

EDGERTON PLANNING COMMISSION AGENDA

June 12, 2012

7:00 PM

1. Call meeting to order (7:00 p.m.)

2. Roll Call:

A. Members:

Phyllis Harris, Chairperson

Present / Absent

Betsy Rhomberg, Co-Chair

Present / Absent

Maria O'Neill, Secretary

Present / Absent

Bob O'Neill

Present / Absent

Chuck Davis

Present / Absent

Missy Drinkard

Present / Absent

Chris Coffman

Present / Absent

Jim Osmun

Present / Absent

Ron Conus

Present/Absent

Thomas McClusky, Alternate

Present/Absent

3. Approval of Minutes:

A. May 8, 2012

5. Guests Present:

A.

B.

6. Communications:

7. Public Hearing:

A. Continuation of public hearing in regards to Rezoning Application Case No. RZ-05-08-12 requesting a change in zoning from Johnson County zoning to Logistics Park District (L-P) on a portion of property located in the Northeast, Southeast, and Southwest Quarters of Section 34, Township 14 South, Range 22 East, containing 191.616 acres more or less, in the vicinity of 191st Street and Waverly Road. Applicant: The Allen Group of Kansas City, LLC.

Action requested: Re-open the hearing and consider motion to close and make recommendation.

9. Other Items:

10. Future Meeting – Regular meeting – July 10, 2012

11. Adjournment:

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING

May 8, 2012

7:00 p.m.

The Edgerton Planning Commission met in regular session at 7:00 p.m. with Chair Harris presiding. The Roll Call was answered indicating those present were: Commissioners Phyllis Harris, Maria O'Neill, Bob O'Neill, Chuck Davis, Chris Coffman, Jim Osmun, Ron Conus, and alternate Thomas McClusky. Absent were Commissioners Missy Drinkard and Betsy Rhomberg. Chair Harris declared a quorum is present. Also present was City Administrator Beth Linn.

Approval of the minutes of April 10, 2012 was considered. Motion by B. O'Neill, seconded by Osmun, to approve. The motion passed 8-0.

Guests present were Timothy Gates – Agnes Gates Realty, Dean Palos – Johnson County Planning, and James Reese - M & M Transport.

A public hearing to consider Rezoning Case No. RZ-05-08-12 requesting a change in zoning from Johnson County zoning to Logistics Park District (L-P) on a portion of property located in the Northeast, Southeast, and Southwest Quarters of Section 34, Township 14 South, Range 22 East, containing 191.616 acres more or less, in the vicinity of 191st Street and Waverly Road, applicant being The Allen Group of Kansas City, LLC, was opened.

Motion by Davis, seconded by B. O'Neill, to continue the hearing until June 12, 2012. Passed 8-0.

Reconsideration of proposed amendments to the Edgerton Unified Development Code (UDC) Article 7 Conditional Uses and Article 15 Definitions, as directed by the City Council, was considered.

Timothy Gates spoke about many sites that are smaller, indicating that many of these types of businesses cannot support the larger acreage. It was noted the Mayor has seen these locations within parcels smaller than 20 acres, especially when farther from the intermodal site, but that paved surfaces should be required.

Mr. Reese indicated support with millings, but noted the size is an issue when making sure everything on the site is secure, kept neat and tidy. He addressed the facility in Kansas City, Kansas. Mr. O'Neill asked about the lot sizes in Alliance. The response was varied, but ten (10) acres or larger and noted he has not seen a slow down. Mr. Reese that up and down the business, the initial investment in land is very expensive.

Dean Palos provided history concerning complaints from neighbors about storage and inaccessibility.

He stated the purpose of this action is not to prevent development, but require adequate infrastructure and buffering. He added the purpose was also to prevent adverse effects and provide for setbacks.

It was questioned what the property selling prices are. Mr. Gates indicated \$1.00 - \$1.50 per square foot.

Mr. O'Neill stated it is irresponsible for the sites not to be paved, adding he was okay with ten (10) acre minimums.

Mr. Reese indicated the dust will foul the switching on the railroad, adding these uses need to be done safely and efficiently.

Mr. O'Neill stated favor with a change of minimum of eight (8) acres.

Mr. Osmun stated favor with minimum of ten (10) acres.

Mr. Davis stated he would not budge for a no pavement requirement and stated the need for at least ten (10) acre minimum.

