EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
April 22, 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 person wishing to attend the City Council 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 seating will be set up to be in compliance with these requirements.

Call to Order

1. **Roll Call** ___ Roberts ____ Longanecker ____ Conus ____ Lewis ____ Smith ___ Beem
2. **Welcome**
3. **Pledge of Allegiance**

Consent Agenda *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

4. Approve Minutes from April 8, 2021 Regular City Council Meeting
5. Approve Application FP2021-01 Final Plat for Logistics Park Kansas City South, Fourth Plat, Lot 1 generally located at the northwest corner of Kill Creek Road and 213th Street, Edgerton, Kansas

Regular Agenda

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

Business Requiring Action

7. **CONSIDER ORDINANCE NO. 2069 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-03 FOR THE REZONING OF APPROXIMATELY 59.51 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION AT W 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOUHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT**

   Motion: _____ Second: _____ Vote: ____

8. **CONSIDER ORDINANCE NO. 2070 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-04 FOR THE REZONING OF APPROXIMATELY 59.499 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT**

   Motion: _____ Second: _____ Vote: ____

9. **CONSIDER ORDINANCE NO. 2071 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-05 FOR THE REZONING OF APPROXIMATELY 40.233 ACRES OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT**

   Motion: _____ Second: _____ Vote: ____

10. **CONSIDER ORDINANCE NO. 2072 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-06 FOR THE REZONING OF APPROXIMATELY 40.241 ACRES OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT**

    Motion: _____ Second: _____ Vote: ____

11. **CONSIDER ORDINANCE NO. 2073 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-07 FOR THE REZONING OF APPROXIMATELY 120.006 ACRES OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT**

    Motion: _____ Second: _____ Vote: ____

12. **CONSIDER ORDINANCE NO. 2074 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-08 FOR THE REZONING OF APPROXIMATELY 221.334 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 215TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT**

Motion: _____ Second: _____ Vote: ____

13. **CONSIDER ORDINANCE NO. 2075 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-02 FOR THE REZONING OF APPROXIMATELY 106.131 ACRES OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION AT W 199TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOUHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT**

    Motion: _____ Second: _____ Vote: ____

14. **CONSIDER ORDINANCE NO. 2068 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT (CU2021-01) ALLOWING AN INTERSTATE POLE SIGN ON PROPERTY LOCATED AT 32501 W 200TH STREET, EDGERTON, KANSAS.**

    Motion: _____ Second: _____ Vote: ____

15. **Report by the City Administrator**

16. **Report by the Mayor**
    - DRAFT Johnson County Community Housing Study

17. **Future Meeting Reminders:**
    - May 11th: Planning Commission – 7:00 PM
    - May 13th: City Council Meeting – 7:00 PM
    - May 27th: City Council Meeting – 7:00 PM
    - June 8th: Planning Commission – 7:00PM
    - June 10th: City Council Meeting – 7:00PM
    - June 24th: City Council Meeting – 7:00PM

18. **Adjourn** Motion: _____ Second: _____ Vote: ____

EVENTS

May 8th: City Wide Garage Sale

May 15th: City Wide Clean Up

June 5th: Summer Kick-off Block Party

June 18-19th: Frontier Days

City of Edgerton, Kansas
Minutes of City Council Regular Session
April 8, 2021

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on April 8, 2021. The meeting convened at 7:01 PM with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present
Josh Beem	present

With a quorum present, the meeting commenced.

Staff in attendance:
City Administrator Beth Linn
City Attorney Lee Hendricks
City Clerk Alexandria Clower
Development Services Director Katy Crow
Finance Director Karen Kindle
Accountant Justin Vermillion
Public Works Director Dan Merkh
CIP Manager Brian Stanley
Marketing and Communications Manager Kara Banks

2. WELCOME

3. PLEDGE OF ALLEGIANCE

Consent Agenda

4. Approve Minutes from March 25, 2021 Regular City Council Meeting
5. Consider Agreement with Kruger Testing Inc. to Provide Testing Services for 207th Grade Separation Project

Councilmember Longanecker requested item number 5, the agreement with Kruger Testing Inc., be taken off the consent agenda for further questions and comments.

Councilmember Smith motioned to approve item number 4 of the consent agenda, seconded by Councilmember Lewis. The minutes from March 25, 2021 Regular City Council Meeting were approved, 4-0.

Councilmember Longanecker questioned what council was voting on with this item. He asked why the City was needing to use Kruger Testing Inc. and asked if this should fall under inspection services with construction. He asked why Council was involved in this process.

Ms. Beth Linn, City Administrator, stated typically the material inspection testing is done by a different company than the overall construction inspections. She stated Kruger Testing Inc. has done nearly all the material inspections for the City's projects. She stated the reason for this coming to Council tonight is because agreements require approval by the governing body.

Mr. Dan Merkh, Public Works Director, stated the City noticed with 207th and Homestead for bookkeeping purposes it made it more understandable and cleaner to have the agreement with the City instead of the contractor. He stated there have been some projects previously where some things have been missed and the City wanted to try a different approach this time in hopes to make things cleaner and more efficient for everybody involved. He stated the costs have always been there but typically fell under the umbrella of the construction inspection cost rather than the costs being broken down prior to, like this agreement shows.

Councilmember Conus motioned to approve item number 5 of the consent agenda, seconded by Councilmember Smith. The Agreement with Kruger Testing Inc. was approved, 4-0.

Regular Agenda

6. **Public Comments.** Mayor Roberts requested the City Clerk read names of persons providing public comments for items not on the agenda.

Ms. Clower stated the public comment was submitted via email after the last Council meeting and has been provided to Councilmembers in their folders. She stated the public comment was from Krista Stines-Mealman, no address given and was not found in Johnson County AIMS.

Mr. Cliff Cole, 19911 Peppertree Ln., addressed the Council. He stated he would like to address the new pole sign at the truck stop. He stated he was not able to attend the Planning Commission meeting where this was addressed, and public comment could be given. He stated he would like to take the time now to bring a couple things to light for the Governing Body. He stated his house is in the direct line of sight with the new truck stop and the pole sign that will be installed.

He stated there are a couple points he would like to make regarding the staff analysis and Section 7.1.C, the Criteria for the Issuance of Conditional Uses, provided to Planning Commission and the Governing Body and specifically Item C, the necessary safeguards will be provided to surrounding property, persons, and neighborhood values, and Item B, the criteria, the character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space. He stated staff determined this positive because the closest residential-zoned parcel is over 1,100 feet to the northwest.

He asked if there was a report done at any time to determine if the residential parcels and neighborhood were truly unaffected. He stated the closest adjacent parcels all contain C-2 zoning, and are not affected, he stated his parcel was not included in that finding and that his property is about as close as you can get.

Mr. Cole continued on, stating that it is not just the sign itself. He is also concerned about the blinking light component. He stated the flashing light at 8-second intervals will be bright, and he does not want that light coming into his house at night.

Mr. Cole distributed photos to Councilmembers to show his house and the concerns he has with the truck stop, lights, and the new pole sign. Mr. Cole provided photos to the council which reflected the current lighting along Homestead Lane. He stated the first picture is taken from their porch and shows a truck on Homestead Lane, and right behind this truck is where the pole sign will be. The second picture was taken standing on Homestead, in line with the pole sign and his house. He stated the third picture was taken from the upper loft area of their home. He stated he understands the needs for the lights, but the pole sign, up in the air with flashers, will cause more problems for his family. He stated in the fourth picture, lights can be seen coming into the house at night from the travel center and in the fifth picture, the lights from the interchange can be seen inside the home while sitting in the living room.

Mr. Cole stated they understand where they are living, and when the development first began and concerns were brought forward, they were told they would be protected. He stated they were promised berming or shielding if needed. He stated he has not seen any study done or documentation to show the impact from the lights on neighboring properties. He stated if there has not been a study, that maybe there should be. He stated he would like to see compromise, he does not want the project prevented, he just wants to protect his family and their way of life. He suggested that a shield be put in place on the side of the sign facing their home to eliminate some, if not all, of the bright light into their home.

7. **Declaration.** There were no declarations made by any of the councilmembers.

8. **Proclamation.** Mayor Roberts Declares April 2021 as National Fair Housing Month in the City of Edgerton, Kansas.

Mayor Roberts stated this is an important step for the community because having this proclamation allows the city to apply for specific grants that can then better the community. Ms. Linn stated the Community Development Block Grant Edgerton received in 2020 for the Sewer Project was a funded project because funding comes from the Department of Housing and Urban Development.

Business Requiring Action

9. **CONSIDER ORDINANCE NO. 2068 WHICH RECOMMENDS APPROVAL OF A CONDITIONAL USE PERMIT (CU2021-01) ALLOWING AN INTERSTATE POLE SIGN ON PROPERTY LOCATED AT 32501 W. 200TH STREET, EDGERTON, KANSAS**

Ms. Katy Crow, Development Services Director, addressed the Council. She stated that parcels with a C-2 zoning designation have permitted uses and certain uses allowed under the issuance of a Conditional Use Permit. In 2019, the City revised the Unified Development Code (UDC) to require Interstate Pole Signs to obtain a Conditional Use Permit (CUP) on parcels with a C-2 zoning designation.

Ms. Crow stated to recommend approval or disapproval of a proposed Conditional Use Permit (CUP), 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. She stated the Governing Body may consider all factors they deem relevant with relation to setbacks, height, illumination, location, etc. She stated the UDC provides the details for additional requirements that are to be considered when approving a CUP for an Interstate Pole Sign. City staff has reviewed application CU2021-01 with respect to all these requirements and this application meets all UDC requirements. She stated the staff report provided to the Planning Commission outlines the findings of the staff review.

Ms. Crow stated the Planning Commission held a public hearing at their meeting on March 9, 2021. There were no public comments regarding this item and the Planning Commission recommended approval of Application CU2021-01 with stipulations which included following all City building code requirements and keeping the Interstate Pole Sign in good condition with repairs occurring in accordance with the time frame provided in the City's UDC. In addition, failure to properly maintain the sign shall be cause for revocation of the permit. She stated any major modifications to the Pole Sign will render the permit null and void. Should the permit be declared null and void, the Interstate Pole Sign would then need to be removed within 60 days after notification. Staff recommends the permit be valid for 10 years from the date of approval by the City of Edgerton Governing Body, regardless of ownership. Should the permit not be renewed and approved prior to the expiration date, the Interstate Pole Sign would be considered non-compliant and removal would be required within 60 days of written notification to the property owner.

Ms. Robin D'Angelo with KC Sign Express in Overland Park, KS, addressed the council. She stated she is with the sign company that is working with the current owner of the property on the design and installation of the Interstate Pole Sign. She wanted to address some concerns from the homeowners stated during public comments. She stated in the case of the homeowners and their property, they are located 1,100 feet from the property line of the truck stop. That is much further than the typical distance of 300 feet she has seen in other jurisdictions she has worked with. She stated the pole sign will not be 83 feet above the road. Because of its location on the edge of the detention basin, it will be about 40 ft high above the grade of the parking lot. She stated the view of this sign will be only slightly taller than the building itself. She stated the lights in the sign are all LED and they're designed to penetrate through acrylic so that truckers can see the sign off the highway. She stated the timing intervals for the flashing and the brightness can easily be changed at the factory and it will also be set so that the customer cannot change any main functions, only the sign company can.

Mr. Cole asked if the sign was perpendicular to the highway or if it faces the interstate. He asked if it can be turned from their house and if a shield could be placed on one side to prevent the light from shining into their home. Ms. D'Angelo stated they could probably add a shield. She stated they want the family to use the businesses at the truck stop to buy gas and to eat at the restaurants. She stated she could remove the flasher on the sign. Mr. Cole stated that it is not just the flashing, it is the lights coming into their home. He stated he would be happy to sit down with and work with the owner and the sign company to come to a solution together that would best suit everyone. Ms. D'Angelo stated her intention this evening is to get a favorable response from council so the work can start and the project can stay on track, she stated she would be happy to talk to the owner, to see about adding a shield and removing the flasher all

together. She stated per the code, the minimum flashing time is 8 seconds, but if needed, it can be set to be at longer intervals so she would be happy to increase that time as well.

Councilmember Longanecker asked who is responsible for the upkeep and maintenance for the sign once installed. Ms. Crow responded the owner of the property is responsible for maintaining and keeping the sign in good working order while adhering to the City's code. He asked if the owner would be able to reset any functions programmed at installation. Ms. D'Angelo stated the owner would not have the ability to change any programmable functions. For anything to change, the owner would have to contact the manufacturer and they would have to change it. She stated as far as upkeep of the sign, the owner of the property has several different locations, and he is very proactive in taking care of his properties. She stated this sign will be his to take care of and if there are any problems, he will call the company to come out and repair it.

Councilmember Smith asked if adjustments can be made once the sign is up. Ms. D'Angelo stated the factory can make changes, the owner cannot, and adjustments can be made once the sign is installed, if needed.

Councilmember Conus asked if there has been any study done about the 300-foot minimum distance between such zoned parcels. Ms. Crow stated that the City of Edgerton does not have the 300-foot minimum that other cities have, and she is unaware of why that is the number those jurisdictions use.

Councilmember Longanecker stated that the property between the truck stop and Mr. Cole (across Homestead) has never been developed but has the same zoning and he inquired about what will happen when that parcel is developed. Ms. Crow stated that parcel has the same zoning as this one (C-2) and it will have to follow the same rules stated in the UDC.

Ms. Linn stated the agreement about landscape and the berming requirement Mr. Cole mentioned during his comments is in the rezoning ordinance that is part of the record for the property across Homestead that he is next to. That requirement exists and runs with the land, but it is not in effect until development of that parcel begins and the height of such landscape would be based on what is developed.

Ms. Linn stated the calculation that occurs for the height of the sign is from the adjacent road right-of-way, she stated this would be the grade of the center line and Homestead Lane, which makes the height 23 feet above Homestead Lane.

Councilmember Smith asked how high the streetlights are above Homestead. Mr. Merkh stated they are typically around 15 to 20 feet. Ms. Linn stated so the pole sign will be in the vicinity of those streetlights. She stated the 83 feet being mentioned does not start at the grade of Homestead, it starts at the grade of the parking lot, which leaves about 20 or so feet of clearance and visibility of the Pole Sign at grade.

Councilmember Smith asked if there is a way to put a shield on the sign. Ms. D'Angelo stated yes it could be done, and they would be happy to do that.

After conversations with Ms. D'Angelo, Mr. Cole stated he was informed that the light would directly face their house and would be parallel with Homestead, which is not what he thought coming into this meeting. He stated this is now a bigger issue that what he originally thought and thinks most of his neighbors on Peppertree will be affected as well.

Ms. Linn stated that the Cole's house is very different from their neighbors on Peppertree Lane as she stated all the other neighbors' homes are rear facing (to Homestead) and set back further. The Coles have their house facing Homestead Lane and are on the rear side of their parcel. She stated there is a difference in seeing the lights on the horizon and the lights shining outside of the truck stop property.

Councilmember Longanecker asked if there would be any way there could be pictures given to the governing body that show what type of sign could be installed, showing the brightness, height, etc. He asked if there was a similar sign in existence. Ms. D'Angelo stated she would rather not drag this out another 2 months. Her company has installed a similar sign in Joplin, and another one in Wellsville at Bert's Travel Plaza. She stated it is not exactly the same as what is proposed here, it has LEDs, is 80 feet and has a smaller square footage.

Councilmember Lewis motioned to table the item to allow time for Mr. Cole, the owner of the property and the sign company to have a meeting and discuss options to bring back to the next Council meeting on April 22, 2021. Councilmember Longanecker seconded the motion to table. Motion to table the item was approved, 4-0.

10. **CONSIDER RESOLUTION NO. 04-08-21A APPROVING A FIVE-YEAR CITY/COUNTY STREET IMPROVEMENT PROGRAM 2022-2026**

Mr. Merkh addressed the Council. He stated from the time of publishing the packet, the City Attorney has reviewed and added a few slight housekeeping items to the Resolution. He stated a copy of the red line version was provided to council.

Mr. Merkh stated each year, the cities in Johnson County are invited to submit projects to be considered for the five-year city/county street improvement program through the County Assistance Road System (CARS) program. He stated the CARS program provides funds to the cities of Johnson County to construct and maintain their major arterial roadways.

Mr. Merkh stated using a scoring system, the County selects and allocates funds. The County pay 50% of the project's construction and construction inspection costs. He stated the cities are responsible for design, right-of-way, and utility relocation cost.

Mr. Merkh stated the types of projects eligible for the CARS program are Capacity Improvements such as additional lanes; Major Maintenance such as overlays and patching; System Management such as intersection improvements, traffic signals and turn lanes; Bridges requiring replacement or rehabilitation; and Route Enhancements for sidewalks, bike paths and street lighting.

Mr. Merkh stated in 2022 the City of Edgerton Nelson Street Project, from East 3rd Street to West 8th Street, will receive the Ultrathin Bonded Asphalt Surface, commonly referred to as UBAS. He stated this project will include the necessary localized asphalt patching to address any

base failures and localized curb and gutter repair as needed to fix any drainage issues or water ponding issues along the project. He stated the Nelson Street Project will be submitted to CARS as the City of Edgerton's First project priority for 2022.

Mr. Merkh stated prior to Logistics Park Kansas City, the City of Edgerton frequently did not participate in the CARS program due to the local match requirement to receive funding. With new sources of revenue available from LPKC and surrounding development, the City has identified potential projects to be submitted for consideration of the next annual five-year CARS program. He stated staff is working with the City Engineer to provide detailed project cost estimates and scopes for these projects. He stated this additional information will be submitted with the CARS 2022-2026 Program Submission. While these projects are not yet funded in the 2021-2025 Capital Improvement Program, staff recommends submitting them now for consideration while additional funding sources are considered:

- In 2024, the City of Edgerton East 2nd Street Project, from East Nelson Street to Co-Op Road. Mr. Merkh stated as part of this project, the existing asphalt pavement will be removed and replaced with concrete pavement. He stated use of this concrete pavement would better accommodate the traffic and volume of large trucks on this route, particularly the loading movements coming from the Ottawa Co-Op and other truck route traffic from I35. He stated this section of roadway is not currently a CARS eligible route, with the addition of the 207th Street Grade Separation, staff believes that this section of roadway can be elevated to a CARS Minor route or connecting link between two CARS eligible roadways. He stated staff will continue to work with the CARS Program for future eligibly of East 2nd Street.

- In 2026, the City of Edgerton East Nelson Street, E 4th Street to E 3rd Street Project, including the intersections at East Nelson Street and East 4th Street and East Nelson Street and East 3rd Street. He stated as part of this project, the existing asphalt pavement will be removed and replaced. He stated this project will also include improved traffic flow and address on street parking, replacement of sidewalk and trail, stormwater, and other supporting infrastructure, as necessary. He stated this project will follow the outline of the 2018 Downtown Edgerton Plan Findings.

Mr. Merkh stated the draft Resolution No. 04-08-21A, map of the locations for 2022-2026 CARS projects and CARS Form A for the 2022, 2024 and 2026 CARS submissions have been provided to council in their packet.

Mayor Roberts asked if the City received CARS funding, can the City still use grant money. Mr. Merkh stated the City would be eligible to use other grant funding to help cover the cost of the project, but to use the grant money to use as the match for the City's portion with CARS program portion, he would have to double check on.

Councilmember Smith asked why the City picked the specific roadways to submit for the program. Mr. Merkh stated the only eligible roadways in the city are Nelson, 207th Street and 8th Streets. He stated often roadways are considered minor, which is why the City thinks 2nd Street roadway could be elevated and included in the program. He stated this will be the only section left after the project.

Ms. Beth Linn, City Administrator, stated in 2009, 4th Street to 8th Street on Nelson, received American Recovery and Reinvestment Act funds, and that was the last time maintenance has been done on that roadway.

Councilmember Longanecker made motion to approve Resolution 04-08-21A, motion seconded by councilmember Conus. Motion was approved, 4-0.

11. CONSIDER AMENDMENT #3 TO OWNER-ENGINEER AGREEMENT BETWEEN THE CITY OF EDGERTON AND HDR, INC. FOR THE FINAL DESIGN OF THE 207TH STREET GRADE SEPARATION PROJECT

Mr. Dan Merkh, Public Works Director, addressed the Council. He stated on February 11, 2021, the 207th Street Grade Separation Project was awarded to Pyramid Contractors Inc. for construction. He stated as part of the initial mobilization and setup for the project, survey was completed for the project area. The survey data showed that sometime after completion of the initial survey for the design plans, BNSF Railway performed a maintenance operation to the tracks, which raised the elevation of the tracks approximately 8 inches at the bridge location.

Mr. Merkh stated the existing design plans well exceed the requirement by the Federal Railroad Administration for clearance over the track, but BNSF Railway requires additional clearance. He stated although a significant change in elevation is not anticipated, staff recommends the City Council approve Amendment #3 to revise the design plans to restore the original additional clearance from the bridge to the rail. He stated this additional clearance provides further protection for the City against change in clearance requirements from either the FRA or BNSF that may require modifications to the bridge.

Mr. Merkh stated Amendment #3 would increase the total cost for the design services for HDR for the 207th Street Grade Separation project by $25,791. He stated the cost would be significantly less today than future design and or construction modifications in the future.

Mr. Merkh stated the Public Infrastructure Fund and project budget can accommodate this increase to the design contract.

Mr. Merkh stated staff is recommending approval of the agreement subject to compliance with the comments made by the City Attorney and City Engineer.

Councilmember Longanecker made motion to approve Amendment #3 with City Attorney and City Engineer comments, motion seconded by Councilmember Smith. Motion was approved, 4-0.

12. CONSIDER CHANGE ORDER #1 TO CONTRACT WITH PYRAMID CONTRACTORS INCORPORATED FOR CONSTRUCTION OF 207TH GRADE SEPARATION PROJECT

Mr. Dan Merkh, Public Works Director, addressed the Council. He stated on February 11, 2021 the City awarded the bid to Pyramid Contractors, Inc. for construction of the 207th Street Grade Separation Project. He stated at the time of design, projects were not being bid on a regular

basis and the global availability and the transportation of the materials was estimated to have an impact on pricing. He stated at the time of the bid, some of the costs had increased, but the overall costs were not as elevated as anticipated.

Mr. Merkh stated Change Order #1 is consideration of an upgrade in the type of concrete for the bridge deck of the 207th Street Grade Separation. He stated the adjoining roadways were designed and bid to be constructed of KCMMB concrete, a granite-based concrete mix. He stated the KCMMB concrete has shown over time to wear better and require less maintenance, especially in horizontal infrastructure, such as roadways that can hold water.

Mr. Merkh stated at the time of bid, the deck of the bridge was designed and bid with KDOT concrete mix, a limestone-based concrete mix. This design mix is typical for bridge decks, especially in consideration of possible cost implications for upgrading to the KCMMB mix. He stated once the City received the actual construction bids and recognized the savings present in those bids, staff asked the contractor to prepare Change Order #1 for consideration of upgrading the bridge deck from the KDOT mix to the KCMMB concrete mix. He stated this upgrade will allow for a longer life for the bridge deck with less maintenance needed during that lifetime.

Mr. Merkh stated this Change Order will increase the contract with Pyramid Contractors by $52,960.00, for a total of $7,074,855.00.

Mr. Merkh stated funding for this project was included in the 2020-2024 Capital Improvement Program, with an overall project cost of $15,000,000.00. He stated this Change Order with Pyramid Contractors is within budget.

Councilmember Longanecker motioned to approve Change Order #1 with Pyramid Contractors, seconded by Councilmember Lewis.

13. **Report by the City Administrator**

- Consider an agreement with Board of County Commissioners of Johnson County.
  Mr. Dan Merkh addressed the Council. He stated the City is currently in the early stages of the project development process for a new project in the area south of 207th and Homestead Lane. He stated a land disturbance permit has been issued to begin grading operations on a parcel of land in the City of Edgerton positioned between 207th Street and 213th Street south of Homestead Lane.

  Mr. Merkh stated part of this project is the construction of a future roadway to access the site from 207th Street. He stated while this road is being built, construction equipment needs to be delivered for site development. The existing access of the site is from 213th Street and Kill Creek Road and the existing roadways to access the site entrance are Waverly Road and 213th Street, which are both Johnson County roadways. He stated these roadways are needed as a temporary access route until permanent access is constructed from 207th Street.

  Mr. Merkh stated in March 2021, City Staff worked with Johnson County Public Works to determine the safety and durability of the existing temporary access route. He stated these roads are narrower than typical county roads and built from gravel. The County

has agreed to increase maintenance of the roadway during their usage as a temporary access route. He stated the agreement states the costs of this maintenance will be sent to the City and all costs provided to the City will be invoiced to the contractor for payment.

Mr. Lee Hendricks, City Attorney, addressed the council. He stated that for clarification purposes, this agreement is technically not an interlocal agreement, it is simply a Road Maintenance Agreement between two municipalities. He stated it cannot be considered an interlocal agreement because such an agreement would require approval by the Attorney General. He stated municipalities have the power to make certain agreements with other municipalities as allowed by their city codes.

Ms. Beth Linn stated there were letters sent out jointly from Johnson County and the City of Edgerton, encouraging those that live in this area to sign up for NotifyJoCo to receive messages and information about road closures, maintenance, etc. that could affect their travel and traffic flow.

Councilmember Longanecker asked if the county takes care of their roads in a decent way. Mr. Merkh stated the county will maintain, but the City of Edgerton can still inspect the roadways, and the County encourages the City to do so. He stated there is an existing relationship with the County and communication about existing roadways.

Councilmember Longanecker motioned to approve the Roadway Maintenance Agreement, seconded by Councilmember Lewis. Motion approved, 4-0.

- Monthly Report on 502 E 2nd St.

Ms. Katy Crow, Development Service Director, addressed the Council. She stated she met with the owner, Mr. Abundiz to see the progress made since the last walkthrough. She stated the current walkthrough was performed on March 26, occurring after three weeks instead of the typical four. She stated not a lot of work has been performed this time due to weather, the owner preparing for his upcoming nuptials, and his busy schedule with his regular employment. She stated Mr. Abundiz has said he anticipates the work to progress more quickly now that the weather has improved, and he will have additional family members that can assist.

Ms. Crow stated since the last inspection additional framing has been completed upstairs along with the addition of some truss work in the attic area. She stated a 6' x 6' foundation post has been added to the south wall of the structure which will complete one of the items listed as an inspection comment by GBA during the initial walk through of the property. She stated she has provided pictures of the progress to the council members in their packet.

Ms. Crow stated staff will conduct another walk through prior to the May 13, 2021 council meeting and provide an update at that time.

- Special Event Permit – Use of the Green Space by Venturing Scouts

Ms. Beth Linn, City Administrator, addressed the council. She stated the Venturing Scouts have asked to use the Green Space for a fundraiser during the City-Wide Garage Sale on May 8, 2021. She stated the Scouts were asked to complete a permit application, similar to the process for Frontier Days. She stated they are just asking for the space and no road closures or equipment will be needed. She stated in the permit application, the Scouts provided their insurance requirement with the City named as the Certificate Holder.

Ms. Linn stated as a nonprofit, the Council has the option to waive the fee for the permit.

Ms. Linn stated the City plans to have Chris Cakes located downtown providing breakfast boxes for $5 and free coffee. She stated the hope is to bring the Edgerton Community together and help the Scouts raise money as well as visit the surrounding sales.

Councilmember Smith motioned to approve the Special Event with the fee being waived. Councilmember Longanecker seconded the motion. Motion was approved 4-0.

14. **Report by the Mayor**

Mayor Roberts stated an Executive Session for Attorney Client Privilege for the purposes of Contract Negotiations needed to be added to the agenda for tonight. He stated he expects it to last 5 minutes and expects for there to be an action taken after returning to open session.

15. **Future Meeting Reminders:**
- April 13th: Planning Commission Meeting – 7:00 PM
- April 22nd: City Council Meeting – 7:00 PM
- May 11th: Planning Commission – 7:00 PM
- May 13th: City Council Meeting – 7:00 PM
- May 27th: City Council Meeting – 7:00 PM

16. **CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS**

Councilmember Smith motioned to recess into executive session pursuant to K.S.A 75-4319(B)(2) for consultation with an attorney deemed privileged in the attorney-client relationship to include the City Attorney and City Administrator for the purposes of contract negotiations for 5 minutes. Councilmember Longanecker seconded the motion. The meeting recessed into executive session at 8:07 PM, 4-0.

Councilmember Smith motioned to return to open session with no action being taken. Councilmember Longanecker seconded the motion. Open session resumed at 8:12 PM, 5-0.

Ms. Beth Linn addressed the council. She stated staff is asking for a funding agreement between the City and Polaris. She stated the project could require access to the Wastewater Treatment system.

Ms. Linn asked council to consider approving the agreement pending City Attorney review and authorize the Mayor to execute the contract.

Councilmember Longanecker motioned to approve the agreement pending City Attorney review and authorize the Mayor to execute the final contract. Motion seconded by Councilmember Lewis. Motion was approved, 4-0.

17. **Adjourn**

Councilmember Smith motioned to adjourn, seconded by Councilmember Lewis. All in favor. Meeting adjourned at 8:23 PM.

EVENTS

May 8th: City-Wide Garage Sale

May 15th: City-Wide Clean-Up

June 5th: Summer Kick-off Block Party

June 18-19th: Frontier Days

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City Council Action Item

Council Meeting Date: April 22, 2021

Department: Community Development

Agenda Item: Consider Application FP2021-01, Final Plat for Logistics Park Kansas City South, Fourth Plat, Lot 1 Generally Located at the Northwest Corner of Kill Creek Road and 213th Street, Edgerton, Kansas.

Background/Description of Item:

On February 25, 2021 the City of Edgerton received Application FP2021-01 for the Final Plat of *Logistics Park Kansas City South, Fourth Plat, Lot 1*, generally located at the northwest corner of Kill Creek Road and 213th Street, Edgerton, Kansas.

The parcels contained in this plat document were annexed into the City of Edgerton on March 15, 2018. A public hearing was held on February 9, 2021 and the Planning Commission recommended these parcels for rezoning from Johnson County RUR to City of Edgerton L-P (Logistics Park District). The Governing Body approved the rezoning on March 11, 2021 (Ordinances 2065 and 2066).

The Planning Commission held a public hearing for Preliminary Plat Application PP2021-01 on April 13, 2021. This Final Plat application aligns with the request made in that application and the request combines two parcels which have not been platted into one larger lot which totals approximately 78.62 acres. This Final Plat application was also heard and approved by the Planning Commission at their April 13, 2021 meeting.

The applicant has requested the final platting of these parcels in anticipation of the construction of Project Polaris.

City staff has reviewed the Final Plat submittal for compliance with the approved Preliminary Plat and requirements in Section 13.3 of Article 13 of the Edgerton UDC. The applicant's engineer has updated the Final Plat (dated April 14, 2021) as required by stipulations listed in the Planning Commission staff report and the updated Final Plat is included here. The resubmitted Final Plat has been reviewed by both the City Engineer and City Staff. All comments noted in the staff report have been satisfied.

Related Ordinance(s) or Statue(s): K.S.A. 12-715b, K.S.A. 12-741, et. Seq. to K.S.A. 12-771 – Establishment of the Unified Development Code

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Application FP2021-01, Final Plat for Logistics Park Kansas City South, Fourth Plat, Lot 1 Generally Located at the Northwest Corner of Kill Creek Road and 213th Street, Edgerton, Kansas.

Enclosed:

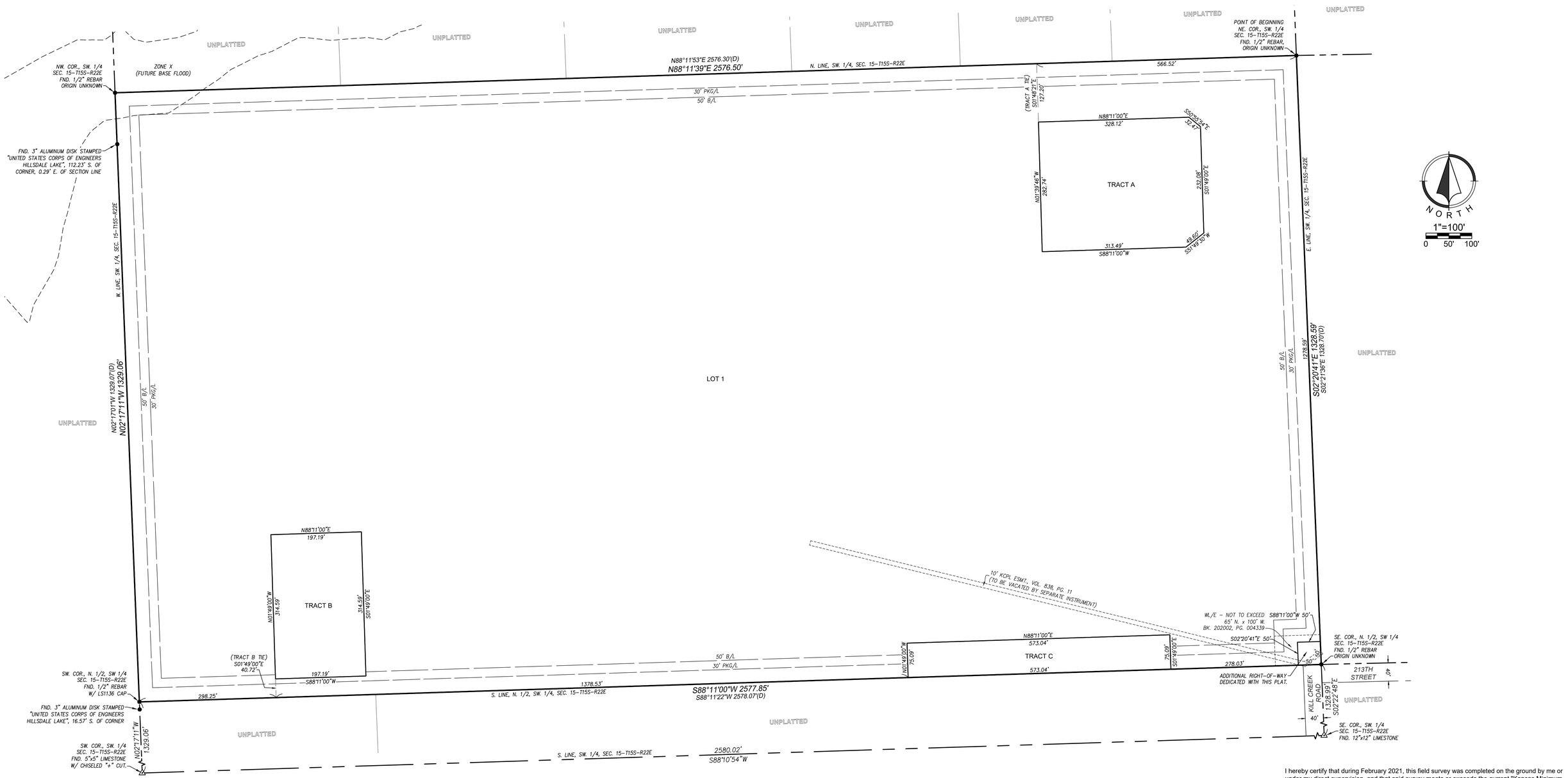
- Revised Final Plat received April 14, 2021.
- Staff Report from April 13, 2021 Planning Commission including Final Plat Application FP2021-01
- Excerpt of April 13, 2021 Planning Commission Meeting Draft Minutes – Logistics Park Kansas City South, Third Plat portion only.

Prepared by: Katy Crow, Development Services Director

FINAL PLAT

LOT 1, LOGISTICS PARK KANSAS CITY SOUTH, FOURTH PLAT

PART OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 15 SOUTH, RANGE 22 EAST, IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS



DESCRIPTION

The North Half of the Southwest Quarter of Section 15, Township 15 South, Range 22 East, in the City of Edgerton, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northeast Corner of said Southwest Quarter; thence South 02°20'41" East, along the East line of said Southwest Quarter, a distance of 1,328.59 feet to the Southeast corner of the North Half of said Southwest Quarter; thence South 88°11'00" West, along the South line of the North Half of said Southwest Quarter, a distance of 2,577.85 feet to the Southwest corner thereof; thence North 02°17'11" West, along the West line of said Southwest Quarter, a distance of 1,329.06 feet to the Northwest corner of said Southwest Quarter; thence North 88°11'39" East, along the North line of said Southwest Quarter, a distance of 2,576.50 feet to the Point of Beginning, containing 3,424,478 square feet or 78.615 acres, more or less.

DEDICATION

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as:

"LOT 1, LOGISTICS PARK KANSAS CITY SOUTH, FOURTH PLAT"

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the City of Edgerton, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easement.

RESTRICTIONS

Tracts "A", "B" and "C" are intended to be used for storm water detention and open space and shall be owned and maintained by Logistics Park Kansas City Owners' Association, its successors and assigns.

CONSENT TO LEVY

The undersigned proprietor of the above described tract of land hereby consents and agrees that the Board of County Commissioners and the City of Edgerton, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall become and remain a lien on this land fronting and abutting on such dedicated public way or thoroughfare

EXECUTION

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this _____day of _____, 2021.

Wellsville Farms, LLC
By: NPD Management, LLC, its Manager

_____
Nathaniel Hagedorn, Manager

STATE OF _____)
) SS
COUNTY OF _____)

BE IT REMEMBERED, that on this _____day of _____, 2021, before me a Notary Public in and for said County and State, came Nathaniel Hagedorn, Manager of NPD Management, LLC, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said limited liability company, and he duly acknowledged the execution of the same to be the act and deed of said limited liability company.

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

_____ My Appointment Expires:_____.
Notary Public

APPROVALS

REVIEWED by the Planning Commission of the City of Edgerton, Johnson County, Kansas, on this _____ day of _____, 2021.

_____ _____
John E. Daley, Chairperson Jeremy Little, Secretary

REVIEWED by the Zoning Administrator, on this _____ day of _____, 2021.

_____
Katy Crow, Zoning Administrator

APPROVED by the Governing Body of the City of Edgerton, Johnson County, Kansas, on this _____ day of _____, 2021.

_____ Attest:_____
Donald Roberts, Mayor Alexandria Clower, City Clerk

LOT INFORMATION					
LOT NO.	LOT AREA	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	BUILDING ENVELOPE
1	3,217,939 S.F. 73.874 Acres	50'	50'	50'	2,867,897 S.F. 65.838 Acres
TRACT A	98,975 S.F. 2.272 Acres	N/A	N/A	N/A	N/A
TRACT B	62,034 S.F. 1.424 Acres	N/A	N/A	N/A	N/A
TRACT C	43,030 S.F. 0.988 Acres	N/A	N/A	N/A	N/A
ROW	2,500 S.F. 0.057 Acres	N/A	N/A	N/A	N/A
TOTALS	3,424,478 S.F. 78.615 Acres				

NOTES:

Basis of Bearings: GPS observations and referenced to the Kansas State Plane Coordinate System, North Zone (NAD 83).

CLOSURE CALCULATIONS:
Precision, 1 part in: 1407424.542'
Error distance: 0.006'
Error direction: S11°44'37"E
Perimeter: 7812.00'

All bearings and distances shown on this plat are measured unless otherwise noted.

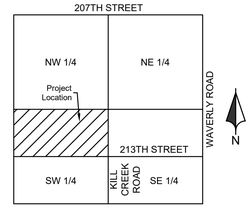
Flood Plain Note: According to the F.E.M.A. Flood Insurance Rate Map Number 20091C0149G, revised August 3, 2009, this tract graphically lies in OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain and OTHER FLOOD AREAS, ZONE X (Future Base Flood) defined as areas of 1% annual chance flood based on future conditions hydrology. No Base Flood Elevations determined.

I hereby certify that during February 2021, this field survey was completed on the ground by me or under my direct supervision, and that said survey meets or exceeds the current "Kansas Minimum Standards For Boundary Surveys" as established by the Kansas Board of Technical Professions.

_____
Roger B. Dill, Kansas PS-1408
RIC KS CLS-234
rdill@ric-consult.com

LEGEND:

- FOUND SECTION CORNER AS NOTED
- FOUND MONUMENT AS NOTED
- (D) DESCRIBED
- W/E WATERLINE EASEMENT



LOCATION MAP
SECTION 15-15-22
Scale 1" = 2000'

21-0106

LOT 1, LOGISTICS PARK KANSAS CITY SOUTH, FOURTH PLAT

Prepared For:
NPD Management, LLC
4825 NW 41st Street, Suite 500
Riverside, MO 64150
(816) 888-7380

Date of Preparation: February 24, 2021
Revised: April 14, 2021

Renaissance Infrastructure Consulting
132 Abbie Avenue
Kansas City, Kansas 66103
913.317.9500
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Renaissance Infrastructure Consulting

5015 NW Canal St. Suite 100
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ric-consult.com

April 15th, 2021

Katy Crow
Chris Clinton
City of Edgerton
404 E. Nelson
Edgerton, KS

Memorandum: **Final Plat Resubmittal Changes**

Ms. Crow

The changes made to the revised Final Plat submitted on 04/14 consist of the following:

1. Added the requested 50'x50' right of way dedication at 213th and Kill Creek.
2. RIC will share the plat with any utility companies that may want to see it. It is anticipated that any necessary easements on site will be recorded by separate instrument. No general U/E's are planned for the site.

Patrick Cassity

RENAISSANCE INFRASTRUCTURE CONSULTING

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STAFF REPORT

April 13, 2021

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: **FP2021-01** Final Plat for *Logistics Park Kansas City Fourth Plat, Lot 1 (Project Polaris)* generally located at the northwest corner of Kill Creek Road and 213th Street.

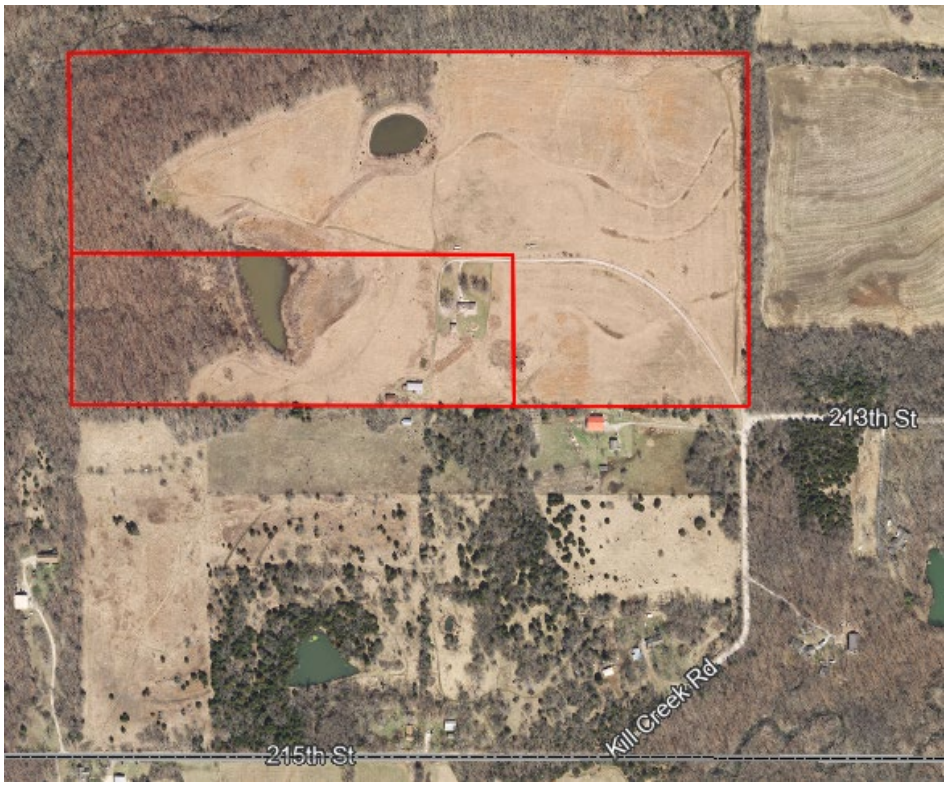
APPLICATION INFORMATION

Applicant:	Scott Uranich, Agent Clayco 2199 Innerbelt Business Center Dr St. Louis, MO 63114
Property Owner:	Wellsville Farms LLC 4825 NW 41st St, Suite 500 Riverside, MO 64150
Requested Action:	Final Plat approval for *Project Polaris.*
Legal Description:	N ½ of the SW ¼ of Section 15, Township 15 S, Range 22 E, in the City of Edgerton, Johnson County, Kansas; see attached application for complete legal description.
Site Address/Location:	Northwest corner of Kill Creek Road and 213th Street
Existing Zoning and Land Uses:	L-P (Logistics Park) District Zoning
Existing Improvements:	None
Site Size:	Approximately 78.62 acres

PROJECT DESCRIPTION

Application **FP2021-01**, Final Plat for *Project Polaris*, requests approval for one (1) lot and three (3) tracts. The new lot would have minimal frontage at the current access point along the north side of 213th Street right-of-way and Kill Creek Road right-of-way at the intersection. This Final Plat request is being made in preparation of construction of a new warehouse. This Final Plat request aligns with the request made with Preliminary Plat Application PP2021-01, also presented to the Planning Commission on April 13, 2021. This Final Plat application combines two (2) lots that have not been platted.

Subject Property





INFRASTRUCTURE AND SERVICES

1. Current access to these parcels is from a private access point at the intersection of 213th Street and Kill Creek Road.
2. Utilities and service providers.
    a. Water Service – City of Edgerton.
    b. Sanitary Sewer – City of Edgerton.
    c. Electrical Service – Evergy.
    d. Gas Service – Kansas Gas Service.
    e. Police protection is provided by the City of Edgerton through the Johnson County Sheriff's Office.
    f. Fire protection is provided by Johnson County Fire District #1.
3. Parcel is located within the Bull Creek watershed.

FINAL PLAT REVIEW

Staff has reviewed the Final Plat submittal for compliance with the Approved Final Plat requirements in Article 13, Section 13.3 of the Edgerton Unified Development Code. Review comments are listed below.

1. All easements with widths, and roads with curve data. *The City requests a 50 foot by 50 foot square of additional right-of-way be dedicated at the corner of Kill Creek Road and 213th Street.. Utility providers should review Final Plat.* ***Update Final Plat after Utility Companies have reviewed and provided comment.***

2. Certificate of the Register of Deeds. *Certificate needs to be added to plat.* ***Upon filing Final Plat with Johnson County Records and Tax Administration the Book/Page information will be added. Applicant acknowledges.***

RECOMMENDATION

City staff recommends **approval** of Application **FP2021-01** Final Plat for *Project Polaris,* subject to compliance with the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat. The property owner and/or developer shall work with City staff to determine the best possible placement for a storm water easement and shall dedicate said storm water easement on the submitted Final Plat.
2. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton Unified Development Code.
3. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton Unified Development Code.
4. All City Engineer comments related to the Stormwater Management Plan must be addressed.
5. All Final Plat requirements of the City listed above shall be met or addressed prior to recording of the Plat.
6. If the Final Plat is not recorded with the Johnson County Register of Deeds within one year after acceptance by the Governing Body, the plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plats.

