity in this area with the demand for housing options in close proximity.

March 8, 2021

TO: Mayor and City Council Members
FROM: Beth Linn, City Administrator
SUBJECT: Response to Public Comment

Throughout the public process related to Rezoning Applications, the City has received many public comments. In response to those comments, staff has compiled information for the Governing Body related to several recurring themes.

Inadequate Current Infrastructure

During public comment, citizens expressed concern that the existing infrastructure adjacent to the rezoning applications is not adequate for the types of uses that would be permitted within Logistics Park L-P District.

The City of Edgerton has a proven track record of requiring new development to upgrade adjacent infrastructure to properly handle the type and volume of traffic anticipated for the new development. Examples of this type of infrastructure are visible throughout LPKC, most recently on 207th Street from south of I-35 to east of Waverly Road.

If development applications are brought forward for the properties, the City would perform the same analysis at time of SITE PLAN to determine the appropriate level and type of upgraded infrastructure. This analysis and any requirements are determined at time of site plan, not rezoning to have a better understanding of the development including access points, building layout, possible tenants, etc.

Additionally, several of the roads adjacent to these applications have been designated as corridors for future development for over twenty years. Johnson County Comprehensive Arterial Road Network Plan (CARNP) was adopted by the Board of County Commissioners on January 7, 1999 and described as a plan for future roadways in southern and western Johnson County. The CARNP plan references the progression of upgrades to infrastructure related to



development in Johnson County. "In general, major road improvements typically occur in a progression as an area develops. For example, an original 2-lane gravel road is improved to a 2-lane asphalt road then ultimately to a 4-lane thoroughfare after the area has been annexed into a city and become fully developed." This description illustrates the pattern of upgrading adjacent infrastructure in conjunction with new development that has occurred in many similar corridors throughout Johnson County.

For this area specifically, several of the roads adjacent to the development are noted as corridors of significance. For example CARNP assigns a Type III/4-Lane Arterial Roadway designation to 199th Street and designates it as a main throughway. CARNP assigns Gardner Road a Type II/2-Lane Arterial Roadway designation to Gardner Road and designates it as a main throughway.

Truck Traffic



Several citizens expressed concerns regarding truck traffic in this area on roads not intended for truck traffic. The City of Edgerton agrees with those concerns and has requested assistance many times from Johnson County in prohibiting trucks on routes not intended nor constructed for that type of traffic. However, Johnson County has repeatedly stated that all county roads allow truck traffic.



The City of Edgerton would welcome the opportunity for a regional effort from all of our surrounding jurisdictions related to truck traffic in southwest Johnson County and adjacent Miami County. The City of Edgerton, together with our partners, has invested millions of dollars in road infrastructure to provide LPKC related traffic a safe, streamlined transportation network and welcome regulations from our surrounding jurisdictions to support those efforts.

Decrease in Property Value

Planning Commission directed staff to prepare an analysis of the possible economic impact on the application properties and neighboring properties as a result of the rezoning. That memo is included with your packet.

During public comment, several citizens cited adjacent or nearby logistics park zoning causing zero or significant decrease in property value. Appraisal data from Johnson County for properties adjacent to LPKC and other logistics park development shows an INCREASE in appraised value. The analysis in the economic impact study includes several neighborhoods such as Peppertree and large lot rural residential adjacent to the Kubota North American Distribution Center. In both instances, staff included all of the properties along those corridors rather than using specific ones within a neighborhood. In both instances the average property

values continue to increase and properties within those neighborhoods have sold during the development of LPKC. Even more telling are those large lot rural residential properties located WITHIN LPKC and/or ON the Overweight Corridor which have increased significantly with the average increase at 697% since 2013.

Citizens have said that their Johnson County appraised value is set as much as 21% below the market value shown by property sales. The Johnson County Appraiser's Annual Report states that the County continued to be in compliance with the mandated compliance ratio from the State of Kansas, which means county appraisals are maintained to a "market ratio of between 90-110%."

Revenue Generated by LPKC

During public comment, citizens have raised concern that LPKC does not provide sufficient revenue or only provides that revenue to the City of Edgerton. As part of the economic impact analysis, the City's Financial Advisor, Columbia Capital Management (CCM), prepared a chart illustrating the projected annual revenues to all taxing jurisdictions for the rezoning application properties.