Motion by Davis, seconded by Coffman, to remain with the original recommendation. The vote was 7-1; motion passed.

Motion by Osmun, seconded by B. O'Neill, to adjourn. Motion approved 8-0.

The meeting adjourned at 8:15 p.m.

Debra S. Gragg
Acting Recording Officer

STAFF REPORT

June 4, 2012

To: Edgerton Planning Commission
Fr: Beth Linn, City Administrator
Mike Mabrey, City Superintendent/Zoning Administrator
Re: RZ-05-08-2012, L-P (Logistics Park) District Rezoning, NW Corner, 191st and Waverly Road

APPLICATION INFORMATION

Applicant: Patrick Robinson, The Allen Group

Property Owner: Burlington Northern Sante Fe (BNSF) Railway Company

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

Legal Description: Part of Section 34, Township 14, Range 22

Site Address/Location: Approximately 192 acres at the Northwest Corner of 191st Street and Waverly Road

Existing Land Use: Vacant

Surrounding Zoning and Uses: BNSF Intermodal Facility under construction to the north and west in the City of Edgerton; homes on rural acreage, farming, and vacant land to the south and southwest, across 191st Street, in unincorporated Johnson County and the City of Edgerton; and farming and vacant land to the southeast and east in unincorporated Johnson County. The City of Gardner lies one-half mile to the east

Existing Improvements: None

Site Size: Approximately 192 acres

Reason For Rezoning Request: This is the first phase of development of the Allen Group's Logistics Park, associated with the BNSF intermodal facility currently under construction to the north of the subject site (*please see attached preliminary plan*). The intermodal facility's purpose is to transfer loaded cargo containers from trains to trucks. BNSF owns 1,000 acres, annexed into the City in 2010, to develop both the intermodal facility and an adjacent warehouse industrial (logistics) park. The Allen Group, the applicant for this project, is BNSF's partner for developing warehousing which is planned to eventually surround the intermodal facility.

Background Information

The subject property is located at the Northwest Corner of 191st Street and Waverly Road. The land included in this first phase has about 2,930 ft. of frontage on 191st and 3,650 ft. of frontage on Waverly. The property is entirely within the City of Edgerton.

The requested zoning is L-P, Logistics Park. The City's Unified Development Code (UDC) defines this district as a limited multimodal industrial zone created to support activities related to trade, rail and other transport services. The applicant has provided a site plan indicating plans for warehouse uses in this first phase, but the plan provided is only a prototype. Actual site plans will be submitted for Planning Commission and Council approval at a later time.

Infrastructure and Services:

- a. Johnson County's *Comprehensive Arterial Road Network Plan* (CARNP) designates both Waverly Road and 191st Streets as a Type I Arterial Roads. Waverly Road extends north to 56 Highway and beyond into the City of Gardner. To the south, it dead-ends before reaching I-35. 191st Street is expected to provide primary access to the development and for traffic from the development to Homestead Lane and the new I-35 interchange to the south.
- b. The Kansas Department of Transportation (KDOT) is preparing to construct a new interchange and road improvements at Homestead Lane and I-35 at a cost of over \$20 million. The new interchange and improvements, as well as extension of Homestead Lane to 191st Street, will provide direct access to the entire BNSF development.
- c. All of the property is located within the Big Bull Creek watershed, which flows south from 167th Street to the southern edge of the county at Homestead Lane.
- d. A small portion of the southeast corner of the property is located within the flood plain of a tributary of Bull Creek. Flood Plain Development Permits will be required to develop within this designated floodplain area.
- e. The property does not currently have sanitary sewer service. The City of Edgerton, however, will soon begin construction of sanitary sewers to service to the new Burlington Northern Santa Fe (BNSF) intermodal site, this site, and related development.
- f. The property is located within the service area of Rural Water District No. 7. A 12-inch water line is located along the 191st Street property frontage and a 2-inch water line is located along the Waverly Road frontage.
- g. Police protection is provided by the Johnson County Sheriff's Department under contract with the City of Edgerton. Fire protection is provided by Johnson County Rural Fire District No. 1. The nearest fire station is located in the City of Edgerton, approximately 1.5 miles to the west.