ATTACHMENTS

- Application FP2021-01
- Final Plat, *Project Polaris*

EXCERPT – DRAFT MINUTES

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
April 13, 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, Commissioner Deb Lebakken, Commissioner Charlie Crooks and Commissioner Tim Berger. 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.

19. CONSIDER FINAL PLAT APPLICATION FP2021-01 FOR PARCELS GENERALLY LOCATED AT THE NORTHWEST CORNER OF KILL CREEK ROAD AND 213TH STREET.

Ms. Crow stated this is regarding the parcels addressed in Application PP2021-01. There are two comments on the Staff Report that need to be addressed. She stated the City has requested a 50 foot by 50 foot square of additional right-of-way be dedicated at the corner of Kill Creek Road and 213th Street and the utility providers should review the Final Plat. The other comment is the Johnson County Records and Tax Administration will affix the Book and Page information once the plat has been filed with Johnson County.

Ms. Crow stated City Staff recommends approval of Application FP2021-01 with the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalk, stormwater sewers, and water mains contained within the Final Plat. The property owner and/or developer shall work with City Staff to determine the best possible placement for a stormwater easement and shall dedicate said stormwater easement on the submitted Final Plat.
2. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC.
3. The applicant shall meet all requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
4. All City Engineer comments related to the Stormwater Management Plan must be addressed.
5. All Final Plat requirements of the City listed earlier shall be met or addressed prior to recording of the Plat.
6. If the Final Plat is not recorded with the Johnson County Register of Deeds within one

year after acceptance by the Governing Body, the plat will expire. Planning Commission re-approval and Governing Body re-acceptance is required for expired Final Plats.

Chairperson Daley asked if the applicant wanted to comment on anything. Mr. Petersen stated the applicant has acknowledged and accepts all the stipulations.

Commissioner Berger motioned to recommend approval of Application FP2021-01 with the stipulations outlined by City Staff. Commissioner Crooks seconded the motion. Application FP2021-01 was recommended for approval with the stipulations, 4-0.

DRAFT

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City Council Action Item

Council Meeting Date: April 22, 2021

Department: Community Development

Agenda Item: Consider Ordinance No. 2069 Adopting the Recommendation of the Edgerton Planning Commission To Approve Application ZA2020-03 for the Rezoning of Approximately 60.161 Acres Of Land Generally Located Northeast of the Intersection of West 207th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Background/Description of Item:

Below is a summary of actions related to this application:

- **December 17, 2020 -** The parcel was annexed into the City of Edgerton.
- **January 12, 2021** – The Planning Commission held the statutorily required public hearing on the application. This public hearing was then closed. Motion was made to continue the vote on the application and for City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning.
- **February 9, 2021** – Economic Impact Analysis memo presented by staff. Planning Commission voted 4-0 to recommend denial of the application.
- **March 11, 2021** – Application was heard by the City of Edgerton Governing Body. In addition, public comment was permitted even though no required by state statute. The Governing Body motioned to return the application to the Planning Commission, without any additional public hearing, to provide the findings and context, based upon the Golden Criteria, for any recommendation.
- **April 13, 2021** – Application was reconsidered by the City of Edgerton Planning Commission. Citing the Golden Criteria stated in the staff report and adding an additional stipulation that City Staff continue to their work with neighboring jurisdictions on truck routes to address truck traffic in the area, Planning Commission voted 4-0 to recommend approval of Application ZA2020-03 for rezoning from Johnson County RUR to City of Edgerton L-P (Logistics Park) Zoning District.

Enclosed with this memo are several items provided previously to either Planning Commission/City Council related to Application ZA2020-03.

- **Planning Commission Staff Report** – Includes a review of Application ZA2020-03 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 Governing Body** – 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

- **Draft Minutes** - An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting.

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 they are already available through the links below and City Council specifically remanded the applications back to the Planning Commission 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

Both the City of Edgerton Unified Development Code (UDC) and Kansas State Statute 12-757 allow for the filing of a Protest Petition when actions related to the rezoning of a parcel are considered.

After the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to Application ZA2020-03:

- 33 total Protest Petitions received
  - 10 Petitions were received from INSIDE the statutory notification area
  - 23 petitions were received from OUTSIDE the statutory notification area
- The 10 petitions received from within the notification area total to 17.20% of the total buffer area around the parcel requesting rezoning. This falls short of the 20% amount that requires passage by a three-fourths (3/4) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.
- Copies of the Protest Petitions can be found in the City Council packet for March 11, 2021 (see link above)

City Attorney has prepared the enclosed draft ordinance.

Related Ordinance(s) or Statue(s): K.S.A. 12-715b, K.S.A. 12-741, et. Seq. to K.S.A. 12-771 – Establishment of the Unified Development Code; 12-757 – Zoning Amendments

---

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Recommend Approval of Ordinance No. 2069 Adopting the Recommendation of the Edgerton Planning Commission To Approve Application ZA2020-03 Comprising Approximately 59.51 Acres Of Land Generally Located Northeast of the Intersection of West 207th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Enclosed:

- Draft Ordinance 2069
- Planning Commission Staff Report for Application ZA2020-03 from the January 12, 2021 Planning Commission Meeting
- Economic Impact Analysis Memo dated February 5, 2021

- Memo to Governing Body addressing public comments dated March 11, 2021
- An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting
- Notification Area Spreadsheet with calculation from Johnson County AIMS

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2069

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-03 FOR THE REZONING OF APPROXIMATELY 60.161 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request from Brett Powell, NPD Management, applicant representative for the owner of a parcel of land totaling approximately 60.161 acres, generally located northeast of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas to rezone that property from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District; and

WHEREAS, following a public hearing in front of the Planning Commission on January 12, 2021, and the remanding of the matter by the City Council to a Planning Commission meeting held on April 13, 2021, the Planning Commission has recommended that the rezoning request for that property – from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District -- be approved subject to certain conditions; and

WHEREAS, all required newspaper and mailing notifications were performed.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

Section 1. That the following legally described property generally located northeast of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas is hereby rezoned from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District, and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

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°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°31'08" East, coincident with said North line, a distance of 2,000.00 feet to the Northeast corner thereof; thence South 02°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°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°50'26" West a distance of 660.01 feet; thence South 88°30'28" West a distance of 39.89 feet; thence North 02°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.

Section 2. The above rezoning is expressly conditioned on the following:

a) All infrastructure requirements of the City shall be met.
b) All platting requirements of the City shall be met.
c) All Site Plan application requirements of the City shall be met.
d) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan which has been reviewed and approved by the City.
e) That City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area.

Section 3. That the Governing Body, in making its decision on the rezoning, based its decision on City Staff's comments and recommendations as they relate to the Golden criteria and otherwise, which are attached hereto. The Governing Body also based its decision on the following criteria:

a) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
b) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
c) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
d) 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.
e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

Section 4. This ordinance shall take effect from and after its publication once in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 22nd DAY OF APRIL, 2021.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

_____
Alexandria Clower, City Clerk

APPROVED AS TO FORM:

_____
Lee Hendricks, City Attorney

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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

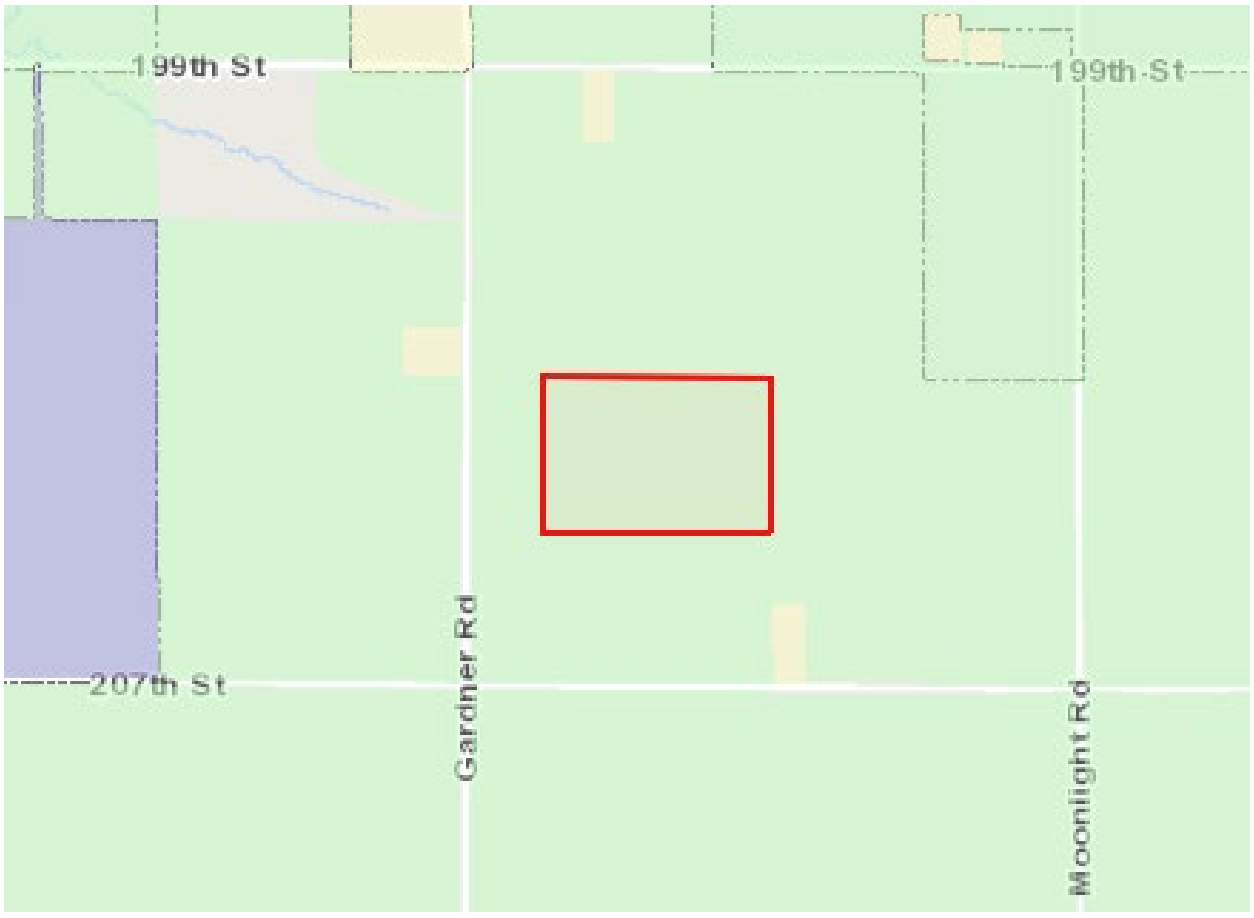


Figure 2 is a closer look at the adjacent parcels and their zoning designations.

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

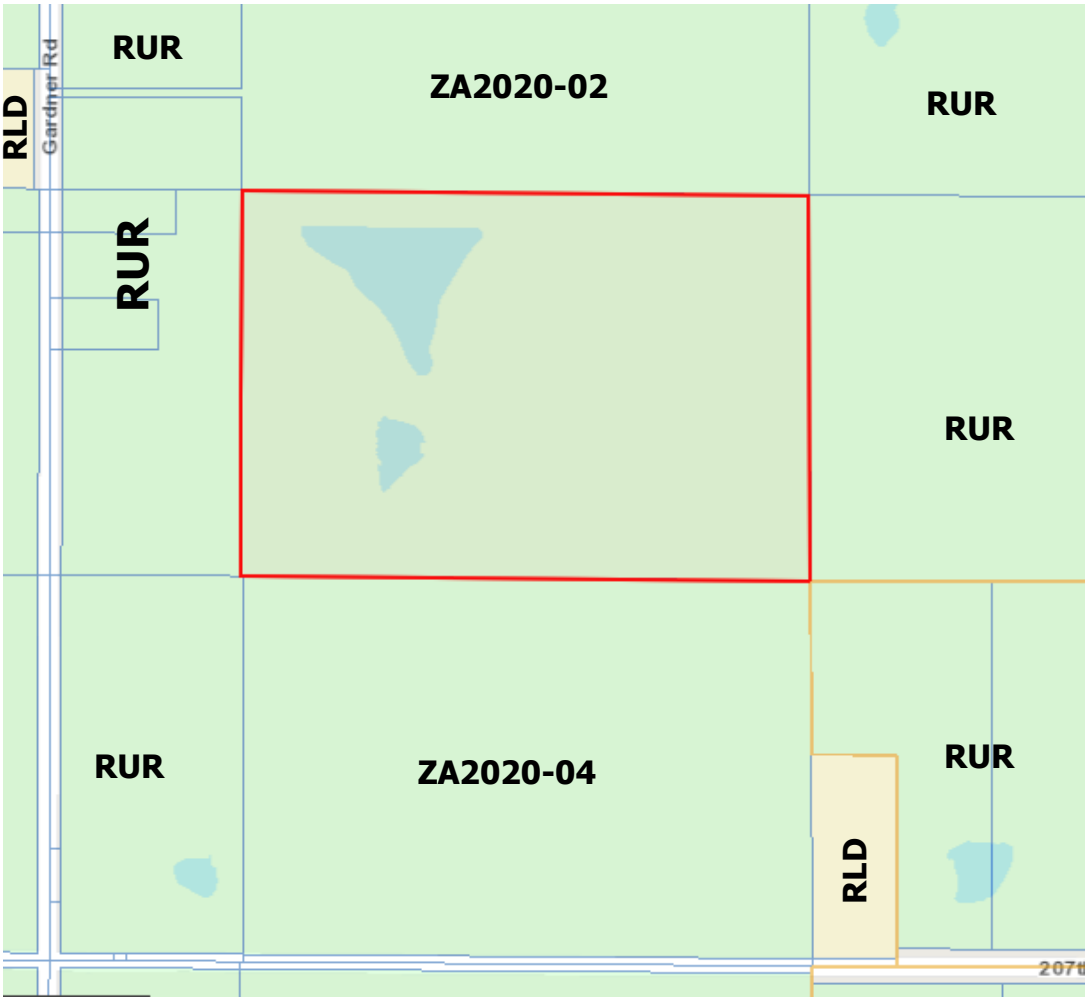


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.64 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly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

Figure 3

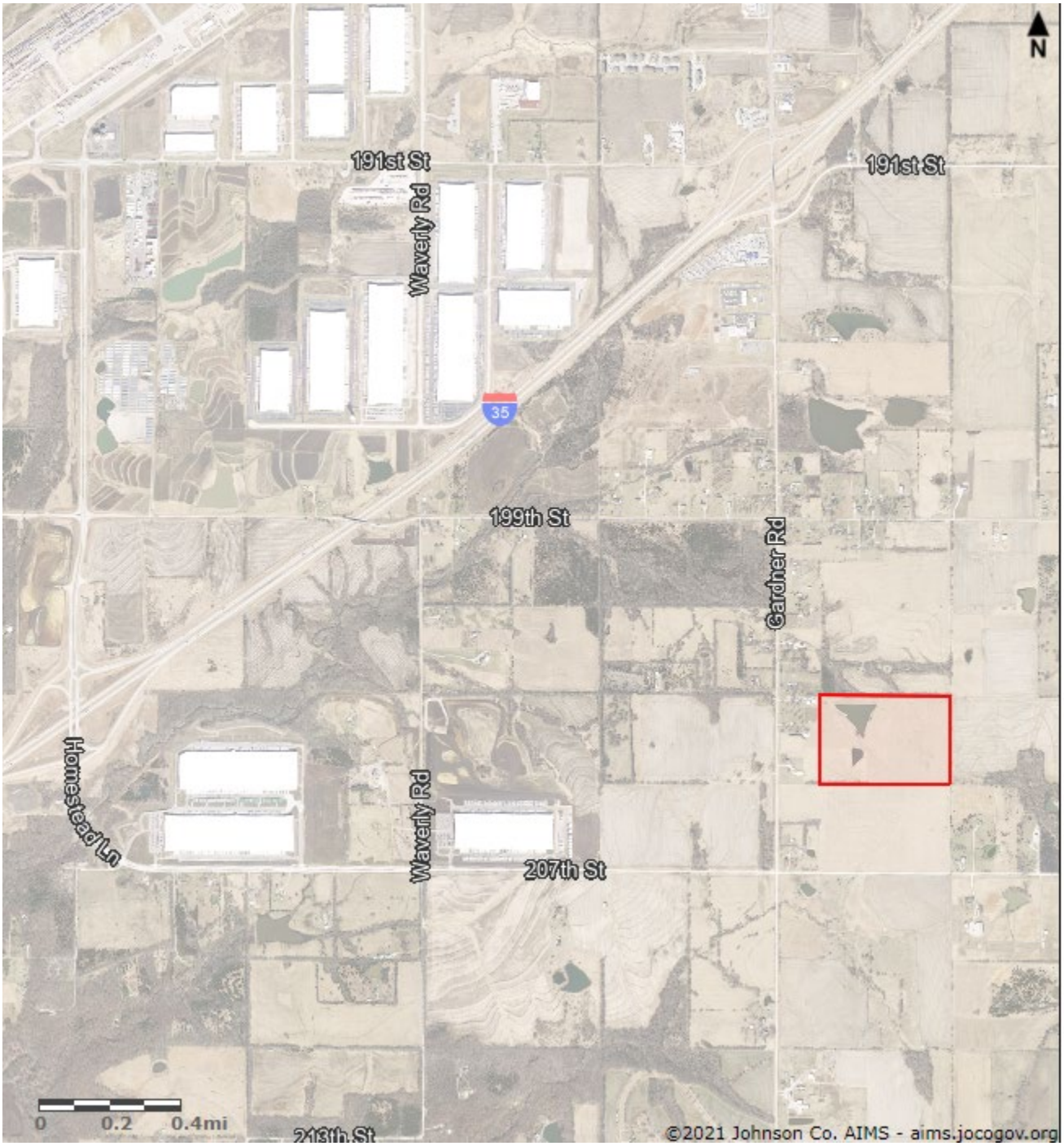
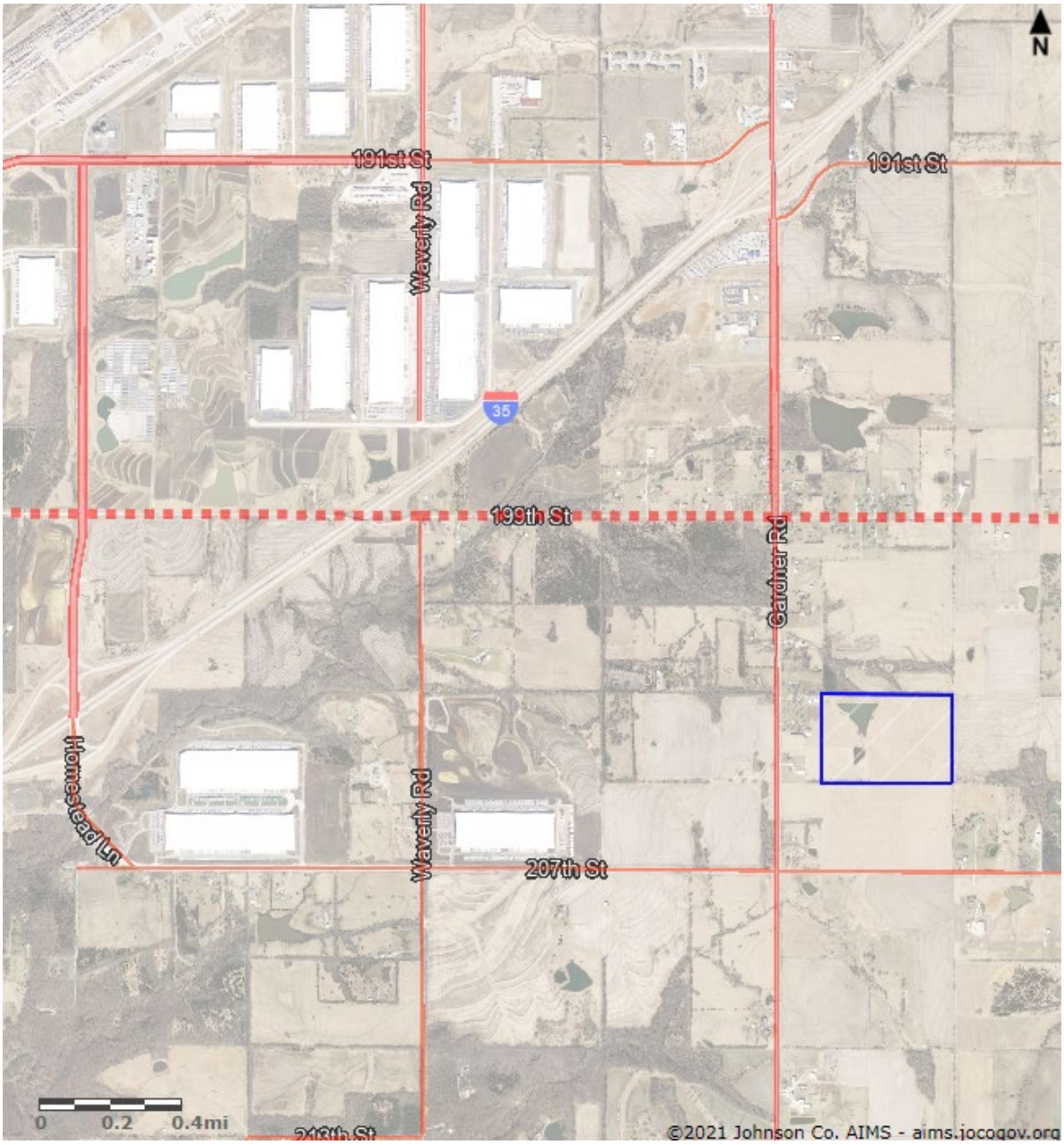


Figure 4 shows the relation of the subject property, outlined blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

Figure 4



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 incompliance 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

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Rezoning Application (Fee: $250)

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 (Current Zoning) TO L-P Logistics Park (Proposed Zoning)

LEGAL DESCRIPTION: See attached description

CURRENT LAND USE: Agricultural

PROPERTY OWNER'S NAME(S): Hillsdale Land and Cattle, LLC PHONE: N/A

COMPANY: _____ FAX: N/A

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

APPLICANT/AGENTS NAME(S): Brett Powell (representing property owner) PHONE: 816.888.7380

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: 816.800.0950

COMPANY: 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 ONLY

Case No.: RZ- ZA2020-03 Amount of Fee Paid:$ 250.00 Date Fee Paid: 12/11/2020 Receipt #58500213

Received 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 16:13:37 -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

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

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Rezoning Application (Fee: $250)

PROPERTY OWNER NOTIFICATION LETTER

Case No.: RZ- _____

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 _____

_____

_____

(current zoning) to _____

_____

_____

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

Legal Description: _____

_____

_____

General Location: _____

_____

_____

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on _____, 20_____. 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,

_____

Applicant (or Owner or Agent)

ADDRESS: _____

Street City State Zip

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Rezoning Application (Fee: $250)

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 of Agent, Owner or Attorney

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

Notary Public

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

HEATHER R. PFENDER
Notary Public - Notary Seal
Clay County - State of Missouri
Commission Number 15633521
My Commission Expires Feb 24, 2023

Property Information for 2F221512-2009

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

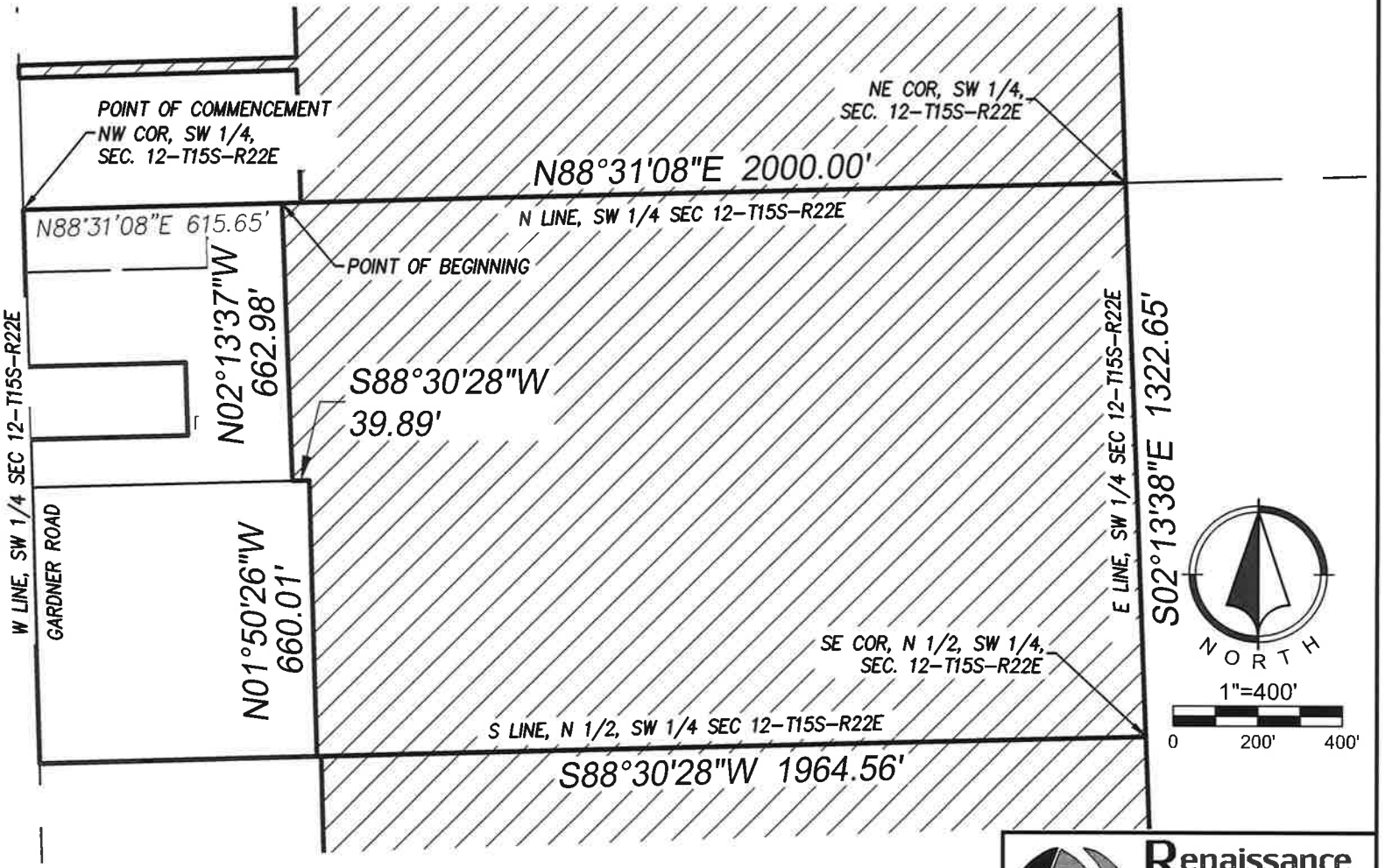


Property Description:

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:

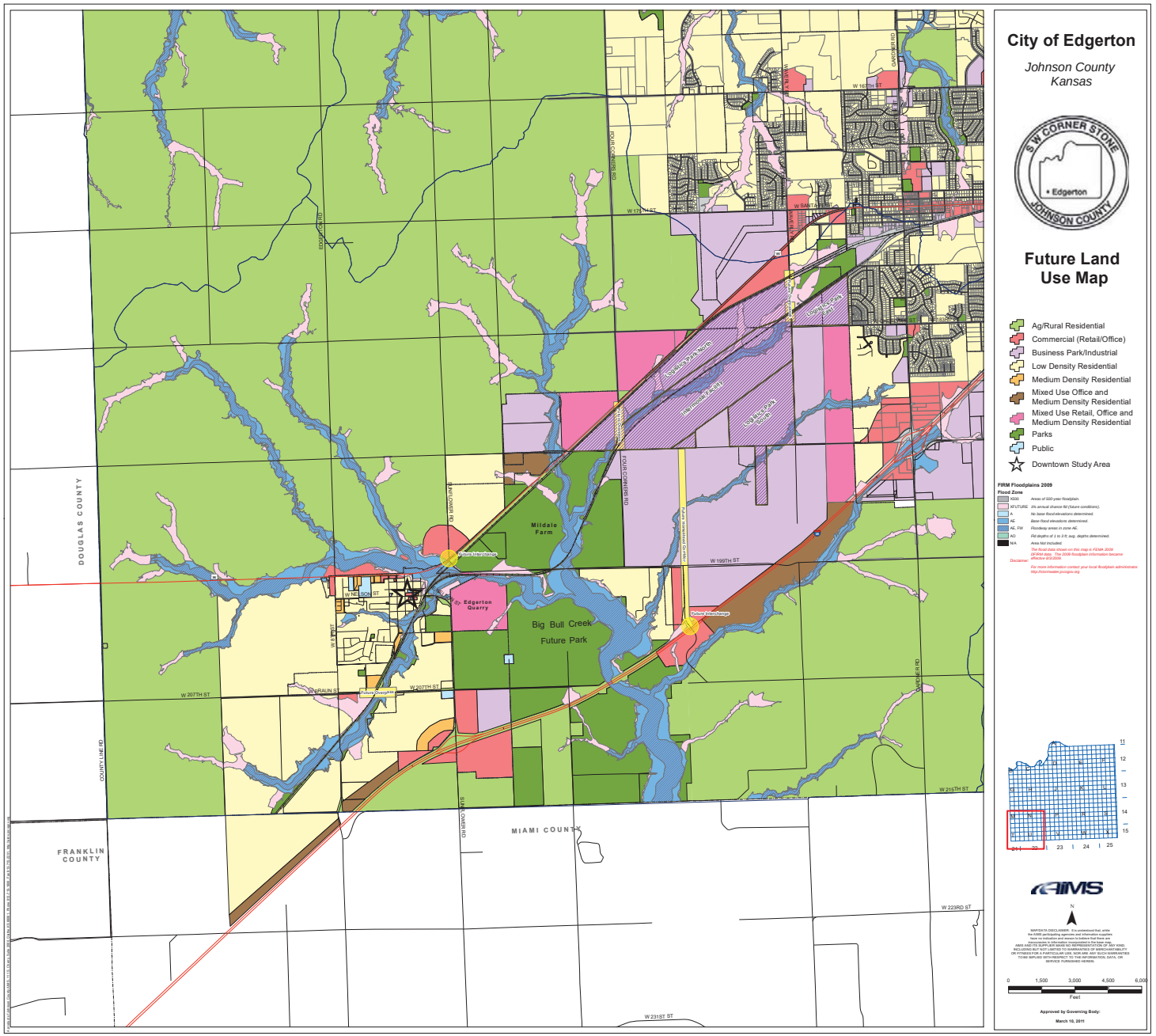
Commencing at the Northwest corner of said Southwest Quarter; thence North 88°31'08" East, coincident with the North line of said Southwest Quarter, a distance of 615.65 feet to the Point of Beginning; thence continuing North 88°31'08" East, coincident with said North line, a distance of 2,000.00 feet to the Northeast corner thereof; thence South 02°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°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°50'26" West a distance of 660.01 feet; thence South 88°30'28" West a distance of 39.89 feet; thence North 02°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



20-3074
Prepared 12-09-2020

Renaissance Infrastructure Consulting
132 Abbie Avenue
Kansas City, Kansas 66103
913.317.9500
www.ric-consult.com



City of Edgerton

Johnson County
Kansas

SW CORNER STONE
• Edgerton
JOHNSON COUNTY

Future Land Use Map

- Ag/Rural Residential
- Commercial (Retail/Office)
- Business Park/Industrial
- Low Density Residential
- Medium Density Residential
- Mixed Use Office and Medium Density Residential
- Mixed Use Retail, Office and Medium Density Residential
- Parks
- Public
- Downtown Study Area

FIRM Floodplains 2009

Flood Zone

500	*Areas of 500-year floodplain.*
X-FUTURE	*1% annual chance fld (future conditions).*
A	*No base flood elevations determined.*
AE	*Base flood elevations determined.*
AE, FW	*Floodway areas in zone AE.*
AO	*Fld depths of 1 to 3 ft; avg. depths determined.*
N/A	*Area Not Included.*

The flood data shown on this map is FEMA 2009 DFIRM data. The 2009 floodplain information became effective 8/3/2009.

Disclaimer:

For more information contact your local floodplain administrator. http://stormwater.jocogov.org

AIMS

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MAP/DATA DISCLAIMER: It is understood that, while the GIS participating agencies and information suppliers have used their best efforts to ensure the accuracy of information incorporated in the base map, ANY AND ALL EXPRESS OR IMPLIED WARRANTIES OF ANY KIND (INCLUDING THE SUPPLIERS' WARRANTIES OF NON-INFRINGEMENT OR FITNESS FOR A PARTICULAR USE, NOR ARE ANY SUCH WARRANTIES TO BE IMPLIED WITH RESPECT TO THE INFORMATION, DATA, OR SERVICE FURNISHED HEREIN.

0 1,500 3,000 4,500 6,000

Feet

Approved by Governing Body:

March 15, 2011

EDGERTON
global routes. local roots.

404 East Nelson
Edgerton, KS 66021
P: 913.893.6231
EDGERTONKS.ORG

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 inducted 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.

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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
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- 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
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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.

EPA
United States
Environmental Protection
Agency

EPA 841-F-05-001

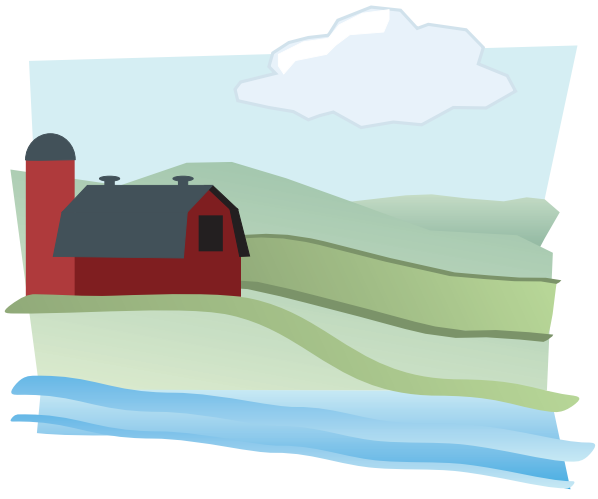
Protecting Water Quality *from* Agricultural Runoff

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



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?

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

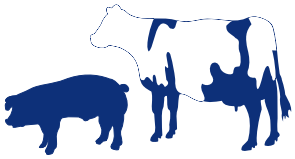
By confining animals in small areas or lots, farmers and ranchers can efficiently feed and maintain livestock. But these confined areas become major sources of animal waste. An estimated 238,000 working farms and ranches in the United States are considered animal feeding operations, generating about 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 orrganizations 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

Revised
March 2005

EXCERPT – DRAFT MINUTES

EDGERTON CITY HALL
PLANNING COMMISSION MEETING
REGULAR SESSION
April 13, 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, Commissioner Deb Lebakken, Commissioner Charlie Crooks and Commissioner Tim Berger. Also present were City Administrator Beth Linn, Marketing and Communications Director Kara Banks, Development Services Director Katy Crow, City Clerk Alex Clower, City Attorney Lee Hendricks and Planning and Zoning Coordinator Chris Clinton.

The Planning and Zoning Coordinator announced a quorum was present.

BUSINESS REQUIRING ACTION

OLD BUSINESS

6. REZONING APPLICATIONS ZA2020-02 THROUGH ZA2020-08

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**

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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

Chairperson Daley stated that certain rezoning applications have been sent back to the Commission from the Governing Body. He said the first items under Old Business are Items 6A through 6G, rezoning applications ZA2020-02 through ZA2020-08. Chairperson Daley reminded the members of the Commission that the role of the Planning Commission in the rezoning process is that of a recommending body. The action that the Commission takes this evening on any rezoning items is not final as it is a recommendation to the Governing Body, who will make the final decision at a future City of Edgerton City Council meeting.

Chairperson Daley said on January 12, 2021, the Commission held a public hearing related to Rezoning Applications ZA2020-02 through ZA2020-08. The public hearing for those items was opened and closed that evening. Following discussion, Commissioner Berger made separate motions to continue Applications ZA2020-02 through ZA2020-08 to the February 9, 2021 Planning Commission meeting and requested City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning. All of Commissioner Berger's motions carried.

Chairperson Daley explained that at the Commission Meeting on February 9, 2021, City Staff presented the economic impact information requested for these seven (7) applications. Upon the conclusion of the City Staff presentation, individual action was taken on each application. The Commission voted to recommend denial of each of the rezoning requests to the Governing Body for Applications ZA2020-02 through ZA2020-08. The Chair stated that at its March 11, 2021 meeting the City of Edgerton Governing Body reviewed these rezoning applications and the corresponding Planning Commission recommendations. Typically for any rezoning applications, also known as zoning amendments, presented to the City Council for consideration, the City Attorney would prepare a draft ordinance based on findings presented in the Commission staff report and any additional discussions held by the Commission. For these applications, the recommendation for denial from the Commission did not include any findings or information to provide the context for recommendation for denial. Chairperson Daley explained this information is a critical and necessary component for the City Attorney to either properly prepare the ordinance for consideration by the City Council, in the event of recommended approval, or to describe the rationale of the Planning Commission in the event of a recommendation of denial. That did not occur in this process.

Chairperson Daley said the Governing Body determined that it was necessary to return the recommendation to the Commission for study, without any additional public hearing, to provide the findings and context for recommendation for denial. He explained the Commission will reconsider the applications.

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Chairperson Daley explained the public hearing for these applications has been closed. He asked for comments from the Commissioners.

Commissioner Crooks stated that truck traffic is an issue for this area. Chairperson Daley agreed and stated it always is with Logistics Park Kansas City (LPKC), but the City has upgraded the roads that it can. He understands the trucks are coming from other roads that do not support the truck traffic, however, regardless of where the warehouses are located the trucks will end up at LPKC.

Commissioner Berger said none of the factors address what he sees as a major factor in his vote, which is the land available for these uses. Chairperson Daley agreed. Commissioner Lebakken said key issue for her vote was the proximity of Nike Elementary to the parcels requesting to be rezoned. She explained she is concerned about the truck traffic at the elementary school. Chairperson Daley said a map of Edgerton was provided to the Commission and it shows the land that is annexed into Edgerton. He explained LPKC has to expand somewhere, and it is not going to be over 56 Highway as that would require an extremely expensive bridge. Commissioner Berger said no context was brought up on the space available for the original submittal. He said each parcel was submitted as separate requests and it is difficult for the Commission to view each parcel individually and not as a group. Chairperson Daley said the parcels being combined would be addressed at the platting stage.

Commissioner Berger stated he was concerned about the different property owners, whether the existing land for this use is occupied or not, and if this location was the best option. Commissioner Berger asked what the reason was to leap some parcels and be annexed. He understands that any time commercial development approaches residential, there is a concern. The residential portion of Edgerton has Big Bull Creek Park between them and LPKC as a buffer, but without the park, the residents would be more concerned. LPKC will grow, but that growth needs to be deliberate and controlled. He said the applications were submitted on December 17, 2020 and the Commission had to make quick decisions. He said he requested additional data and analyses. Once a rezoning is approved, it is hard to reverse and there are emotions on both sides. Commissioner Berger asked if this large leap that was requested is needed if all the land was already developed.

Chairperson Daley said ElevateEdgerton! did a presentation during the previous meeting that showed maps of what is developed already. He said the land that has been annexed is what NorthPoint owns. Chairperson Daley explained it is harder to build on the smaller parcels. He stated the City needs to be good neighbors, but the Commission's primary concern are the residents of Edgerton. He said there have been a few residents of Edgerton who spoke during the public hearings but most of the comments on social media and during the public hearings are from people who live outside of the City.

Commissioner Berger added it is also concerning when people come up to his door to discuss the rezoning. Chairperson Daley asked if it was a resident from Edgerton or elsewhere. Commissioner Berger said it does not matter as there is an avenue for them to have their opinions hear. He said one of the arguments that has been proposed is if people want to see stars, then those people should move. Commissioner Berger stated

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that is a bad argument to convince him to vote to approve the rezonings. He explained the Commission is to stick with the parameters of rezoning then those arguments are not valid.

Chairperson Daley said just because the parcel is being rezoned does not mean a building will be constructed tomorrow. Commissioner Berger replied most of his questions and concerns were addressed at the last Commission meeting per the minutes. He explained there is no room for another warehouse north of Interstate 35 (I-35) and there is a case to expand LPKC. Commissioner Berger still wonders why the applications were filed under different property owners. He said this is not factoring other issues such as long-term growth and being good neighbors to businesses and residents. He knows there is history on those properties as many property owners are long term residents of the area or property that has been in families for generations. Chairperson Daley agrees neighbors and neighboring cities need to be considered and there are going to be homes that are affected.

Ms. Beth Linn, City Administrator, requested that she be able to answer about the filings by multiple property owners. Chairperson Daley requested Ms. Linn to do so. Ms. Linn stated parcels must be applied for rezoning individually and each parcel has a different landowner. The Commission is required take a motion on each parcel of land and not all properties at once. Mr. Lee Hendricks, City Attorney, stated that is correct. Commissioner Berger stated the different applicant names threw him off. Ms. Linn said a contextual map should have been provided.

Commissioner Little was concerned that the properties were annexed on December 17, 2020 and the Commission was hearing the rezoning applications shortly thereafter. He asked why the rezonings needed to happen at that time. He stated that the only answer provided to the Commission was that there were potential tenants. He knows LPKC is going to expand, but at what costs? He said when there are buildings being constructed quickly, things can go wrong. He felt the rezonings were being rammed and jammed on the Commission. He stated that this is an issue that the Commission should not be willing to jump into. He said it was best to know more information before voting. Chairperson Daley said the Commission can always continue an item and the applicants have followed the law. As a homeowner if you follow the code and if somebody does not like the look of it, it is difficult to challenge as the homeowner followed the code. Commissioner Berger said the Commission did ask for time and City Staff did provide the additional information that was requested.

Commissioner Berger said he does still have some reservations about the issues brought forth by the public. Chairperson Daley reminded the Commission the applications are only regarding the rezoning of the land and not what could be built. There will be other public hearings in the future about the buildings. Chairperson Daley said he believes the benefits outweigh the negatives. He knows people will be affected by the rezoning.

Chairperson Daley reminded the audience that the Commission is a recommendation body, and the Governing Body sent the applications back to the Commission. He reminded the Commissioners that when a motion is made, a rationale needs to be provided as to why the motion is being made no matter if the motion is to recommend

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denial, approval or continue the applications. Chairperson Daley said he will only vote if there is a tie, and he is unable to make the motion. The Commission will need to provide a reason for recommending approval or denial using the Golden Criteria.

Commissioner Lebakken explained expansion is going to happen as the population is growing. This will lead to people needing jobs and houses. She said towns and cities in this area are expanding. The expansion will happen to this area regardless of what the Commission does with these applications. Chairperson Daley agreed and said he has heard Gardner has approved a major project on that side of town as well. Commissioner Lebakken said change is coming to Edgerton and that area of the City.

Commissioner Crooks inquired if a motion could include a stipulation that the City work with other jurisdictions regarding truck traffic. Mr. Hendricks replied that a motion would have to be made to accept City Staff's recommendations of the Golden Criteria and the stipulations outlined by City Staff and the Commissioner making the motion could then add whatever other stipulations they desired. Ms. Linn showed the stipulations listed in the Staff Report for the rezonings. She agreed with Mr. Hendricks and said stipulations can be added in a motion.

Commissioner Berger said City Staff did provide an economic impact study, the land currently zoned L-P has been maximized, which was explained last month as best as possible, and the roads are addressed by the County and are planned to be upgraded by the County Arterial Road Network Plan (CARNP). He inquired if there has been any discussion on rerouting current truck traffic. Ms. Linn replied City Staff continues to have discussions on routing trucks on approved truck routes and work on a regional plan for truck routes with other jurisdictions. She explained there is a memo that was presented to the City Council when the applications were remanded back to the Commission. She said the roads in Edgerton have been upgraded at the time of development and not beforehand.

Chairperson Daley said since the discussion has concluded, each Rezoning Application will be voted on. He reminded the Commissioners that when making the motion, the findings and context needs to be included.

Commissioner Crooks moved to recommend approval of rezoning Application ZA2020-02 based on City Staff's recommendations regarding the Golden Criteria subject to 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.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Lebakken seconded the motion. Application ZA2020-02 was

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recommended for approval based on City Staff's recommendations regarding the Golden Criteria and the stipulations, 4-0.

Commissioner Crooks moved to recommend approval of rezoning Application ZA2020-03 based on City Staff's recommendations regarding the Golden Criteria subject to 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.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Berger seconded the motion. Application ZA2020-03 was recommended for approval based on City Staff's recommendations regarding the Golden Criteria and the stipulations, 4-0.

Commissioner Crooks moved to recommend approval of rezoning Application ZA2020-04 based on City Staff's recommendations regarding the Golden Criteria subject to 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.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Lebakken seconded the motion. Application ZA2020-04 was recommended for approval based on City Staff's recommendations regarding the Golden Criteria and the stipulations, 4-0.

Commissioner Crooks moved to recommend approval of rezoning Application ZA2020-05 based on City Staff's recommendations regarding the Golden Criteria subject to 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.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Berger seconded the motion. Application ZA2020-05 was recommended for approval based on City Staff's recommendations regarding the Golden Criteria and the stipulations, 4-0.

Commissioner Crooks moved to recommend approval of rezoning Application ZA2020-06 based on City Staff's recommendations regarding the Golden Criteria subject to 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.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Berger seconded the motion. Application ZA2020-06 was recommended for approval based on City Staff's recommendations regarding the Golden Criteria and the stipulations, 4-0.

Commissioner Crooks moved to recommend approval of rezoning Application ZA2020-07 based on City Staff's recommendations regarding the Golden Criteria subject to 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.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Lebakken seconded the motion. Application ZA2020-07 was recommended for approval based on City Staff's recommendations regarding the Golden Criteria and the stipulations, 4-0.

Commissioner Crooks moved to recommend approval of rezoning Application ZA2020-08 based on City Staff's recommendations regarding the Golden Criteria subject to 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.

Commissioner Crooks added the stipulation that City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area. Commissioner Berger seconded the motion. Application ZA2020-08 was recommended for approval based on City Staff's recommendations regarding the Golden Criteria and the stipulations, 4-0.

Chairperson Daley said any recommendations made by the Commission related to Rezoning Applications ZA2020-02 through ZA2020-08 will be heard by the Governing Body at the April 22, 2021 City Council meeting.