- Current Tax Generation - amount of taxes paid now based on 2020 mill levy rate and current appraised value
- Abatement Tax Generation – projected amount of taxes paid if the properties were developed as logistics park using a similar structure to other LPKC projects
- Post-Abatement Tax Generation – projected amount of taxes paid if the properties were developed as logistics park using a similar structure to other LPKC projects once the abatement expires (after ten years) based on estimated full appraised value

PROJECTED ANNUAL REVENUE FROM REZONING APPLICATIONS

Taxing Jurisdiction	2020 Levy Rate	Current Annual Tax Generation	Abatement Annual Tax Generation	Post- Abatement Annual Tax Generation
USD 231 (Non-Capital)	64.682	\$6,346	\$633,663	\$7,837,599
USD 231 (Capital)	8.000	\$785	\$969,370	\$969,370
JCCC	9.191	\$902	\$90,041	\$1,113,685
City of Edgerton	30.381	\$2,981	\$297,630	\$3,681,304
JoCo Fire #1	17.807	\$1,747	\$174,448	\$2,157,696
JoCo Library	3.905	\$383	\$38,256	\$473,174
JoCo Parks	3.093	\$303	\$30,301	\$374,783
Johnson County	18.799	\$1,844	\$184,166	\$2,277,898
State of Kansas	1.500	\$147	\$14,695	\$181,757
TOTAL	157.358	\$15,439	\$2,432,570	\$19,067,266



Note – NO site plan has been filed at the City for any of these properties. However, in order to complete the analysis of economic impact requested by the Planning Commission staff used logistics park development patterns similar to other areas of LPKC. Any development of these properties would still require all the development process steps to be completed, including but not limited to applications, public hearings, required approvals, etc.

The chart above clearly illustrates a significant increase in revenues provided to all taxing jurisdictions (even during abatement period), including USD#231. For the City of Edgerton those revenues have been used to fund several projects significantly bettering the community and the quality of life for our residents.

Investment by Edgerton of LPKC Revenues

The City of Edgerton has invested revenues from Logistics Park Kansas City (LPKC) in several projects bettering our community and significantly improving the quality of life for our citizens. Every other year, the City does a citizen survey sent to every household in Edgerton. That survey provides citizens the opportunity to rank their top priorities for investment by the City. Since 2013, those priorities have remained constant: investment in street infrastructure, existing parks and park equipment and new trails and sidewalks to increase connectivity in our community.



Based on those priorities, the City of Edgerton has touched every street in the residential area, except Nelson, since 2014. This includes in 2019 the largest street reconstruction project in the City's history completed in less than six months. The City has built or reconstructed miles



of new trails at Martin Creek Park and along Highway 56, both adding critical links for residents walking or biking in our community. In 2016, the City of Edgerton completed the renovation of Manor Park, our first park improvement project in many years. This year we will renovate Glendall Acres Park with improved park equipment, landscaping and additional sidewalk connections. Most significant in 2021, the City will construct the new 207th Street Grade Separation Project providing uninterrupted access for public safety to access

the residential community when the railroad crossing at 207th Street and Co-op Road is

occupied. This \$15 million project has been discussed in Edgerton for decades and would not be possible without funding available from revenues from development of LPKC. Upon completion, this critical project will provide an immediate safety improvement for the residents.

Stormwater and Impact to Hillsdale Lake

Residents have shared concerns about the impact to Hillsdale Lake as a result of future development of the parcels requested to be rezoned. The City of Edgerton purchases our drinking water from Rural Water District No. 2 sourced from Hillsdale Lake. Additionally, the City of Edgerton is a member of the Hillsdale Area Water Cooperative (HAWC) group.

The City of Edgerton joins other stakeholders in the Hillsdale Watershed Coalition, which includes cities, counties, water suppliers, landowners, farmer, etc, interested in protecting Hillsdale Lake as a source of drinking water. The Hillsdale Watershed is 144 square miles (92,000 acres) in Douglas, Johnson, Miami and Franklin counties. Reducing the pollutant load, particularly a reduction in nitrogen, phosphorous and sedimentation, is critical for the future of the region. In a presentation to the Edgerton City Council, Lesley Rigney with Miami County Conservation District stated that the HILLSDALE WRAPS GRANT EFFORTS IN 2019 MET OR EXCEEDED ALL LOAD REDUCTION GOALS. This exciting achievement occurred as the City completed nearly 12 million square feet of development at LPKC. The City of Edgerton prioritized these important accomplishments by contributing matching dollars to this grant to fund activities that help make these efforts possible.



In researching additional information specifically related to nitrogen and phosphorus for water quality. Please find enclosed a publication from the Environmental Protection Agency (EPA) "Protecting Water Quality from Agricultural Resources." This publication describes nonpoint source (NPS) pollution. NPS (unlike pollution from point sources such as industrial and sewage treatment plants) comes from many diffuse sources. "In the 2000 National Water Quality Inventory, states reported that agricultural nonpoint sources (NPS) pollution is the leading

source of water quality impacts on surveyed rivers and lakes, the second largest source of impairments to wetlands, and a major contributor to contamination of survey estuaries and ground water." As stated above, these types of improvements are currently done by the Hillsdale Watershed Coalition.