Property Zoning History

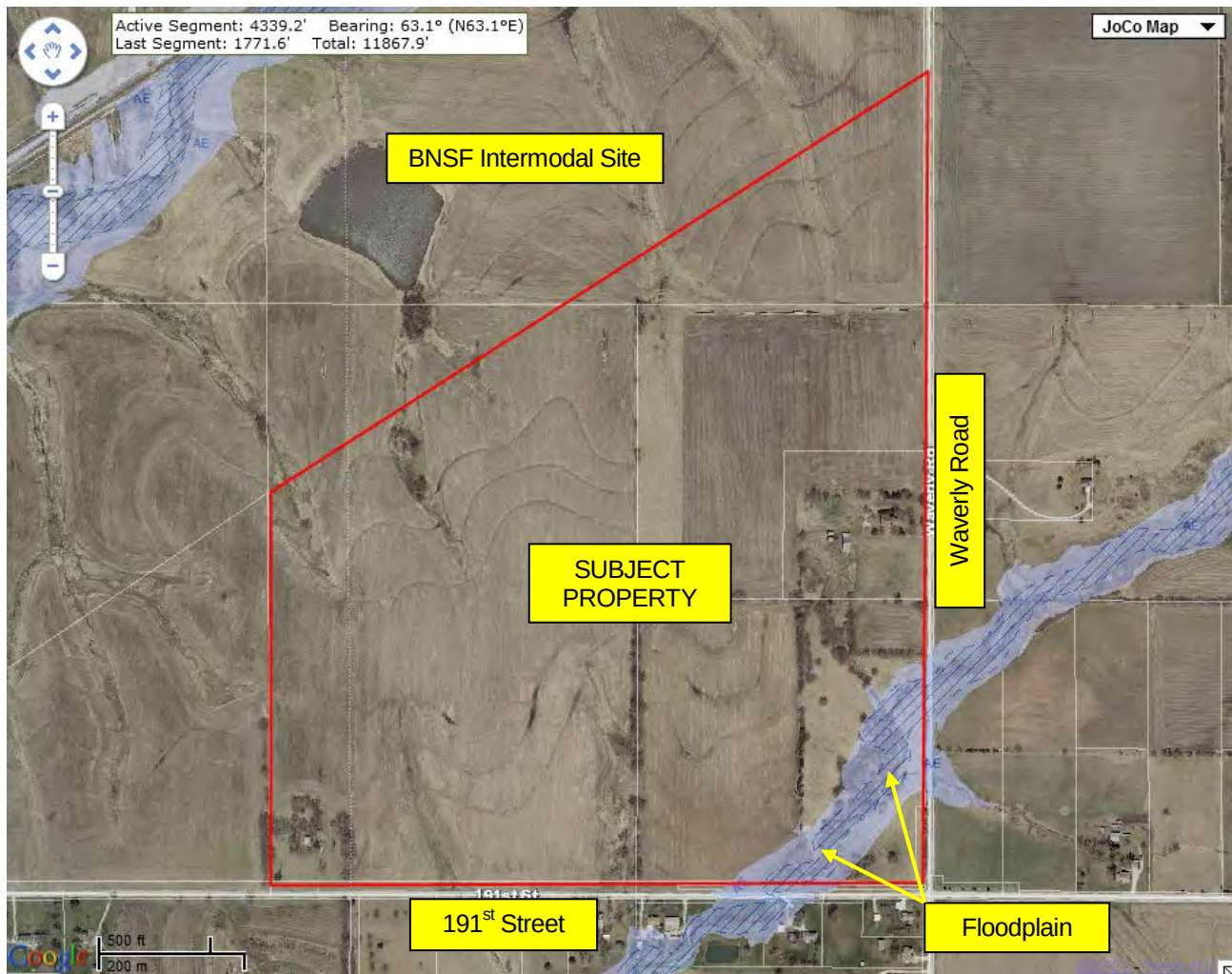
The subject property was annexed to the City of Edgerton in 2010, in anticipation of this development. The property was annexed into the City of Gardner in 2008, but was de-annexed by Gardner before annexation into Edgerton. Prior to that, the property was in unincorporated Johnson County and zoned RUR, Rural District.