Chairperson Daley stated that concludes the action to be taken on Rezoning Applications ZA2020-02 through ZA2020-08. He explained the Commission has further business to discuss and requested those who wish to leave to do so quietly so the Commission can continue on the business agenda.

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Notification Area for Application ZA2020-03

Property ID	Area (ft^2)	Acres	Situs Address	Owner1	Owner2	Owner Address	City, State Zip	Zoning	Area In Buffer (ft^2)	Acres In Buffer	% of Parcel	% of Buffer	Protest Petition Received?
2F221512-1006	196,456	4.51	20275 GARDNER RD	BETTGE LIVING TRUST		20275 S GARDNER RD	GARDNER, KS 66030	RUR	196,430	4.51	100.00%	2.07%	Yes
2F221512-2004	817,186	18.76	20685 GARDNER RD	BILLOME, LLC		PO BOX 417	GARDNER, KS 66030	RUR	588,108	13.5	72.00%	6.21%	No
2F221512-4001	3,435,142	78.86	0 NS NT	CAENEN FARMS, L.L.C.		PO BOX 283	GARDNER, KS 66030	RUR	1,322,030	30.35	38.50%	13.96%	No
2P08000000 0001	592,416	13.6	28572 W 207TH ST	CASEY, MICHAEL P.	CASEY, KAREN S.	28572 W 207TH ST	GARDNER, KS 66030	RUR	465,328	10.68	78.50%	4.91%	No
2F221512-3001	3,433,835	78.83	28515 W 199TH ST	DALE R GEORGE REVOCABLE TRUST	VERETA DELORES GEORGE REVOCABLE TRUST	16230 S LONE ELM RD	OLATHE, KS 66062	RUR	786,889	18.06	22.90%	8.31%	No
BF221512-2003	2,542,162	58.36	0 NS NT	HILLSDALE LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	1,958,246	44.96	77.00%	20.68%	No
2P08000000 0002	435,600	10	28466 W 207TH ST	JULIAN, MICHELLE	JULIAN, JEFF	21204 BITTERSWEET DR	LENEXA, KS 66220	RUR	197,299	4.53	45.30%	2.08%	No
2F221512-2005	58,370	1.34	20365 GARDNER RD	MAYBERRY, CONNIE L.		20365 GARDNER RD	GARDNER, KS 66030	RUR	58,289	1.34	100.00%	0.62%	Yes
2F221511-3005	193,406	4.44	20260 GARDNER RD	MCGUIRE, MICHAEL L.	MCGUIRE, ROBYN R.	20260 GARDNER RD	GARDNER, KS 66021	RLD	102,355	2.35	52.90%	1.08%	Yes
2F221512-1009	204,732	4.7	20225 GARDNER RD	MURROW, RICHARD L. TRUSTEE	MURROW, JUANITA M. TRUSTEE	20225 GARDNER RD	GARDNER, KS 66030	RUR	204,597	4.7	100.00%	2.16%	Yes
2F221511-3002	2,532,143	58.13	20190 GARDNER RD	MURROW, RICHARD L. TRUSTEE	MURROW, JUANITA M. TRUSTEE	20225 GARDNER RD	GARDNER, KS 66030	RUR	35,310	0.81	1.40%	0.37%	Yes
BF221512-2001	27,878	0.64	0 NS NT	PEARCE, LARRY L. CO-TRUSTEE	PEARCE, DONNA D. CO-TRUSTEE	20315 S GARDNER RD	GARDNER, KS 66030	RUR	27,927	0.64	100.00%	0.29%	Yes
2F221512-2002	59,242	1.36	20315 GARDNER RD	PEARCE, LARRY L. CO-TRUSTEE	PEARCE, DONNA D. CO-TRUSTEE	20315 S GARDNER RD	GARDNER, KS 66030	RUR	59,249	1.36	100.00%	0.63%	Yes
2F221512-2001	674,744	15.49	20465 GARDNER RD	PEARCE, LARRY L. CO-TRUSTEE	PEARCE, DONNA D. CO-TRUSTEE	20315 S GARDNER RD	GARDNER, KS 66030	RUR	674,795	15.49	100.00%	7.13%	Yes
2F221511-4003	41,818	0.96	20300 GARDNER RD	PORTER, JASON C.	PORTER, CHRISTELLE L.	20300 GARDNER RD	GARDNER, KS 66021	RUR	42,000	0.96	100.00%	0.44%	No
2F221511-4002	3,375,029	77.48	0 NS NT	ROBINS, LINDA L	RAGSDALE, MARY ELIZABETH	876 COUNTY RD 321	JEWETT, TX 75846	RUR	148,960	3.42	4.40%	1.57%	No
2P08000000 0003	435,600	10	28358 W 207TH ST	STOUGHTON, SHELDON A	STOUGHTON, CYNTHIA M	28358 W 207TH ST	GARDNER, KS 66030	RUR	4,692	0.11	1.10%	0.05%	No
2F221512-1007	201,683	4.63	20185 GARDNER RD	TROUTMAN, JACE R	TROUTMAN, STACY R	20185 S GARDNER RD	GARDNER, KS 66030	RUR	156,444	3.59	77.60%	1.65%	Yes
BF221512-1001	4,580,334	105.15	0 NS NT	WELLSVILLE FARMS LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	1,973,660	45.31	43.10%	20.84%	No
2F221512-4004	203,861	4.68	28640 W 207TH ST	WINSLOW, SHAWN M.	WINSLOW, LORA M.	28640 W 207TH ST	GARDNER, KS 66030	RLD	113,057	2.6	55.40%	1.19%	Yes
2F221511-4001	3,411,619	78.32	20480 GARDNER RD	WISE FAMILY LLC		20480 GARDNER RD	GARDNER, KS 66030	RUR	354,800	8.15	10.40%	3.75%	No
								Totals:	9,470,465	217.42		17.20%	10

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City Council Action Item

Council Meeting Date: April 22, 2021

Department: Community Development

Agenda Item: Ordinance No. 2070 Adopting the Recommendation of the Edgerton Planning Commission To Approve Application ZA2020-04 For the Rezoning of Approximately 59.499 Acres Of Land Generally Located Northeast of the Intersection of West 207th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Background/Description of Item: Below is a summary of actions related to this application:

- **December 17, 2020 -** The parcel was annexed into the City of Edgerton.
- **January 12, 2021** – The Planning Commission held the statutorily required public hearing on the application. This public hearing was then closed. Motion was made to continue the vote on the application and for City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning.
- **February 9, 2021** – Economic Impact Analysis memo presented by staff. Planning Commission voted 4-0 to recommend denial of the application.
- **March 11, 2021** – Application was heard by the City of Edgerton Governing Body. In addition, public comment was permitted even though no required by state statute. The Governing Body motioned to return the application to the Planning Commission, without any additional public hearing, to provide the findings and context, based upon the Golden Criteria, for any recommendation.
- **April 13, 2021** – Application was reconsidered by the City of Edgerton Planning Commission. Citing the Golden Criteria stated in the staff report and adding an additional stipulation that City Staff continue to their work with neighboring jurisdictions on truck routes to address truck traffic in the area, Planning Commission voted 4-0 to recommend approval of Application ZA2020-04 for rezoning from Johnson County RUR to City of Edgerton L-P (Logistics Park) Zoning District.

Enclosed with this memo are several items provided previously to either Planning Commission/City Council related to Application ZA2020-04.

- **Planning Commission Staff Report** – Includes a review of Application ZA2020-04 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 Governing Body** – 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

- **Draft Minutes** - An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting.

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 they are already available through the links below and City Council specifically remanded the applications back to the Planning Commission 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

Both the City of Edgerton Unified Development Code (UDC) and Kansas State Statute 12-757 allow for the filing of a Protest Petition when actions related to the rezoning of a parcel are considered.

After the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to Application ZA2020-04:

- 32 total Protest Petitions received
    - 3 Petitions were received from INSIDE the statutory notification area
    - 29 petitions were received from OUTSIDE the statutory notification area
- The 3 petitions received from within the notification area total to 8.33% of the total buffer area around the parcel requesting rezoning. This falls short of the 20% amount that requires passage by a three-fourths (3/4) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.
- Copies of the Protest Petitions can be found in the City Council packet for March 11, 2021 (see link above)

City Attorney has prepared the enclosed draft ordinance.

Related Ordinance(s) or Statue(s): K.S.A. 12-715b, K.S.A. 12-741, et. Seq. to K.S.A. 12-771 – Establishment of the Unified Development Code; 12-757 – Zoning Amendments

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Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Recommend Approval of Ordinance No. 2070 Adopting the Recommendation of the Edgerton Planning Commission To Approve Application ZA2020-04 Comprising Approximately 58.36 Acres Of Land Generally Located Northeast of the Intersection of West 207th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Enclosed:

- Draft Ordinance 2070
- Planning Commission Staff Report for Application ZA2020-04 from the January 12, 2021 Planning Commission Meeting
- Economic Impact Analysis Memo dated February 5, 2021 (included with Application ZA2020-03)
- Memo to Governing Body addressing public comments dated March 11, 2021 (included with Application ZA2020-03)

- An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting (included with Application ZA2020-03)
- Notification Area Spreadsheet with calculation from Johnson County AIMS

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2070

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-04 FOR THE REZONING OF APPROXIMATELY 59.499 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request from Brett Powell, NPD Management, applicant representative for the owner of a parcel of land totaling approximately 59.499 acres, generally located northeast of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas to rezone that property from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District; and

WHEREAS, following a public hearing in front of the Planning Commission on January 12, 2021, and the remanding of the matter by the City Council to a Planning Commission meeting held on April 13, 2021, the Planning Commission has recommended that the rezoning request for that property – from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District -- be approved subject to certain conditions; and

WHEREAS, all required newspaper and mailing notifications were performed.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

Section 1. That the following legally described property generally located northeast of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas is hereby rezoned from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District, and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

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°29'48" West, along the South line of said Southwest Quarter, a distance of 1,963.89 feet; thence North 01°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°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°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.

Section 2. The above rezoning is expressly conditioned on the following:

a) All infrastructure requirements of the City shall be met.
b) All platting requirements of the City shall be met.

c) All Site Plan application requirements of the City shall be met.
d) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan which has been reviewed and approved by the City.
e) That City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area.

Section 3. That the Governing Body, in making its decision on the rezoning, based its decision on City Staff's comments and recommendations as they relate to the Golden criteria and otherwise, which are attached hereto. The Governing Body also based its decision on the following criteria:

a) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
b) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
c) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
d) 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.
e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

Section 4. This ordinance shall take effect from and after its publication once in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 22nd DAY OF APRIL, 2021.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

_____
Alexandria Clower, City Clerk

APPROVED AS TO FORM:

_____
Lee Hendricks, City Attorney

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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

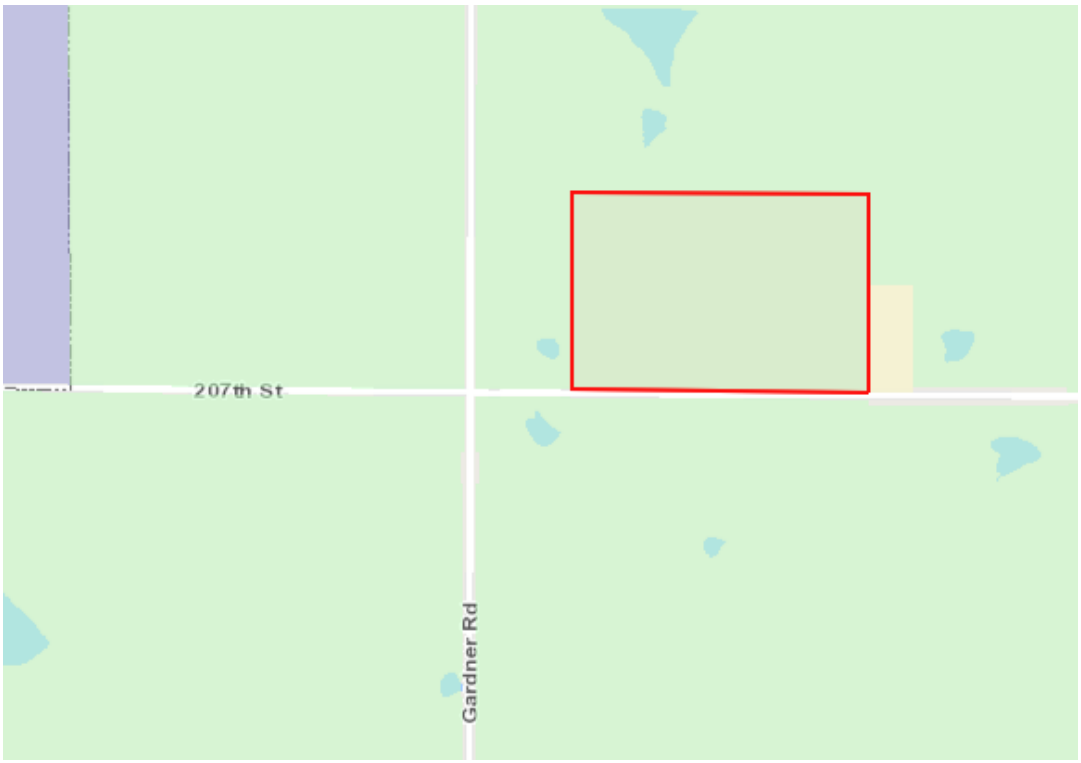


Figure 2 is a closer look at the adjacent parcels and their zoning designations.

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

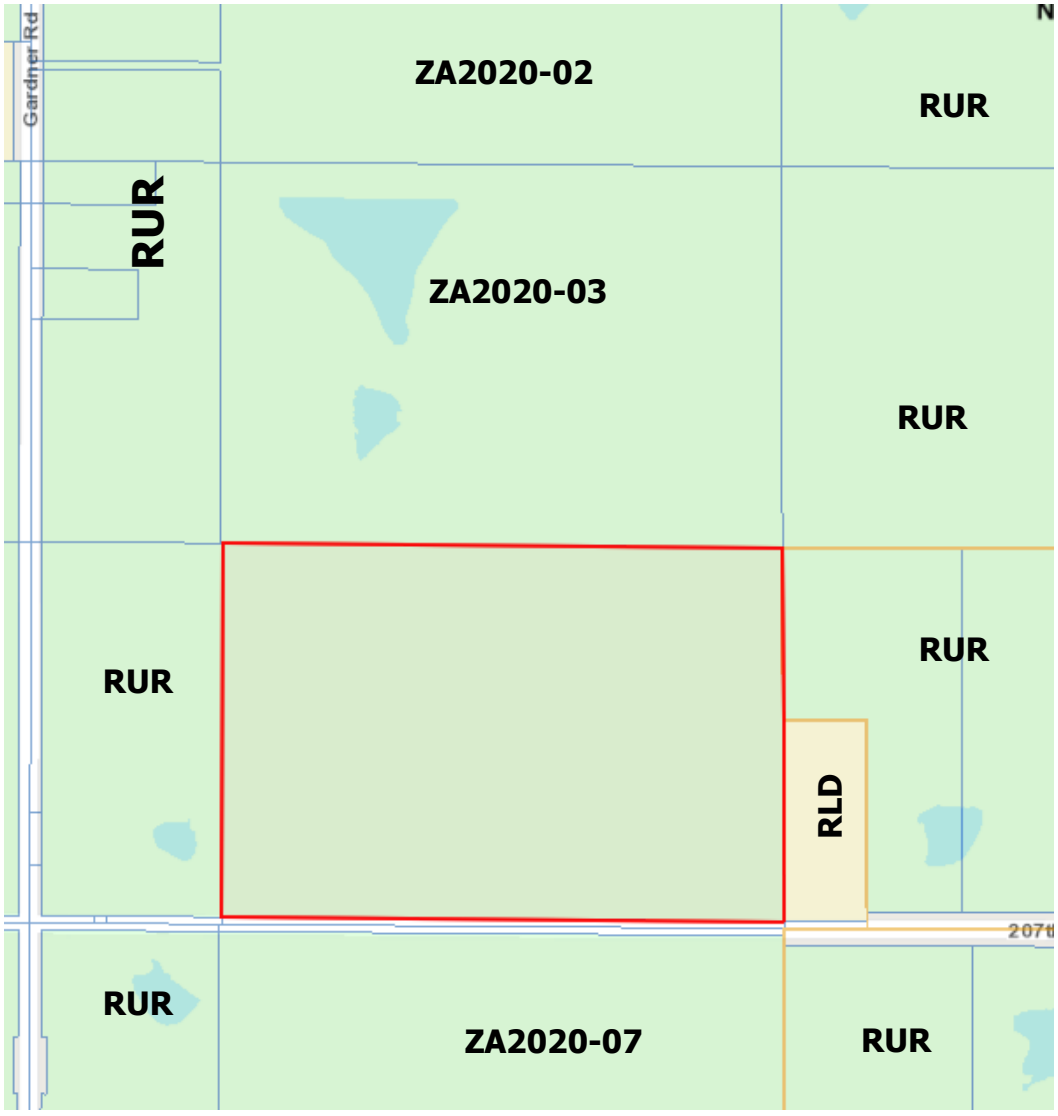


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.64 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly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

Figure 3

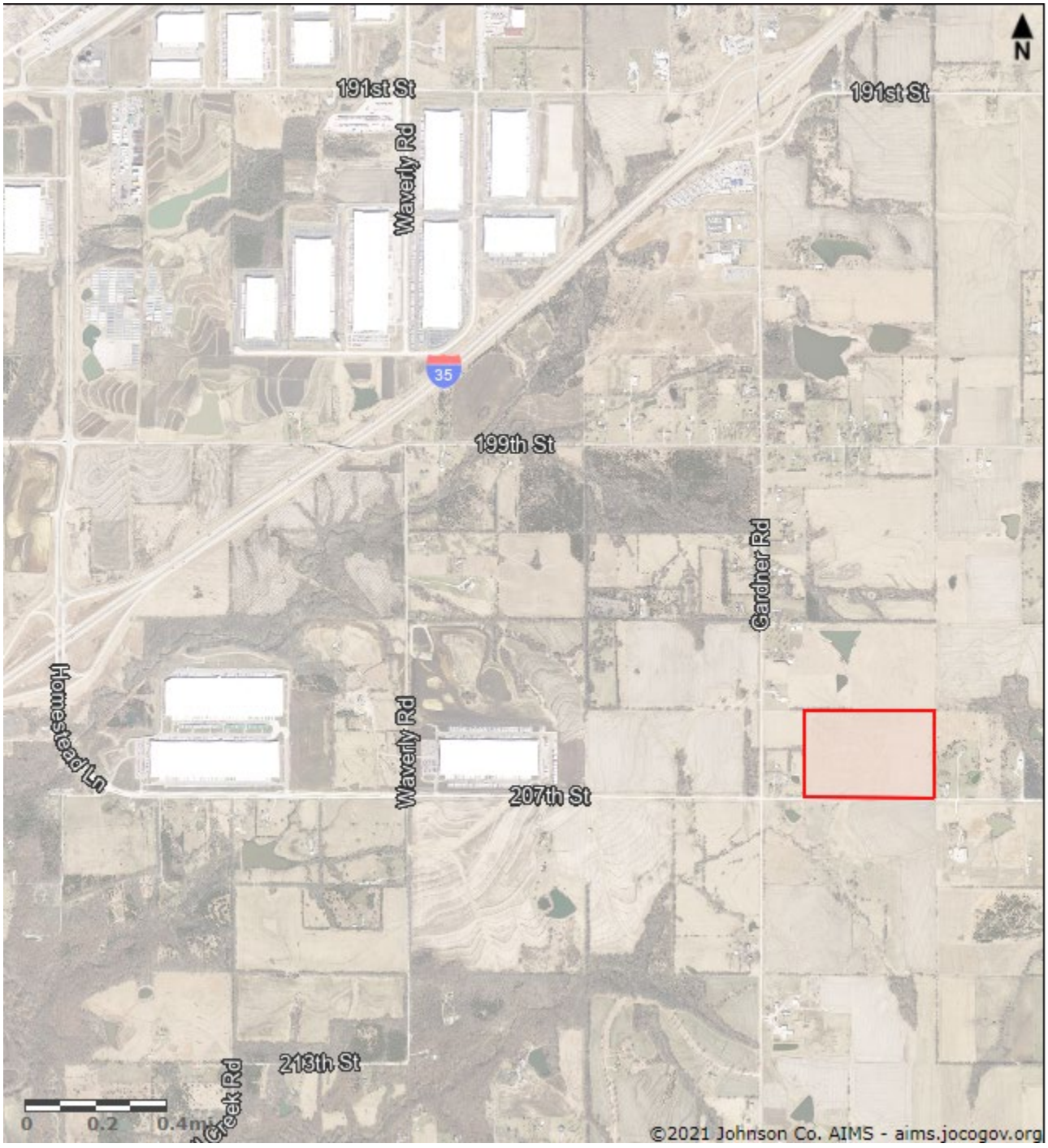
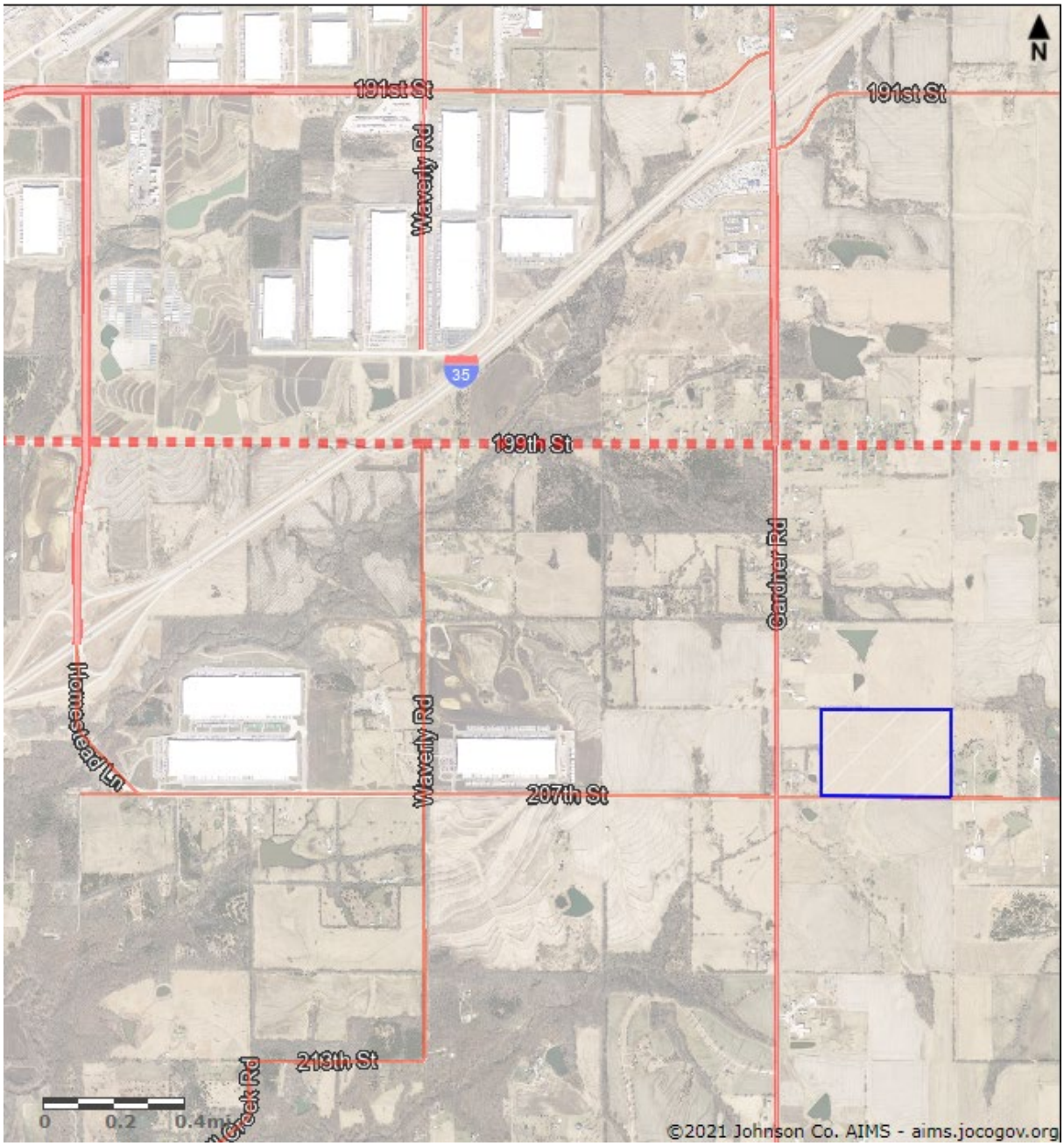


Figure 4 shows the relation of the subject property, outlined in blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

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 incompliance 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

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Rezoning Application (Fee: $250)

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 (Current Zoning) TO L-P Logistics Park (Proposed Zoning)

LEGAL DESCRIPTION: See attached description

CURRENT LAND USE: Agricultural

PROPERTY OWNER'S NAME(S): Hillsdale Land and Cattle, LLC PHONE: N/A

COMPANY: _____ FAX: N/A

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

APPLICANT/AGENTS NAME(S): Brett Powell (representing property owner) PHONE: 816.888.7380

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: 816.800.0950

COMPANY: 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 ONLY

Case No.: RZ- ZA2020-04 Amount of Fee Paid:$ 250.00 Date Fee Paid: 12/11/2020 Receipt #58500213

Received By: Katy Crow Digitally signed by Katy Crow DN: C=US, E=krcrow@edgertonks.org, O=City of Edgerton, OU=Community Development, CN=Katy Crow Date: 2020.12.14 16:19:56-06'00' 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

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

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Rezoning Application (Fee: $250)

PROPERTY OWNER NOTIFICATION LETTER

Case No.: RZ- _____

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 _____

_____

_____

(current zoning) to _____

_____

_____

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

Legal Description: _____

_____

_____

General Location: _____

_____

_____

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on _____, 20_____. 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,

_____

Applicant (or Owner or Agent)

ADDRESS: _____

Street City State Zip

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Rezoning Application (Fee: $250)

PROPERTY OWNER NOTIFICATION AFFIDAVIT

Case No.: RZ- ZA2020-04

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 of Agent, Owner or Attorney

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

Notary Public

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

HEATHER R. PFENDER
Notary Public - Notary Seal
Clay County - State of Missouri
Commission Number 15633521
My Commission Expires Feb 24, 2023

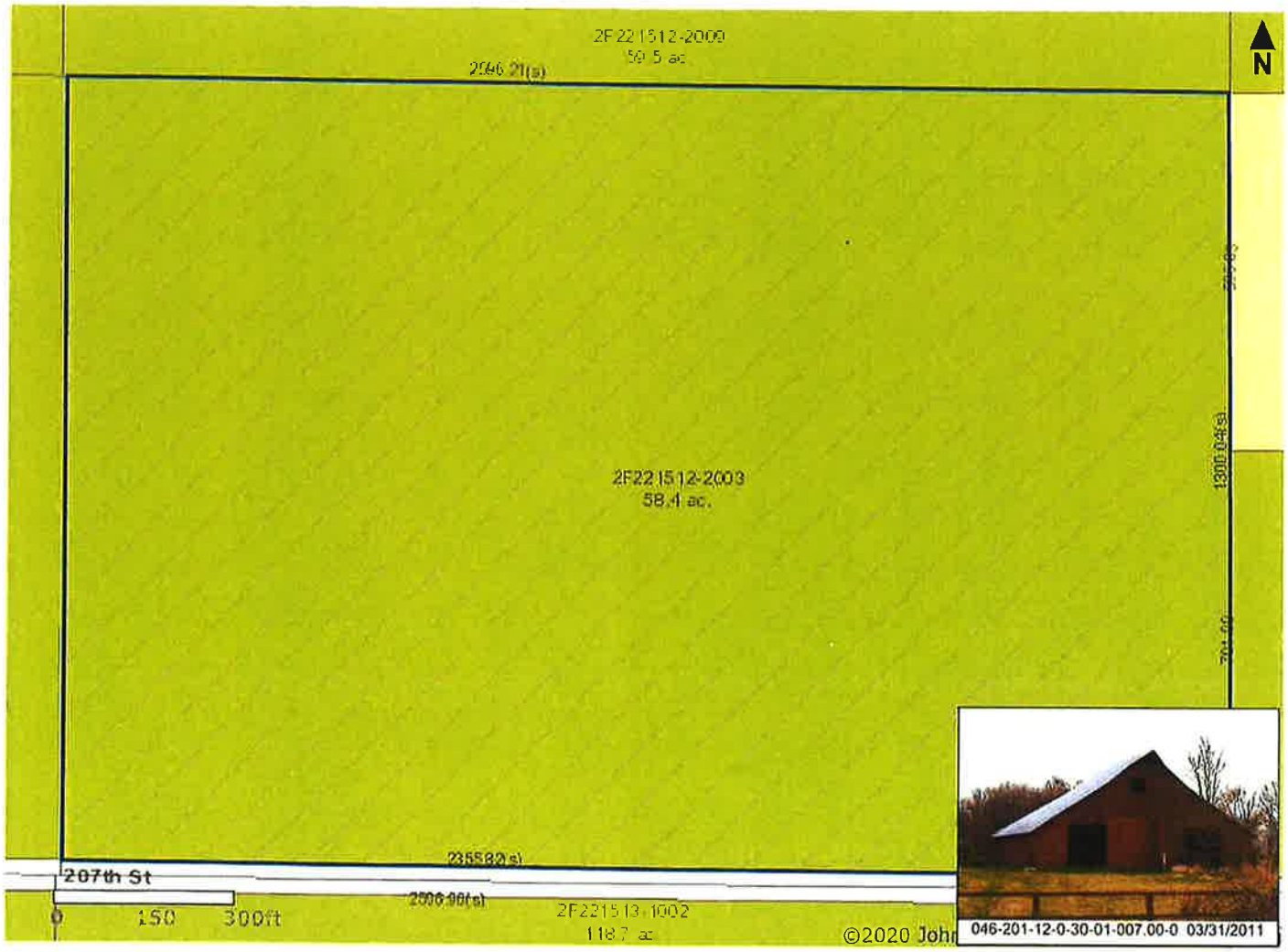
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Property Information for 2F221512-2003

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

Legal Desc. (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

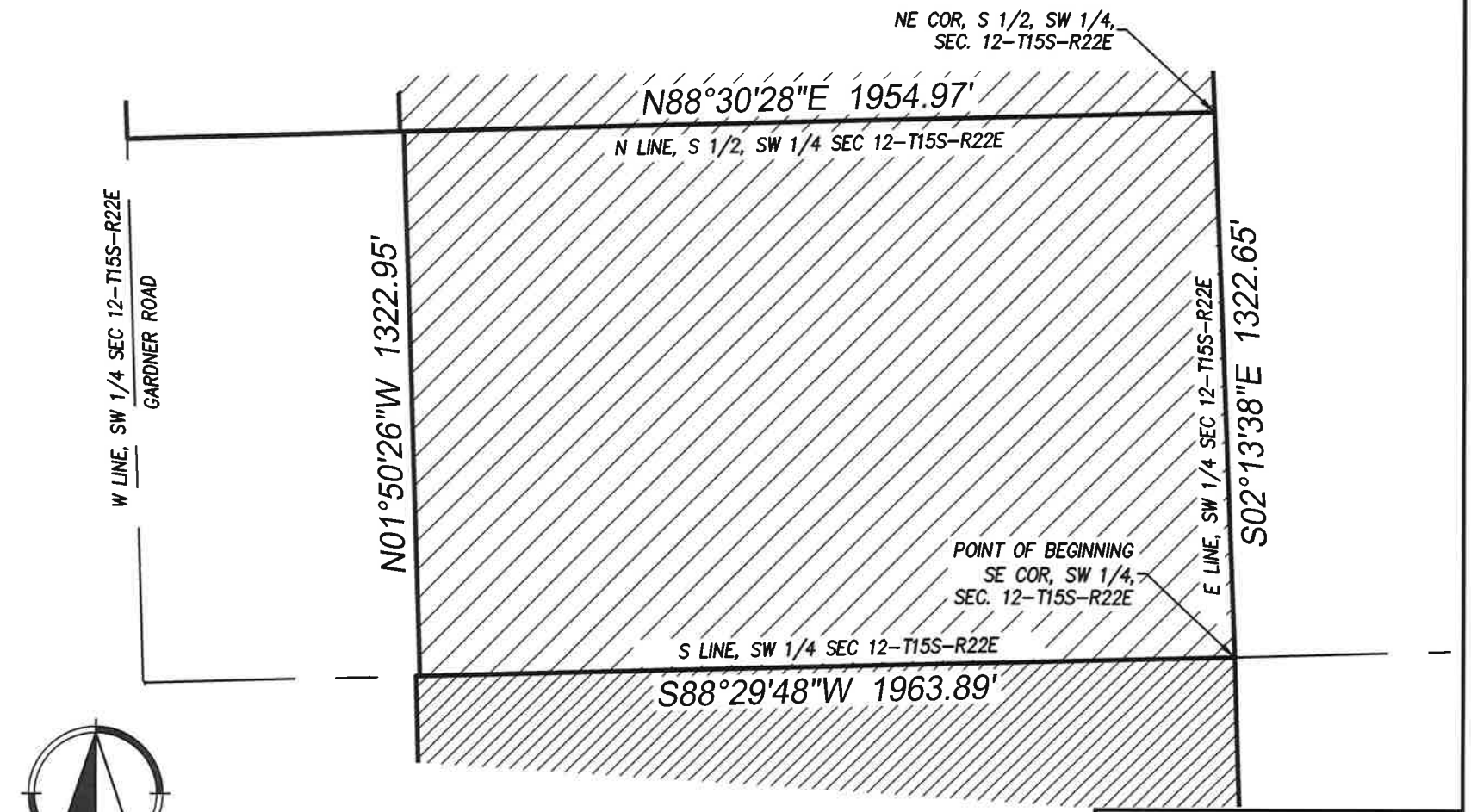


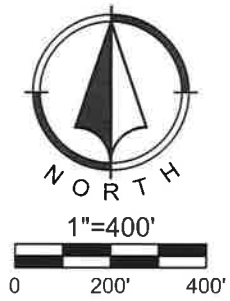
Property Description:

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°29'48" West, along the South line of said Southwest Quarter, a distance of 1,963.89 feet; thence North 01°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°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°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.

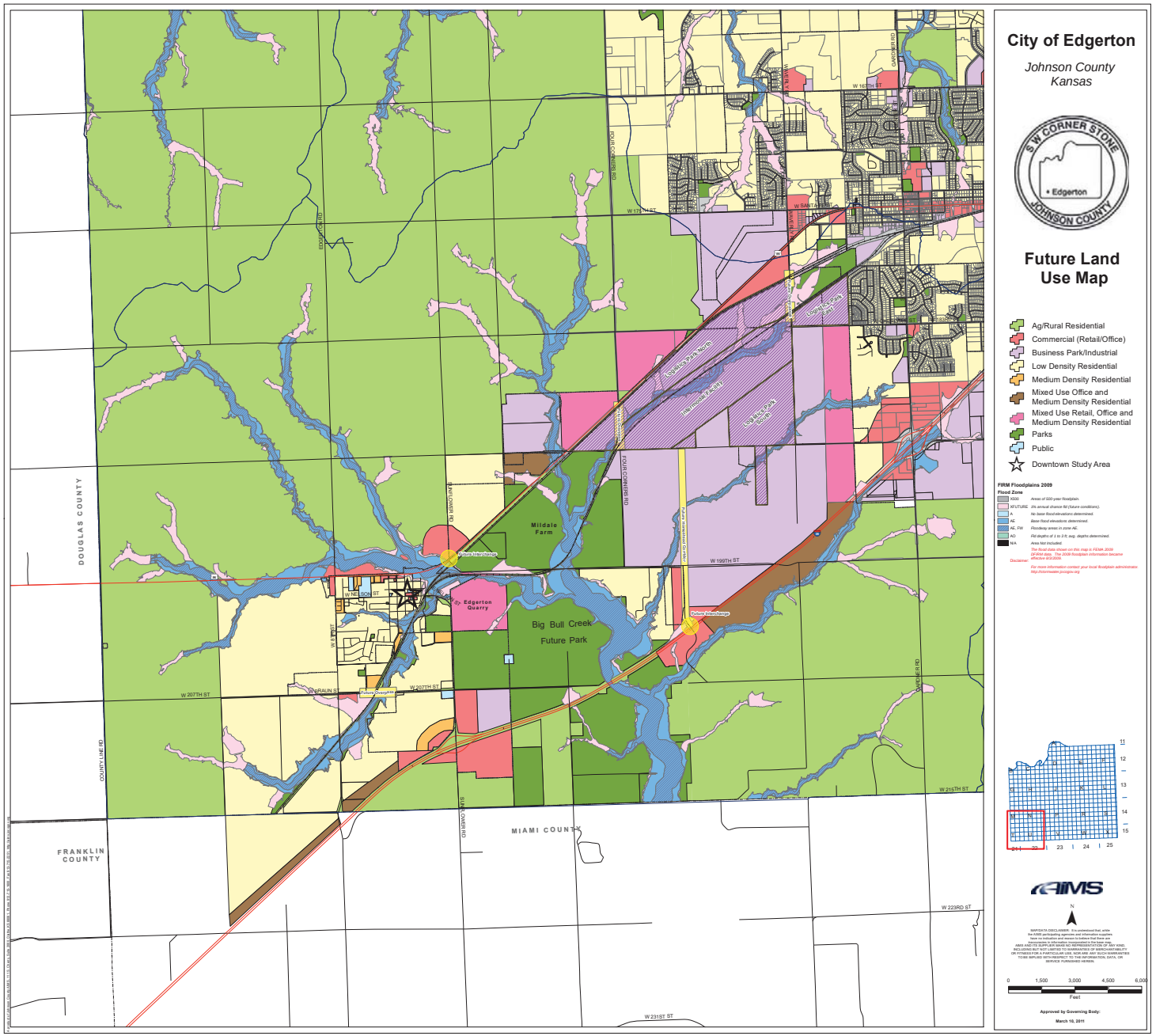
Annexation Exhibit





20-3074
Prepared 12-09-2020

Renaissance Infrastructure Consulting
132 Abbie Avenue
Kansas City, Kansas 66103
913.317.9500
www.ric-consult.com



City of Edgerton

Johnson County
Kansas

SW CORNER STONE
• Edgerton
JOHNSON COUNTY

Future Land Use Map

- Ag/Rural Residential
- Commercial (Retail/Office)
- Business Park/Industrial
- Low Density Residential
- Medium Density Residential
- Mixed Use Office and Medium Density Residential
- Mixed Use Retail, Office and Medium Density Residential
- Parks
- Public
- Downtown Study Area

FIRM Floodplains 2009

Flood Zone

500	*Areas of 500-year floodplain.*
X-FUTURE	*1% annual chance fld (future conditions).*
A	*No base flood elevations determined.*
AE	*Base flood elevations determined.*
AE, FW	*Floodway areas in zone AE.*
AO	*Fld depths of 1 to 3 ft; avg. depths determined.*
N/A	*Area Not Included.*

The flood data shown on this map is FEMA 2009 DFIRM data. The 2009 floodplain information became effective 8/3/2009.

Disclaimer:

For more information contact your local floodplain administrator. http://stormwater.jocogov.org

AIMS

N

MAP/DATA DISCLAIMER: It is understood that, while the GIS participating agencies and information suppliers have used their best efforts to ensure the accuracy of information incorporated in the base map, ANY AND ALL EXPRESS OR IMPLIED WARRANTIES OF ANY KIND (INCLUDING THE SUPPLIERS' WARRANTIES OF NON-INFRINGEMENT OR FITNESS FOR A PARTICULAR USE, NOR ARE ANY SUCH WARRANTIES TO BE IMPLIED WITH RESPECT TO THE INFORMATION, DATA, OR SERVICE FURNISHED HEREIN.

0 1,500 3,000 4,500 6,000

Feet

Approved by Governing Body:

March 15, 2011

Notification Area for Application ZA2020-04

Property ID	Area (ft^2)	Acres	Situs Address	Owner1	Owner2	Owner Address	City, State Zip	Zoning	Area In Buffer (ft^2)	Acres In Buffer	% of Parcel	% of Buffer	Protest Petition Received?
2P04300000 0001	832,867	19.12	28595 W 207TH ST	BAKER GROUP LC		PO BOX 226	GARDNER, KS 66030-0226	RUR	551,655	12.66	66.20%	6.01%	No
2P04300000 0002	833,738	19.14	0 NS NT	BAKER GROUP LC		PO BOX 226	GARDNER, KS 66030-0226	RUR	148,567	3.41	17.80%	1.62%	No
2F221513-1001	1,620,868	37.21	29425 W 207TH ST	BILLOME, LLC		PO BOX 417	GARDNER, KS 66030	RUR	541,227	12.42	33.40%	5.90%	No
2F221512-2004	817,186	18.76	20685 GARDNER RD	BILLOME, LLC		PO BOX 417	GARDNER, KS 66030	RUR	817,070	18.76	100.00%	8.91%	No
2F221512-4001	3,435,142	78.86	0 NS NT	CAENEN FARMS, L.L.C.		PO BOX 283	GARDNER, KS 66030	RUR	789,728	18.13	23.00%	8.61%	No
2P08000000 0001	592,416	13.6	28572 W 207TH ST	CASEY, MICHAEL P.	CASEY, KAREN S.	28572 W 207TH ST	GARDNER, KS 66030	RUR	592,439	13.6	100.00%	6.46%	No
BF221513-1002	5,170,572	118.7	0 NS NT	EAST KANSAS LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	1,875,077	43.05	36.30%	20.44%	No
BF221514-3005	1,664,428	38.21	0 NS NT	HILLSDALE LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	124,439	2.86	7.50%	1.36%	No
BF221512-2009	2,592,256	59.51	0 NS NT	HILLSDALE LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	1,960,830	45.01	75.60%	21.38%	No
2P08000000 0002	435,600	10	28466 W 207TH ST	JULIAN, MICHELLE	JULIAN, JEFF	21204 BITTERSWEET DR	LENEXA, KS 66220	RUR	435,542	10	100.00%	4.75%	No
2F221512-2005	58,370	1.34	20365 GARDNER RD	MAYBERRY, CONNIE L.		20365 GARDNER RD	GARDNER, KS 66030	RUR	34,507	0.79	59.20%	0.38%	Yes
2F221512-2001	674,744	15.49	20465 GARDNER RD	PEARCE, LARRY L. CO-TRUSTEE	PEARCE, DONNA D. CO-TRUSTEE	20315 S GARDNER RD	GARDNER, KS 66030	RUR	525,838	12.07	77.90%	5.73%	Yes
BF221512-2001	27,878	0.64	0 NS NT	PEARCE, LARRY L. CO-TRUSTEE	PEARCE, DONNA D. CO-TRUSTEE	20315 S GARDNER RD	GARDNER, KS 66030	RUR	13,920	0.32	49.80%	0.15%	No
2F221511-4002	3,375,029	77.48	0 NS NT	ROBINS, LINDA L	RAGSDALE, MARY ELIZABETH	876 COUNTY RD 321	JEWETT, TX 75846	RUR	376,892	8.65	11.20%	4.11%	No
2P08000000 0003	435,600	10	28358 W 207TH ST	STOUGHTON, SHELDON A	STOUGHTON, CYNTHIA M	28358 W 207TH ST	GARDNER, KS 66030	RUR	40,245	0.92	9.20%	0.44%	No
2F221512-4004	203,861	4.68	28640 W 207TH ST	WINSLOW, SHAWN M.	WINSLOW, LORA M.	28640 W 207TH ST	GARDNER, KS 66030	RLD	204,029	4.68	100.00%	2.22%	Yes
2F221511-4001	3,411,619	78.32	20480 GARDNER RD	WISE FAMILY LLC		20480 GARDNER RD	GARDNER, KS 66030	RUR	139,466	3.2	4.10%	1.52%	No
								Totals:	9,171,471	210.53		8.33%	3

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City Council Action Item

Council Meeting Date: April 22, 2021

Department: Community Development

Agenda Item: Consider Ordinance 2071 Adopting the Recommendation of the Edgerton Planning Commission to Approve Application ZA2020-05 For The Rezoning of Approximately 40.233 Acres Of Land Generally Located Southwest of the Intersection of West 207th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Background/Description of Item: Below is a summary of actions related to this application:

- **December 17, 2020 -** The parcel was annexed into the City of Edgerton.
- **January 12, 2021** – The Planning Commission held the statutorily required public hearing on the application. This public hearing was then closed. Motion was made to continue the vote on the application and for City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning.
- **February 9, 2021** – Economic Impact Analysis memo presented by staff. Planning Commission voted 4-0 to recommend denial of the application.
- **March 11, 2021** – Application was heard by the City of Edgerton Governing Body. In addition, public comment was permitted even though no required by state statute. The Governing Body motioned to return the application to the Planning Commission, without any additional public hearing, to provide the findings and context, based upon the Golden Criteria, for any recommendation.
- **April 13, 2021** – Application was reconsidered by the City of Edgerton Planning Commission. Citing the Golden Criteria stated in the staff report and adding an additional stipulation that City Staff continue to their work with neighboring jurisdictions on truck routes to address truck traffic in the area, Planning Commission voted 4-0 to recommend approval of Application ZA2020-05 for rezoning from Johnson County RUR to City of Edgerton L-P (Logistics Park) Zoning District.

Enclosed with this memo are several items provided previously to either Planning Commission/City Council related to Application ZA2020-05.

- **Planning Commission Staff Report** – Includes a review of Application ZA2020-05 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 Governing Body** – 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

- **Draft Minutes** - An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting.

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 they are already available through the links below and City Council specifically remanded the applications back to the Planning Commission 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

Both the City of Edgerton Unified Development Code (UDC) and Kansas State Statute 12-757 allow for the filing of a Protest Petition when actions related to the rezoning of a parcel are considered.

After the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to Application ZA2020-05:

- 32 total Protest Petitions received
    - 0 Petitions were received from INSIDE the statutory notification area
    - 32 petitions were received from OUTSIDE the statutory notification area
- The 0 petitions received from within the notification area total to 0.0% of the total buffer area around the parcel requesting rezoning. This falls short of the 20% amount that requires passage by a three-fourths (3/4) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.
- Copies of the Protest Petitions can be found in the City Council packet for March 11, 2021 (see link above)

City Attorney has prepared the enclosed draft ordinance.