Proper stormwater management practices are an important component to the City's development process. 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. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan that is reviewed by the City and the State.

Protecting Water Quality *from* **AGRICULTURAL RUNOFF**

Clean Water Is Everybody's Business

The United States has more than 330 million acres of agricultural land that produce an abundant supply of food and other products. American agriculture is noted worldwide for its high productivity, quality, and efficiency in delivering goods to the consumer. When improperly managed however, activities from working farms and ranches can affect water quality.

In the 2000 *National Water Quality Inventory*, states reported that agricultural nonpoint source (NPS) pollution is the leading source of water quality impacts on surveyed rivers and lakes, the second largest source of impairments to wetlands, and a major contributor to contamination of surveyed estuaries and ground water. Agricultural activities that cause NPS pollution include poorly located or managed animal feeding operations; overgrazing; plowing too often or at the wrong time; and improper, excessive, or poorly timed application of pesticides, irrigation water, and fertilizer.

Pollutants that result from farming and ranching include sediment, nutrients, pathogens, pesticides, metals, and salts. Impacts from agricultural activities on surface water and ground water can be minimized by using management practices that are adapted to local conditions. Many practices designed

What Is Nonpoint Source Pollution?

Nonpoint source (NPS) pollution, unlike pollution from point sources such as industrial and sewage treatment plants, comes from many diffuse sources. Polluted runoff is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into watersheds through lakes, rivers, wetlands, coastal waters, and even our underground sources of drinking water.

Did you know that runoff from farms is the leading source of impairments to surveyed rivers and lakes?

to reduce pollution also increase productivity and save farmers and ranchers money in the long run.

There are many government programs available to help farmers and ranchers design and pay for management approaches to prevent and control NPS pollution. For example, over 40 percent of section 319 Clean Water Act grants have been used to control NPS pollution from working farms and ranches. Also, many programs funded by the U.S. Department of Agriculture and by states provide cost-share, technical assistance, and economic incentives to implement NPS pollution management practices. Many local organizations and individuals have come together to help create regional support networks to adopt technologies and practices to eliminate or reduce water quality impacts caused by agricultural activities.

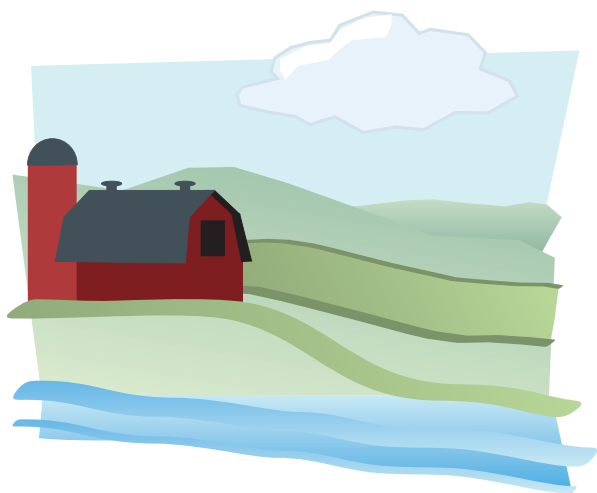
Sedimentation

The most prevalent source of agricultural water pollution is soil that is washed off fields. Rain water carries soil particles (sediment) and dumps them into nearby lakes or streams. Too much sediment can cloud the water, reducing the amount of sunlight that reaches aquatic plants. It can also clog the gills of fish or smother fish larvae.

In addition, other pollutants like fertilizers, pesticides, and heavy metals are often attached to the soil particles and wash into the water bodies, causing algal blooms and depleted oxygen, which is deadly to most aquatic life. Farmers and ranchers can reduce erosion and sedimentation by 20 to 90 percent by applying management practices that control the volume and flow rate of runoff water, keep the soil in place, and reduce soil transport.

Nutrients

Farmers apply nutrients such as phosphorus, nitrogen, and potassium in the form of chemical fertilizers, manure, and sludge. They may also grow legumes and leave crop residues to enhance production. When these sources exceed plant needs, or are applied just before it rains, nutrients can wash into aquatic ecosystems. There they can cause algae blooms, which can ruin swimming and boating opportunities, create foul taste and odor in drinking water, and kill fish by removing oxygen from the water. High concentrations of nitrate in drinking water can cause methemoglobinemia, a potentially fatal disease in infants, also known as blue baby syndrome. To combat nutrient losses, farmers can implement nutrient management plans that help maintain high yields and save money on fertilizers.