Staff Analysis

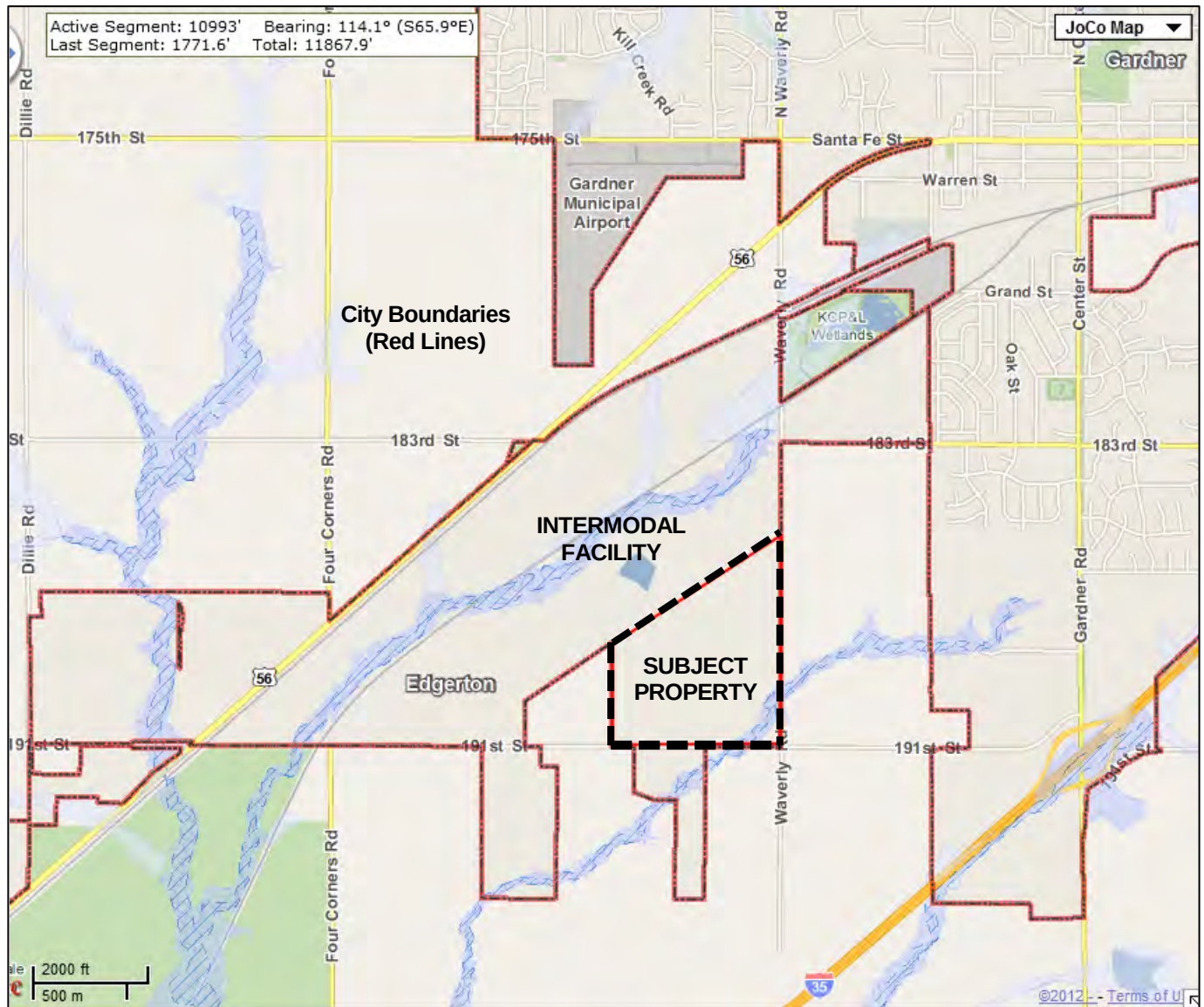
Staff has reviewed this rezoning application with respect to the Edgerton Unified Development Code, the laws in Kansas, and the “Golden Criteria” as established by the Supreme Court of Kansas in 1978. The following is staff’s review.

1. Need for the Proposed Change. The subject property has County zoning. Given the property’s location next to the new BNSF intermodal facility, the anticipated uses of the property are warehouse and warehouse accessory uses. The L-P Zoning District is the most compatible designation for these uses.
2. Magnitude of the Change. The existing County zoning is considered a holding designation due to the property’s location next to the intermodal facility. The property is vacant. The magnitude of change is not considered extreme or rare when property is being developed for its planned end use as shown on Edgerton’s Future Land Use Map within the Comprehensive Plan (*attached*).