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval of Ordinance 2071 Adopting the Recommendation of the Edgerton Planning Commission to Approve Application ZA2020-05 Comprising Approximately 38.21 Acres Of Land Generally Located Southwest of the Intersection of West 207th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Enclosed:

- Draft Ordinance 2071
- Planning Commission Staff Report for Application ZA2020-05 from the January 12, 2021 Planning Commission Meeting
- Economic Impact Analysis Memo dated February 5, 2021 (included with Application ZA2020-03)

- Memo to Governing Body addressing public comments dated March 11, 2021 (included with Application ZA2020-03)
- An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting (included with Application ZA2020-03)
- Notification Area Spreadsheet with calculation from Johnson County AIMS

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2071

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-05 FOR THE REZONING OF APPROXIMATELY 40.233 ACRES OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request from Brett Powell, NPD Management, applicant representative for the owner of a parcel of land totaling approximately 40.233 acres, generally located southwest of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas to rezone that property from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District; and

WHEREAS, following a public hearing in front of the Planning Commission on January 12, 2021, and the remanding of the matter by the City Council to a Planning Commission meeting held on April 13, 2021, the Planning Commission has recommended that the rezoning request for that property – from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District -- be approved subject to certain conditions; and

WHEREAS, all required newspaper and mailing notifications were performed.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

Section 1. That the following legally described property generally located southwest of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas is hereby rezoned from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District, and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

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°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°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°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°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.

Section 2. The above rezoning is expressly conditioned on the following:

a) All infrastructure requirements of the City shall be met.
b) All platting requirements of the City shall be met.
c) All Site Plan application requirements of the City shall be met.
d) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan which has been reviewed and approved by the City.
e) That City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area.

Section 3. That the Governing Body, in making its decision on the rezoning, based its decision on City Staff's comments and recommendations as they relate to the Golden criteria and otherwise, which are attached hereto. The Governing Body also based its decision on the following criteria:

a) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
b) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
c) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
d) 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.
e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

Section 4. This ordinance shall take effect from and after its publication once in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 22nd DAY OF APRIL, 2021.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

_____
Alexandria Clower, City Clerk

APPROVED AS TO FORM:

_____
Lee Hendricks, City Attorney

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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

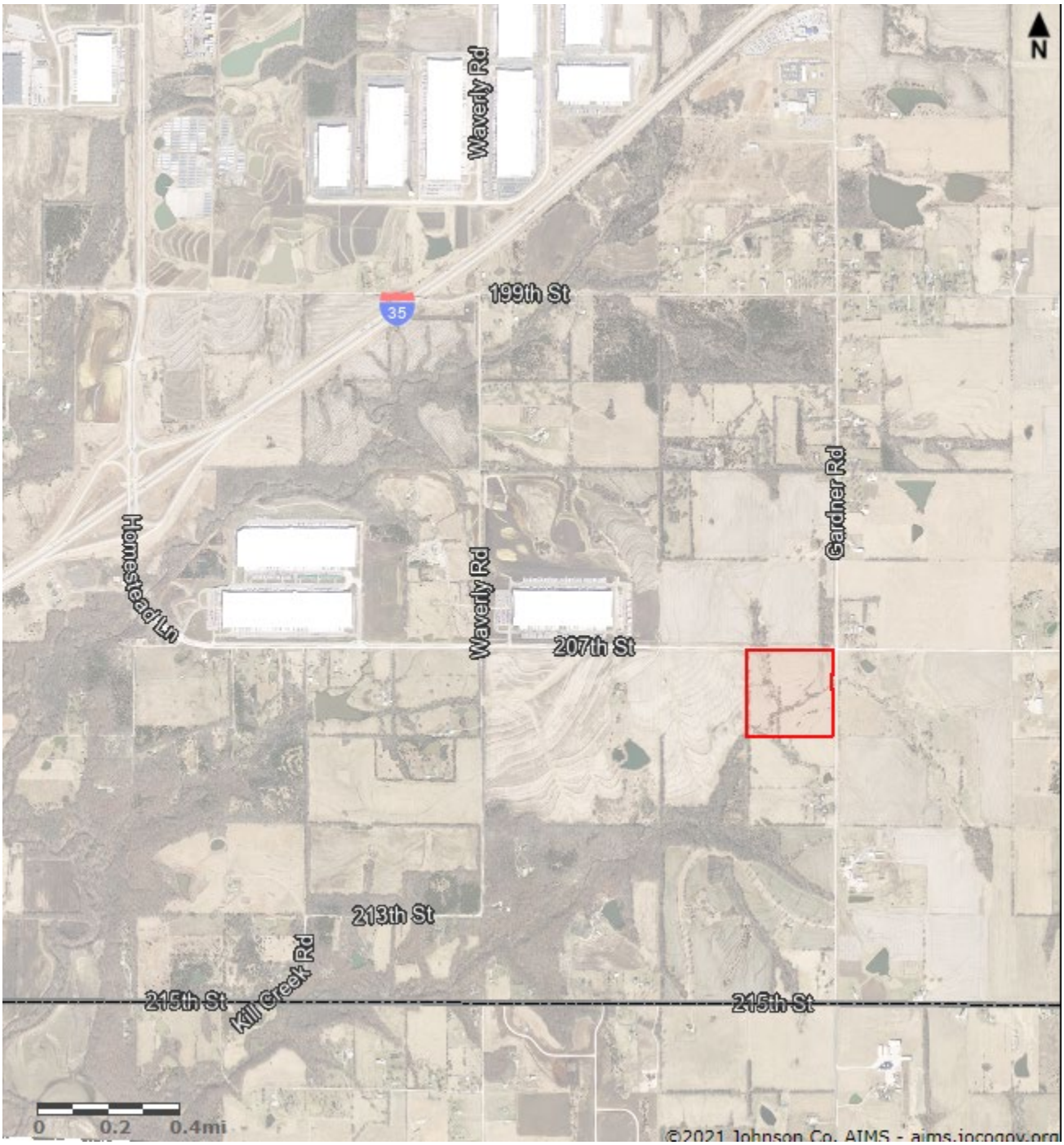
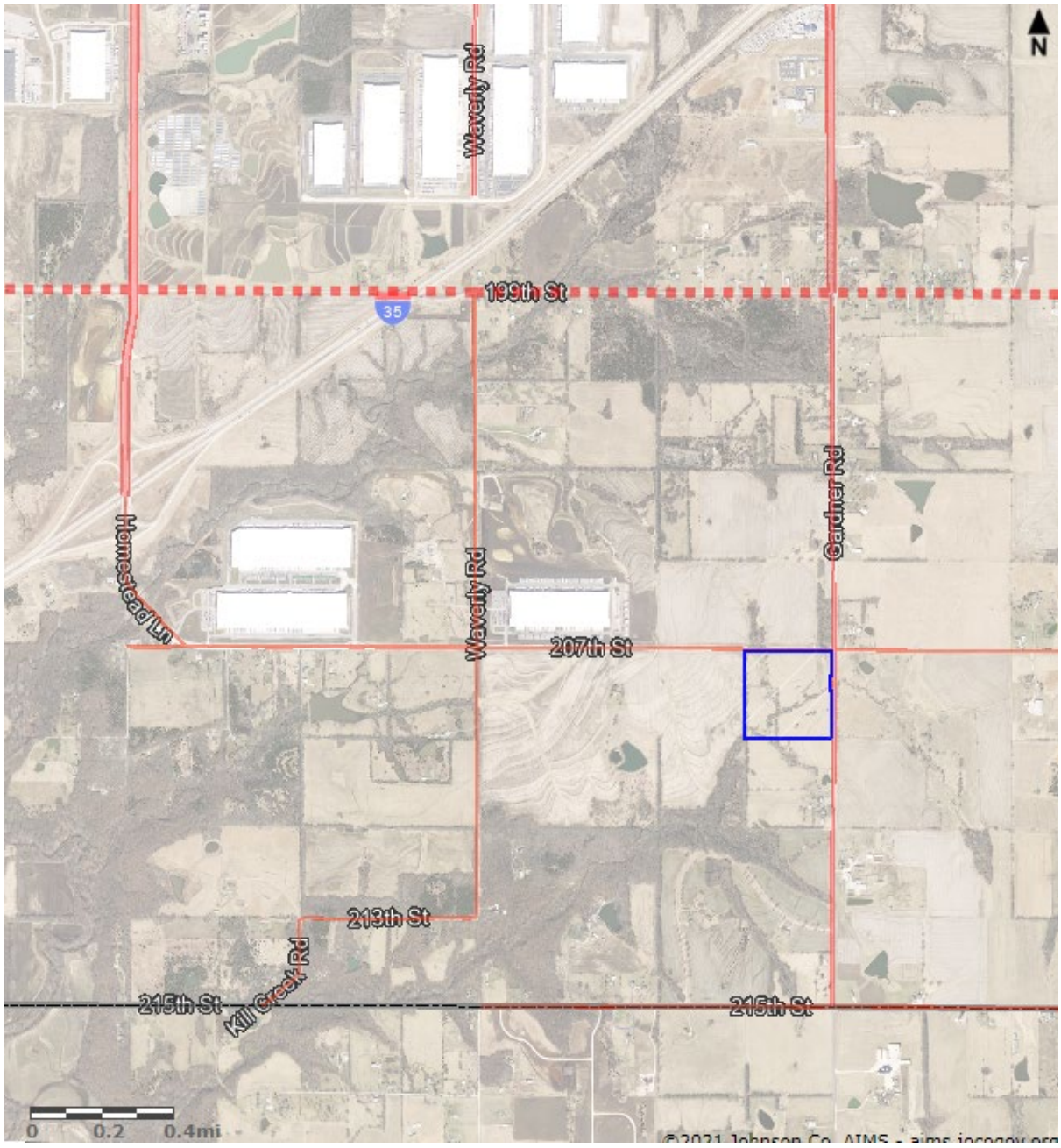


Figure 4 shows the relation of the subject property, outlined blue, to the transportation network with the Johnson County Comprehensive Arterial Network Plan (CARNP) routes highlighted.

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 incompliance 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

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Rezoning Application (Fee: $250)

LOCATION OR ADDRESS OF SUBJECT PROPERTY: Located near SW Corner of 207th and 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 (Current Zoning) TO L-P Logistics Park (Proposed Zoning)

LEGAL DESCRIPTION: See attached description

CURRENT LAND USE: Agricultural

PROPERTY OWNER'S NAME(S): Hillsdale Land and Cattle, LLC PHONE: N/A

COMPANY: FAX: N/A

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

APPLICANT/AGENTS NAME(S): Brett Powell (representing property owner) PHONE: 816.888.7380

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: 816.800.0950

COMPANY: 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 ONLY

Case No.: RZ- ZA2020-05 Amount of Fee Paid:$ 250.00 Date Fee Paid: 12/11/2020 Receipt #58500213

Received By: Katy Crow Digitally signed by Katy Crow DN: C=US, E=krow@edgertonks.org, O=City of Edgerton, OU=Community Development, CN=Katy Crow Date: 2020.12.14 16:42:33-06'00' 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

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

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Rezoning Application (Fee: $250)

PROPERTY OWNER NOTIFICATION LETTER

Case No.: RZ- _____

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 _____

_____

_____

(current zoning) to _____

_____

_____

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

Legal Description: _____

_____

_____

General Location: _____

_____

_____

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on _____, 20_____. 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,

_____

Applicant (or Owner or Agent)

ADDRESS: _____

Street City State Zip

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Rezoning Application (Fee: $250)

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 of Agent, Owner or Attorney

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

Notary Public

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

HEATHER R. PFENDER
Notary Public - Notary Seal
Clay County - State of Missouri
Commission Number 15633521
My Commission Expires Feb 24, 2023

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Property Information for 2F221514-3005

Tax Property ID	2F221514-3005	*KS Uniform Parcel #*	0462061401001001000
Situs Address	Not Available	*Acres*	38.21 (1,664,292.28 ft^2)
Owner1 Name	HILLSDALE LAND & CATTLE LLC	*Owner2 Name*	
Owner Address	4825 NW 41ST ST STE 500, RIVERSIDE, MO 64150		
Class	A	*Year Built*	0
LBCS	9010	*Neighborhood Code*	804.3
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 #*	20091C0135G
School District	Gardner-Edgerton	*High School*	Gardner-Edgerton
Middle School	Trail Ridge	*Elementary School*	Nike

Legal Desc. (abbreviated) 14-15-22 N1/2 E1/2 NE1/4 40 ACS M/L GA 225 1

Property Map for 2F221514-3005

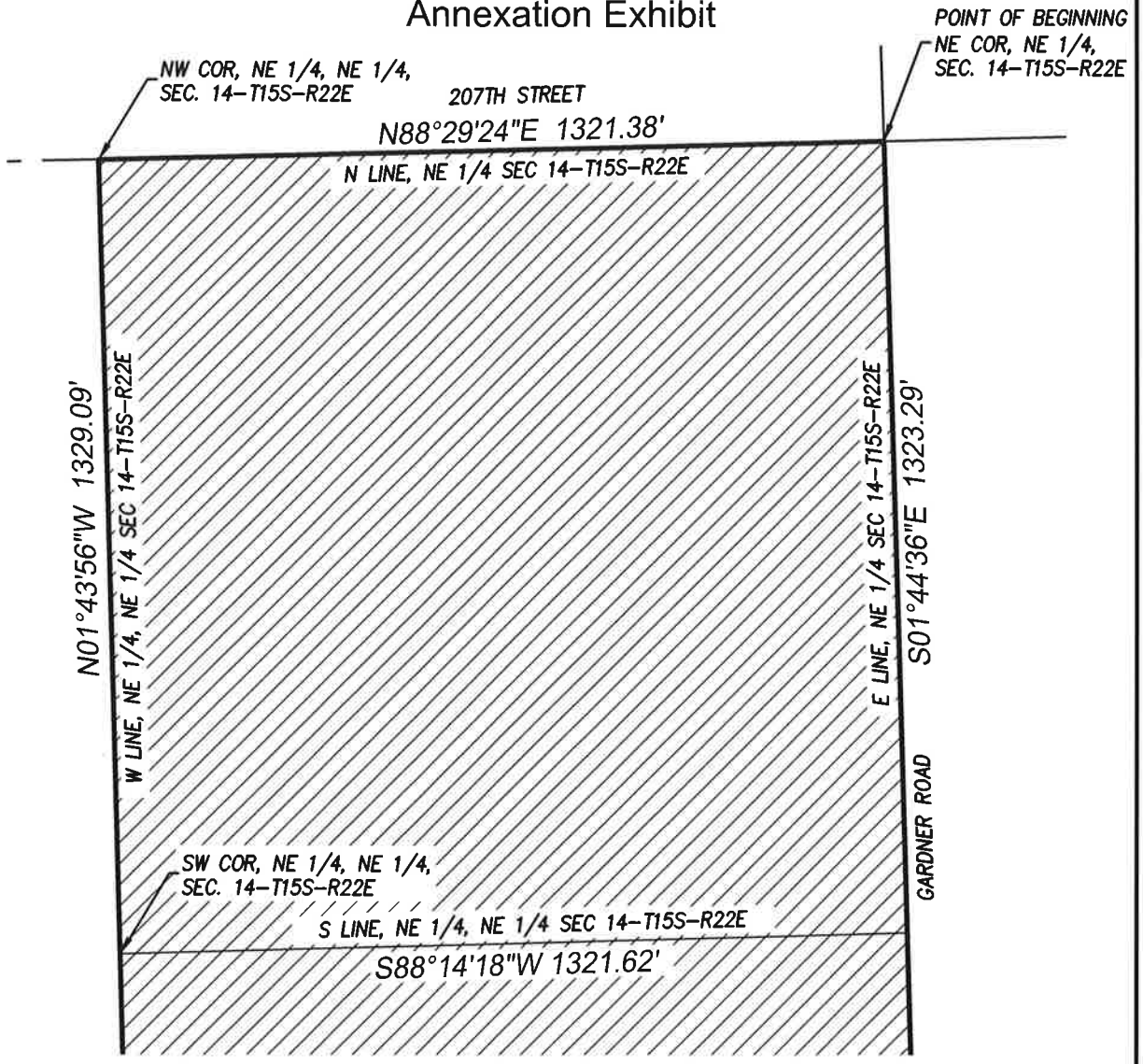


Property Description:

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°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°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°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°29'24" East, along the North line of said Northeast Quarter, a distance of 1,321.38 feet to the Point of Beginning. Containing 1,752,553 square feet or 40.233 acres, more or less.

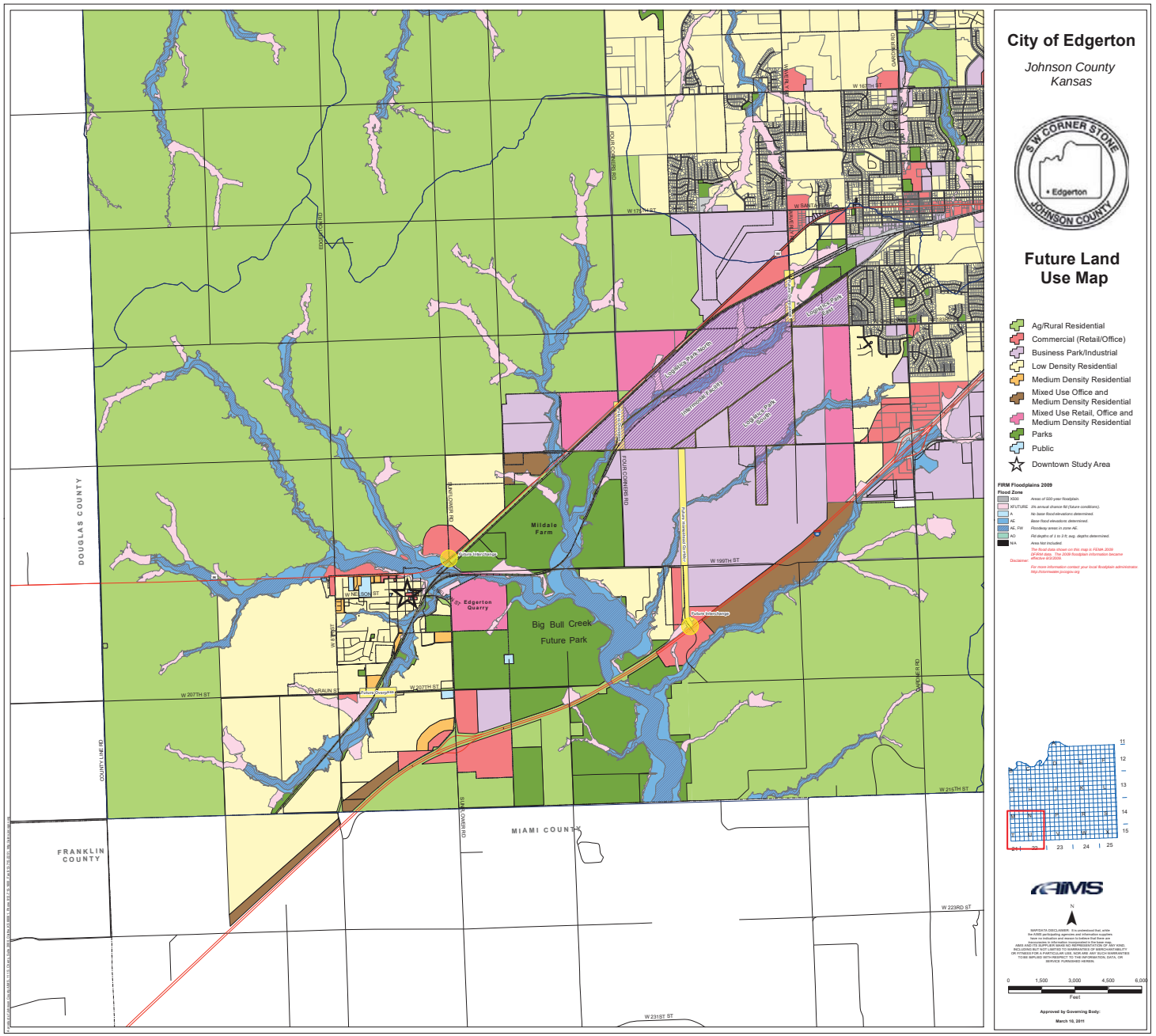
Annexation Exhibit





20-3074
Prepared 12-09-2020

Renaissance Infrastructure Consulting
132 Abbie Avenue
Kansas City, Kansas 66103
913.317.9500
www.ric-consult.com



City of Edgerton

Johnson County
Kansas

SW CORNER STONE
Edgerton
JOHNSON COUNTY

Future Land Use Map

- Ag/Rural Residential
- Commercial (Retail/Office)
- Business Park/Industrial
- Low Density Residential
- Medium Density Residential
- Mixed Use Office and Medium Density Residential
- Mixed Use Retail, Office and Medium Density Residential
- Parks
- Public
- Downtown Study Area

FIRM Floodplains 2009

Flood Zone

500	*Areas of 500-year floodplain.*
X-FUTURE	*1% annual chance fld (future conditions).*
A	*No base flood elevations determined.*
AE	*Base flood elevations determined.*
AE, FW	*Floodway areas in zone AE.*
AO	*Fld depths of 1 to 3 ft; avg. depths determined.*
N/A	*Area Not Included.*

The flood data shown on this map is FEMA 2009 DFIRM data. The 2009 floodplain information became effective 8/3/2009.

Disclaimer:

For more information contact your local floodplain administrator. http://stormwater.jocogov.org

AIMS

N

MAP/DATA DISCLAIMER: It is understood that, while the GIS participating agencies and information suppliers have used their best efforts to ensure the accuracy of information incorporated in the base maps, ALL DATA IS PROVIDED "AS IS" WITHOUT WARRANTIES OF ANY KIND, INCLUDING NO EXPRESS OR IMPLIED WARRANTIES OF NON-INFRINGEMENT OR FITNESS FOR A PARTICULAR USE, NOR ARE ANY SUCH WARRANTIES TO BE IMPLIED WITH RESPECT TO THE INFORMATION, DATA, OR SERVICE FURNISHED HEREIN.

0 1,500 3,000 4,500 6,000

Feet

Approved by Governing Body:

March 15, 2011

Notification Area for Application ZA2020-05

Property ID	Area (ft^2)	Acres	Situs Address	Owner1	Owner2	Owner Address	City, State Zip	Zoning	Area In Buffer (ft^2)	Acres In Buffer	% of Parcel	% of Buffer	Protest Petition Received?
2F221512-2004	817,186	18.76	20685 GARDNER RD	BILLOME, LLC		PO BOX 417	GARDNER, KS 66030	RUR	534,223	12.26	65.40%	5.40%	No
2F221513-1001	1,620,868	37.21	29425 W 207TH ST	BILLOME, LLC		PO BOX 417	GARDNER, KS 66030	RUR	1,357,426	31.16	83.70%	13.60%	No
BF221513-1002	5,170,572	118.7	0 NS NT	EAST KANSAS LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	535,583	12.3	10.40%	5.40%	No
BF221514-3004	1,697,969	38.98	21050 GARDNER RD	HILLSDALE LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	1,280,247	29.39	75.40%	12.80%	No
BF221512-2003	2,542,162	58.36	0 NS NT	HILLSDALE LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	127,610	2.93	5.00%	1.30%	No
2F221511-4002	3,375,029	77.48	0 NS NT	ROBINS, LINDA L	RAGSDALE, MARY ELIZABETH	876 COUNTY RD 321	JEWETT, TX 75846	RUR	1,946,963	44.7	57.70%	19.50%	No
2F221514-3001	3,492,205	80.17	0 NS NT	UMB BANK, N.A. CO-TRUSTEE	DORSEY, GERALDINE A. CO-TTEE	PO BOX 419692	KANSAS CITY, MO 64141-6692	RUR	2,092,881	48.05	59.90%	21.00%	No
								Totals:	7,874,933	180.79		0.00%	0

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City Council Action Item

Council Meeting Date: April 22, 2021

Department: Community Development

Agenda Item: Consider Ordinance No. 2072 Adopting the Recommendation of the Edgerton Planning Commission To Approve Application ZA2020-06 For The Rezoning of Approximately 40.241 Acres Of Land Generally Located Southwest of the Intersection of West 207th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Background/Description of Item: **Background/Description of Item:** Below is a summary of actions related to this application:

- **December 17, 2020 -** The parcel was annexed into the City of Edgerton.
- **January 12, 2021** – The Planning Commission held the statutorily required public hearing on the application. This public hearing was then closed. Motion was made to continue the vote on the application and for City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning.
- **February 9, 2021** – Economic Impact Analysis memo presented by staff. Planning Commission voted 4-0 to recommend denial of the application.
- **March 11, 2021** – Application was heard by the City of Edgerton Governing Body. In addition, public comment was permitted even though no required by state statute. The Governing Body motioned to return the application to the Planning Commission, without any additional public hearing, to provide the findings and context, based upon the Golden Criteria, for any recommendation.
- **April 13, 2021** – Application was reconsidered by the City of Edgerton Planning Commission. Citing the Golden Criteria stated in the staff report and adding an additional stipulation that City Staff continue to their work with neighboring jurisdictions on truck routes to address truck traffic in the area, Planning Commission voted 4-0 to recommend approval of Application ZA2020-06 for rezoning from Johnson County RUR to City of Edgerton L-P (Logistics Park) Zoning District.

Enclosed with this memo are several items provided previously to either Planning Commission/City Council related to Application ZA2020-06.

- **Planning Commission Staff Report** – Includes a review of Application ZA2020-06 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 Governing Body** – 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

- **Draft Minutes** - An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting.

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 they are already available through the links below and City Council specifically remanded the applications back to the Planning Commission 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

Both the City of Edgerton Unified Development Code (UDC) and Kansas State Statute 12-757 allow for the filing of a Protest Petition when actions related to the rezoning of a parcel are considered.

After the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to Application ZA2020-06:

- 32 total Protest Petitions received
    - 0 Petitions were received from INSIDE the statutory notification area
    - 32 petitions were received from OUTSIDE the statutory notification area
- The 0 petitions received from within the notification area total to 0.0% of the total buffer area around the parcel requesting rezoning. This falls short of the 20% amount that requires passage by a three-fourths (3/4) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.
- Copies of the Protest Petitions can be found in the City Council packet for March 11, 2021 (see link above)

City attorney has prepared the enclosed draft ordinance.

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval of Ordinance No. 2072 Adopting the Recommendation of the Edgerton Planning Commission To Approve Application ZA2020-06 Comprising Approximately 38.98 Acres Of Land Generally Located Southwest of the Intersection of West 207th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Enclosed:

- Draft Ordinance 2072
- Planning Commission Staff Report for Application ZA2020-06 from the January 12, 2021 Planning Commission Meeting
- Economic Impact Analysis Memo dated February 5, 2021 (included with Application ZA2020-03)

- Memo to Governing Body addressing public comments dated March 11, 2021 (included with Application ZA2020-03)
- An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting (included with Application ZA2020-03)
- Notification Area Spreadsheet with calculation from Johnson County AIMS

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2072

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-06 FOR THE REZONING OF APPROXIMATELY 40.241 ACRES OF LAND GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request from Brett Powell, NPD Management, applicant representative for the owner of a parcel of land totaling approximately 40.241 acres, generally located southwest of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas to rezone that property from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District; and

WHEREAS, following a public hearing in front of the Planning Commission on January 12, 2021, and the remanding of the matter by the City Council to a Planning Commission meeting held on April 13, 2021, the Planning Commission has recommended that the rezoning request for that property – from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District -- be approved subject to certain conditions; and

WHEREAS, all required newspaper and mailing notifications were performed.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

Section 1. That the following legally described property generally located southwest of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas is hereby rezoned from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District, and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

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°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°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°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°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.

Section 2. The above rezoning is expressly conditioned on the following:

a) All infrastructure requirements of the City shall be met.
b) All platting requirements of the City shall be met.
c) All Site Plan application requirements of the City shall be met.
d) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan which has been reviewed and approved by the City.
e) That City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area.

Section 3. That the Governing Body, in making its decision on the rezoning, based its decision on City Staff's comments and recommendations as they relate to the Golden criteria and otherwise, which are attached hereto. The Governing Body also based its decision on the following criteria:

a) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
b) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
c) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
d) 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.
e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

Section 4. This ordinance shall take effect from and after its publication once in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 22nd DAY OF APRIL, 2021.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

_____
Alexandria Clower, City Clerk

APPROVED AS TO FORM:

_____
Lee Hendricks, City Attorney

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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

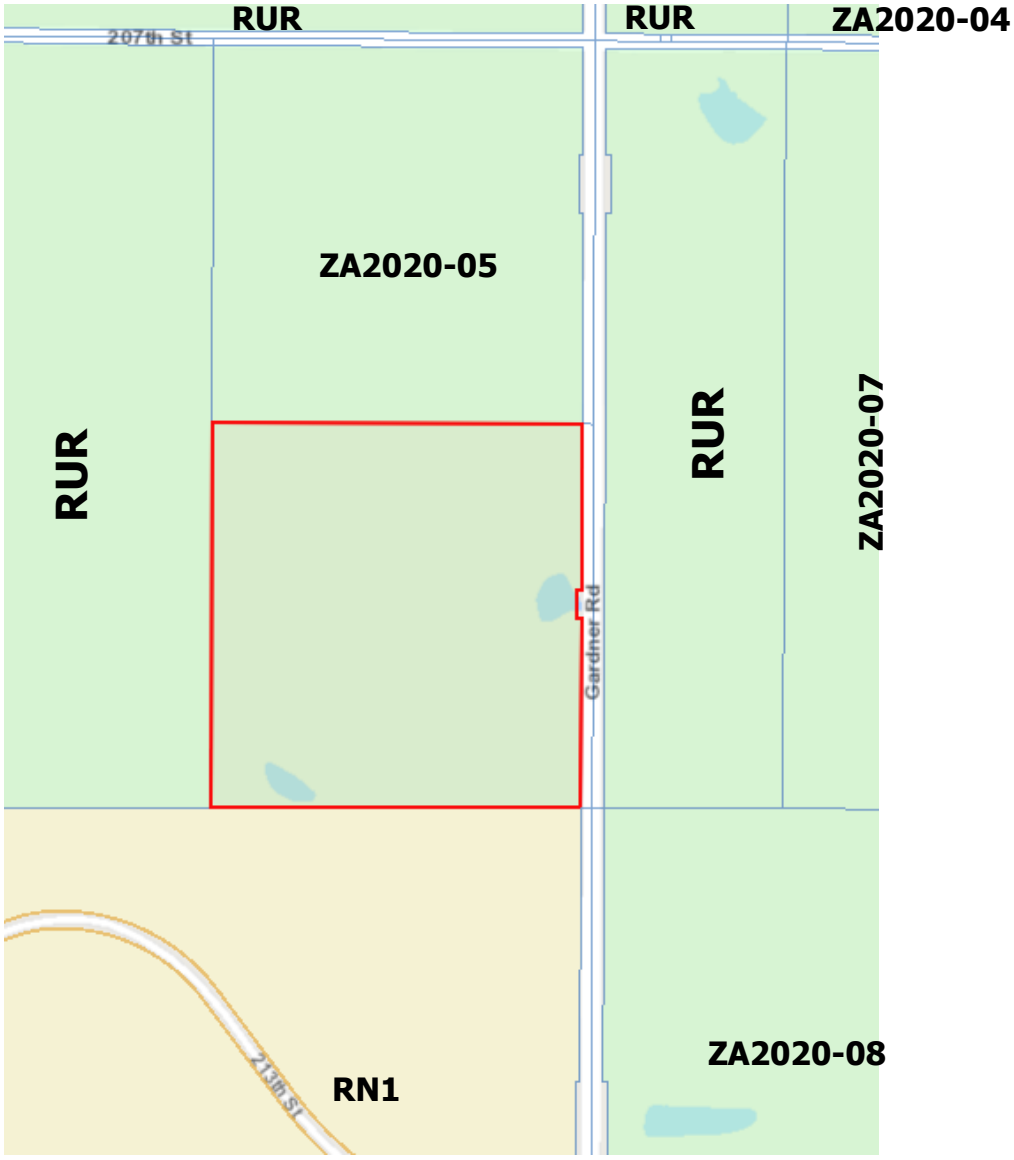


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.37 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly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

Figure 3

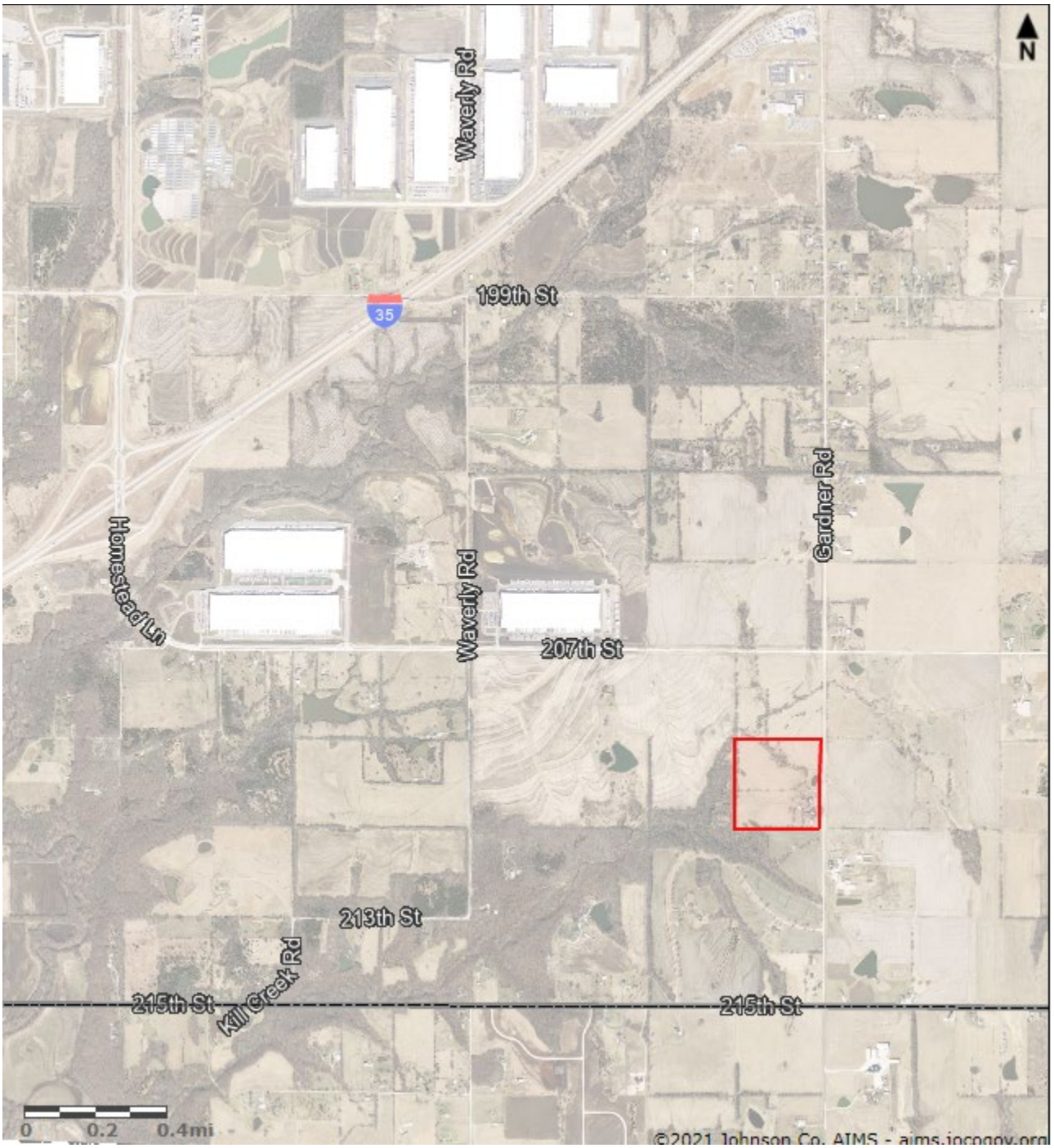
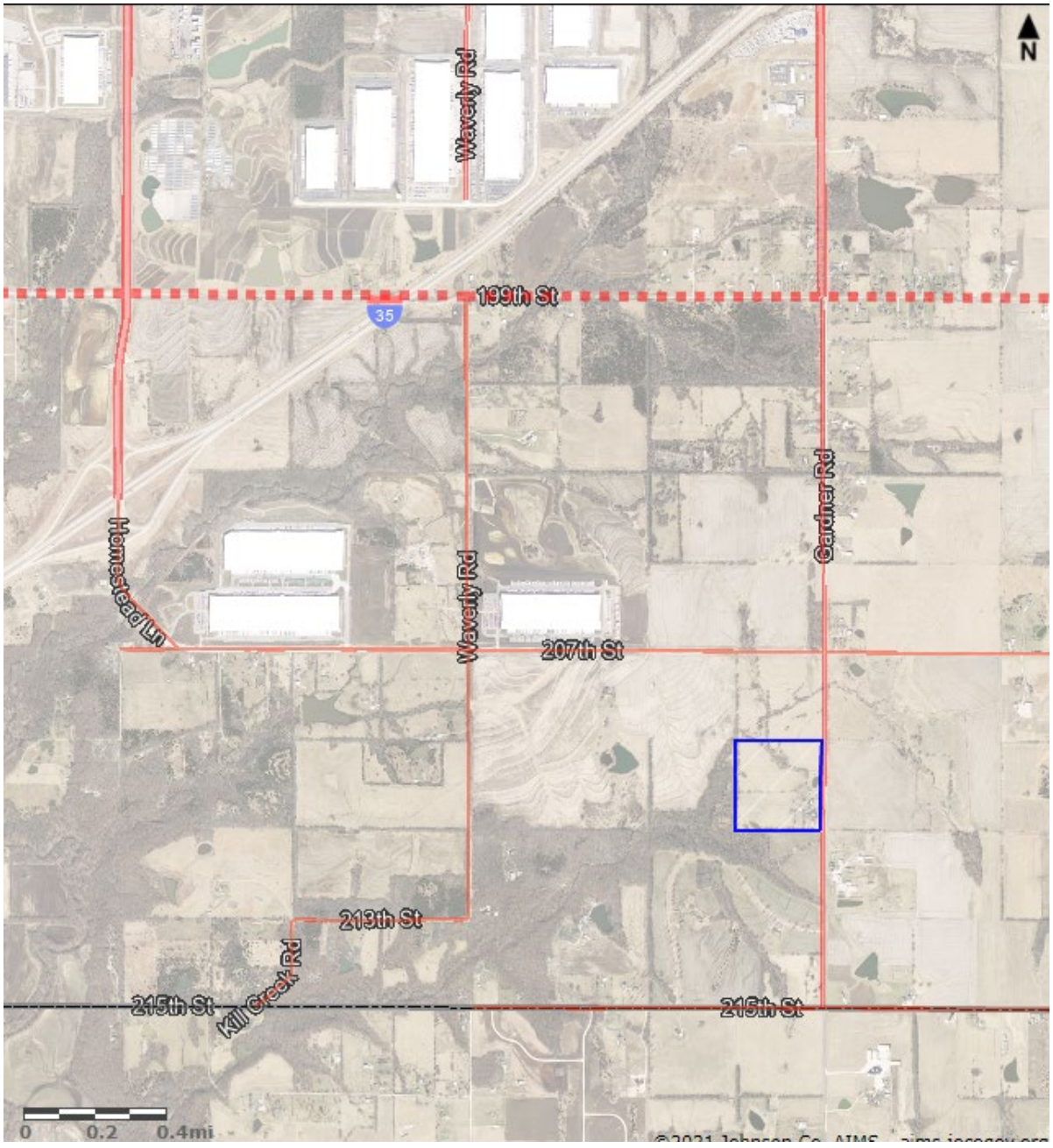


Figure 4 shows the relation of the subject property, outlined blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

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 throughway. 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 incompliance 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

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Rezoning Application (Fee: $250)

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 (Current Zoning) TO L-P Logistics Park (Proposed Zoning)

LEGAL DESCRIPTION: See attached description

CURRENT LAND USE: Agricultural

PROPERTY OWNER'S NAME(S): Hillsdale Land and Cattle, LLC PHONE: N/A

COMPANY: _____ FAX: N/A

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

APPLICANT/AGENTS NAME(S): Brett Powell (representing property owner) PHONE: 816.888.7380

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: 816.800.0950

COMPANY: 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 ONLY

Case No.: RZ- ZA2020-06 Amount of Fee Paid:$ 250.00 Date Fee Paid: 12/11/2020 Receipt #58500213

Received 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 17:14:06-06'00' 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

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

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Rezoning Application (Fee: $250)

PROPERTY OWNER NOTIFICATION LETTER

Case No.: RZ- _____

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 _____

_____

_____

(current zoning) to _____

_____

_____

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

Legal Description: _____

_____

_____

General Location: _____

_____

_____

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on _____, 20_____. 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,

_____

Applicant (or Owner or Agent)

ADDRESS: _____

Street City State Zip

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Rezoning Application (Fee: $250)

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 of Agent, Owner or Attorney

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

Notary Public

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

HEATHER R. PFENDER
Notary Public - Notary Seal
Clay County - State of Missouri
Commission Number 15633521
My Commission Expires Feb 24, 2023

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

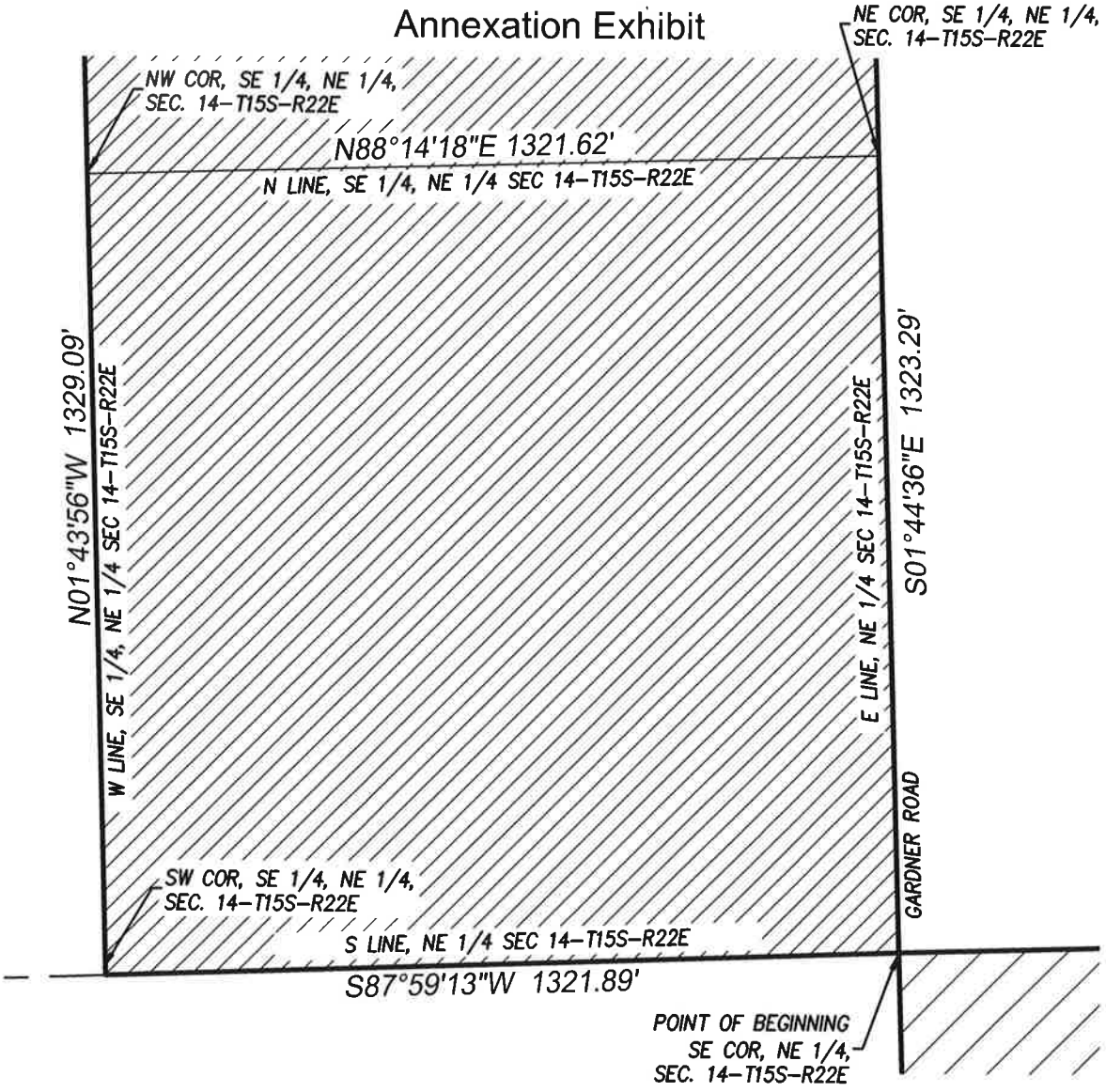


Property Description:

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°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°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°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°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.