Animal Feeding Operations

By confining animals in small areas or lots, farmers and ranchers can efficiently feed and maintain livestock. But these confined areas become major sources of animal waste. An estimated 238,000 working farms and ranches in the United States are considered animal feeding operations, generating about 500 million tons of manure each year. Runoff from poorly managed facilities can carry pathogens such as bacteria and viruses, nutrients, and oxygen-demanding organics and solids that contaminate shellfishing areas and cause other water quality problems. Ground water can also be contaminated by waste seepage. Farmers and ranchers can limit discharges by storing and managing facility wastewater and runoff with appropriate waste management systems.

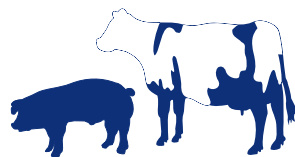
Livestock Grazing

Overgrazing exposes soils, increases erosion, encourages invasion by undesirable plants, destroys fish habitat, and may destroy streambanks and floodplain vegetation necessary for habitat and water quality filtration. To reduce the impacts of grazing on water quality, farmers and ranchers can adjust grazing intensity, keep livestock out of sensitive areas, provide

alternative sources of water and shade, and promote revegetation of ranges, pastures, and riparian zones.

Irrigation

Irrigation water is applied to supplement natural precipitation or to protect crops against freezing or wilting. Inefficient irrigation can cause water quality problems. In arid areas, for example, where rainwater does not carry minerals deep into the soil, evaporation of irrigation water can concentrate salts. Excessive irrigation can affect water quality by causing erosion, transporting nutrients, pesticides, and heavy metals, or decreasing the amount of water that flows naturally in streams and rivers. It can also cause a buildup of selenium, a toxic metal that can harm waterfowl reproduction. Farmers can reduce NPS pollution from irrigation by improving water use efficiency. They can measure actual crop needs and apply only the amount of water required. Farmers may also choose to convert irrigation systems to higher efficiency equipment.



Pesticides

Insecticides, herbicides, and fungicides are used to kill agricultural pests. These chemicals can enter and contaminate water through direct application, runoff, and atmospheric deposition. They can poison fish and wildlife, contaminate food sources, and destroy the habitat that animals use for protective cover. To reduce contamination from pesticides, farmers should use Integrated Pest Management (IPM) techniques based on the specific soils, climate, pest history, and crop conditions for a particular field. IPM encourages natural barriers and limits pesticide use and manages necessary applications to minimize pesticide movement from the field.

Farm Bill Conservation Funding

In May 2002 President Bush signed the Farm Bill, providing up to \$13 billion for conservation programs for six years. This Farm Bill represents an 80 percent increase above current levels of funding available for conservation programs designed to prevent polluted runoff. For more information, visit www.usda.gov/farmbill.

Related Publications and Web Sites

National Management Measures to Control Nonpoint Source Pollution from Agriculture

epa.gov/nps/agmm

This technical guidance and reference document is for use by state, local, and tribal managers in the implementation of nonpoint source pollution management programs. It contains information on effective, readily available, and economically achievable means of reducing pollution of surface and ground water from agriculture.

Agricultural Nonpoint Source Pollution Management Web Site

epa.gov/nps/agriculture.html

This web site features a collection of links to helpful documents, federal programs, partnerships and nongovernmental organizations that convey advice and assistance to farmers and ranchers for protecting water quality.

National Agriculture Compliance Assistance Center

epa.gov/agriculture or call toll-free: 1-888-663-2155

EPA's National Agriculture Compliance Assistance Center is the "first stop" for information about environmental requirements that affect the agricultural community.

Animal Feeding Operations (AFO) Web Sites

AFO Virtual Information Center: epa.gov/npdes/afovirtualcenter
Overview of regulations and helpful links: epa.gov/npdes/afo

Funding Sources

Searchable Catalog of Federal Funding Sources for Watershed Protection

epa.gov/watershedfunding

Agricultural Management Assistance Database

www.nrcs.usda.gov/programs/ama

Clean Water Act Section 319(h) funding (epa.gov/nps/319hfunds.html) is provided to designated state and tribal agencies to implement approved nonpoint source management programs.

Environmental Quality Incentives Program (www.nrcs.usda.gov/programs/eqip) offers financial, technical, and educational assistance to install or implement structural, vegetative, and management practices designed to conserve soil and other natural resources.

Conservation Reserve and Conservation Reserve Enhancement Programs (www.fsa.usda.gov/dafp/cepd/default.htm) implemented by the U.S. Department of Agriculture provide financial incentives to encourage farmers and ranchers to voluntarily protect soil, water, and wildlife resources.

For More Information

U.S. Environmental Protection Agency
Nonpoint Source Control Branch (4503T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
epa.gov/nps