Subject Property



Vicinity Map



3. Whether or not the change will bring harm to established property rights. The properties likely most affected by this proposed zoning are the parcels in residential use adjacent to the south. If rezoned L-P, as requested, a separate Site Plan review and approval will be required before building permits can be issued. As part of this site plan review, with the proper attention to buffering and setbacks, transition of uses between the residential uses and the proposed logistics park, the residential uses to the south can be protected.
4. Effective use of Land. Logistics Park development, at this location is an effective and efficient use since the property is adjacent to the intermodal facility. Warehousing will buffer rail yard noise and concentrate activity around it rather than dispersing it throughout the community.
5. The extent to which there is a need in the community for the uses allowed in the proposed zoning. Placing warehouse facilities adjacent to the intermodal rail yard puts an intermediate destination for some of the goods in transit in close proximity to their rail origin, reducing truck traffic in the surrounding area and allowing for more efficient goods distribution.

6. The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space. The BNSF Intermodal Facility is under construction to the north and west. There are homes on rural acreage, farming, and vacant land to the south and southwest, across 191st Street; and farming and vacant land to the southeast and east. The City of Gardner lies one-half mile to the east. The area is primarily rural now, but with intermodal development, extensive road improvements, and the new I-35 interchange nearby, the character of the area is changing significantly. The regional parks and floodplain areas will generally remain undeveloped, acting as open space, which will help to retain some of the existing rural character of the area.
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 property to the north and west. At the time of site plan review, with the proper attention to buffering and setbacks, stormwater management, and transition of uses, the residential uses to the south can be protected.
8. Suitability of the uses to which the property has been restricted under its existing zoning. The existing County zoning is a holding designation for this property. With the construction of the intermodal freight terminal adjacent to the north, the best use of this property has become industrial.
9. Length of time the subject property has remained vacant under the current zoning designation. The property has been vacant since being annexed into the City of Edgerton in 2010 and has been held vacant in anticipation of this application since being purchased by BNSF in 2006. The property was in agricultural use in unincorporated Johnson County before being purchased by BNSF Railroad.
10. The extent to which the zoning amendment may detrimentally affect nearby property. As noted, at the time of site plan review, with the proper attention to buffering and setbacks, stormwater management, and possibly transition of uses, the residential uses to the south can be protected.
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 and no development plan has been submitted by the applicant at this time. This consideration will occur during the Site Plan review process prior to development of the property.
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. Waverly Road and 191st Street will be improved to a standard that can accommodate the anticipated development of this property. The developer will need to address improvements prior to or as part of the Site Plan review process. Utilities will be provided by the developer in conjunction with development of the property.
13. The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property. Waverly Road and 191st Street will be improved to a standard that can accommodate development traffic in the area. The developer will need to address improvements prior to or as part of the Site Plan review process. On-street parking will not be allowed on either street. The developer will be required to comply with the City's UDC off-street parking requirements as part of the Site Plan review process.

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 NPDES (stormwater management requirements) guidelines that require the developer 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. Prior to the development of the BNSF intermodal and logistics park, there have been few commercial and industrial uses within the City. Warehousing and related uses allowed in the L-P District, if built, have the potential to benefit the residents and community in a positive way by providing needed jobs and tax revenues.
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 gain to the public health, safety and welfare of the City of Edgerton and the property owner would be denied a use compatible with its intermodal facility if the zoning is denied. The City would be adversely impacted due to the lost opportunity for jobs and tax revenue if the anticipated logistics park uses were to locate in another nearby community.
17. Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton. The Future Land Use Map (*attached*) within the Comprehensive Plan designates the subject property for industrial development at part of the BNSF Logistics Park.
18. The recommendation of professional staff. See Recommendation below

Recommendation

City staff recommends **approval** of the proposed rezoning of the subject property from County zoning to L-P, City of Edgerton Logistics Park Zoning District, with the following stipulations:

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

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

Attachments:

Logistics Park Preliminary Development Plan (Prototype)