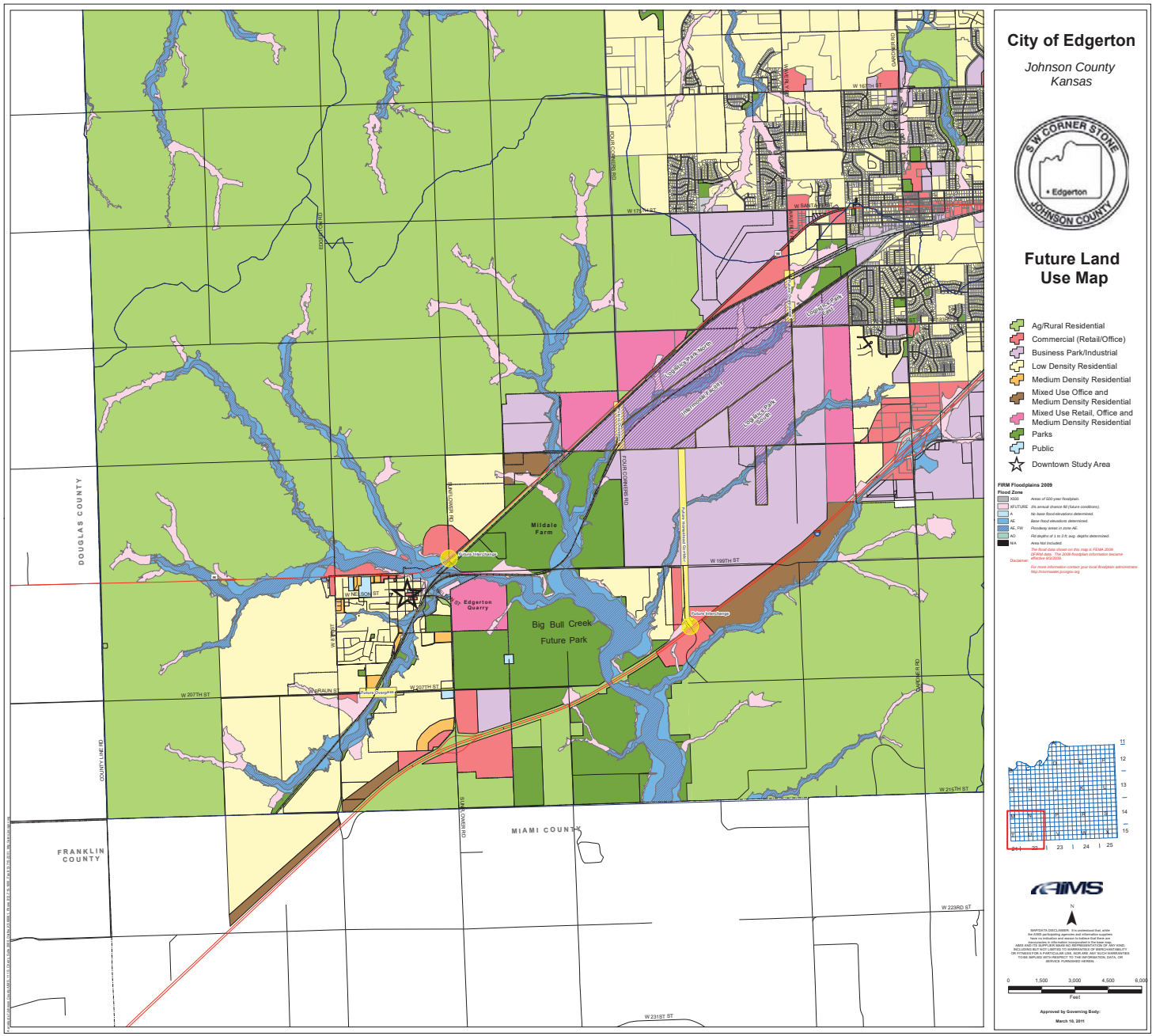
Annexation Exhibit





20-3074
Prepared 12-09-2020

Renaissance Infrastructure Consulting
132 Abbie Avenue
Kansas City, Kansas 66103
913.317.9500
www.ric-consult.com



City of Edgerton

Johnson County
Kansas

SW CORNER STONE
Edgerton
JOHNSON COUNTY

Future Land Use Map

- Ag/Rural Residential
- Commercial (Retail/Office)
- Business Park/Industrial
- Low Density Residential
- Medium Density Residential
- Mixed Use Office and Medium Density Residential
- Mixed Use Retail, Office and Medium Density Residential
- Parks
- Public
- Downtown Study Area

FIRM Floodplains 2009

Flood Zone

500	*Areas of 500-year floodplain.*
X-FUTURE	*1% annual chance fld (future conditions).*
A	*No base flood elevations determined.*
AE	*Base flood elevations determined.*
AE, FW	*Floodway areas in zone AE.*
AO	*Fld depths of 1 to 3 ft; avg. depths determined.*
N/A	*Area Not Included.*

The flood data shown on this map is FEMA 2009 DFIRM data. The 2009 floodplain information became effective 8/3/2009.

Disclaimer:

For more information contact your local floodplain administrator. http://stormwater.jocogov.org

AIMS

N

MAP/DATA DISCLAIMER: It is understood that, while the GIS participating agencies and information suppliers have used their best efforts to ensure the accuracy of information incorporated in the base maps, ALL DATA IS PROVIDED "AS IS" WITHOUT WARRANTIES OF ANY KIND, INCLUDING NO EXPRESS OR IMPLIED WARRANTIES OF NON-INFRINGEMENT OR FITNESS FOR A PARTICULAR USE, NOR ARE ANY SUCH WARRANTIES TO BE IMPLIED WITH RESPECT TO THE INFORMATION, DATA, OR SERVICE FURNISHED HEREIN.

0 1,500 3,000 4,500 6,000

Feet

Approved by Governing Body:

March 15, 2011

Notification Area for Application ZA2020-06

Property ID	Area (ft^2)	Acres	Situs Address	Owner1	Owner2	Owner Address	City, State Zip	Zoning	Area In Buffer (ft^2)	Acres In Buffer	% of Parcel	% of Buffer	Protest Petition Received?
2F221513-1001	1,620,868	37.21	29425 W 207TH ST	BILLOME, LLC		PO BOX 417	GARDNER, KS 66030	RUR	1,374,375	31.55	84.80%	13.70%	No
BF221513-1002	5,170,572	118.7	0 NS NT	EAST KANSAS LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	545,130	12.51	10.50%	5.40%	No
BF221514-3005	1,664,428	38.21	0 NS NT	HILLSDALE LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	1,278,445	29.35	76.80%	12.70%	No
BF221513-2001	9,406,346	215.94	21195 GARDNER RD	SOUTH JOCO FARMS LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	703,167	16.14	7.50%	7.00%	No
2F221514-4001	2,310,858	53.05	0 NS NT	STOCKLEY FARMS		6049 MARION ST	SHAWNEE, KS 66218	RN1	1,624,139	37.29	70.30%	16.20%	No
2F221514-4001	927,828	21.3	0 NS NT	STOCKLEY FARMS		6049 MARION ST	SHAWNEE, KS 66218	RN1	354,816	8.15	38.20%	3.50%	No
2F221514-3001	3,492,205	80.17	0 NS NT	UMB BANK, N.A. CO-TRUSTEE	DORSEY, GERALDINE A. CO-TTEE	PO BOX 419692	KANSAS CITY, MO 64141-6692	RUR	2,116,036	48.58	60.60%	21.00%	No
								Totals:	7,996,108	183.57		0%	0

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City Council Action Item

Council Meeting Date: April 22, 2021

Department: Community Development

Agenda Item: Consider Ordinance 2073 Adopting the Recommendation of the Edgerton Planning Commission to Approve Application ZA2020-07 For The Rezoning of Approximately 120.006 Acres Of Land Generally Located Southeast of the Intersection of West 207th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Background/Description of Item: Below is a summary of actions related to this application:

- **December 17, 2020 -** The parcel was annexed into the City of Edgerton.
- **January 12, 2021** – The Planning Commission held the statutorily required public hearing on the application. This public hearing was then closed. Motion was made to continue the vote on the application and for City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning.
- **February 9, 2021** – Economic Impact Analysis memo presented by staff. Planning Commission voted 4-0 to recommend denial of the application.
- **March 11, 2021** – Application was heard by the City of Edgerton Governing Body. In addition, public comment was permitted even though no required by state statute. The Governing Body motioned to return the application to the Planning Commission, without any additional public hearing, to provide the findings and context, based upon the Golden Criteria, for any recommendation.
- **April 13, 2021** – Application was reconsidered by the City of Edgerton Planning Commission. Citing the Golden Criteria stated in the staff report and adding an additional stipulation that City Staff continue to their work with neighboring jurisdictions on truck routes to address truck traffic in the area, Planning Commission voted 4-0 to recommend approval of Application ZA2020-07 for rezoning from Johnson County RUR to City of Edgerton L-P (Logistics Park) Zoning District.

Enclosed with this memo are several items provided previously to either Planning Commission/City Council related to Application ZA2020-07.

- **Planning Commission Staff Report** – Includes a review of Application ZA2020-07 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 Governing Body** – 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

- **Draft Minutes** - An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting.

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 they are already available through the links below and City Council specifically remanded the applications back to the Planning Commission 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

Both the City of Edgerton Unified Development Code (UDC) and Kansas State Statute 12-757 allow for the filing of a Protest Petition when actions related to the rezoning of a parcel are considered.

After the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to Application ZA2020-07:

- 32 total Protest Petitions received
    - 3 Petitions were received from INSIDE the statutory notification area
    - 29 Petitions were received from OUTSIDE the statutory notification area
- Of those 3 received within the notification area, 6.20% are within the buffer area around the parcel requesting rezoning. This falls short of the 20% amount that requires passage by a three-fourths (3/4) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.
- Copies of the Protest Petitions can be found in the City Council packet for March 11, 2021 (see link above)

City Attorney has prepared the enclosed draft ordinance.

Related Ordinance(s) or Statue(s): K.S.A. 12-715b, K.S.A. 12-741, et. Seq. to K.S.A. 12-771 – Establishment of the Unified Development Code; 12-757 – Zoning Amendments

---

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval of Ordinance 2073 Adopting the Recommendation of the Edgerton Planning Commission to Approve Application ZA2020-07 Comprising Approximately 118.70 Acres Of Land Generally Located Southeast of the Intersection of West 207th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Enclosed:

- Draft Ordinance 2073
- Planning Commission Staff Report for Application ZA2020-07 from the January 12, 2021 Planning Commission Meeting

- Economic Impact Analysis Memo dated February 5, 2021 (included with Application ZA2020-03)
- Memo to Governing Body addressing public comments dated March 11, 2021 (included with Application ZA2020-03)
- An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting (included with Application ZA2020-03)
- Notification Area Spreadsheet with calculation from Johnson County AIMS

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2073

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-07 FOR THE REZONING OF APPROXIMATELY 120.006 ACRES OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST 207TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request from Brett Powell, NPD Management, applicant representative for the owner of a parcel of land totaling approximately 120.006 acres, generally located southeast of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas to rezone that property from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District; and

WHEREAS, following a public hearing in front of the Planning Commission on January 12, 2021, and the remanding of the matter by the City Council to a Planning Commission meeting held on April 13, 2021, the Planning Commission has recommended that the rezoning request for that property – from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District -- be approved subject to certain conditions; and

WHEREAS, all required newspaper and mailing notifications were performed.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

Section 1. That the following legally described property generally located southeast of the intersection of West 207th Street and South Gardner Road in Edgerton, Kansas is hereby rezoned from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District, and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

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°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°24'50" West, along the South line of said Northwest Quarter, a distance of 1,980.45 feet; thence North 01°44'26" West, a distance of 2,645.63 feet to a point on the North line of said Northwest Quarter; thence North 88°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.

Section 2. The above rezoning is expressly conditioned on the following:

a) All infrastructure requirements of the City shall be met.
b) All platting requirements of the City shall be met.
c) All Site Plan application requirements of the City shall be met.

d) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan which has been reviewed and approved by the City.
e) That City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area.

Section 3. That the Governing Body, in making its decision on the rezoning, based its decision on City Staff's comments and recommendations as they relate to the Golden criteria and otherwise, which are attached hereto. The Governing Body also based its decision on the following criteria:

a) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
b) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
c) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
d) 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.
e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

Section 4. This ordinance shall take effect from and after its publication once in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 22nd DAY OF APRIL, 2021.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

_____
Alexandria Clower, City Clerk

APPROVED AS TO FORM:

_____
Lee Hendricks, City Attorney

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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

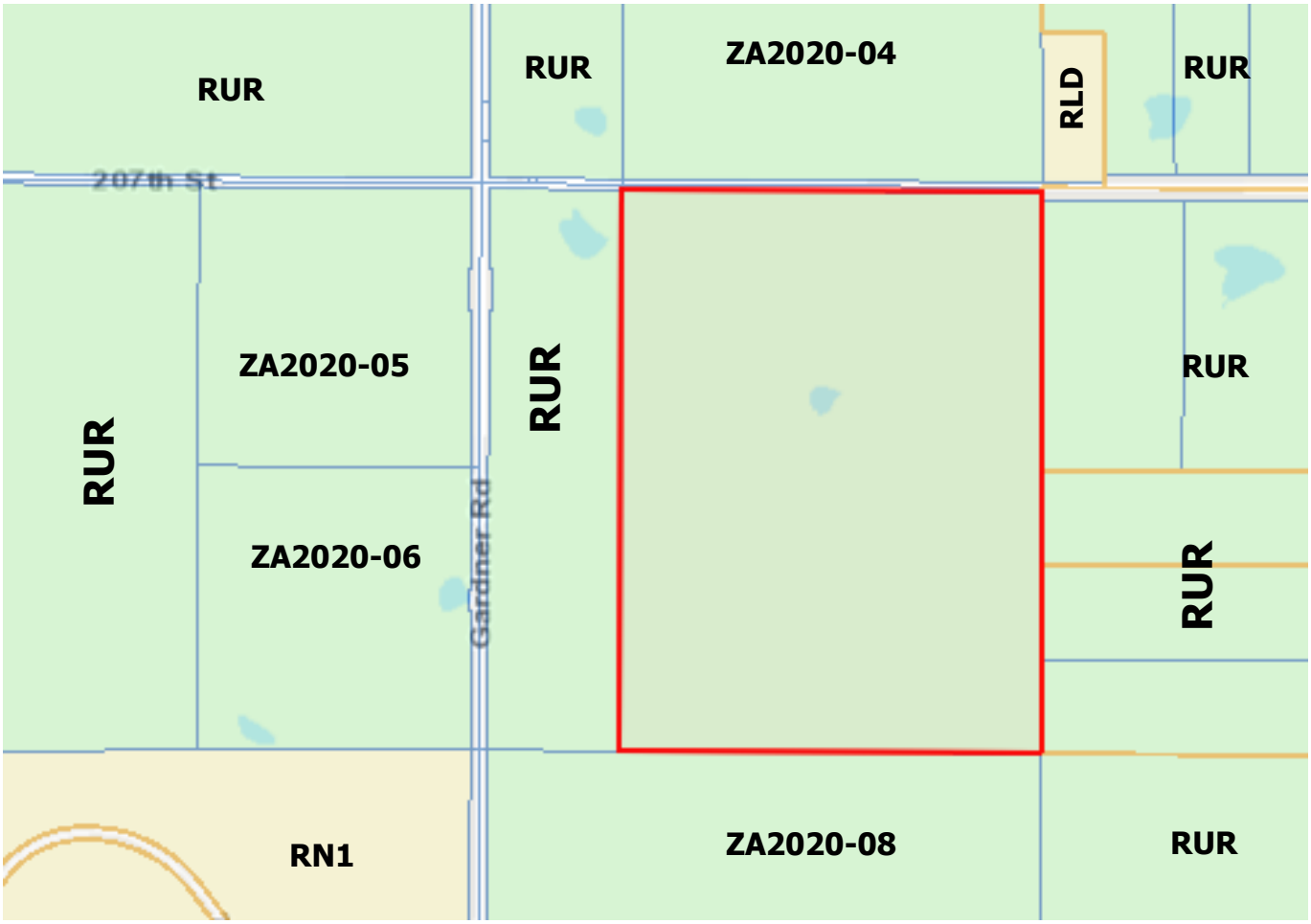


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.64 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly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

Figure 3

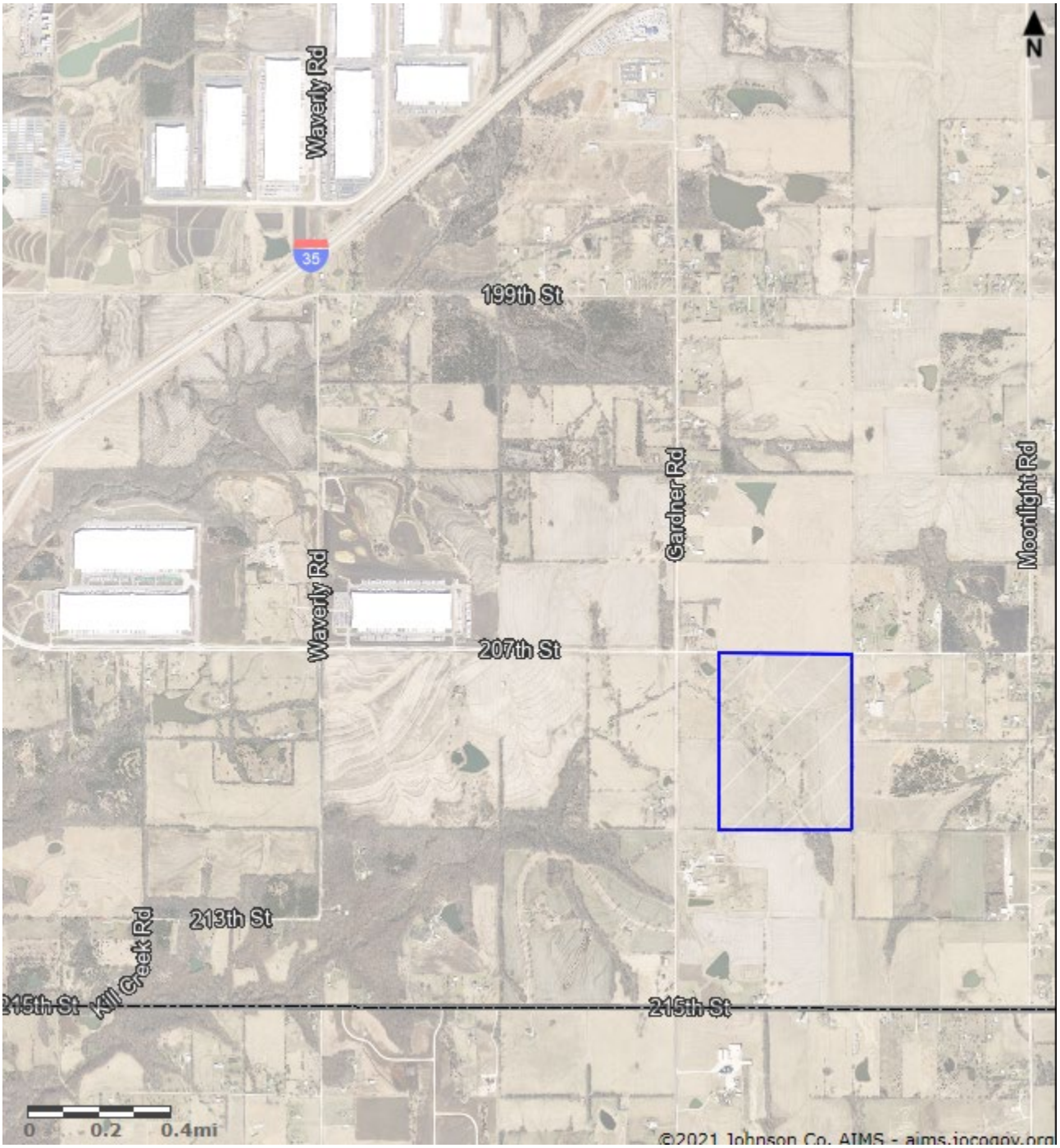
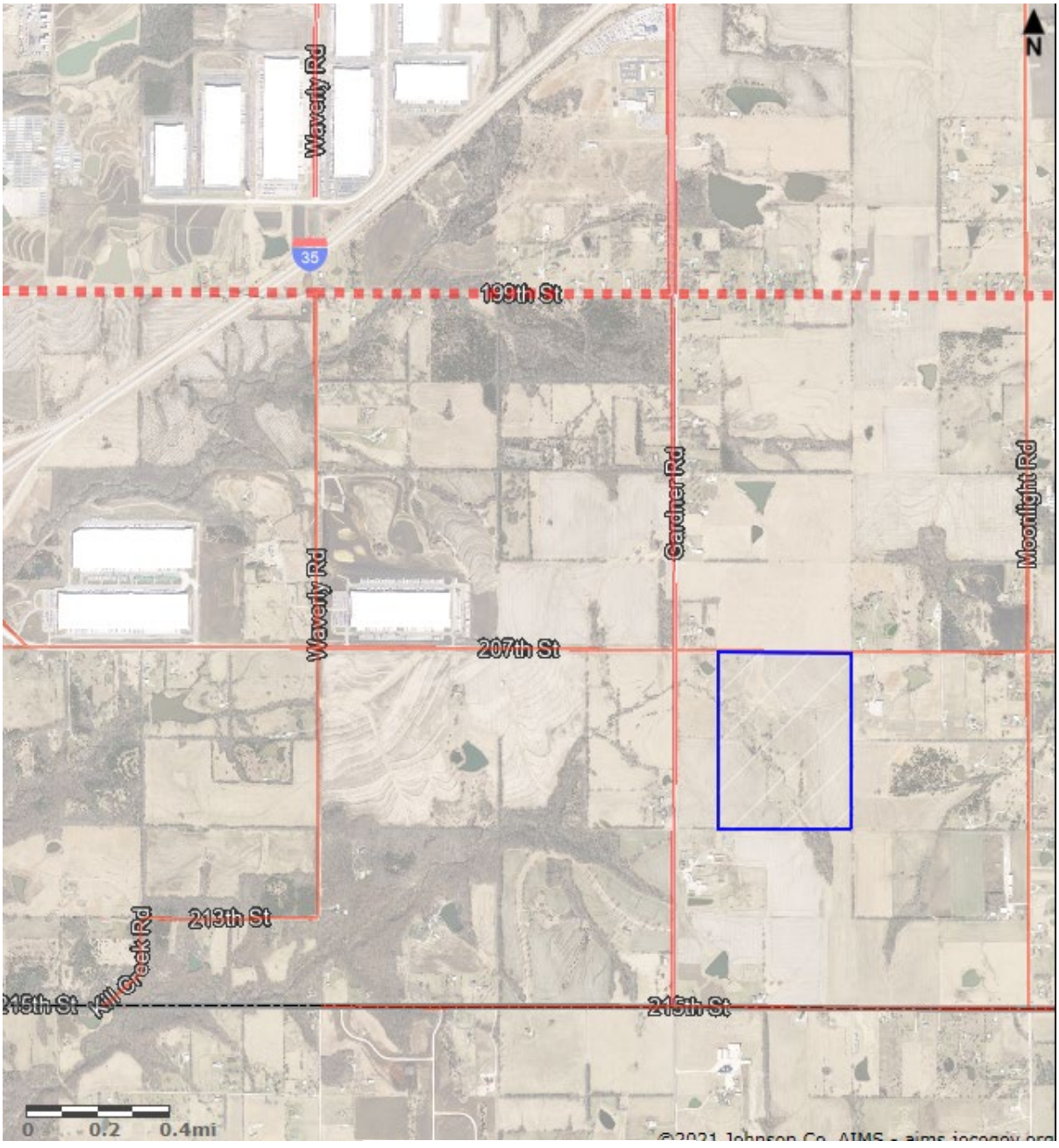


Figure 4 shows the relation of the subject property, outlined in blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

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 incompliance 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

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Rezoning Application (Fee: $250)

LOCATION OR ADDRESS OF SUBJECT PROPERTY: Located near SE Corner of 207th and 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 (Current Zoning) TO L-P Logistics Park (Proposed Zoning)

LEGAL DESCRIPTION: See attached description

CURRENT LAND USE: Agricultural

PROPERTY OWNER'S NAME(S): East Kansas Land and Cattle, LLC PHONE: N/A

COMPANY: _____ FAX: N/A

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

APPLICANT/AGENTS NAME(S): Brett Powell (representing property owner) PHONE: 816.888.7380

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: 816.800.0950

COMPANY: 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 ONLY

Case No.: RZ- ZA2020-07 Amount of Fee Paid:$ 250.00 Date Fee Paid: 12/11/2020 Receipt #58500213

Received 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

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

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Rezoning Application (Fee: $250)

PROPERTY OWNER NOTIFICATION LETTER

Case No.: RZ- _____

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 _____

_____

_____

(current zoning) to _____

_____

_____

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

Legal Description: _____

_____

_____

General Location: _____

_____

_____

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on _____, 20_____. 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,

_____

Applicant (or Owner or Agent)

ADDRESS: _____

Street City State Zip

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Rezoning Application (Fee: $250)

PROPERTY OWNER NOTIFICATION AFFIDAVIT

Case No.: RZ- ZA2020-07

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 of Agent, Owner or Attorney

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

Notary Public

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

HEATHER R. PFENDER
Notary Public - Notary Seal
Clay County - State of Missouri
Commission Number 15633521
My Commission Expires Feb 24, 2023

Property Information for 2F221513-1002

Tax Property ID	2F221513-1002	*KS Uniform Parcel #*	0462061302001001010
Situs Address	Not Available	*Acres*	118.7 (5,170,623.95 ft^2)
Owner1 Name	EAST KANSAS LAND & CATTLE LLC	*Owner2 Name*	
Owner Address	4825 NW 41ST ST STE 500, RIVERSIDE, MO 64150		
Class	A	*Year Built*	0
LBCS	9010	*Neighborhood Code*	804.5
Zoning	RUR	*Taxing Unit*	0059
City	Gardner Twp	*Zip Code*	66030
AIMS Map No.	U13 (T-R-S: 15-22-13)	*Quarter Section*	NW
Fire Dist.	JoCo FD #1	*Sheriff Dist.*	4
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)	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

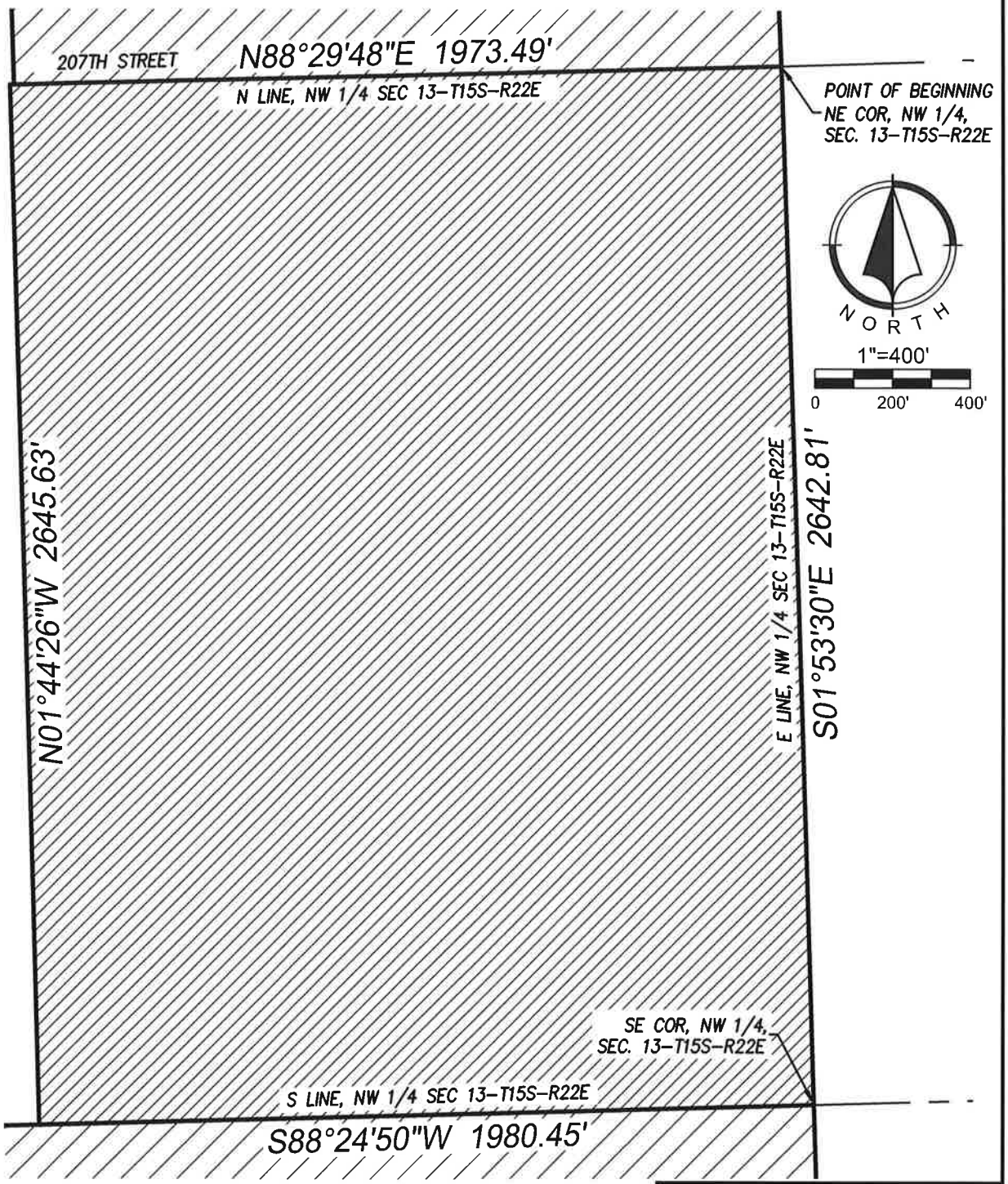


Property Description:

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:

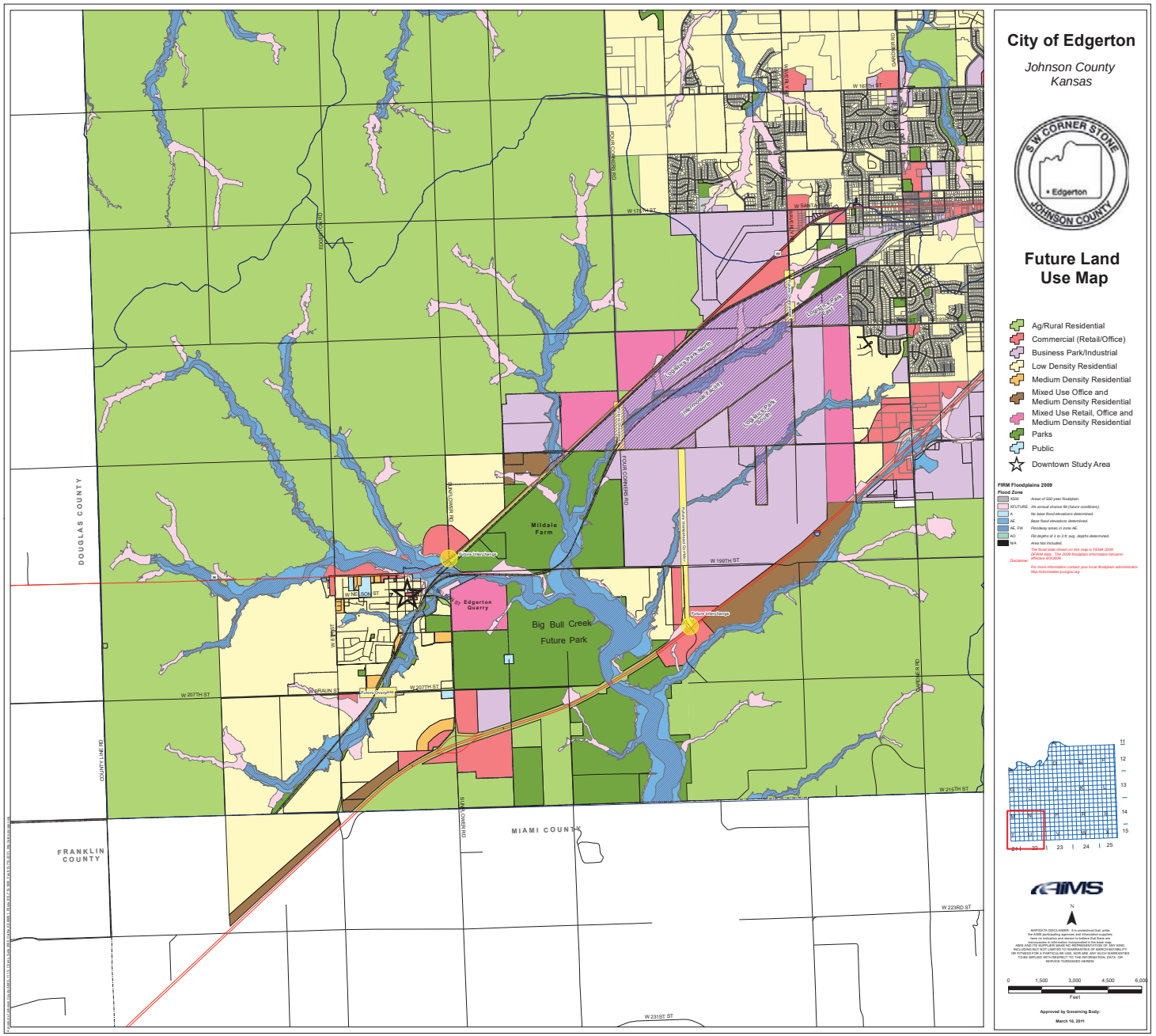
Beginning at the Northeast Corner of the Northwest Quarter of said Section 13; thence South 01°53'30" East, along the East line of said Northwest Quarter, a distance of 2,642.81 feet to the Southeast Corner of said Northwest Quarter; thence South 88°24'50" West, along the South line of said Northwest Quarter, a distance of 1,980.45 feet; thence North 01°44'26" West, a distance of 2,645.63 feet to a point on the North line of said Northwest Quarter; thence North 88°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



20-3074
Prepared 12-09-2020

Renaissance Infrastructure Consulting
132 Abbie Avenue
Kansas City, Kansas 66103
913.317.9500
www.ric-consult.com



City of Edgerton

Johnson County
Kansas

SW CORNER STONE
Edgerton
JOHNSON COUNTY

Future Land Use Map

- Ag/Rural Residential
- Commercial (Retail/Office)
- Business Park/Industrial
- Low Density Residential
- Medium Density Residential
- Mixed Use Office and Medium Density Residential
- Mixed Use Retail, Office and Medium Density Residential
- Parks
- Public
- Downtown Study Area

FIRM Floodplains 2009

Flood Zone

500	*Areas of 500-year floodplain.*
X-FUTURE	*1% annual chance fld (future conditions).*
A	*No base flood elevations determined.*
AE	*Base flood elevations determined.*
AE, FW	*Floodway areas in zone AE.*
AO	*Fld depths of 1 to 3 ft; avg. depths determined.*
N/A	*Area Not Included.*

The flood data shown on this map is FEMA 2009 DFIRM data. The 2009 floodplain information became effective 8/3/2009.

Disclaimer:

For more information contact your local floodplain administrator. http://stormwater.jocogov.org

AIMS

N

MAP/DATA DISCLAIMER: It is understood that, while the GIS participating agencies and information suppliers have used their best efforts to ensure the accuracy of information incorporated in the base maps, ALL DATA IS PROVIDED "AS IS" WITHOUT WARRANTIES OF ANY KIND, INCLUDING NO EXPRESS OR IMPLIED WARRANTIES OF NON-INFRINGEMENT OR FITNESS FOR A PARTICULAR USE, NOR ARE ANY SUCH WARRANTIES TO BE IMPLIED WITH RESPECT TO THE INFORMATION, DATA, OR SERVICE FURNISHED HEREIN.

0 1,500 3,000 4,500 6,000

Feet

Approved by Governing Body:

March 15, 2011

Notification Area for Application ZA2020-07

Property ID	Area (ft^2)	Acres	Situs Address	Owner1	Owner2	Owner Address	City, State Zip	Zoning	Area In Buffer (ft^2)	Acres In Buffer	% of Parcel	% of Buffer	Protest Petition Received?
2P04300000 0002	833,738	19.14	0 NS NT	BAKER GROUP LC		PO BOX 226	GARDNER, KS 66030-0226	RUR	429,341	9.86	51.50%	2.50%	No
2P04300000 0001	832,867	19.12	28595 W 207TH ST	BAKER GROUP LC		PO BOX 226	GARDNER, KS 66030-0226	RUR	832,918	19.12	100.00%	4.80%	No
2F221513-1001	1,620,868	37.21	29425 W 207TH ST	BILLOME, LLC		PO BOX 417	GARDNER, KS 66030	RUR	1,620,859	37.21	100.00%	9.30%	No
2F221512-2004	817,186	18.76	20685 GARDNER RD	BILLOME, LLC		PO BOX 417	GARDNER, KS 66030	RUR	554,472	12.73	67.90%	3.20%	No
2P08000000 0001	592,416	13.6	28572 W 207TH ST	CASEY, MICHAEL P.	CASEY, KAREN S.	28572 W 207TH ST	GARDNER, KS 66030	RUR	334,037	7.67	56.40%	1.90%	No
2F221513-3011	1,144,757	26.28	20950 MOONLIGHT RD	COMBS, MATTHEW	COMBS, HEATHER	20950 MOONLIGHT RD	GARDNER, KS 66030	RUR	439,951	10.1	38.40%	2.50%	Yes
2P31400000 0001	1,155,211	26.52	0 NS NT	GAY, RICHARD G		7066 SW 156TH AVE	BEAVERTON, OR 97007	RUR	442,166	10.15	38.30%	2.50%	No
BF221512-2003	2,542,162	58.36	0 NS NT	HILLSDALE LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	1,862,420	42.76	73.30%	10.60%	No
BF221514-3005	1,664,428	38.21	0 NS NT	HILLSDALE LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	386,637	8.88	23.20%	2.20%	No
BF221514-3004	1,697,969	38.98	21050 GARDNER RD	HILLSDALE LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	395,748	9.09	23.30%	2.30%	No
2P08000000 0002	435,600	10	28466 W 207TH ST	JULIAN, MICHELLE	JULIAN, JEFF	21204 BITTERSWEET DR	LENEXA, KS 66220	RUR	173,060	3.97	39.70%	1.00%	No
2F221513-4001	3,461,713	79.47	21280 MOONLIGHT RD	MACKEY, DAVID P.	VIRGINIA A MACKEY TRUST	21280 MOONLIGHT RD	GARDNER, KS 66030	RUR	781,581	17.94	22.60%	4.50%	No
2P31400000 0002	1,146,935	26.33	21070 MOONLIGHT RD	MORGAN, DANIEL R	MORGAN, KELLY	21070 S MOONLIGHT RD	GARDNER, KS 66030	RUR	440,011	10.1	38.40%	2.50%	Yes
2F221511-4002	3,375,029	77.48	0 NS NT	ROBINS, LINDA L	RAGSDALE, MARY ELIZABETH	876 COUNTY RD 321	JEWETT, TX 75846	RUR	131,284	3.01	3.90%	0.80%	No
BF221513-2001	9,406,346	215.94	21195 GARDNER RD	SOUTH JOCO FARMS LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	2,555,188	58.66	27.20%	14.60%	No
2F221514-4001	2,310,858	53.05	0 NS NT	STOCKLEY FARMS		6049 MARION ST	SHAWNEE, KS 66218	RN1	148,008	3.4	6.40%	0.80%	No
2P08000000 0003	435,600	10	28358 W 207TH ST	STOUGHTON, SHELDON A	STOUGHTON, CYNTHIA M	28358 W 207TH ST	GARDNER, KS 66030	RUR	3,137	0.07	0.70%	0.00%	No
2F221512-4004	203,861	4.68	28640 W 207TH ST	WINSLOW, SHAWN M.	WINSLOW, LORA M.	28640 W 207TH ST	GARDNER, KS 66030	RLD	204,029	4.68	100.00%	1.20%	Yes
								Totals:	11,734,847	269.40		6.20%	3

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City Council Action Item

Council Meeting Date: April 22, 2021

Department: Community Development

Agenda Item: Consider Ordinance No. 2074 Adopting the Recommendation of the Edgerton Planning Commission to Approve Application ZA2020-08 For The Rezoning of Approximately 221.334 Acres Of Land Generally Located Northeast of the Intersection of West 215th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Background/Description of Item: Below is a summary of actions related to this application:

- **December 17, 2020 -** The parcel was annexed into the City of Edgerton.
- **January 12, 2021** – The Planning Commission held the statutorily required public hearing on the application. This public hearing was then closed. Motion was made to continue the vote on the application and for City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning.
- **February 9, 2021** – Economic Impact Analysis memo presented by staff. Planning Commission voted 4-0 to recommend denial of the application.
- **March 11, 2021** – Application was heard by the City of Edgerton Governing Body. In addition, public comment was permitted even though no required by state statute. The Governing Body motioned to return the application to the Planning Commission, without any additional public hearing, to provide the findings and context, based upon the Golden Criteria, for any recommendation.
- **April 13, 2021** – Application was reconsidered by the City of Edgerton Planning Commission. Citing the Golden Criteria stated in the staff report and adding an additional stipulation that City Staff continue to their work with neighboring jurisdictions on truck routes to address truck traffic in the area, Planning Commission voted 4-0 to recommend approval of Application ZA2020-08 for rezoning from Johnson County RUR to City of Edgerton L-P (Logistics Park) Zoning District.

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

- **Planning Commission Staff Report** – Includes a review of Application ZA2020-08 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 Governing Body** – 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

- **Draft Minutes** - An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting.

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 they are already available through the links below and City Council specifically remanded the applications back to the Planning Commission 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

Both the City of Edgerton Unified Development Code (UDC) and Kansas State Statute 12-757 allow for the filing of a Protest Petition when actions related to the rezoning of a parcel are considered.

After the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to Application ZA2020-08:

- 33 total Protest Petitions received
    - 11 Petitions were received from INSIDE the statutory notification area
    - 22 Petitions were received from OUTSIDE the statutory notification area
- The 11 petitions received from within the notification area total to 16.26% of the total buffer area around the parcel requesting rezoning. This falls short of the 20% amount that requires passage by a three-fourths (3/4) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.
- Copies of the Protest Petitions can be found in the City Council packet for March 11, 2021 (see link above)

City Attorney has prepared the enclosed draft ordinance.

Related Ordinance(s) or Statue(s): K.S.A. 12-715b, K.S.A. 12-741, et. Seq. to K.S.A. 12-771 – Establishment of the Unified Development Code; 12-757 – Zoning Amendments

---

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval of Ordinance No. 2074 Adopting the Recommendation of the Edgerton Planning Commission to Approve Application ZA2020-08 Comprising Approximately 215.94 Acres Of Land Generally Located Northeast of the Intersection of West 215th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Enclosed:

- Draft Ordinance 2074

- Planning Commission Staff Report for Application ZA2020-08 from the January 12, 2021 Planning Commission Meeting
- Economic Impact Analysis Memo dated February 5, 2021 (included with Application ZA2020-03)
- Memo to Governing Body addressing public comments dated March 11, 2021 (included with Application ZA2020-03)
- An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting (included with Application ZA2020-03)
- Notification Area Spreadsheet with calculation from Johnson County AIMS

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2074

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-08 FOR THE REZONING OF APPROXIMATELY 221.334 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF WEST 215TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request from Brett Powell, NPD Management, applicant representative for the owner of a parcel of land totaling approximately 221.334 acres, generally located northeast of the intersection of West 215th Street and South Gardner Road in Edgerton, Kansas to rezone that property from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District; and

WHEREAS, following a public hearing in front of the Planning Commission on January 12, 2021, and the remanding of the matter by the City Council to a Planning Commission meeting held on April 13, 2021, the Planning Commission has recommended that the rezoning request for that property – from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District -- be approved subject to certain conditions; and

WHEREAS, all required newspaper and mailing notifications were performed.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

Section 1. That the following legally described property generally located northeast of the intersection of West 215th Street and South Gardner Road in Edgerton, Kansas is hereby rezoned from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District, and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

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°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°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°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°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°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°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°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°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°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.

Section 2. The above rezoning is expressly conditioned on the following:

a) All infrastructure requirements of the City shall be met.
b) All platting requirements of the City shall be met.
c) All Site Plan application requirements of the City shall be met.
d) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan which has been reviewed and approved by the City.
e) That City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area.

Section 3. That the Governing Body, in making its decision on the rezoning, based its decision on City Staff's comments and recommendations as they relate to the Golden criteria and otherwise, which are attached hereto. The Governing Body also based its decision on the following criteria:

a) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
b) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
c) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
d) 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.
e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

Section 4. This ordinance shall take effect from and after its publication once in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 22nd DAY OF APRIL, 2021.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

_____
Alexandria Clower, City Clerk

APPROVED AS TO FORM:

_____
Lee Hendricks, City Attorney

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STAFF REPORT

January 12, 2021

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

APPLICATION INFORMATION

Applicant:	Brett Powell, Agent NPD Management, LLC 4825 NW 41st Street, Suite 500 Riverside, MO 64150
Property Owners:	South JOCO Farms LLC 4825 NW 41st Street, Suite 500 Riverside, MO 64150
Requested Action:	Rezoning from Johnson County RUR (Rural) Zoning District to City of Edgerton L-P (Logistics Park) Zoning District.
Legal Description:	See attached application for complete legal description.
Site Address/Location:	Generally located east of Gardner Road, west of Moonlight Road and north of 215th Street
Existing Zoning and Land Uses:	Johnson County Rural (RUR), no current development.
Existing Improvements:	None.
Site Size:	215.94 acres

REASON FOR REZONING REQUEST:

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

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

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

Figure 1

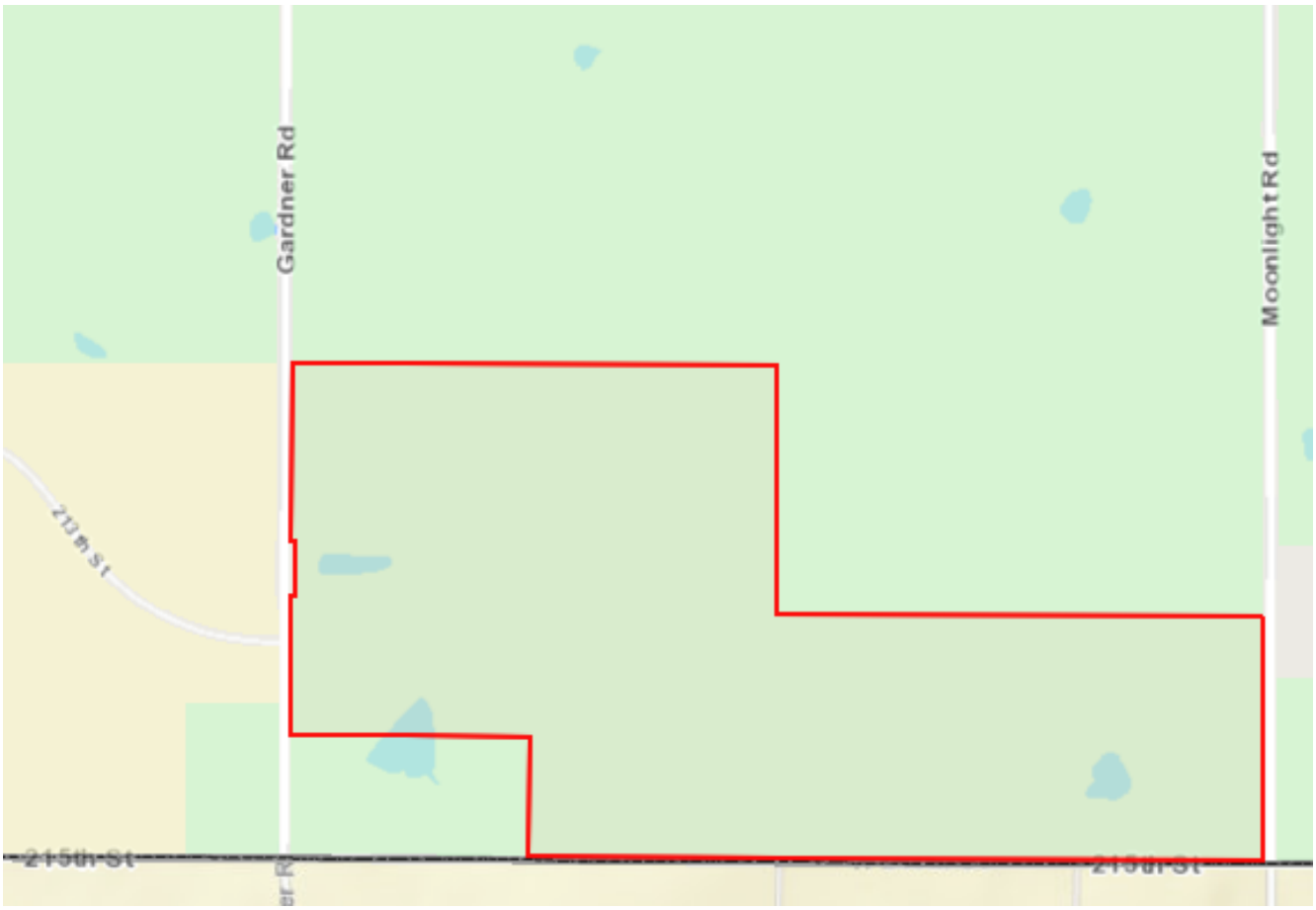


Figure 2 is a closer look at the adjacent parcels and their zoning designations. The subject parcel is outlined in red.

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

Figure 2

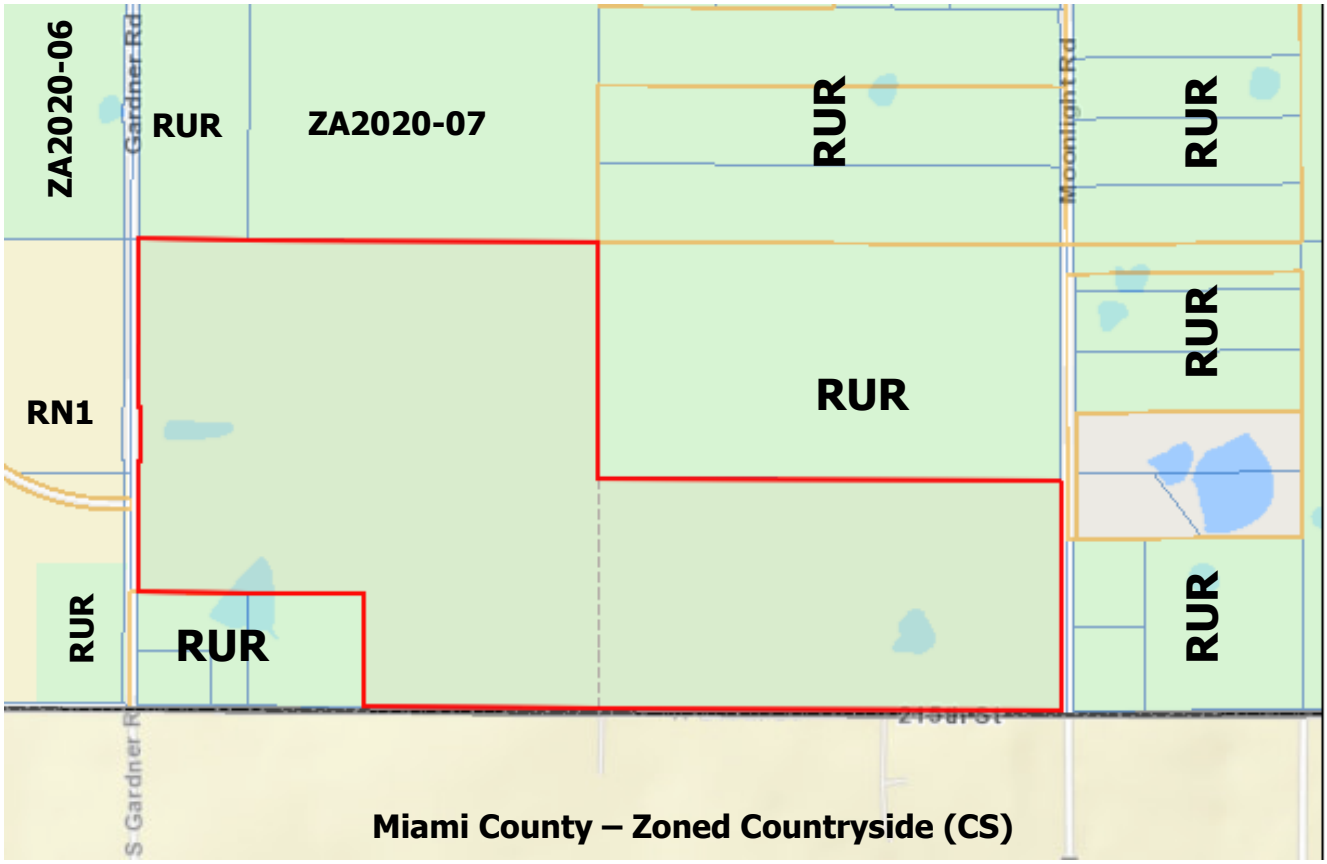


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.73 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly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

Figure 3

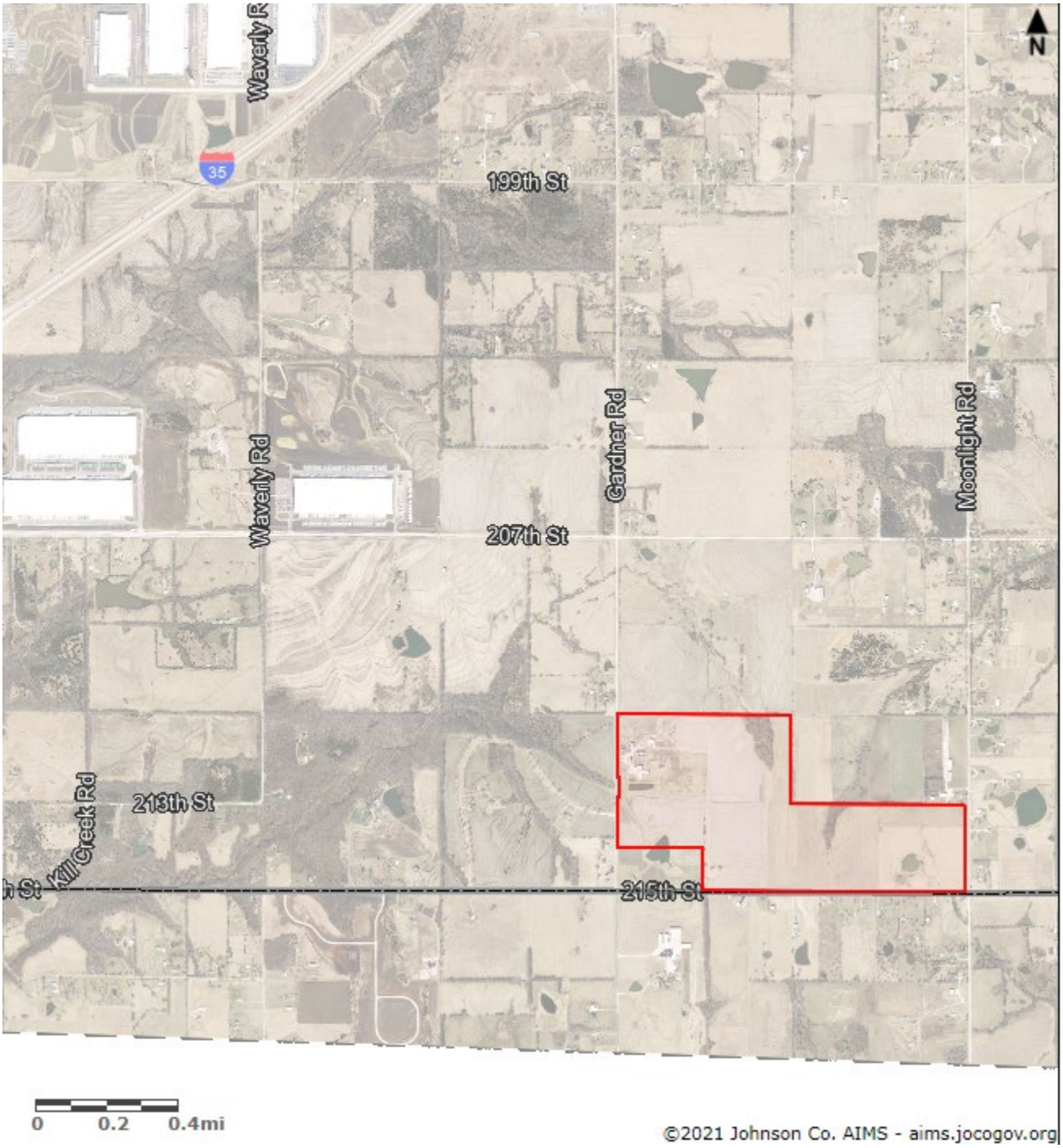
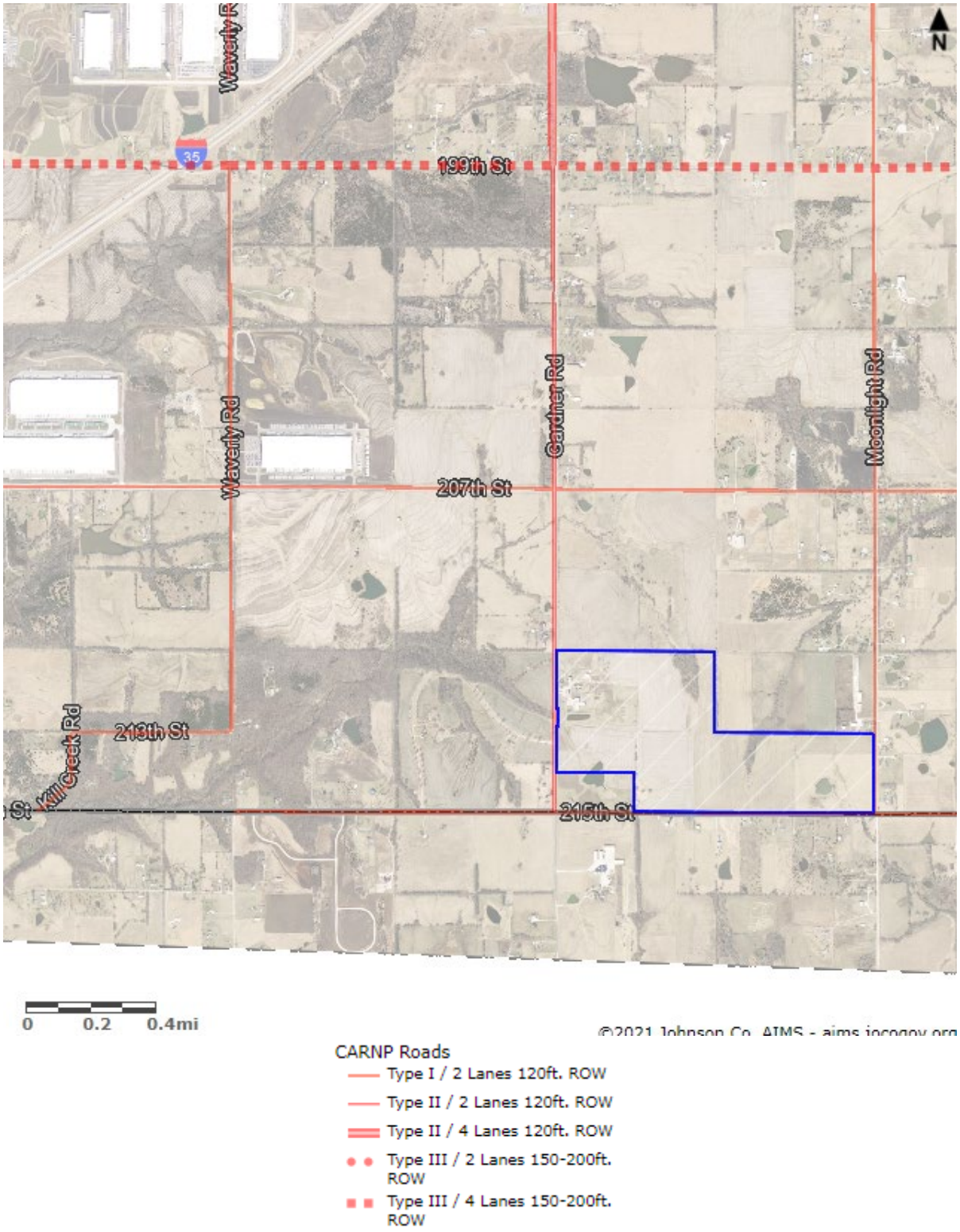


Figure 4 shows the relation of the subject property, outlined in blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

Figure 4



INFRASTRUCTURE AND SERVICES

1. Current access to the parcel is from Gardner Road, Moonlight Road, and 215th Street.
2. Utilities and service providers.
    a. Water - Johnson County Water District #7
    b. Sanitary Sewer – None currently; any development would connect to the City of Edgerton sewer.
    c. Electrical Service - Kansas City Power & Light
    d. Gas Service – Kansas Gas Service
    e. Police services would be provided by the City of Edgerton through the Johnson County Sheriff's Office
    f. Fire protection is provided by Johnson County Fire District #1
3. Property is located within the Bull Creek watershed.

PROPERTY ZONING HISTORY

The subject property was annexed into the City of Edgerton on December 17, 2020. Prior to that, the property was in unincorporated Johnson County and as of this application the parcels remain zoned Johnson County (RUR).

STAFF ANALYSIS

The applicant has requested rezoning to Logistics Park (L-P) District. The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for modern type industrial uses or industrial park to support activities related to trade, rail and other transport services. Limitations are placed on the uses in the district to significantly restrict the outside activities and outside storage of materials, noise, vibration, etc. The UDC also states manufacturing uses should be conducted within a totally enclosed building. The conduction of outdoor activities and outdoor storage is not allowed. External effects such as excessive noise or odor should not extend beyond the property lines.

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

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

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

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

3. **Whether or not the change will bring harm to established property rights** - The subject property is surrounded by undeveloped acreage and low-density rural single-family residential. L-P zoning designations require significant berming and landscaping adjacent to any residential developments. If rezoned L-P, as requested, a separate Site Plan review and approval would be required prior to the issuance of any building permits. Part of a Site Plan review would include attention to buffering and setbacks, stormwater management and transition of uses between adjoining properties and any proposed industrial use. This Site Plan review will help mitigate impact that might occur to adjacent properties.
4. **Effective use of Land** - L-P District permitted uses at this location are an effective and efficient use of the property due to its proximity to the BNSF Railway intermodal facility, LPKC and the I-35 interstate system.
5. **The extent to which there is a need in the community for the uses allowed in the proposed zoning** - Construction of warehousing, distribution, limited manufacturing and related uses near the intermodal facility allows an inland port for goods in transit, by reducing truck traffic in the surrounding area and allowing for more efficient use of the supply chain.
6. **The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space** – This parcel is located near the new 207th Street corridor, Kubota Tractor North American Distribution Center and the Hostess Distribution Center. Continued development of the area includes intermodal related uses. With the extensive road improvements, including the interchange at I-35 and Homestead Lane and the improvements on 207th Street, the character of the area is changing from rural to industrial. Some nearby parcels zoned Johnson County RUR contain single family homes. However, the residential density in this area is lower than some of the parcels adjacent to development in Phase I of LPKC. As noted previously, the Site Plan review process can mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.
7. **Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties** - The proposed zoning is compatible with the planned future uses of nearby parcels, specifically to the southwest. The City's Unified Development Code (UDC) states that the purpose of the L-P District is to create a limited multimodal industrial zone which provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc. The Site Plan review process is designed to mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.
8. **Suitability of the uses to which the property has been restricted under its existing zoning** - The existing Johnson County RUR zoning of the applicant property is viewed as a

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

9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, the property has been used for agricultural purposes in unincorporated Johnson County dating back to at least 2006.
10. **The extent to which the zoning amendment may detrimentally affect nearby property** - The proposed zoning is compatible with the planned future uses of the surrounding property, specifically to the southwest. The City's Unified Development Code (UDC) states the purpose of the L-P District is to create a limited multimodal industrial zone that provides for modern types of industrial uses or an industrial park. Limitations are placed on uses in the district to significantly restrict outside activities and the outside storage of materials, noise, vibration, etc. The Site Plan review process can mitigate impacts to adjacent properties with the proper attention to buffering and setbacks, stormwater management, and transition of uses.
11. **Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage** - This is not a request for a PUD.
12. **The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services –** Utility providers have extended service to Hostess Distribution Center at the northeast corner of Waverly and 207th Street. As development continues in the area, the developer will be responsible for extending any additional necessary utilities not already in their service area. The City of Edgerton Municipal Code requires that all properties within city boundaries connect to City of Edgerton sanitary sewer service. Should this parcel be developed, the developer would be responsible for the extension of and connection to City of Edgerton wastewater infrastructure.
13. **The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property –** As this area continues to develop, 207th Street, Gardner Road, and 199th Street will be crucial components to providing transportation access across southern Johnson County. Both Homestead Lane and 207th Street east to Waverly Road have been constructed to accommodate the traffic that will accompany the Phase II expansion of LPKC. Today 207th Street is paved half a mile past Waverly Road. The Johnson County Comprehensive Arterial Road Network Plan (CARNP) assigns a Type II/2 Lane Arterial Roadway to Gardner Road and a Type III/4 Lane Arterial Roadway designation to 199th Street, designating them both as main throughways. During the Site Plan review process, both the type and volume of traffic associated with a new development are evaluated, often with the requirement that a traffic study be performed as part of the applicant's due diligence. This includes evaluating the transportation network in the area and any current and future access points to the parcel. Infrastructure upgrades to accommodate the new development's traffic volume and type are required and adequate off-street parking must be provided as on-street parking is not allowed.

14. **The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm -** The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Mitigation of pollution in the form of air, noise, light, etc., will be addressed as part of the Site Plan review process.
15. **The economic impact on the community from the uses allowed in the proposed zoning** - Uses allowed in the L-P District, have the potential to benefit the residents and community in a positive way by providing jobs, economic opportunities and tax revenues to respective jurisdictions. During the Covid-19 pandemic, supply chain logistics were instrumental to delivering food and supplies to areas across the United States. This type of commercial industry continues to be an important contributor to the economy of this area.
16. **The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial** - There would be little relative gain, if any, to the public health, safety, and welfare from the denial of these zoning applications. However, the City would be adversely impacted due to the lost opportunities for jobs, economic activity and tax revenue if the anticipated logistics park uses and facilities were to locate in another community.
17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** - Due to the unexpected pace of development in Phases I and II of Logistics Park Kansas City, the Comprehensive Plan for the City of Edgerton does not currently address properties south of I-35; however, it does address development of areas for industrial use due to their proximity to the intermodal and easy access to the interstate. This parcel is located 1.9 miles from I-35. Development in the area is driven by the Homestead Lane interchange and the proposed rezoning is compatible with the spirit and intent of future development as outlined by the Edgerton Comprehensive Plan. Any development that would occur on this parcel would be required to be incompliance 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

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Rezoning Application (Fee: $250)

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 (Current Zoning) TO L-P Logistics Park (Proposed Zoning)

LEGAL DESCRIPTION: See attached description

CURRENT LAND USE: Agricultural

PROPERTY OWNER'S NAME(S): South JOCO Farms, LLC PHONE: N/A

COMPANY: _____ FAX: N/A

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

APPLICANT/AGENTS NAME(S): Brett Powell (representing property owner) PHONE: 816.888.7380

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: 816.800.0950

COMPANY: 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 ONLY

Case No.: RZ- ZA2020-08 Amount of Fee Paid:$ 250.00 Date Fee Paid: 12/11/2020 Receipt #58500213

Received 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

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

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Rezoning Application (Fee: $250)

PROPERTY OWNER NOTIFICATION LETTER

Case No.: RZ- _____

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 _____

_____

_____

(current zoning) to _____

_____

_____

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

Legal Description: _____

_____

_____

General Location: _____

_____

_____

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on _____, 20_____. 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,

_____

Applicant (or Owner or Agent)

ADDRESS: _____

Street City State Zip

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Rezoning Application (Fee: $250)

PROPERTY OWNER NOTIFICATION AFFIDAVIT

Case No.: RZ- ZA2020-08

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 of Agent, Owner or Attorney

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

Notary Public

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

HEATHER R. PFENDER
Notary Public - Notary Seal
Clay County - State of Missouri
Commission Number 15633521
My Commission Expires Feb 24, 2023

Property Information for 2F221513-2001

Tax Property ID	2F221513-2001	*KS Uniform Parcel #*	0462061303001001000
Situs Address	21195 GARDNER RD	*Acres*	215.94 (9,406,363.25 ft^2)
Owner1 Name	SOUTH JOCO FARMS LLC	*Owner2 Name*	
Owner Address	4187 LOUISIANA TER , OTTAWA, KS 66067		
Class	F	*Year Built*	1860
LBCS	9050	*Neighborhood Code*	804.1
Zoning	RUR	*Taxing Unit*	0059
City	Gardner Twp	*Zip Code*	66030
AIMS Map No.	U13 (T-R-S: 15-22-13)	*Quarter Section*	SE
Fire Dist.	JoCo FD #1	*Sheriff Dist.*	4
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) 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

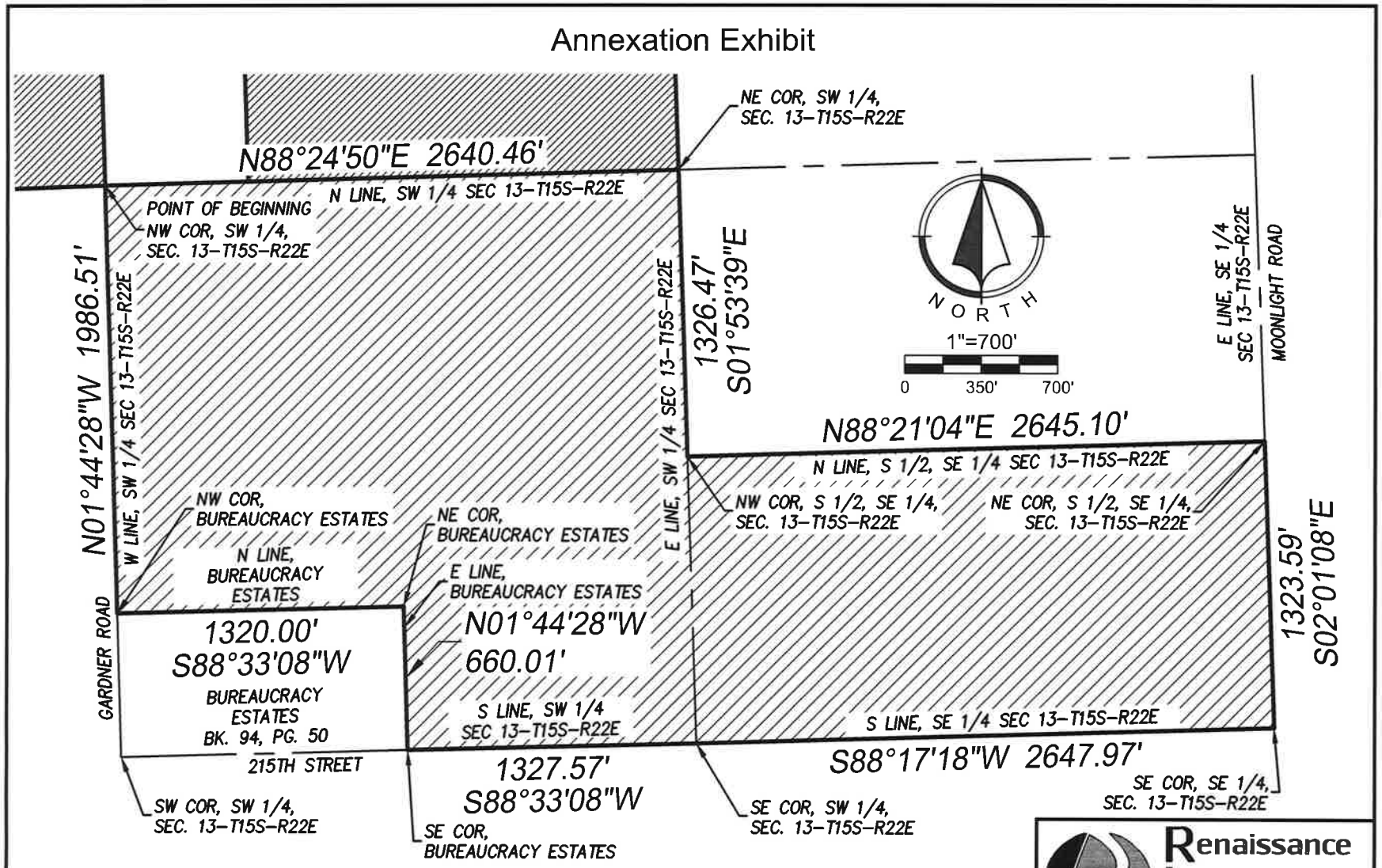


Property Description:

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:

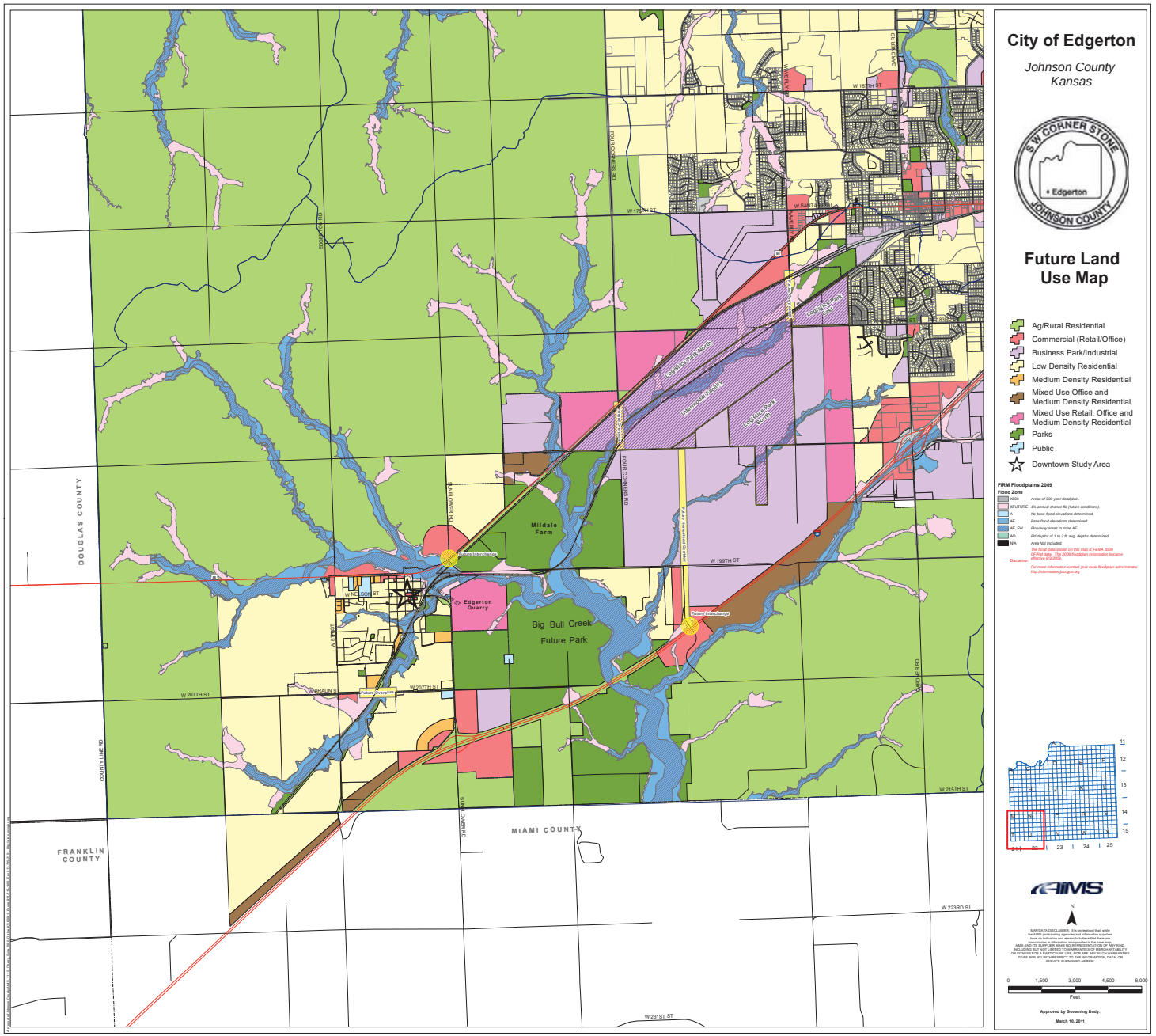
Beginning at the Northwest Corner of the Southwest Quarter of said Section 13; thence North 88°24'50" East, along the North line of said Southwest Quarter, a distance of 2,640.46 feet to the Northeast Corner of said Southwest Quarter; thence South 01°53'39" East, along the East line of said Southwest 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°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°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°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°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°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°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°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

Renaissance Infrastructure Consulting
132 Abbie Avenue
Kansas City, Kansas 66103
913.317.9500
www.ric-consult.com



City of Edgerton

Johnson County
Kansas

SW CORNER STONE
Edgerton
JOHNSON COUNTY

Future Land Use Map

- Ag/Rural Residential
- Commercial (Retail/Office)
- Business Park/Industrial
- Low Density Residential
- Medium Density Residential
- Mixed Use Office and Medium Density Residential
- Mixed Use Retail, Office and Medium Density Residential
- Parks
- Public
- Downtown Study Area

FIRM Floodplains 2009

Flood Zone

500	*Areas of 500-year floodplain.*
X-FUTURE	*1% annual chance fld (future conditions).*
A	*No base flood elevations determined.*
AE	*Base flood elevations determined.*
AE, FW	*Floodway areas in zone AE.*
AO	*Fld depths of 1 to 3 ft; avg. depths determined.*
N/A	*Area Not Included.*

The flood data shown on this map is FEMA 2009 DFIRM data. The 2009 floodplain information became effective 8/3/2009.

Disclaimer:

For more information contact your local floodplain administrator. http://stormwater.jocogov.org

AIMS

N

MAP/DATA DISCLAIMER: It is understood that, while the GIS participating agencies and information suppliers have used their best efforts to ensure the accuracy of information incorporated in the base maps, ALL DATA IS PROVIDED "AS IS" WITHOUT WARRANTIES OF ANY KIND, INCLUDING NO EXPRESS OR IMPLIED WARRANTIES OF NON-INFRINGEMENT OR FITNESS FOR A PARTICULAR USE, NOR ARE ANY SUCH WARRANTIES TO BE IMPLIED WITH RESPECT TO THE INFORMATION, DATA, OR SERVICE FURNISHED HEREIN.

0 1,500 3,000 4,500 6,000

Feet

Approved by Governing Body:

March 15, 2011

Notification Area for Application ZA2020-08

Property ID	Area (ft^2)	Acres	Situs Address	Owner1	Owner2	Owner Address	City, State Zip	Zoning	Area In Buffer (ft^2)	Acres In Buffer	% of Parcel	% of Buffer	Protest Petition Received?
2F221513-1001	1,620,868	37.21	29425 W 207TH ST	BILLOME, LLC		PO BOX 417	GARDNER, KS 66030	RUR	619,983	14.23	38.30%	3.36%	No
	344,396	7.91	28415 W 215TH ST	BOYDSTON, ANDRE AND KREAN		28415 W 215TH ST		CS	255,914	5.87	74.31%	1.39%	Yes
2F221513-3011	1,144,757	26.28	20950 MOONLIGHT RD	COMBS, MATTHEW	COMBS, HEATHER	20950 MOONLIGHT RD	GARDNER, KS 66030	RUR	38,012	0.87	3.30%	0.21%	Yes
	479,777	11.02	28065 W 215TH ST	DOUGAN II, CONWAY		28065 W 215TH ST		CS	479,777	11.02	100.00%	2.60%	Yes
BF221513-1002	5,170,572	118.7	0 NS NT	EAST KANSAS LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	1,974,722	45.33	38.20%	10.71%	No
	435,090	9.98	28535 W 215TH ST	ENGLAND, MARLA		28535 W 215TH ST		CS	323,923	7.43	74.45%	1.76%	Yes
2P31400000 0001	1,155,211	26.52	0 NS NT	GAY, RICHARD G		7066 SW 156TH AVE	BEAVERTON, OR 97007	RUR	323,338	7.42	28.00%	1.75%	No
2P36010000 0005A	258,746	5.94	0 NS NT	HARLOW FAMILY INVESTMENT TRUST		21365 MOONLIGHT RD	GARDNER, KS 66030	UNK	124,676	2.86	48.20%	0.68%	No
2P36010000 0005	436,471	10.02	21285 MOONLIGHT RD	HARLOW, KIRK A.	HARLOW, LORI J.	21285 MOONLIGHT RD	GARDNER, KS 66030	UNK	303,149	6.96	69.50%	1.64%	No
2P36000000 0002	436,036	10.01	21225 MOONLIGHT RD	HARLOW, T. KENT	HARLOW, DIANA A.	21225 MOONLIGHT RD	GARDNER, KS 66030	RUR	252,488	5.8	57.90%	1.37%	Yes
BF221514-3004	1,697,969	38.98	21050 GARDNER RD	HILLSDALE LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	705,880	16.2	41.60%	3.83%	No
2F231518-2005	190,357	4.37	21455 MOONLIGHT RD	HUMBLE, ROBERT D		21455 MOONLIGHT RD	GARDNER, KS 66030	RUR	190,349	4.37	100.00%	1.03%	No
2F231518-2004	201,683	4.63	21355 MOONLIGHT RD	HUNT, CLIFFORD E.	HUNT, CHERRY L.	21355 MOONLIGHT RD	GARDNER, KS 66030	RUR	201,812	4.63	100.00%	1.09%	Yes
2P06000000 0002	419,047	9.62	29220 W 215TH ST	HUTTON, TRAVIS		29220 W 215TH ST	GARDNER, KS 66030	RUR	419,105	9.62	100.00%	2.27%	No
	429,968	9.87	28255 W 215TH ST	INGLE, JOHN AND TARA		28255 W 215TH ST		CS	314,082	7.21	73.05%	1.70%	Yes
2P36010000 0006	211,266	4.85	21365 MOONLIGHT RD	JOHNSON, BENJAMINE C	JOHNSON, KATERINA J	21365 S MOONLIGHT RD	GARDNER, KS 66030	UNK	211,267	4.85	100.00%	1.15%	Yes
	516,987	11.86	28155 W 215TH ST	KENNON, CURTIS AND DEBRA		28155 W 215TH ST		CS	386,852	8.88	74.83%	2.10%	Yes
2F221513-4001	3,461,713	79.47	21280 MOONLIGHT RD	MACKEY, DAVID P.	VIRGINIA A MACKEY TRUST	21280 MOONLIGHT RD	GARDNER, KS 66030	RUR	2,938,328	67.45	84.90%	15.93%	No
2P31400000 0002	1,146,935	26.33	21070 MOONLIGHT RD	MORGAN, DANIEL R	MORGAN, KELLY	21070 S MOONLIGHT RD	GARDNER, KS 66030	RUR	425,676	9.77	37.10%	2.31%	Yes
2P06000000 0001	264,845	6.08	0 NS NT	NELLOR, LINDA B.	NELLOR, RUSSELL D.	21195 S GARDNER RD	GARDNER, KS 66030	RUR	264,987	6.08	100.00%	1.44%	No
2P06000000 0001A	128,502	2.95	29440 W 215TH ST	NELLOR, RUSSELL D.	NELLOR, LINDA B.	21195 S GARDNER RD	GARDNER, KS 66030	RUR	128,708	2.95	100.00%	0.70%	No
2F231518-2006	861,181	19.77	0 NS NT	PATRICIA M BURBRIDGE TRUST		8106 SAGAMORE RD	LEAWOOD, KS 66206	RUR	509,199	11.69	59.10%	2.76%	No
2P36000000 0001A	436,036	10.01	21175 MOONLIGHT RD	SMITH, TIMOTHY	SMITH, KAREN	21175 MOONLIGHT RD	GARDNER, KS 66030	RUR	109,074	2.5	25.00%	0.59%	Yes
2F221514-4002	58,370	1.34	21410 GARDNER RD	STOCKLEY FARMS		6049 MARION ST	SHAWNEE, KS 66218	SPLIT	58,232	1.34	100.00%	0.32%	No
2F221514-4001	2,310,858	53.05	0 NS NT	STOCKLEY FARMS		6049 MARION ST	SHAWNEE, KS 66218	RN1	1,176,100	27	50.90%	6.38%	No
2F221514-4001	927,828	21.3	0 NS NT	STOCKLEY FARMS		6049 MARION ST	SHAWNEE, KS 66218	RN1	15,658	0.36	1.70%	0.08%	No
2F221514-4002	2,380,554	54.65	21410 GARDNER RD	STOCKLEY FARMS		6049 MARION ST	SHAWNEE, KS 66218	RN1,RUR	1,044,826	23.99	43.90%	5.66%	No
								Totals:	18,444,594	423.43		16.26%	11

Not all Miami County Property Owners Listed

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404 East Nelson
Edgerton, KS 66021
P: 913.893.6231
EDGERTONKS.ORG

City Council Action Item

Council Meeting Date: April 22, 2021

Department: Community Development

Agenda Item: Consider Ordinance No. 2075 Adopting the Recommendation of the Edgerton Planning Commission to Approve Application ZA2020-02 For The Rezoning of Approximately 106.131 Acres Of Land Generally Located Southeast of the Intersection of West 199th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Background/Description of Item:

Below is a summary of actions related to this application:

- **December 17, 2020 -** The parcel was annexed into the City of Edgerton.
- **January 12, 2021** – The Planning Commission held the statutorily required public hearing on the application. This public hearing was then closed. Motion was made to continue the vote on the application and for City Staff to assemble a presentation of the possible economic impacts on the applicant properties and neighboring properties as a result of the requested rezoning.
- **February 9, 2021** – Economic Impact Analysis memo presented by staff. Planning Commission voted 4-0 to recommend denial of the application.
- **March 11, 2021** – Application was heard by the City of Edgerton Governing Body. In addition, public comment was permitted even though no required by state statute. The Governing Body motioned to return the application to the Planning Commission, without any additional public hearing, to provide the findings and context, based upon the Golden Criteria, for any recommendation.
- **April 13, 2021** – Application was reconsidered by the City of Edgerton Planning Commission. Citing the Golden Criteria stated in the staff report and adding an additional stipulation that City Staff continue to their work with neighboring jurisdictions on truck routes to address truck traffic in the area, Planning Commission voted 4-0 to recommend approval of Application ZA2020-02 for rezoning from Johnson County RUR to City of Edgerton L-P (Logistics Park) Zoning District.

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

- **Planning Commission Staff Report** – Includes a review of Application ZA2020-02 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 Governing Body** – 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

- **Draft Minutes** - An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting.

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 they are already available through the links below and City Council specifically remanded the applications back to the Planning Commission 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

Both the City of Edgerton Unified Development Code (UDC) and Kansas State Statute 12-757 allow for the filing of a Protest Petition when actions related to the rezoning of a parcel are considered.

After the Public Hearing on January 12, 2021, the City received the following Protest Petitions related to Application ZA2020-02:

- 33 total Protest Petitions received
    - 18 Petitions were received from INSIDE the statutory notification area
    - 15 petitions were received from OUTSIDE the statutory notification area
- Of those 18 received within the notification area, 30.56% are within the buffer area that requires passage by a three-fourths (3/4) vote of all members of the Governing Body. This information was calculated using the buffer tool provided by Johnson County AIMS.
- Spreadsheet of the notification area and copies of the protest petitions have been included with the packet.
- Copies of the Protest Petitions can be found in the City Council packet for March 11, 2021 (see link above).

City Attorney has prepared the enclosed draft ordinance.

Related Ordinance(s) or Statue(s): K.S.A. 12-715b, K.S.A. 12-741, et. Seq. to K.S.A. 12-771 – Establishment of the Unified Development Code; 12-757 – Zoning Amendments

---

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval of Ordinance No. 2075 Adopting the Recommendation of the Edgerton Planning Commission to Approve Application ZA2020-02 Comprising Approximately 106.13 Acres Of Land Generally Located Southeast of the Intersection of West 199th Street and South Gardner Road In Edgerton, Kansas From Johnson County "RUR" (Rural District) Zoning To City Of Edgerton "L-P" (Logistics Park) Zoning District.

Enclosed:

- Draft Ordinance 2075
- Planning Commission Staff Report for Application ZA2020-02 from the January 12, 2021 Planning Commission Meeting
- Economic Impact Analysis Memo dated February 5, 2021 (included with Application ZA2020-03)

- Memo to Governing Body addressing public comments dated March 11, 2021 (included with Application ZA2020-03)
- An excerpt from the draft minutes from the April 13, 2021 Planning Commission meeting (included with Application ZA2020-03)
- Notification Area Spreadsheet with calculation from Johnson County AIMS

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2075

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-02 FOR THE REZONING OF APPROXIMATELY 106.131 ACRES OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION AT W 199TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT

WHEREAS, the Planning Commission of the City of Edgerton, Kansas received a request from Brett Powell, NPD Management, applicant representative for the owner of a parcel of land totaling approximately 106.131 acres, generally located southeast of the intersection at West 199th Street and South Gardner Road in Edgerton, Kansas to rezone that property from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District; and

WHEREAS, following a public hearing in front of the Planning Commission on January 12, 2021, and the remanding of the matter by the City Council to a Planning Commission meeting held on April 13, 2021, the Planning Commission has recommended that the rezoning request for that property – from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District -- be approved subject to certain conditions; and

WHEREAS, all required newspaper and mailing notifications were performed.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

Section 1. That the following legally described property generally located southeast of the intersection at West 199th Street and South Gardner Road in Edgerton, Kansas is hereby rezoned from Johnson County "RUR" (Rural District) to City of Edgerton "L-P" (Logistics Park) District, and that City Staff is hereby directed to reflect said rezoning in the City's Official Zoning map and other City records:

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°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°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°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°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°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°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°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°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°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°26'20" East, a distance of 990.17 feet; thence North 01°42'13" West a distance of 630.30 feet to a point on the North line of said Northwest Quarter; thence North 88°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.

Section 2. The above rezoning is expressly conditioned on the following:

a) All infrastructure requirements of the City shall be met.
b) All platting requirements of the City shall be met.
c) All Site Plan application requirements of the City shall be met.
d) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan which has been reviewed and approved by the City.
e) That City Staff continue to work with neighboring jurisdictions on truck routes to address truck traffic in the area.

Section 3. That the Governing Body, in making its decision on the rezoning, based its decision on City Staff's comments and recommendations as they relate to the Golden criteria and otherwise, which are attached hereto. The Governing Body also based its decision on the following criteria:

a) The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space.
b) Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties.
c) The extent to which the zoning amendment may detrimentally affect nearby property has been addressed.
d) 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.
e) Consistency with the Comprehensive Plan, Utilities and Facilities Plans, Capital Improvement Plan, Area Plans, ordinances, policies, and applicable City Code of the City of Edgerton.

Section 4. This ordinance shall take effect from and after its publication once in the official city newspaper.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 22nd DAY OF APRIL, 2021.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

_____
Alexandria Clower, City Clerk

APPROVED AS TO FORM:

_____
Lee Hendricks, City Attorney

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404 East Nelson
Edgerton, KS 66021
P: 913.893.6231
EDGERTONKS.ORG

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

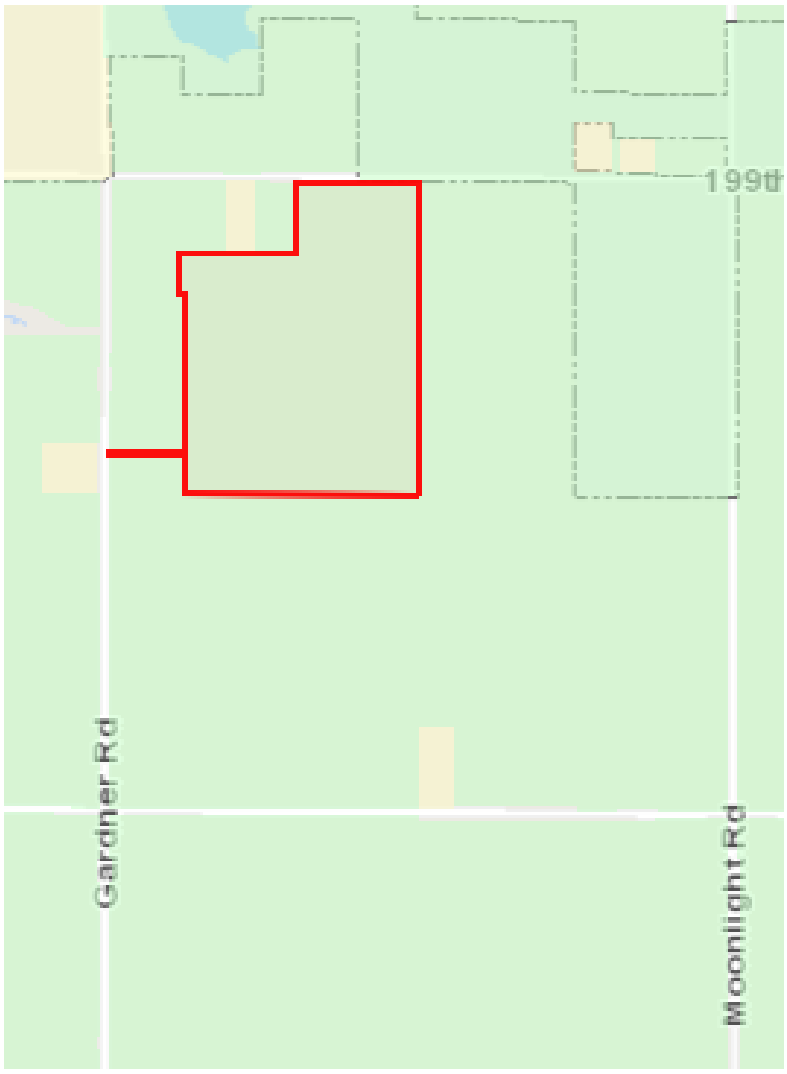


Figure 2 is a closer look at the adjacent parcels and their zoning designations.