City of Edgerton Future Land Use Map

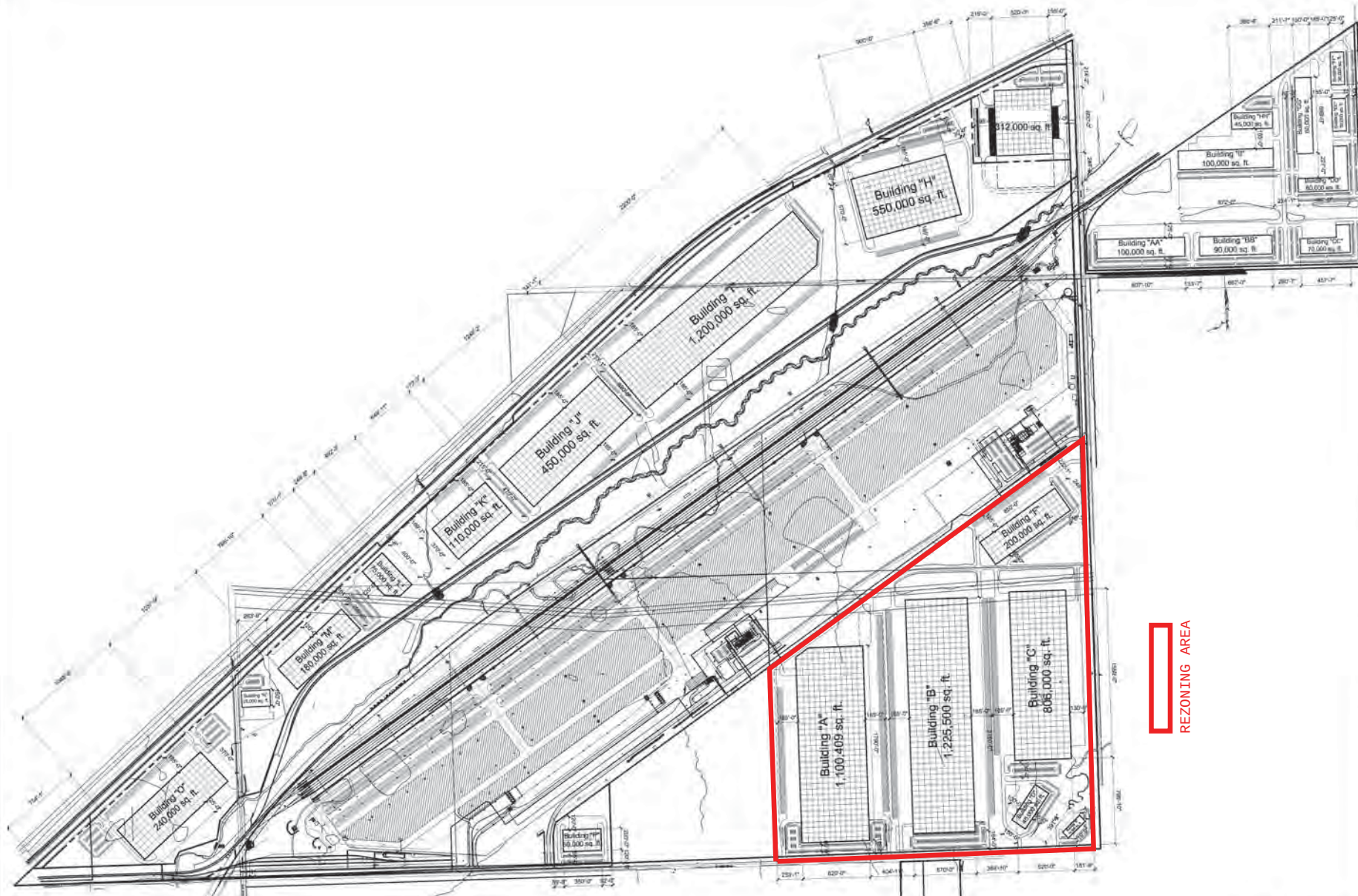
a preliminary layout for

Logistics Park KC

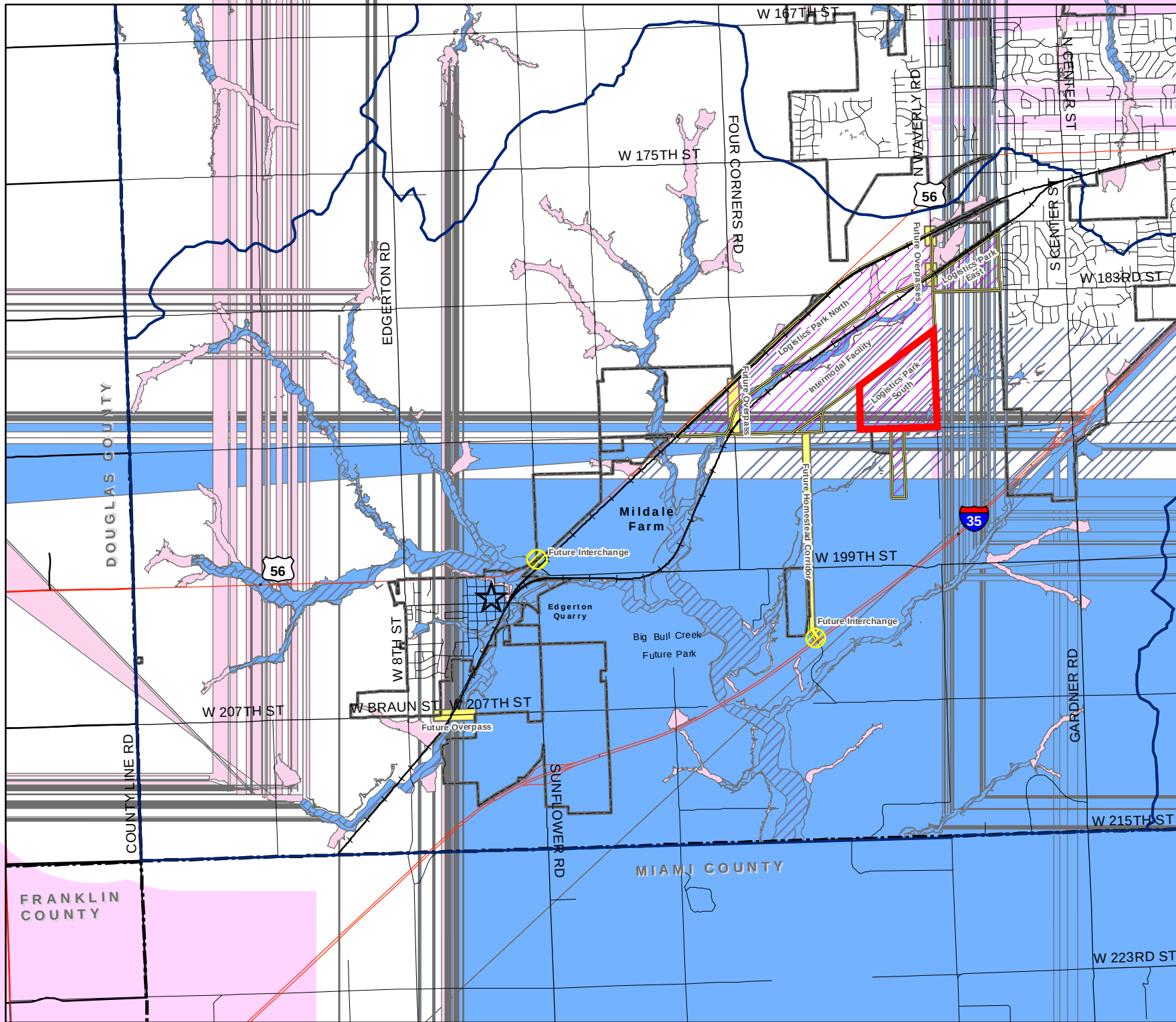
191st Street & Waverly Road
Edgerton, Kansas

date
drawn by
checked by
revisions

sheet number
A1.1
drawing type
drawing name
project number



1 | Site Plan



City of Edgerton

Johnson County
Kansas



Future Land Use Map

- Watersheds
- Ag/Rural Residential
- Commercial (Retail/Office)
- 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

- X500 Areas of 500-year floodplain.
- 1% FUTURE 1% annual chance flood (future conditions)
- A No base flood elevations determined.
- AE Base flood elevations determined.
- AE, FW Floodway areas in zone AE.
- HAZ Flood depths of 1 to 3 ft, avg. depths determined.
- N/A Area Not Included.

Disclaimer: The flood data shown on this map is FEMA 2009 2009 data. The 2009 floodplain information is not a warranty of accuracy or a guarantee of results. For more information contact your local floodplain administrator. <http://www.fema.gov>



Approved By Governing Body:
March 10, 2011