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

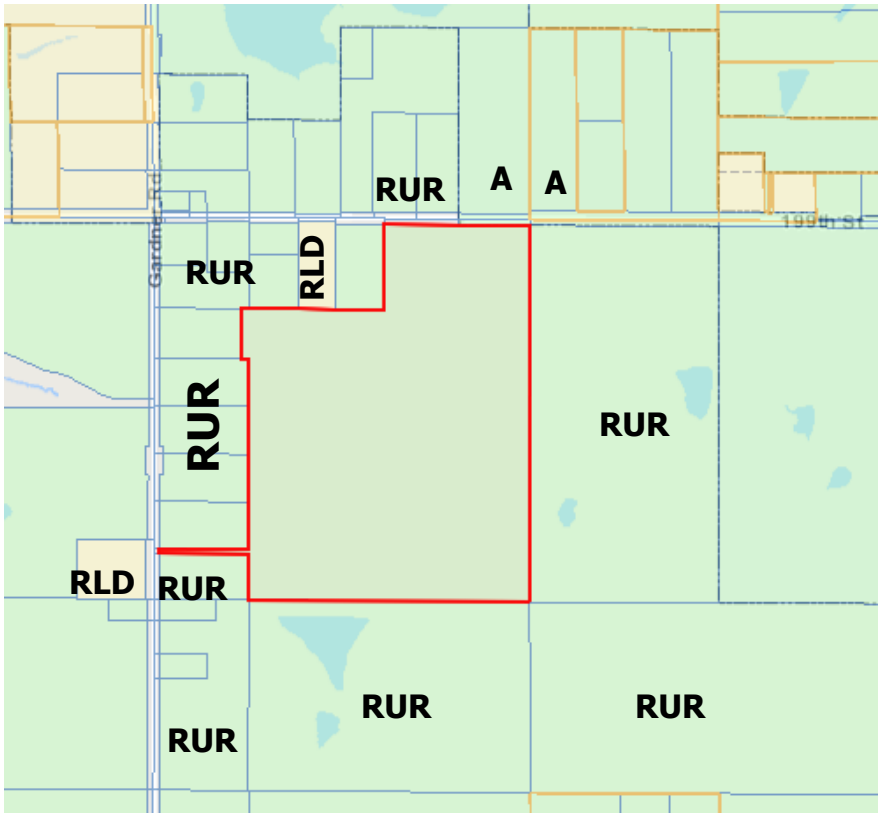


Figure 3 shows the relation of the subject property to other L-P zoned parcels in LPKC on both sides of Interstate 35 (I-35). Per Johnson County AIMS, the subject property is approximately 0.63 miles from the property line of the Hostess Distribution Center located at the northeast corner of Waverly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

Figure 3

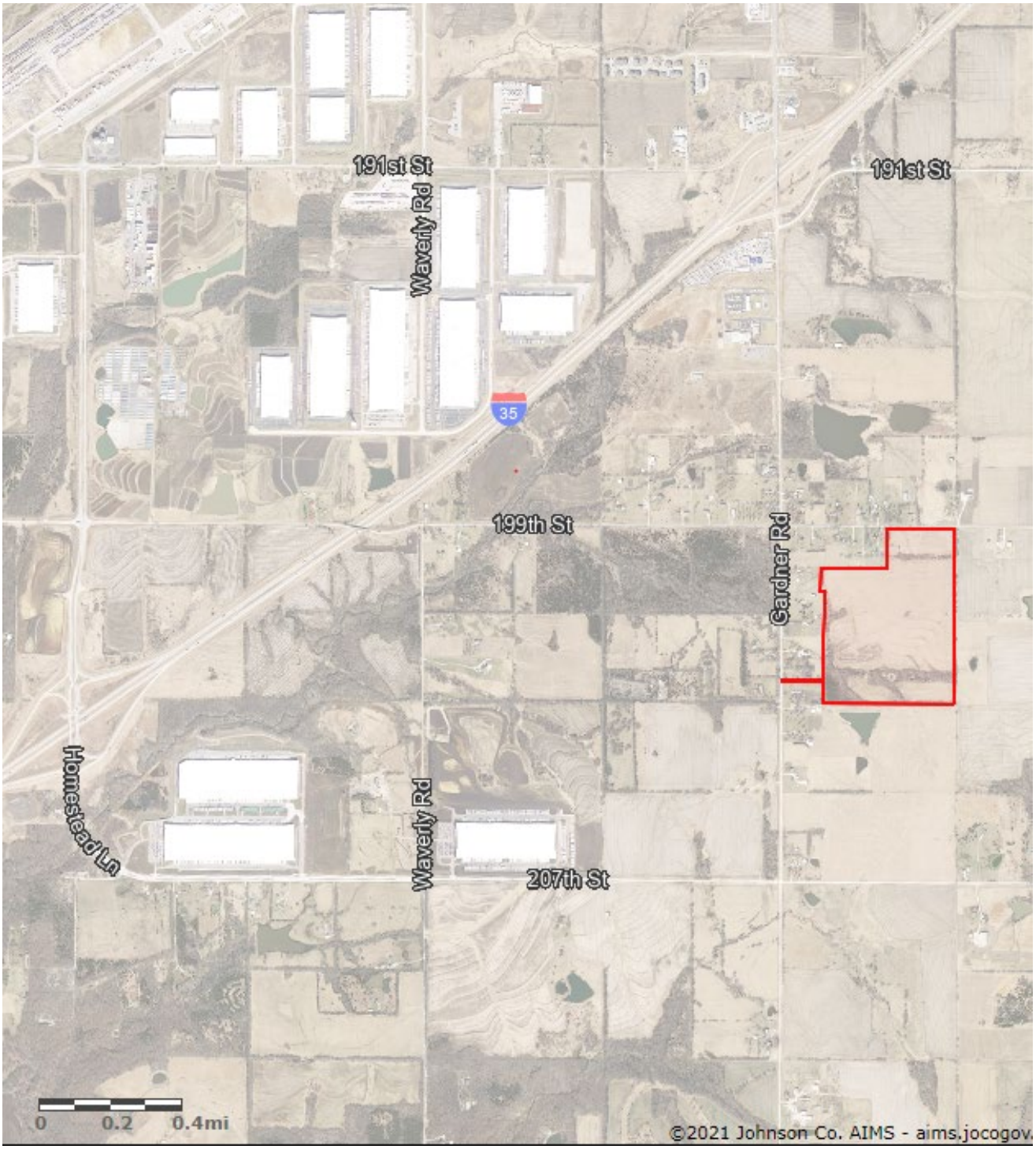
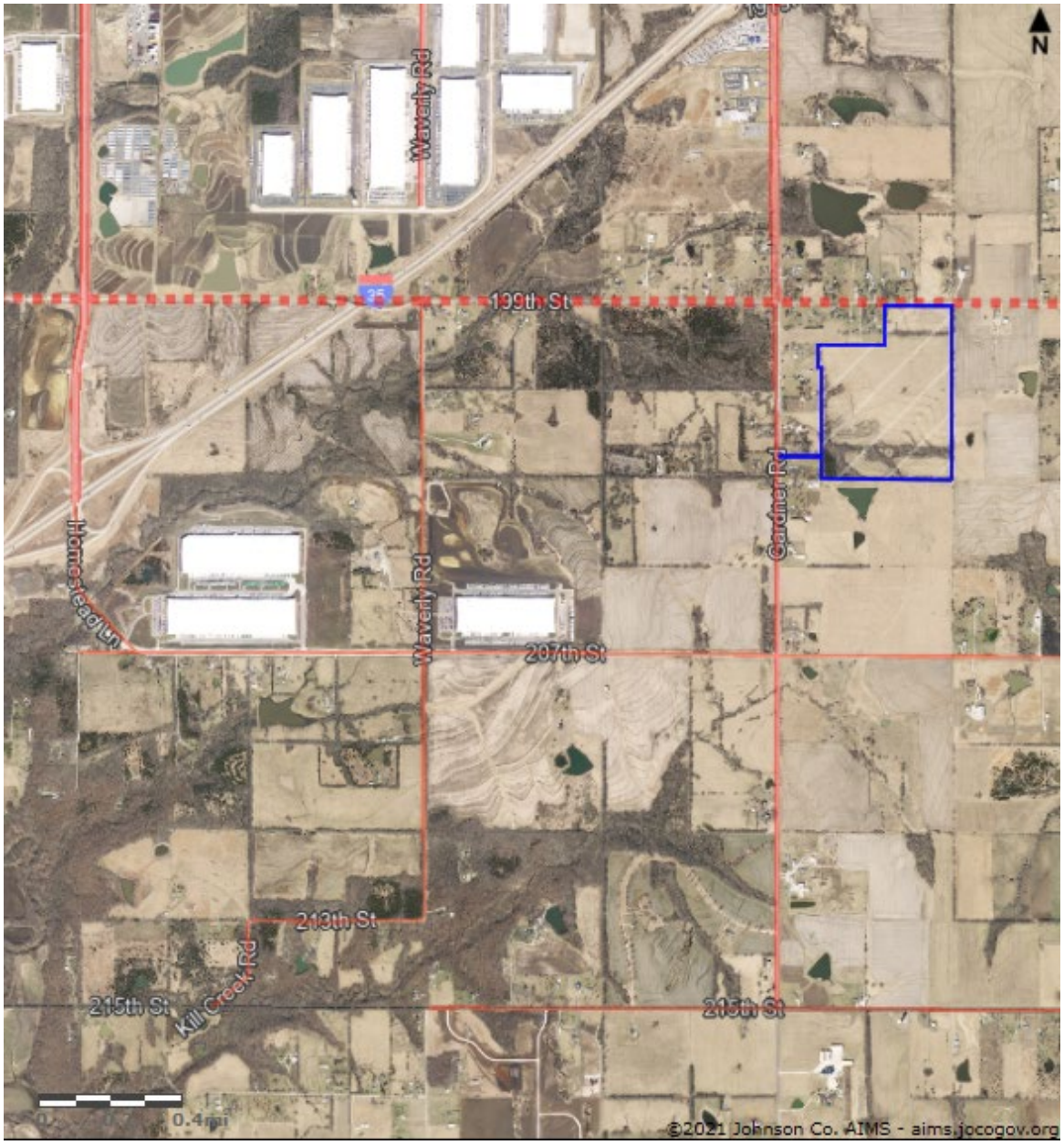


Figure 4 shows the relation of the subject property, outlined in blue, to the transportation network with the Johnson County Comprehensive Arterial Road Network Plan (CARNP) routes highlighted.

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 throughway. 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 incompliance 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

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Rezoning Application (Fee: $250)

LOCATION OR ADDRESS OF SUBJECT PROPERTY: Located near SE Corner of 199th and Gardner Road. 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 (Current Zoning) TO L-P Logistics Park (Proposed Zoning)

LEGAL DESCRIPTION: See attached description

CURRENT LAND USE: Agricultural

PROPERTY OWNER'S NAME(S): Wellsville Farms, LLC PHONE: N/A

COMPANY: _____ FAX: N/A

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

APPLICANT/AGENTS NAME(S): Brett Powell (representing property owner) PHONE: 816.888.7380

COMPANY: NPD Management, LLC; represented by NorthPoint Development, LLC FAX: _____

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

ENGINEER/ARCHITECT'S NAME(S): Patrick Cassity PHONE: 816.800.0950

COMPANY: Renaissance Infrastructure Consulting FAX: _____

MAILING ADDRESS: 5015 NW Canal Street, 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 ONLY

Case No.: RZ- ZA2020-02 Amount of Fee Paid:$ 250.00 Date Fee Paid: 12/11/2020 Receipt #58500213

Received 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 13:17:34-06'00' 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

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

404 East Nelson • Edgerton, KS 66021 • P: 913.893.6231 • F: 913.893.6232
EDGERTONKS.ORG

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Rezoning Application (Fee: $250)

PROPERTY OWNER NOTIFICATION LETTER

Case No.: RZ- _____

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 _____

_____

_____

(current zoning) to _____

_____

_____

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

Legal Description: _____

_____

_____

General Location: _____

_____

_____

A public hearing will be held to consider the rezoning request on the above-described tract at 7:00 p.m. on _____, 20_____. 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,

_____

Applicant (or Owner or Agent)

ADDRESS: _____

Street City State Zip

EDGERTON
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Rezoning Application (Fee: $250)

PROPERTY OWNER NOTIFICATION AFFIDAVIT

Case No.: RZ- ZA2020-02

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 of Agent, Owner or Attorney

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

Heather R. Pfender

Notary Public

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

HEATHER R. PFENDER
Notary Public - Notary Seal
Clay County - State of Missouri
Commission Number 15633521
My Commission Expires Feb 24, 2023

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EDGERTONKS.ORG

Property Information for 2F221512-1001

Tax Property ID	2F221512-1001	*KS Uniform Parcel #*	0462011202001001000
Situs Address	Not Available	*Acres*	105.15 (4,580,320.96 ft^2)
Owner1 Name	WELLSVILLE FARMS LLC	*Owner2 Name*	
Owner Address	4825 NW 41ST ST STE 500, RIVERSIDE, MO 64150		
Class	A	*Year Built*	0
LBCS	9010	*Neighborhood Code*	804.5
Zoning	RUR	*Taxing Unit*	0059
City	Gardner Twp	*Zip Code*	66030
AIMS Map No.	U12 (T-R-S: 15-22-12)	*Quarter Section*	NW
Fire Dist.	JoCo FD #1	*Sheriff Dist.*	4
Commissioner Dist.	6 (Mike Brown)	*FEMA Flood Panel #*	20091C0135G
School District	Gardner-Edgerton	*High School*	Gardner-Edgerton
Middle School	Trail Ridge	*Elementary School*	Nike

Legal Desc. (abbreviated) 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

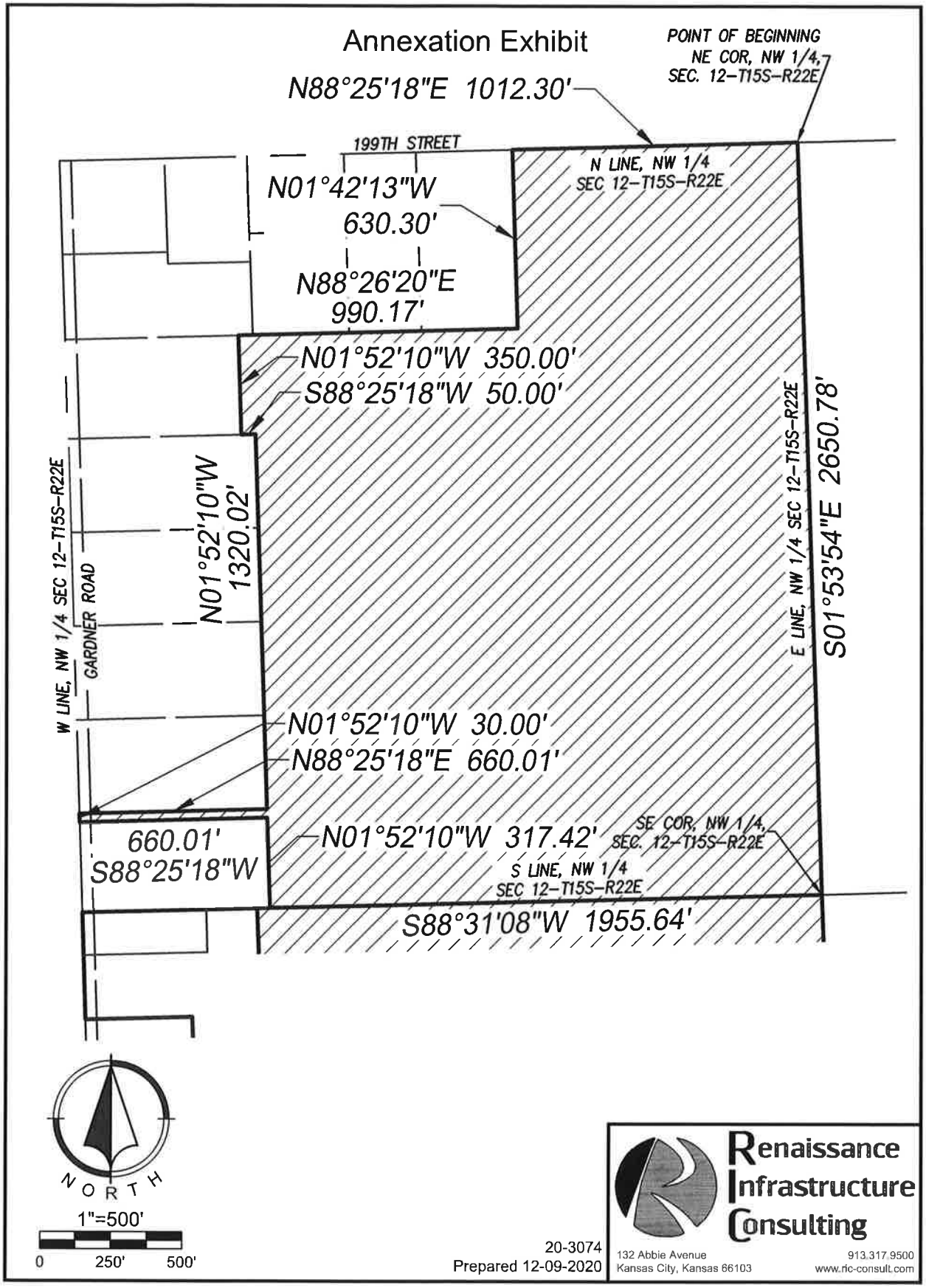


Property Description:

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:

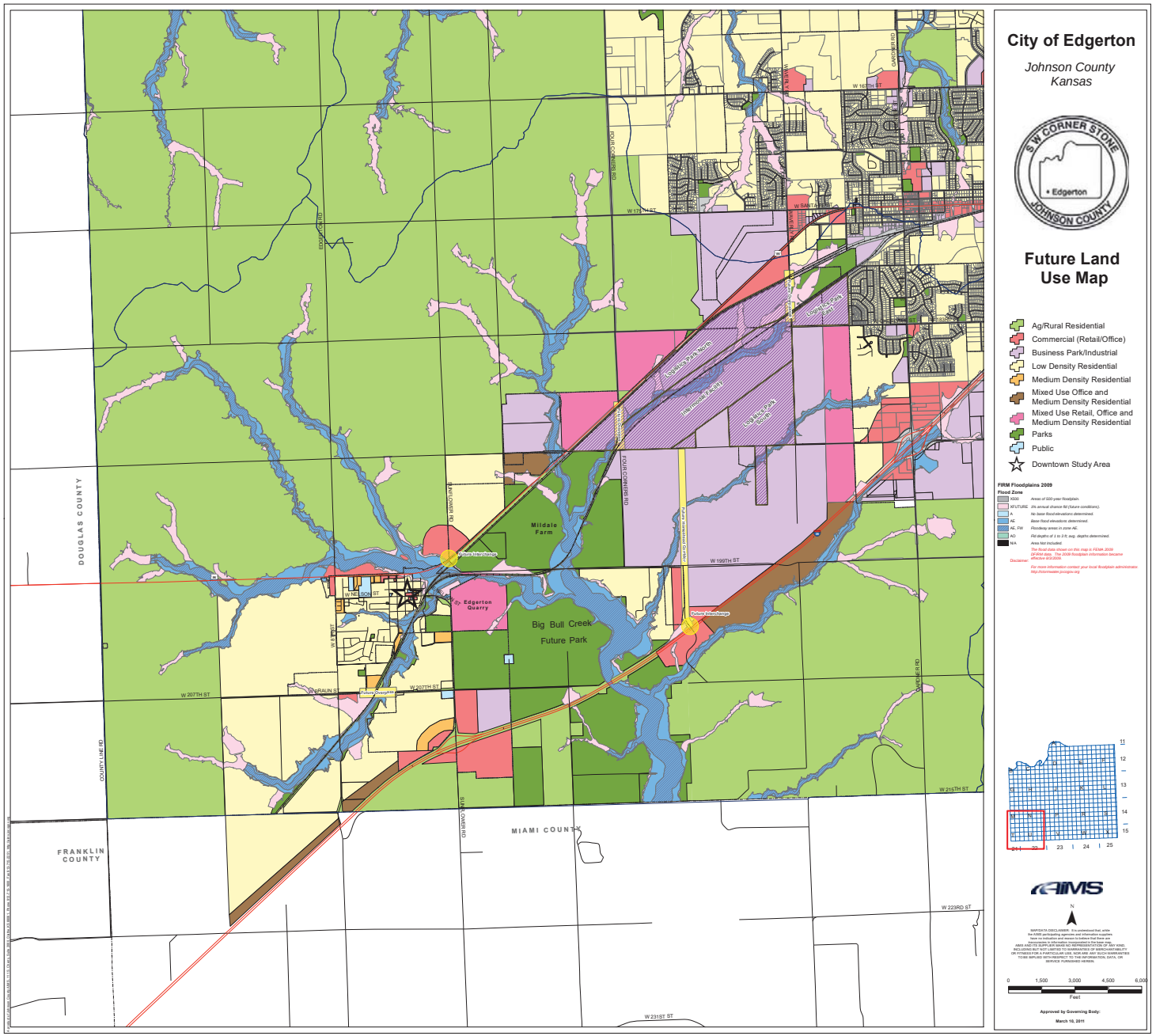
Beginning at the Northeast corner of said Northwest Quarter; thence South 01°53'54" East, coincident with the East line of said Northwest Quarter, a distance of 2,650.78 feet to the Southeast corner thereof; thence South 88°31'08" West, coincident with the South line of said Northwest Quarter, a distance 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°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°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°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°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°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°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°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°26'20" East, a distance of 990.17 feet; thence North 01°42'13" West a distance of 630.30 feet to a point on the North line of said Northwest Quarter; thence North 88°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



20-3074
Prepared 12-09-2020

Renaissance Infrastructure Consulting
132 Abbie Avenue
Kansas City, Kansas 66103
913.317.9500
www.ric-consult.com



City of Edgerton

Johnson County
Kansas

SW CORNER STONE
Edgerton
JOHNSON COUNTY

Future Land Use Map

- Ag/Rural Residential
- Commercial (Retail/Office)
- Business Park/Industrial
- Low Density Residential
- Medium Density Residential
- Mixed Use Office and Medium Density Residential
- Mixed Use Retail, Office and Medium Density Residential
- Parks
- Public
- Downtown Study Area

FIRM Floodplains 2009

Flood Zone

500	*Areas of 500-year floodplain.*
X-FUTURE	*1% annual chance fld (future conditions).*
A	*No base flood elevations determined.*
AE	*Base flood elevations determined.*
AE, FW	*Floodway areas in zone AE.*
AO	*Fld depths of 1 to 3 ft; avg. depths determined.*
N/A	*Area Not Included.*

The flood data shown on this map is FEMA 2009 DFIRM data. The 2009 floodplain information became effective 8/3/2009.

Disclaimer:

For more information contact your local floodplain administrator. http://stormwater.jocogov.org

AIMS

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MAP/DATA DISCLAIMER: It is understood that, while the GIS participating agencies and information suppliers have used their best efforts to ensure the accuracy of information incorporated in the base maps, ALL DATA IS PROVIDED "AS IS" WITHOUT WARRANTIES OF ANY KIND, INCLUDING NO EXPRESS OR IMPLIED WARRANTIES OF NON-INFRINGEMENT OR FITNESS FOR A PARTICULAR USE, NOR ARE ANY SUCH WARRANTIES TO BE IMPLIED WITH RESPECT TO THE INFORMATION, DATA, OR SERVICE FURNISHED HEREIN.

0 1,500 3,000 4,500 6,000

Feet

Approved by Governing Body:

March 15, 2011

Notification Area for Application ZA2020-02

Property ID	Area (ft²)	Acres	Situs Address	Owner1	Owner2	Owner Address	City, State Zip	Zoning	Area In Buffer (ft²)	Acres In Buffer	% of Parcel	% of Buffer	Protest Petition Received?
2F221501-2009	202,990	4.66	19815 GARDNER RD	BANNISTER, FRANK T.	BANNISTER, KAREN S.	19815 GARDNER RD	GARDNER, KS 66030	RUR	9,008	0.21	4.40%	0.08%	Yes
2F221512-1006	196,456	4.51	20275 GARDNER RD	BETTGE LIVING TRUST		20275 S GARDNER RD	GARDNER, KS 66030	RUR	196,430	4.51	100.00%	1.74%	Yes
2F221512-1008	95,396	2.19	29445 W 199TH ST	BROWN, SHANE B.	BROWN, TARA L.	29445 W 199TH ST	GARDNER, KS 66030	RUR	95,569	2.19	100.00%	0.85%	Yes
2F221512-1002	172,933	3.97	0 NS NT	BROWN, SHANE B.	BROWN, TARA L.	29445 W 199TH ST	GARDNER, KS 66030	RUR	172,938	3.97	100.00%	1.54%	Yes
2F221512-4001	3,435,142	78.86	0 NS NT	CAENEN FARMS, L.L.C.		PO BOX 283	GARDNER, KS 66030	RUR	779,924	17.9	22.70%	6.92%	No
2F221501-2011	16,988	0.39	0 NS NT	CALDER, WILLIAM A.		PO BOX 73	GARDNER, KS 66030-0073	RUR	16,935	0.39	100.00%	0.15%	Yes
2F221501-2002	27,443	0.63	19885 GARDNER RD	CALDER, WILLIAM A.		PO BOX 73	GARDNER, KS 66030	RUR	27,573	0.63	100.00%	0.24%	Yes
2F221501-2010	206,039	4.73	29000 W 199TH ST	CALVIN, DUSTIN J.	CALVIN, JOANNE RENEE	29000 W 199TH ST	GARDNER, KS 66030	RUR	205,886	4.73	100.00%	1.83%	Yes
2F221512-1012	130,244	2.99	0 NS NT	CUNNINGHAM, BRENT R.	CUNNINGHAM, MARY J.	29245 W 199TH ST	GARDNER, KS 66030	RUR	130,410	2.99	100.00%	1.16%	No
2F221512-1004	73,181	1.68	29245 W 199TH ST	CUNNINGHAM, BRENT R.	CUNNINGHAM, MARY J.	29245 W 199TH ST	GARDNER, KS 66030	RUR	73,140	1.68	100.00%	0.65%	No
2F221512-3001	3,433,835	78.83	28515 W 199TH ST	DALE R GEORGE REVOCABLE TRUST	VERETA DELORES GEORGE REVOCABLE TRUST	16230 S LONE ELM RD	OLATHE, KS 66062	RUR	2,609,393	59.9	76.00%	23.17%	No
2F221501-2004	560,617	12.87	29080 W 199TH ST	DAVIS, WAYNE A	DAVIS, CONSTANCE R	29080 W 199TH ST	GARDNER, KS 66030	RUR	337,244	7.74	60.10%	2.99%	Yes
2F221512-1015	152,896	3.51	29175 W 199TH ST	ELKINTON, DEBORAH L. CO-TTEE	ELKINTON, ELDON L. CO-TRUSTEE	29175 W 199TH ST	GARDNER, KS 66030	RLD	153,002	3.51	100.00%	1.36%	No
BF221512-2009	2,592,256	59.51	0 NS NT	HILLSDALE LAND & CATTLE LLC		4825 NW 41ST ST STE 500	RIVERSIDE, MO 64150	RUR	1,958,775	44.97	75.60%	17.39%	No
2F221512-1014	202,990	4.66	29085 W 199TH ST	LANGE, ERIC	LANGE, HEATHER	29085 W 199TH ST	GARDNER, KS 66030	RUR	202,957	4.66	100.00%	1.80%	No
2F221512-1010	204,732	4.7	20085 GARDNER RD	LUNDY LIVING TRUST		P O BOX 164	GARDNER, KS 66030	RUR	204,597	4.7	100.00%	1.82%	No
CP34000000 0001	414,256	9.51	28720 W 199TH ST	MATTHEWS, SIDNEY G	MATTHEWS, REVA R	28720 W 199TH ST	GARDNER, KS 66030	A	12,424	0.29	3.00%	0.11%	Yes
2F221512-2005	58,370	1.34	20365 GARDNER RD	MAYBERRY, CONNIE L.		20365 GARDNER RD	GARDNER, KS 66030	RUR	58,289	1.34	100.00%	0.52%	Yes
2F221511-3005	193,406	4.44	20260 GARDNER RD	MCGUIRE, MICHAEL L.	MCGUIRE, ROBYN R.	20260 GARDNER RD	GARDNER, KS 66021	RLD	193,518	4.44	100.00%	1.72%	Yes
2F221511-3002	2,532,143	58.13	20190 GARDNER RD	MURROW, RICHARD L. TRUSTEE	MURROW, JUANITA M. TRUSTEE	20225 GARDNER RD	GARDNER, KS 66030	RUR	812,687	18.66	32.10%	7.22%	Yes
2F221512-1009	204,732	4.7	20225 GARDNER RD	MURROW, RICHARD L. TRUSTEE	MURROW, JUANITA M. TRUSTEE	20225 GARDNER RD	GARDNER, KS 66030	RUR	204,597	4.7	100.00%	1.82%	Yes
BF221512-2001	27,878	0.64	0 NS NT	PEARCE, LARRY L. CO-TRUSTEE	PEARCE, DONNA D. CO-TRUSTEE	20315 S GARDNER RD	GARDNER, KS 66030	RUR	27,927	0.64	100.00%	0.25%	No
2F221512-2001	674,744	15.49	20465 GARDNER RD	PEARCE, LARRY L. CO-TRUSTEE	PEARCE, DONNA D. CO-TRUSTEE	20315 S GARDNER RD	GARDNER, KS 66030	RUR	433,108	9.94	64.20%	3.85%	Yes
2F221512-2002	59,242	1.36	20315 GARDNER RD	PEARCE, LARRY L. CO-TRUSTEE	PEARCE, DONNA D. CO-TRUSTEE	20315 S GARDNER RD	GARDNER, KS 66030	RUR	59,249	1.36	100.00%	0.53%	Yes
2F221511-4003	41,818	0.96	20300 GARDNER RD	PORTER, JASON C.	PORTER, CHRISTELLE L.	20300 GARDNER RD	GARDNER, KS 66021	RUR	42,000	0.96	100.00%	0.37%	No
2F221501-2014	206,039	4.73	28920 W 199TH ST	ROCKEL, RONALD AND	ROCKEL, MARILYN JT REV TRUST	28920 W 199TH ST	GARDNER, KS 66030	RUR	205,886	4.73	100.00%	1.83%	Yes
2F221501-2007	133,729	3.07	19855 GARDNER RD	SADLER, DENISE KAY		19855 GARDNER RD	GARDNER, KS 66030	RUR	116,039	2.66	86.60%	1.03%	No
2F221512-1005	199,505	4.58	20005 GARDNER RD	STEPHENS, RICHARD N.	STEPHENS, JOY A.	20005 GARDNER RD	GARDNER, KS 66030	RUR	199,497	4.58	100.00%	1.77%	Yes
2F221501-2012	204,732	4.7	29270 W 199TH ST	STEPHENSON, KELLY L.		29270 W 199TH ST	GARDNER, KS 66030	RUR	163,038	3.74	79.60%	1.45%	No
2F221501-2013	210,395	4.83	29140 W 199TH ST	SWOPES, STACY	SWOPES, TERRA K	29140 W 199TH ST	GARDNER, KS 66030	RUR	210,410	4.83	100.00%	1.87%	No
BF221511-3006	2,044,271	46.93	0 NS NT	TREADSTONE ACQUISITIONS - FUND VIII LLC		10484 MARTY ST	OVERLAND PARK, KS 66212	RUR	19,217	0.44	0.90%	0.17%	No
BF221512-1011	203,425	4.67	20101 GARDNER RD	TREADSTONE ACQUISTIONS-FUND VIII LLC		10484 MARTY ST	OVERLAND PARK, KS 66212	RUR	203,563	4.67	100.00%	1.81%	No
2F221512-1007	201,683	4.63	20185 GARDNER RD	TROUTMAN, JACE R	TROUTMAN, STACY R	20185 S GARDNER RD	GARDNER, KS 66030	RUR	201,631	4.63	100.00%	1.79%	Yes
2F221512-1003	101,495	2.33	29345 W 199TH ST	WALKER, DAVID W.	MURO, GENEVA	29345 W 199TH ST	GARDNER, KS 66030	RUR	101,618	2.33	100.00%	0.90%	No
CF221501-2003	635,540	14.59	28740 W 199TH ST	WAYMAN, ANDREW C	WAYMAN, MIRANDA C	28740 W 199TH ST	GARDNER, KS 66030	A	59,424	1.36	9.30%	0.53%	No
2F221511-3001	1,298,959	29.82	19920 GARDNER RD	WILSON, GAIL ANN		PO BOX 586	LAWSON, MO 64062	RUR	385,181	8.84	29.60%	3.42%	No
2F221511-4001	3,411,619	78.32	20480 GARDNER RD	WISE FAMILY LLC		20480 GARDNER RD	GARDNER, KS 66030	RUR	380,417	8.73	11.20%	3.38%	No
								Totals:	11,263,501	258.55		30.56%	18

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City Council Action Item

Council Meeting Date: April 8, 2021

Department: Community Development

Agenda Item: Consider Ordinance No. 2068 Adopting The Planning Commission's Recommendation To Approve A Conditional Use Permit (CU2021-01) Allowing An Interstate Pole Sign On Property Located At 32501 W. 200th Street, Edgerton, Kansas

Background/Description of Item:

THIS ITEM IS CONTINUED FROM THE APRIL 8, 2021 COUNCIL MEETING. THE APPLICANT'S ENGINEER HAS PROVIDED A LINE OF SITE DRAWING FOR THE PROJECT.

On February 5, 2021 the City of Edgerton received Application CU2021-01 requesting a Conditional Use Permit (CUP) to install an Interstate Pole Sign at 32501 W. 200th Street, Edgerton, Kansas. The applicant is Moussa Sobaiti, owner of My Store III Inc., owner/operator of the On the Go Travel Center located at that same address. Pursuant to City of Edgerton Unified Development Code (UDC), Article 7, Section 7.2.D(2), Interstate Pole Signs are considered a conditional use on parcels which contain a C-2 zoning designation.

In order to recommend approval or disapproval of a proposed CUP, 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, Section 7.1 (C) of Article 7 of the UDC states that the Governing Body may consider all factors they deem relevant. Article 12, Section 12.12 provides the specific details related to the Interstate Pole Sign size, height, setbacks, illumination, and location. In addition, Section 7.2(D) of the UDC details additional requirements to be considered when approving a CUP for an Interstate Pole Sign. City Staff has reviewed Application CU2021-01 with respect to all these requirements. The staff report presented to the Planning Commission outlining the findings of staff's review is included in the packet.

On March 9, 2021 the City of Edgerton Planning Commission held a public hearing regarding Application CU2021-01. Upon conclusion of the public hearing, the Planning Commission recommended approval of Application CU2021-01 with the following stipulations:

1. Compliance with all recommendations and comments related to requirements for the sign, pole and all other related matters discussed in the attached Staff Report shall be required stipulations for approval for the 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.

Related Ordinance(s) or Statue(s): N/A

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Ordinance No. 2068 Adopting The Planning Commission's Recommendation To Approve A Conditional Use Permit (CU2021-01) Allowing An Interstate Pole Sign On Property Located At 32501 W. 200th Street, Edgerton, Kansas

Enclosed:

- Ordinance 2068
- Staff Report prepared for the March 9, 2021 Planning Commission Meeting.
- Excerpt from Draft Minutes – March 9, 2021 Planning Commission Meeting. (Approved 4/13/2021)
- **LINE OF SITE DRAWINGS**

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2068

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT (CU2021-01) ALLOWING AN INTERSTATE POLE SIGN ON PROPERTY LOCATED AT 32501 W. 200TH STREET, EDGERTON, KANSAS

WHEREAS, the City of Edgerton received Application CU2021-01 for a Conditional Use Permit from Moussa Sobaiti, on behalf of My Store III, Inc. (the "Applicant") on or about February 5, 2021 for property located at 32501 W. 200th Street, Edgerton, Kansas (the "Property"); and

WHEREAS, both at the time of application and at the time of the signing of this Ordinance, the Property is owned by My Store III, Inc., a validly existing Kansas Corporation; and

WHEREAS, the Applicant is requesting a Conditional Use Permit to allow an interstate pole sign for the On the Go Travel Center located on the Property to include space for Phillip's 66, TA Express, restaurant tenants and truck services, including a digital display area reflecting gasoline and diesel prices. The sign would be double sided, internally illuminated and stand eighty-three (83) feet from Grade; and

WHEREAS, the Edgerton Planning Commission did hold a public hearing on March 9, 2021 on the requested Conditional Use Permit in accordance with the requirements as set forth in the Edgerton Zoning Regulations; and

WHEREAS, the Edgerton Planning Commission voted to approve the Conditional Use Permit request, for a period of ten (10) years, conditioned on the following being adhered to by the Applicant/Owner:

1. Compliance with all recommendations and comments related to requirements for the sign, pole and all other related matters discussed in the attached Staff Report shall be required stipulations for approval for the 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.

WHEREAS, the City Governing Body, after reviewing the Conditional Use Permit and considering the criteria set forth in Articles 7 and 12 of the City Zoning Regulations and the recommendations of the Planning Commission, finds the Conditional Use Permit should be approved upon the terms described above.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

Section 1. The proposed Conditional Use Permit for an interstate pole sign is hereby approved for the Property located at 32501 W. 200th Street, Edgerton, Kansas.

Section 2. The Conditional Use Permit approved by this Ordinance is expressly conditioned on the Applicant's/Owner's strict compliance with the six Conditions set forth above, which were recommended by the Edgerton Planning Commission and approved by the City of Edgerton City Council.

Section 3. The effectiveness of this Conditional Use Permit is conditioned upon the strict compliance by the Applicant/Owner of the provisions contained herein as well as strict compliance with the City of Edgerton Zoning Regulations. Should Applicant/Owner fail to comply with any term or provision thereof and should such failure continue following written notice from City to Applicant/Owner specifying the breach and actions to be taken to cure the same, then, at the direction of the City Administrator, Applicant/Owner will be notified that this Conditional Use Permit is revoked, and all uses permitted herein on the Property must immediately cease. Reinstatement following default may only occur through action of the Governing Body. Wholly separate and apart from the specific conditions of the City's Zoning Regulations are the City's interest and duties to protect the public health, safety and welfare. Applicant/Owner agrees that this Ordinance shall not operate or be construed to impede or impair the lawful function of City government operation in this area.

Section 4. This Ordinance shall take effect and be enforced from and after its publication once in the official city newspaper. All Zoning and Regulations of the City of Edgerton, Kansas affecting the use of the Property heretofore described which are inconsistent with this Ordinance are hereby made inapplicable to said Property until the Conditional Use Permit is vacated or is declared null and void.

PASSED by the Governing Body of the City of Edgerton, Kansas and approved by the Mayor on the 8th day of April, 2021.

CITY OF EDGERTON, KANSAS

_____

DONALD ROBERTS, Mayor

ATTEST:

_____

ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

_____

LEE W. HENDRICKS, City Attorney

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STAFF REPORT

March 9, 2021

To: Edgerton Planning Commission
Fr: Chris Clinton, Planning and Zoning Coordinator
Re: Application **CU2021-01** for Conditional Use Permit Request for one Interstate Pole Sign at 32501 W 200th Street, Edgerton, Kansas

APPLICATION INFORMATION

Applicant: Moussa Sobaiti
My Store III Inc.
14728 W 93rd Street
Lenexa, KS 66215

Property Owners: Moussa Sobaiti
My Store III Inc.
14728 W 93rd Street
Lenexa, KS 66215

Requested Action: Conditional Use Permit approval for one Interstate Pole Sign

Legal Description: On the Go Travel Center First Plat, Tract A

Site Address/Location: 32501 W 200th Street

Site Size: Approximately 2.11 Acres

Existing Improvements: Detention Basin

Current Zoning and Land Uses:

	ZONING	*LAND USE TODAY*	*USER/OWNER*
SITE	C-2, Heavy Service Commercial District	Current use is under development for a detention basin	My Store III Inc.
NORTH	C-2, Heavy Service Commercial District	Under development for a travel center and truck maintenance facility	My Store III Inc.
SOUTH	Interstate Right of Way and Interstate 35	Interstate Right-of-Way	Kansas Department of Transportation
EAST	C-2, Heavy Service Commercial District	Agricultural	My Store III Inc.
WEST	Interstate Right of Way and Homestead Lane	Interstate Right-of-Way	Kansas Department of Transportation and City of Edgerton

Figure 1: Subject parcel is outlined in Blue. The pink shows Heavy Service Commercial District (C-2) zoned parcels. The Purple indicates Logistics Park (L-P) zoning. The Yellow is Johnson County Residential Neighborhood 1 (RN1), which is single family dwellings with a one-acre minimum lot size. The Green indicates Johnson County RUR, which is agricultural uses and single-family dwellings with a ten-acre minimum lot size. Light gray indicates Interstate 35 (I-35) and Homestead Lane rights-of-way.

Figure 1

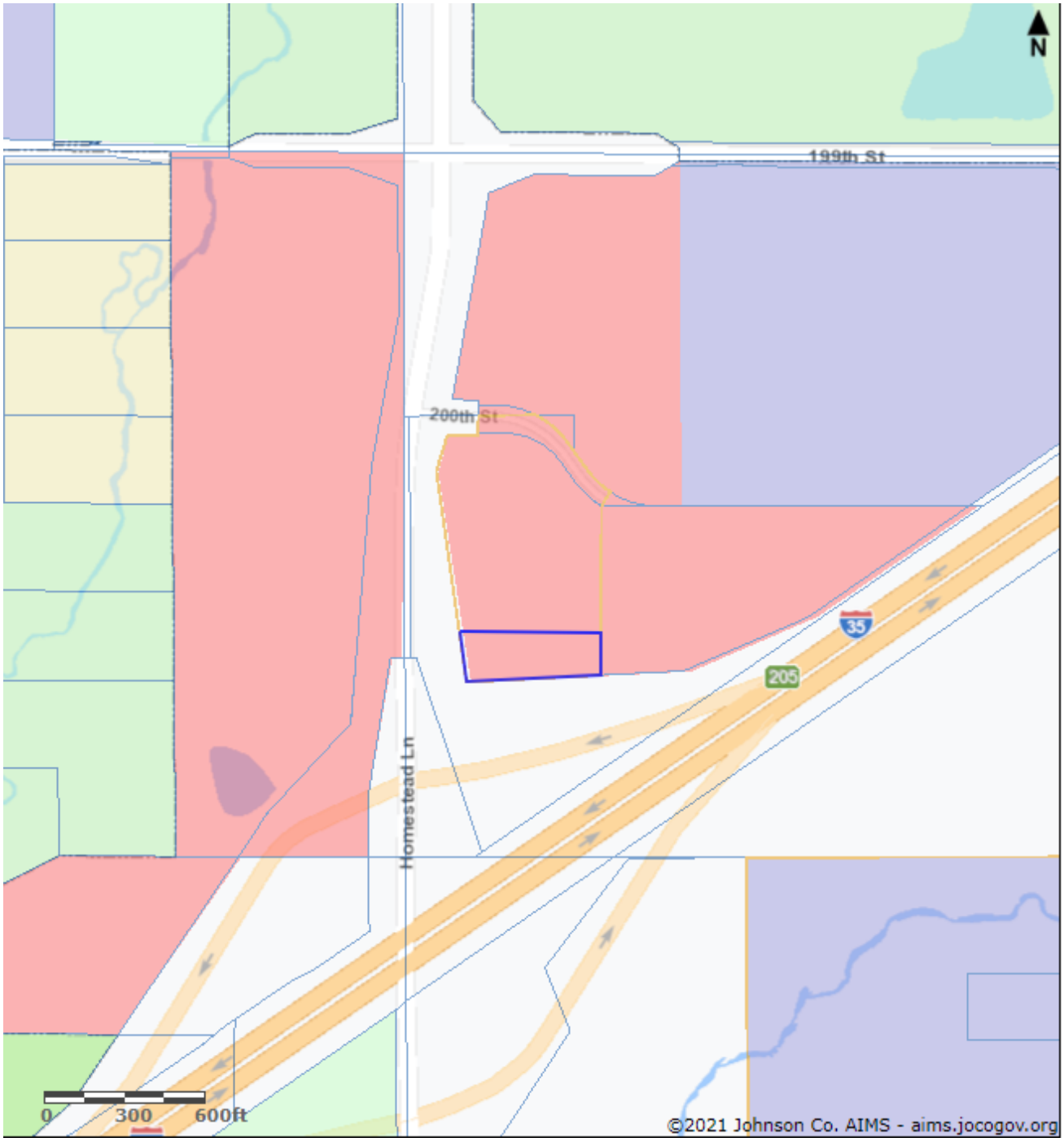


Figure 2: Subject parcel is outlined in Red. Nearby structures are shown in this figure. Aerial imagery on Johnson County AIMS does not reflect the Travel Plaza that is currently under construction on the parcel directly north of the subject parcel.

Figure 2



BACKGROUND AND PROJECT DESCRIPTION:
This parcel is part of On the Go Travel Plaza approved Final Site Plan FS2019-04. On the parcel directly to the north of the one highlighted in Figure 2, the On the Go Travel Plaza project is currently under construction. The project will contain a travel center, restaurants, fueling stations for vehicles and trucks, and a truck maintenance facility. A Revised Final Site plan will be considered during the same meeting on March 9, 2021 to reflect updates to the initial Site Plan approved on August 13, 2019.

On February 5, 2021, City Staff received a Conditional Use Permit application for an Interstate Pole Sign for the On the Go project site. The proposed sign is to have space for the business located onsite including 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. The parcel where the proposed Interstate Pole Sign will be located is a detention basin for the On the Go project.

INFRASTRUCTURE AND SERVICES:

The subject parcel is located within the limits of the City. Site development is ongoing as the project moves towards completion. The only utility that would be required for this project would be electrical, which will be supplied by Evergy and all infrastructure 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).

STAFF ANALYSIS

City Staff reviewed the Site Plan and Sign Design to Article 12 – *Sign Regulations* and Article 7 – *Conditional Uses* of the Unified Development Code (UDC).

The purpose of this article 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 Planning 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 standards 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 Planning Commission.

The Planning 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 this Article be specified as a condition of approval.

No Conditional Use shall be authorized unless the Planning 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 Planning Commission.

Section 7.1.C Issuance of Conditional Uses

1. **Criteria.** In order to recommend approval or disapproval of a proposed conditional use permit, both the Planning 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 Planning 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:
    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 (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 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 Logistics Park Kansas City. 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, etc. is not applicable. City Staff has reviewed the requirements set forth in the UDC outlined below. 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. Evergy 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 Community Improvement District 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 (2005). Staff recommendation is addressed in the Recommendations Section of this Staff Report.

Section 7.2.D – Specific District Requirements for C-2, Heavy Service Commercial District

1. Interstate Pole Sign. Applicant must provide the following details in submission materials:
    a. The use of the proposed Development. ***The requested pole sign is to advertise the businesses/services located at the On the Go Travel Plaza located on the adjacent parcel to the north. Requirement to provide met.***
    b. The height of the proposed principal building. *Applicant indicates on the rendering provided that buildings are 20'6" to top of cornice feature on convenience store and 18'8" to the top of the main body of the building on the truck maintenance building.* ***Requirement to provide met.***
    c. The surrounding land uses and zoning districts. ***Applicant has provided land uses and zoning designations of neighboring properties. See Figure 1 on page 2 of the Staff Report for zoning designations. Requirement to provide met.***
    d. The relationship to 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). ***Parcel borders Interstate 35 right-of-way. Requirement met.***
    e. The elevation of the site in relationship to the elevation of the finished grade of adjacent city roadway. ***The elevation of the finished grade of the adjacent roadway is 1018 feet. City staff has confirmed this. Requirement to provide met.***
    f. The proposed height and signable area of the pole sign. ***Applicant has indicated the proposed pole sign will be 83' from finished grade in height. Requirement to provide met.***
    g. 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 ½ mile and 1-mile distance from both directions. *Applicant has not provided line of sight drawings.* ***Applicant submission of line of sight drawings required.***
    h. All requirements noted in Article 12 in the UDC related to size, height, number of signs, landscaping, etc. must be met by the prosed pole sign application. ***See staff review comments below.***

Table 12-3 Signs Permitted in Commercial Districts – CD, C-1, C-2, C-3

1. 900 square feet in area per sign side which include total of all sign faces; may be single or double sided. *Total area of all of the proposed signs is 872 square feet.* ***Sign meets requirements.***
2. Sixty (60) feet above finished grade of adjacent city roadway to a maximum height of 100 feet. *The applicant indicates the grade of the centerline of Homestead Lane is 1018' and the finished grade of the sign is 995' with a height of eighty-three (83) feet. The height of the sign would be twenty-three (23) feet above the existing grade of Homestead Lane.* ***Sign meets requirements.***

3. Thirty (30) feet setback from property lines. *The applicant indicates the sign will be 30' from the southern and western property lines.* ***Sign meets requirements.***
4. Sign permit is required. ***Applicant acknowledges.***
5. Internal illumination only. *Applicant indicates signs are to be internally illuminated pylon signs with gas prices.* ***Sign meets requirements.***
6. Allowed in C-2/C-3 District only and also requires a conditional use permit. *Parcel is zoned C-2 and this application is for a conditional use permit.* ***Sign meets requirements.***
7. May contain a changeable copy sign. *Applicant indicates the gas pricing sign for diesel will flash with a cash price.* ***Sign meets requirements.***
8. No flashing, intermittent or moving lights; LED signs must display image for at least eight (8) seconds. *Applicant has indicated that the flasher will be ordered from the factory to toggle at 8 second intervals. The flasher can also be turned off so that the digital image is static as well.* ***Sign meets requirements.***
9. Allowed if a minimum of half (50%) of the site is within 800 feet of the centerline or 500 feet of the right-of-way, which ever is less, of an Interstate. *The subject parcel boarders I-35 right-of-way.* ***Sign meets requirements.***
10. May only be placed on premise. *The sign location is on the same plat of the development the signs are advertising.* ***Sign meets requirements.***

RECOMMENDATION

Based upon the above staff analysis, City staff recommends **approval** of Application **CU2021-01** for the Interstate Pole Sign as shown on the attached 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 as included in this Staff Report 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.

ATTACHMENTS

- Application CU2021-01
- Sign Design
- Site Plan with Elevations

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Application for Conditional Use Permit

Please print or type.

PROPERTY INFORMATION

Requesting Conditional Use Permit For: On The Go Travel Center - Highway Pole Sign

Location or Address of Subject Property: 32501 W 200th Street, Edgerton, KS

Legal Description: Tract A, On The Go Travel Center First Plat, a subdivision of land in the City of Edgerton, Johnson County, Kansas

Zoning on Subject Property: C-2 Current Land Use: Commercial

PROPERTY OWNER INFORMATION

Property Owner's Name(s): Moussa Sobaiti Phone: (831) 905-1377

Company: My Store III Inc Fax: moussasobaiti@hotmail.com

Mailing Address: 14728 W 93rd Street

City: Lenexa State: KS Zip: 66215

APPLICANT/AGENT INFORMATION

Applicant/Agent's Name(s): Moussa Sobaiti Phone: (831) 905-1377

Company: My Store III Inc Fax: moussasobaiti@hotmail.com

Mailing Address: 14728 W 93rd Street

City: Lenexa State: KS Zip: 66215

ENGINEER/ARCHITECT INFORMATION

Engineer/Architect's Name(s): Judd D. Claussen, P.E. Phone: 913.393.1155

Company: Phelps Engineering, Inc Fax: jclaussen@phelpsengineering.com

Mailing Address: 1270 N Winchester

City: Olathe State: KS Zip: 66061

SIGNATURE

Signature of Owner or Agent: Moussa

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

FOR OFFICE USE ONLY

Case No.: CU- 2021-01

Amount of Fee Paid: $ 1,000 Date Fee Paid: 2-5-21

Received By: Katy Crow Date of Hearing: 3-9-21

v. 09.25.18

Conditional Use Permit Instructions

CERTIFIED LETTERS

The applicant will be responsible for mailing notices (see attached form letter) of the public hearing for the requested Conditional Use Permit by certified mail, return receipt requested to all owners of land within the notification area: two hundred (200) feet within the city limits; 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.

AFFIDAVIT OF COMPLIANCE

An affidavit (see attached form) concerning the mailing of property owner notification letters must be returned to the office of the City Clerk by no later than the Monday preceding the public hearing.

PLANNING COMMISSION REVIEW AND DECISION

The Edgerton Planning Commission meets in City Hall on the second Tuesday of every month. The agenda and staff reports will be available the Friday preceding 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 Chairman will either 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 Conditional Use Permit with the office of the City Clerk. The submission of a valid protest petition 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 Governing Body action (up to thirty (30) days after the conclusion of the public hearing). The Governing Body will review the transcript of the public hearing along with 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 for further review.

404 East Nelson • Edgerton, KS 66021 • P: 913.893.6231 • F: 913.893.6232 • EdgertonKS.org

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Property Owner Notification Letter

Case No.: CU- CU2021-01

Dear Sir or Madam:

This letter is to notify you that a public hearing will be held at the Edgerton City Hall, 404 E. Nelson St., Edgerton, Kansas, to consider a Conditional Use Permit request for Interstate Pole Sign on the following described tract of land:

Legal Description: Tract A, ON THE GO TRAVEL CENTER FIRST PLAT, a subdivision of land in the City of Edgerton, Johnson County, Kansas

General Location: Northeast corner of Interstate 35 and Homestead Road.
General property address is 32501 W 200th Street, Edgerton, KS

A public hearing will be held to consider the Conditional Use Permit request on the above-described tract at 7:00 p.m. on Tuesday, March 9, 20 21. Any interested persons or property owners are invited to attend. Information regarding this Conditional Use Permit request 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 Conditional Use Permit 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 a valid protest petition is 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 Conditional Use Permit request.

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

Respectfully,

Judd Claussen, P.E., Phelps Engineering, Agent for the property owner

Applicant (or Owner or Agent)

Mailing Address: 1270 N Winchester

City: Olathe State: KS Zip: 66061

200' Ownership List
PEI#200458 - 2/9/2021

Owner Name 1	Owner Name 2	Owner Line1	Owner Line2
JO CO BD OF COMMISSIONERS		111 S CHERRY ST	OLATHE, KS 66061
MY STORE III INC		14728 W 93RD ST	LENEXA, KS 66215
SEC OF TRANSPORTATION	STATE OF KANSAS	700 NW HARRISON ST FL 14	TOPEKA, KS 66603
STATE OF KANSAS		STATE HOUSE	TOPEKA, KS 66612

7019 2970 0001 2370 9065

U.S. Postal Service™
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Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

OFFICIAL USE

Certified Mail Fee
$

Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

Postmark Here

FEB 17 2021 OLATHE KS

USPS - 66061-9998

Sent To: MY STORE III INC
Street and Apt. No., or PO Box No.: 14728 W 93RD ST
City, State, ZIP+4®: LENEXA, KS 66215 200458– JDC

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 2970 0001 2370 9089

U.S. Postal Service™
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Certified Mail Fee
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Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

Postmark Here

FEB 17 2021 OLATHE KS

USPS - 66061-9998

Sent To: STATE OF KANSAS
Street and Apt. No., or PO Box No.: STATE HOUSE
City, State, ZIP+4®: TOPEKA, KS 66612 200458– JDC

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 2970 0001 2370 9058

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Certified Mail Fee
$

Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

Postmark Here

FEB 17 2021 OLATHE KS

USPS - 66061-9998

Sent To: JO CO BD OF COMMISSIONERS
Street and Apt. No., or PO Box No.: 111 S CHERRY ST
City, State, ZIP+4®: OLATHE, KS 66061 200458– JDC

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7019 2970 0001 2370 9072

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

OFFICIAL USE

Certified Mail Fee
$

Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

Postmark Here

FEB 17 2021 OLATHE KS

USPS - 66061-9998

Sent To: SEC OF TRANSPORTATION
Street and Apt. No., or PO Box No.: STATE OF KANSAS
City, State, ZIP+4®: 700 NW HARRISON ST FL 14
TOPEKA, KS 66603 200458– JDC

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Property Owner Affidavit

Case No.: CU- 2021-01

I, Judd D. Claussen, P.E. of lawful age being first duly sworn upon oath, state:

That I am the agent (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 17 day of February, 2021.

Signature of Agent, Owner, or Attorney

Subscribed and sworn to before me this 25th day of February, 2021.

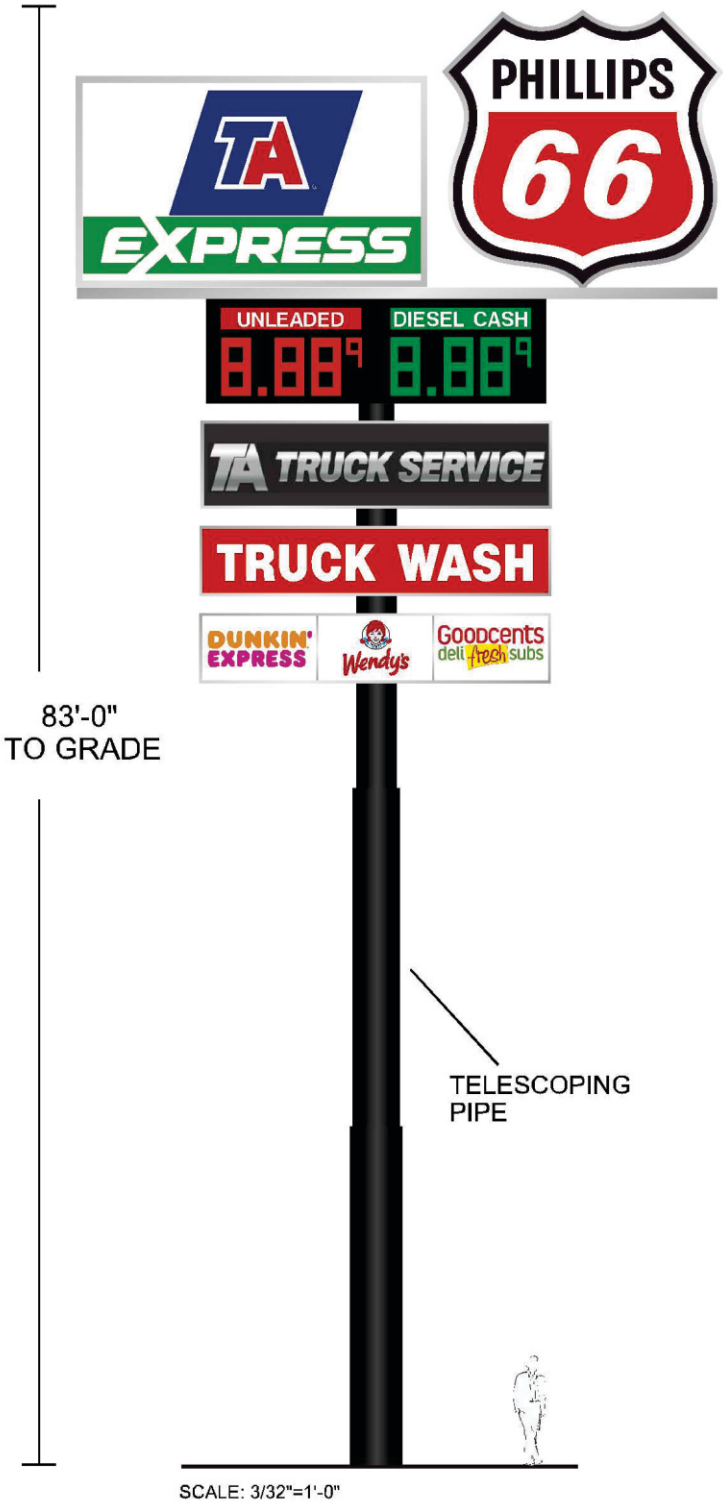
Notary Public

My Commission Expires:

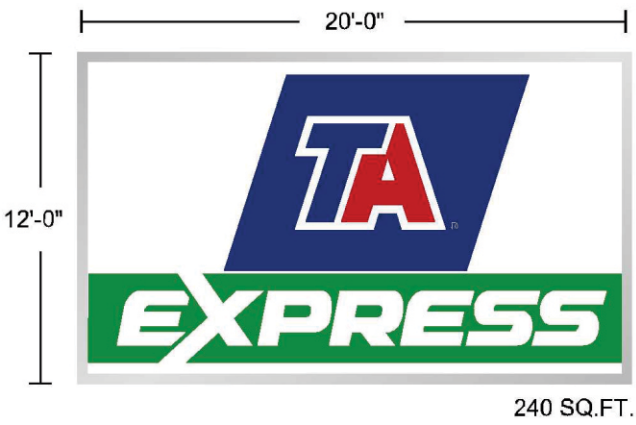
8-28-2023

(SEAL)

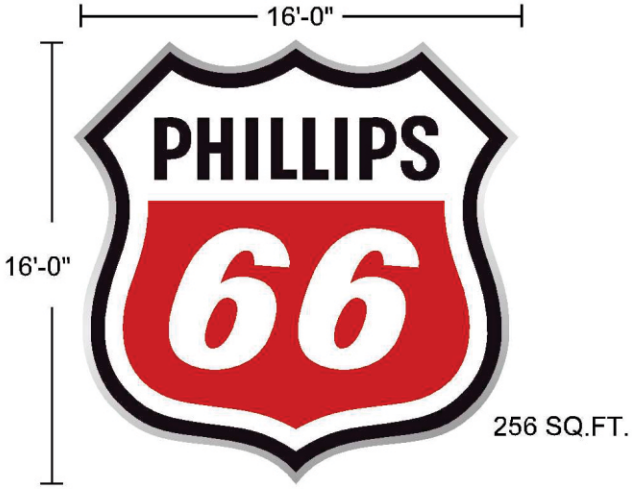
STACY BREAKER
Notary Public, State of Kansas
My Appointment Expires
8-28-2023



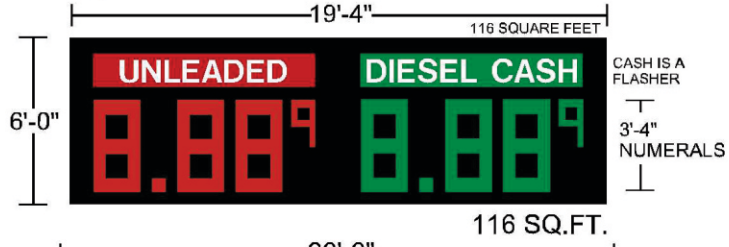
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240 SQ.FT.



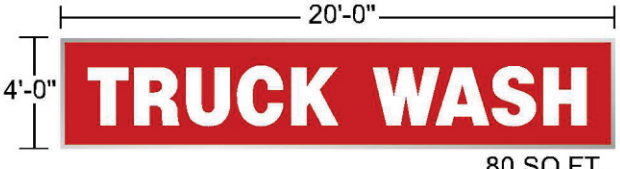
256 SQ.FT.



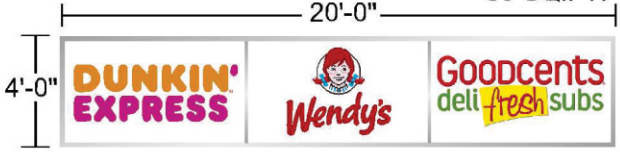
116 SQ.FT.



100 SQ.FT.



80 SQ.FT.



SEPARATE FACES
W/ DIVIDER BAR

80 SQ.FT.

SIGN SPECIFICATIONS:

ONE, DOUBLE FACE, INTERNALLY ILLUMINATED PYLON SIGN WITH GAS PRICER.

KC SIGN EXPRESS INCORPORATED
5033 MACKEY STREET
OVERLAND PARK, KS. 66203

FILE NAME	TAEXPRESSDR12021.PLT	DATE	1.21.21	% ALLOWED	N/A
ACCOUNT	TA EXPRESS	SCALE	ABOVE	BLDG SQ FT	
ADDRESS	32501 W. 200TH TERRACE	SALESPERSON	ROBIN D'ANGELO	SQ FT ALLOWED	900
	EDGERTON, KS.	DESIGNER	JAY JENSEN	SIGN SQUARE FT	872
		FONT	CUSTOM		

CUSTOMER INFORMATION

REQUIRED POWER SOURCE PROVIDED BY CUSTOMER FOR FINAL CONNECTION.

ANY ROOF MEMBRANE PENETRATION BY OTHERS.

NOTES:
STRUCTURAL BLOCKING BEHIND WALL FOR MOUNTING MUST BE SUFFICIENT FOR INSTALLATION.

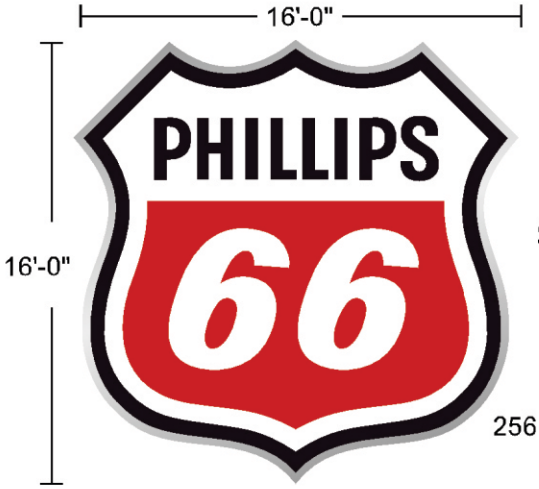
NESSESSARY ACCESS MUST BE MADE AVAILABLE INSIDE FOR INSTALLATION/WIRING.

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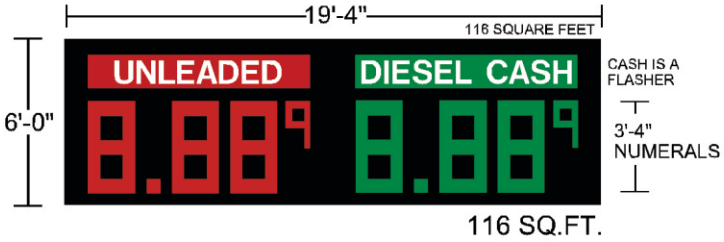
240 SQ.FT.

ONE DOUBLE FACE, INTERNALLY ILLUMINATED CABINET SIGN.
FACES: HIGH RESOLUTION GRAPHICS PRINTED
ON WHITE PANAFLEX.
CABINET: PAINTED BRUSHED ALUMINUM.



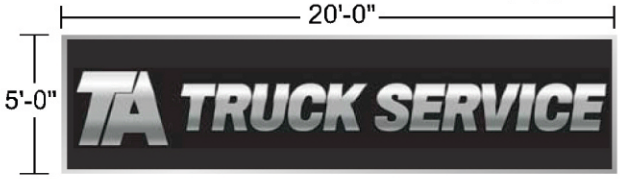
256 SQ.FT.

SHIP-IN ONE, DOUBLE FACE CABINET



116 SQ.FT.

SHIP-IN TWO, SINGLE FACE PRICE SIGNS



100 SQ.FT.

TWO, SINGLE FACE, INTERNALLY ILLUMINATED CABINET SIGNS.
FACES: WHITE POLYCABONATE
GRAPHICS: HIGH RESOLUTION TRANSLUCENT DIGITAL PRINTS ON VINYL.
CUSTOMER TO PROVIDE VECTOR OR HIGH RESOLUTION ART FILE.
CABINET: PAINTED BRUSHED ALUMINUM.



80 SQ.FT.

TWO, SINGLE FACE, INTERNALLY ILLUMINATED CABINET SIGNS.
FACES: WHITE POLYCABONATE
GRAPHICS: HIGH RESOLUTION TRANSLUCENT DIGITAL PRINTS ON VINYL.
CABINET: PAINTED BRUSHED ALUMINUM.



SEPARATE FACES
W/ DIVIDER BAR

80 SQ.FT.

TWO SINGLE FACE, INTERNALLY ILLUMINATED CABINET SIGNS.
ALL INDIVIDUAL FACES, SEPARATED BY DIVIDER BARS.
FACES: WHITE POLYCARBONATE.
GRAPHICS: TRANSLUCENT VINYL PER CUSTOMER PROVIDED COLORS.
CABINETS: PAINTED BRUSHED ALUMINUM

KC SIGN EXPRESS INCORPORATED
5033 MACKEY STREET
OVERLAND PARK, KS. 66203

FILE NAME	TAEXPRESSPYLONSPECSDR.PLT	DATE	1.21.21	% ALLOWED	N/A
ACCOUNT	TA EXPRESS	SCALE	ABOVE	BLDG SQ FT	
ADDRESS	32501 W. 200TH TERRACE	SALESPERSON	ROBIN D'ANGELO	SQ FT ALLOWED	900
	EDGERTON, KS.	DESIGNER	JAY JENSEN	SIGN SQUARE FT	872
		FONT	CUSTOM		

CUSTOMER INFORMATION

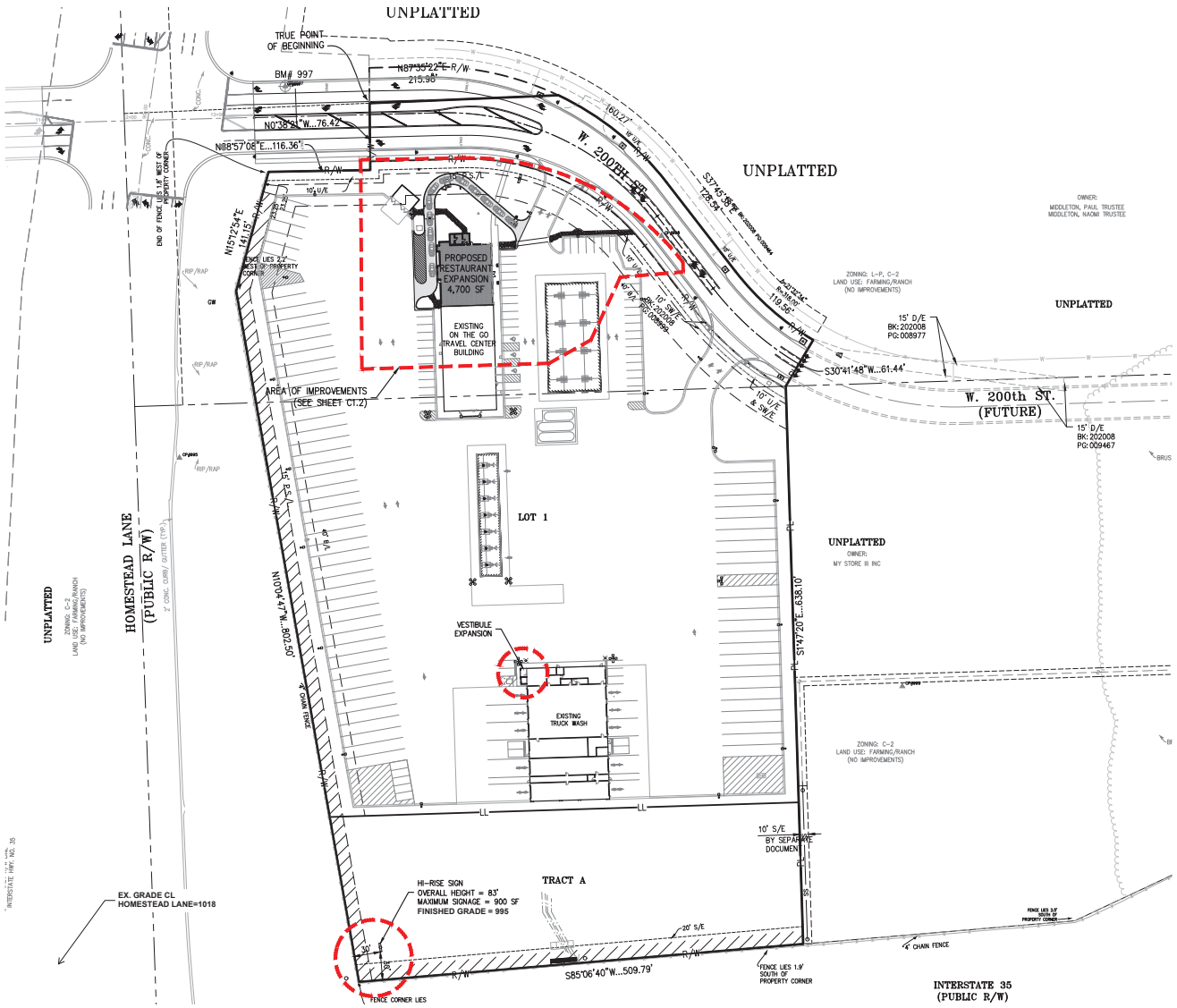
REQUIRED POWER SOURCE PROVIDED BY CUSTOMER FOR FINAL CONNECTION.

ANY ROOF MEMBRANE PENETRATION BY OTHERS.

NOTES:
STRUCTURAL BLOCKING BEHIND WALL FOR MOUNTING MUST BE SUFFICIENT FOR INSTALLATION.

NESSESSARY ACCESS MUST BE MADE AVAILABLE INSIDE FOR INSTALLATION/WIRING.

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SITE PLAN NOTES:

1. All construction materials and procedures on this project shall conform to the latest revision of the following governing requirements, incorporated herein by reference:
   A) City ordinances & O.S.H.A. Regulations.
   B) The City of Gardner Technical Specifications and Municipal Code.
2. The contractor shall have one (1) signed copy of the plans (approved by the City) and one (1) copy of the appropriate Design and Construction Standards and Specifications at the job site at all times.
3. The contractor will be responsible for securing all permits, bonds and insurance required by the contract documents, City of Gardner, Kansas, and all other governing agencies (including local, county, state and federal authorities) having jurisdiction over the work proposed by these construction documents. The cost for all permits, bonds and insurance shall be the contractors responsibility and shall be included in the bid for the work.
4. The contractor is responsible for coordination of his and his sub-contractor's work. The contractor shall assume all responsibility for protecting and maintaining his work during the construction period and between the various trades/sub-contractors constructing the work.
5. The demolition and removal(or relocation) of existing pavement, curbs, structures, utilities, and all other features necessary to construct the proposed improvements, shall be performed by the contractor. All waste material removed during construction shall be disposed off the project site. The contractor shall be responsible for all permits for hauling and disposing of waste material. The disposal of waste material shall be in accordance with all local, state and federal regulations.
6. Contractor shall be responsible for all relocations, including but not limited to, all utilities, storm drainage, sanitary sewer services, signs, traffic signals & poles, etc. as required. All work shall be in accordance with governing authorities specifications and shall be approved by such. All cost shall be included in base bid.
7. All existing utilities indicated on the drawings are according to the best information available to the Engineer; however, all utilities actually existing may not be shown. The contractor shall be responsible for contacting all utility companies for an exact field location of each utility prior to any construction. All underground utilities shall be protected at the contractor's expense. All utilities, shown and unshown, damaged through the negligence of the contractor shall be repaired or replaced by the contractor at his expense.
8. The contractor will be responsible for all damage to existing utilities, pavement, fences, structures and other features not designated for removal. The contractor shall repair all damages at his expense.
9. The contractor shall verify the flow lines of all existing storm or sanitary sewer connections and utility crossings prior to the start of construction. Notify the engineer of any discrepancies.
10. SAFETY NOTICE TO CONTRACTOR: In accordance with generally accepted construction practices, the contractor shall be solely and completely responsible for conditions of the job site, including safety of all persons and property during performance of the work. This requirement will apply continuously and not be limited to normal working hours. Any construction observation by the engineer of the contractor's performance is not intended to include review of the adequacy of the contractor's safety measures, in, on or near the construction site.
11. Refer to the building plans for site lighting electrical requirements, including conduits, pole bases, pull boxes, etc.

LEGAL DESCRIPTION:

ALL THAT PART OF ON THE GO TRAVEL CENTER, FIRST PLAT, A SUBDIVISION IN GARDNER, JOHNSON COUNTY, KANSAS.

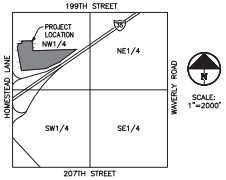
GROSS AREA = ±12.210 ACRES / ±531,889 SQ.FT.

FLOOD NOTE:

THIS PROPERTY LIES WITHIN FLOOD ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE LIMITS OF THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE INCORPORATED AREAS OF JOHNSON COUNTY, KANSAS, COMMUNITY NO. 200158, PANEL NO. 0134G, DATED AUGUST 3, 2009.

LEGEND

- PL — PROPERTY LINE
- LL — LOT LINE
- R/W — RIGHT-OF-WAY
- 2' CURB & GUTTER
- B/L — BUILDING SETBACK LINE
- P/S — PARKING SETBACK LINE
- L/S — LANDSCAPE SETBACK LINE
- STANDARD DUTY ASPHALT PAVEMENT
- PROPOSED BUILDING
- CONCRETE PAVEMENT
- CONCRETE SIDEWALK



VICINITY MAP
SEC. 10-T15S-R22E

SITE DATA

SITE AREA TOTAL:	531,889± SQ.FT./12.21± AC.
ZONING EXISTING	C-2
PROPOSED RETAIL BUILDING (1-STORY)	4,700 S.F. ~~4,200 S.F.~~
PROPOSED BUILDING (1-STORY)	7,200 S.F.
PROPOSED TRUCK WASH (1-STORY)	13,747 S.F.
PROPOSED # OF EMPLOYEES (MAX SHIFT)	10 EMPLOYEES

VEHICULAR PARKING DATA

	PROVIDED	REQUIRED
PROPOSED AUTO PARKING		
STANDARD STALLS (9'-0" X 20'-0")	~~76~~ 65	
ACCESSIBLE STALLS	4 4	
PUMPS	16 16	~~4 (76 - 100)~~ 51-75
TOTAL	~~96~~ 85	
PROPOSED SEMI-TRUCK PARKING		
TRUCK STALLS	66	
PUMPS	8	
SERVICE & WASH BAYS	5	
TOTAL	79	
PROPOSED BOB-TAIL TRUCK PARKING	8	

NOTE: AUTO PARKING INCLUDES THE 15 STALLS ADJACENT TO THE SERVICE & WASH BAYS.

811 Know what's below. Call before you dig.

UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN. UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.

SCALE: 1"=60'
0' 60' 120'

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OVERALL SITE PLAN

ON THE GO-TRAVEL CENTER-RESTAURANT EXPANSION
I-35 AND HOMESTEAD LANE
EDGERTON, JOHNSON COUNTY, KANSAS

No.	Revisions:	Date	By	Appr.

PROJECT NO. 200458 DRAWN: MRS
DATE: 01.21.21 CHECKED: DAF APPROVED: JDC
CERTIFICATE OF AUTHORIZATION NUMBER: E-1042
CERTIFICATE OF AUTHORIZATION NUMBER: 2000126
KANSAS ENGINEERING CORPORATION

SHEET C1

\\PHEJPS-SERVER\Projects\P\200458\Work\Permit Plans\SITE.dwg Layout:1 Jan 21, 2021 - 5:02pm Daniel Finn

EXCERPT – DRAFT MINUTES

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.

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 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.

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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

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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. Evergy 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.

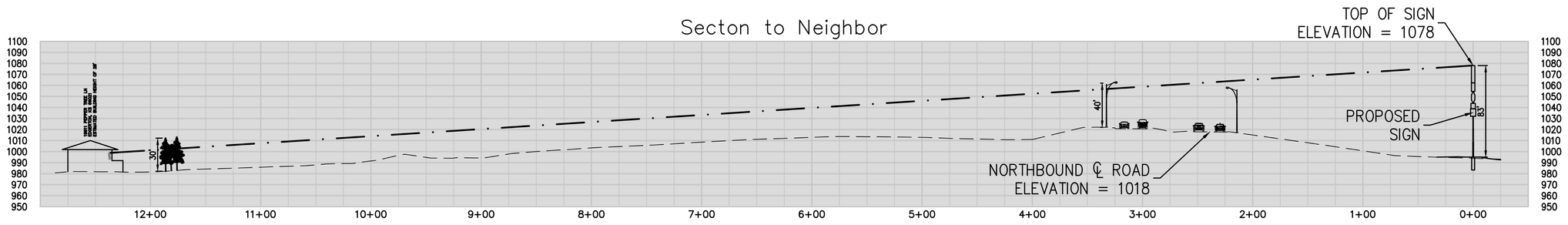
No further public comment was made at this time. Chairperson Daley closed the public hearing.

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.

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NEIGHBORS SIGHT DISTANCES

ON THE GO–TRAVEL CENTER–RESTAURANT EXPANSION
I–35 AND HOMESTEAD LANE
EDGERTON, JOHNSON COUNTY, KANSAS

By	App.	No.	Date	Revisions:

PROJECT NO. 200458
DATE: 04.15.21
CHECKED: DAF | APPROVED: JDC | DRAWN: MRR

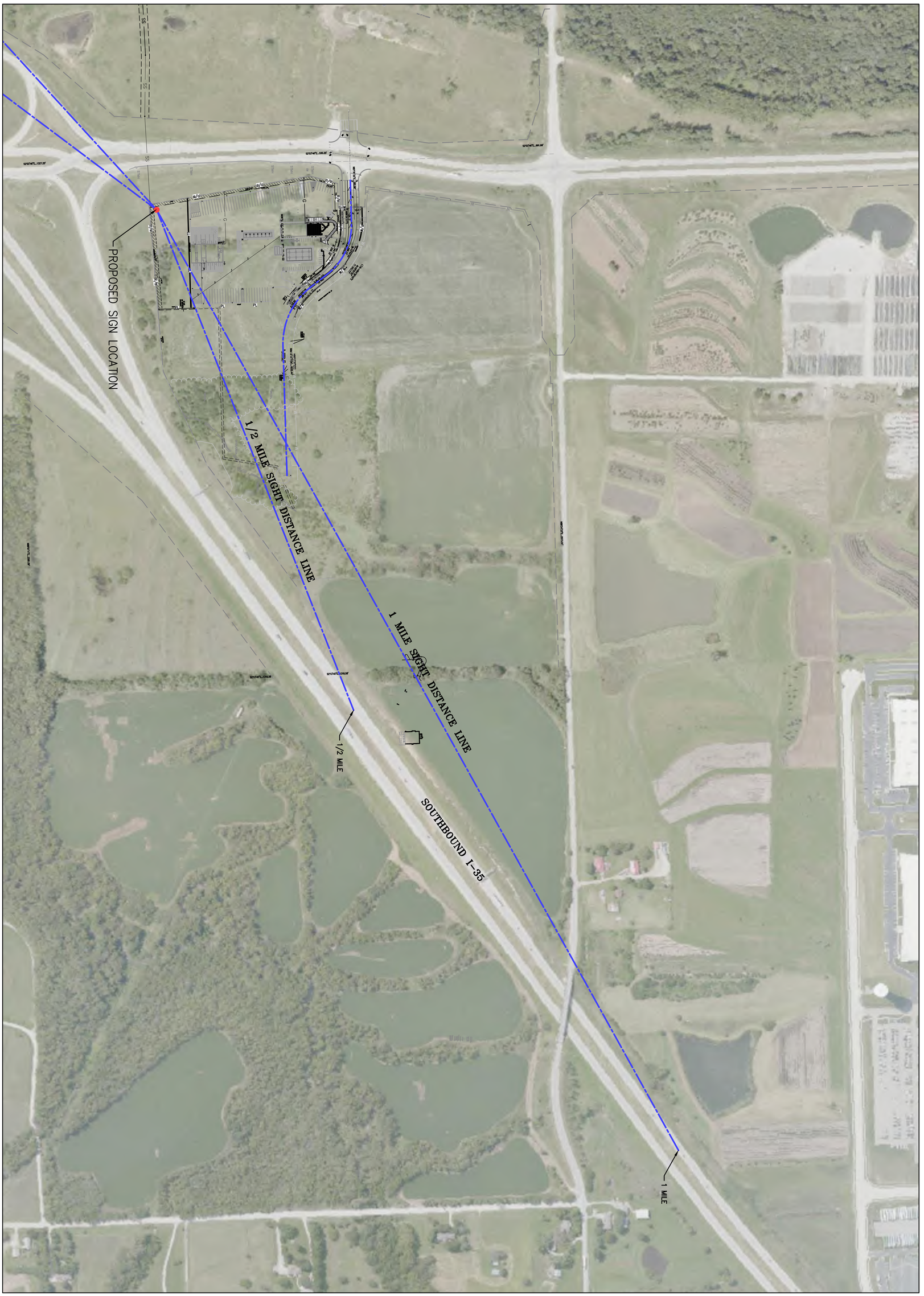
CERTIFICATE OF AUTHORIZATION
LAND SURVEYING – LS-82
ENGINEERING – E-361

CERTIFICATE OF AUTHORIZATION
LAND SURVEYING–2007001128
ENGINEERING–2008000369

SHEET
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\\PHELPS-SERVER\Projects\P\200458\dwg\Exhibits\Sign Site Distances.dwg Layout:1 Mar 23, 2021 - 1:34pm Daniel Finn



SHEET C5

PROJECT NO. 200458		No.	Date	Revisions:	By	App.
DATE: 03.04.21	DRAWN: MRR	1.	3/5/21	REVISED PER STAFF COMMENTS	MRR	DAF
CHECKED: DAF	APPROVED: JDC	2.	3/22/21	REVISED PER STAFF COMMENTS	MRR	DAF
CERTIFICATE OF AUTHORIZATION KANSAS LAND SURVEYING - LS-82 ENGINEERING - E-391						
CERTIFICATE OF AUTHORIZATION MISSOURI LAND SURVEYING-2007001128 ENGINEERING-2007005058						

SIGN SIGHT DISTANCES - SOUTHBOUND

ON THE GO-TRAVEL CENTER-RESTAURANT EXPANSION

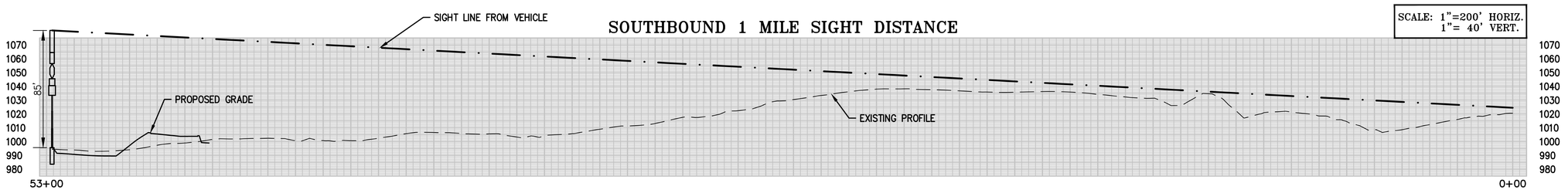
I-35 AND HOMESTEAD LANE

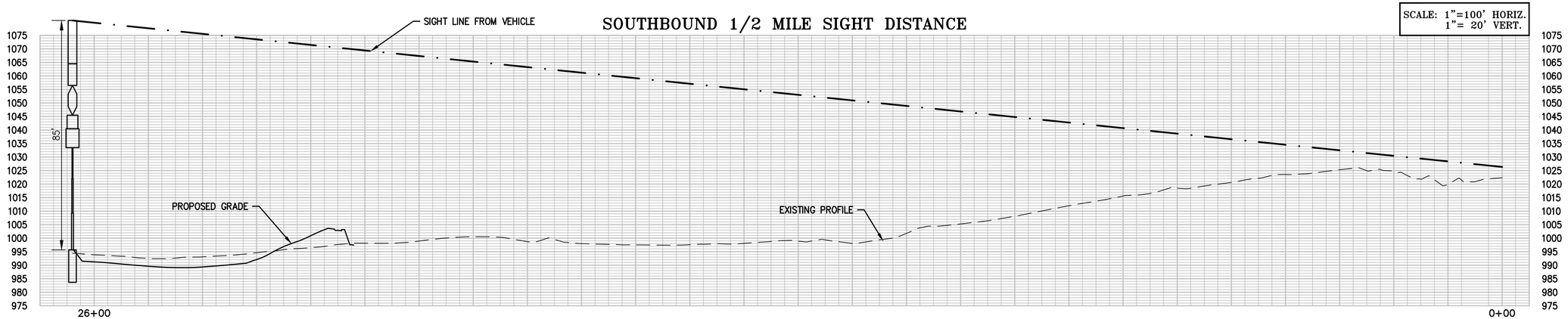
EDGERTON, JOHNSON COUNTY, KANSAS

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SIGN SIGHT DISTANCES – SOUTHBOUND

ON THE GO-TRAVEL CENTER-RESTAURANT EXPANSION
I-35 AND HOMESTEAD LANE
EDGERTON, JOHNSON COUNTY, KANSAS

No.	Date	Revisions:	By	App.
1.	3/5/21	REVISED PER STAFF COMMENTS	MRR	DAF
2.	3/22/21	REVISED PER STAFF COMMENTS	MRR	DAF

PROJECT NO. 200458
DATE: 03.04.21 | DRAWN: MRR
CHECKED: DAF | APPROVED: JDC

CERTIFICATE OF AUTHORIZATION
LAND SURVEYING - LS-82
ENGINEERING - E-391

CERTIFICATE OF AUTHORIZATION
LAND SURVEYING-2007001128
ENGINEERING-2007000268

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C5.1

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SHEET C5.2

PROJECT NO. 200458	No.	Date	Revisions:	By	App.
DATE: 03.04.21 DRAWN: MRR	1.	3/5/21	REVISED PER STAFF COMMENTS	MRR	DAF
CHECKED: DAF APPROVED: JDC	2.	3/22/21	REVISED PER STAFF COMMENTS	MRR	DAF
CERTIFICATE OF AUTHORIZATION KANSAS LAND SURVEYING - LS-82 ENGINEERING - E-391					
CERTIFICATE OF AUTHORIZATION MISSOURI LAND SURVEYING- 2007001128 ENGINEERING- 2007005058					

SIGN SIGHT DISTANCES – NORTHBOUND

ON THE GO–TRAVEL CENTER–RESTAURANT EXPANSION

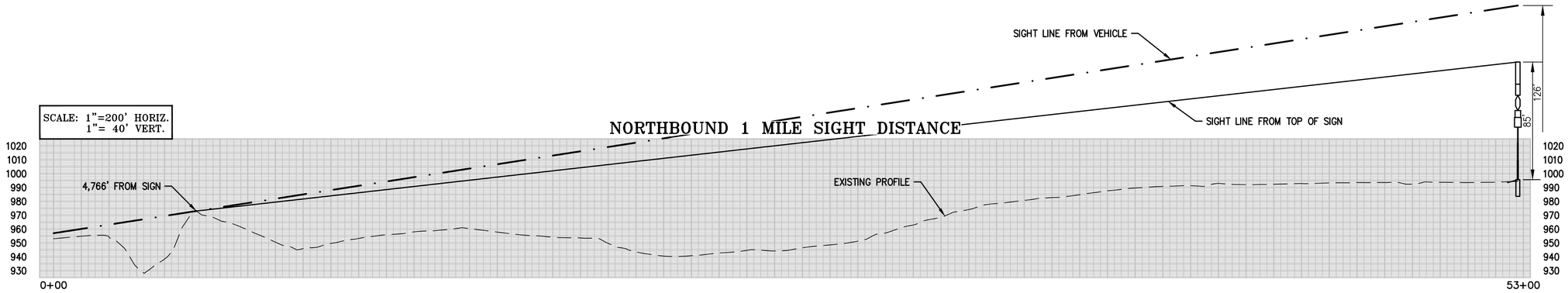
I–35 AND HOMESTEAD LANE

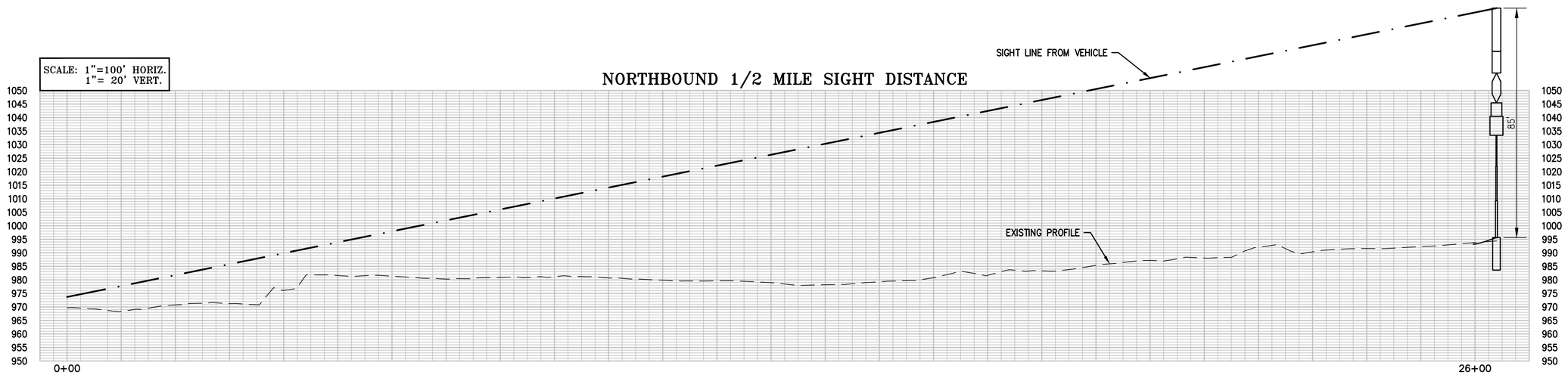
EDGERTON, JOHNSON COUNTY, KANSAS

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LICENSED PROFESSIONAL ENGINEER JOHN D. CLARK NUMBER PE-2003018227 STATE OF KANSAS 03/22/21





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SIGN SIGHT DISTANCES – NORTHBOUND

ON THE GO-TRAVEL CENTER-RESTAURANT EXPANSION
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ENGINEERING - E-391

CERTIFICATE OF AUTHORIZATION
LAND SURVEYING-2007201128
ENGINEERING-2007200268

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