

EDGERTON COMMUNITY BUILDING
PLANNING COMMISSION MEETING
December 10, 2013
Minutes

The Edgerton Planning Commission met in regular session with Chair Harris calling the meeting to order at 7:00 p.m.

All present participated in the Pledge of Allegiance.

The Roll Call was answered, indicating those present were: Commissioners Phyllis Harris, Maria O'Neill, Bob O'Neill, Chuck Davis, Ron Conus, and Alternate Tom McClusky. Absent was Commissioner Missy Drinkard. Also present were City Administrator Beth Linn and Recording Officer, Debra S. Gragg.

Chair Harris declared a quorum was present.

MINUTES

Minutes of November 12, 2013 were considered. Motion by B. O'Neill, seconded by M. O'Neill, to approve the minutes as presented. The motion was approved, 6-0.

GUESTS

No guests were formally introduced.

COMMUNICATIONS

There were no communications made.

FINAL SITE PLAN

Amended final site plan, S-09-16-2013, TSL Edgerton Phase I of TSL Edgerton, located in the southwest corner of 191st Street and Waverly Road was considered. Owner: Tom Hastings, TranSpec Leasing, Inc.

The City Administrator informed the Commissioners this final site plan was previously considered, but noted the application was amended when presented to the Governing Body. She indicated this was sent back for consideration of the amended request. Ms. Linn indicated the request is to allow the two existing buildings shown on the plan to remain, adding they would be ADA compliant. She overviewed the building finishes and reviewed the Uniform Development Code (UDC) regulations for re-use of buildings.

Dan Cook, Renaissance Infrastructure Consulting (R·I·C), was present to address the matter for the applicant. He indicated the applicant agrees with staff's recommendations.

Commissioner B. O'Neill questioned if the stipulation for concrete was for the project over all. The response was this is only for Phase 1.

Commissioner Conus asked if there is any grandfathering for the exterior finish. The City Administrator indicated there is not.

Motion by M. O'Neill, seconded by B. O'Neill, to approve the amended final site plan with the following stipulations: 1) Revised final site plans shall be submitted prior to any building permit approvals or commencement of the use to address all Site Plan requirements in the Section 5.2 of Article 5 Logistics Park (L-P) and Section 10.1 of Article 10 Site Plan including all items listed; 2) Only the area shown as Phase I on the *amended* Site Plan dated December 3, 2013 shall be approved herein. Phase II and other future phases are not approved by this review and shall be reviewed by the Planning Commission in other applications yet to be submitted; 3) No signage is proposed with this application. Signage proposed later shall receive separate approval according to the provisions of the UDC; 4) No exterior lighting is proposed with this application. Lighting proposed later shall receive separate approval according to the provisions of the UDC; 5) Permanent paving of asphalt or concrete shall be completed by July 2014; 6) Utility connections for existing buildings and future phases shall be reviewed and approved by the City. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City. Plans for any sanitary sewer extension will need to obtain a KDHE permit; 7) All building permit and sign permit requirements of the City shall be met; 8) The City will not require at time of site plan approval the construction of sidewalks along 191st Street or street improvements for Waverly Road adjacent to the subject property. Prior to obtaining a building permit, the property owner will execute the necessary agreement to waive and relinquish any right he/she may have under K.S.A. 12-6a06 to protest the formation of a benefit district to pay for the construction of those sidewalks and street improvements adjacent to the above described property for a period of thirty (30) years, and that such agreement is intended to be a covenant running with the land for said period of time; and 9) Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein. The motion was approved, 6-0.

CONDITIONAL USE PERMIT

Amended conditional use permit, CU-09-16-2013, requesting a permit to allow use of land, in the L-P, Logistics Park Zoning District, generally located at the southwest corner of 191st Street and Waverly Road, for "Cargo Container Storage, Maintenance, and Repair Facilities" was considered. Owner: Tom Hastings, TranSpec Leasing, Inc.

The City Administrator announced this item was previously heard by the Planning Commission. She added the applicant made changes to the application submitted before the Governing Body. It was noted due to changes, the Governing Body remanded the request back to the Planning Commission for further review. She noted a new stipulation is proposed requiring compliance with ADA standards for existing buildings remaining for applicant's use.

Motion by Conus, seconded by M. O'Neill, to approve the conditional use permit with the following stipulations: 1) The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements. There is residentially zoned property abutting and across the street from the subject property. The application can comply with the requirement by not utilizing the Phase II area of the property and foregoing the use of the southern-most row of trailer parking in Phase 1. This condition shall be continually met until the residentially zoned property is changed to a nonresidential use; 2) The property shall be developed in accordance with the *amended* Site Plan, as approved by the City, prior to commencement of the cargo container storage use. Plant material shall be continuously maintained and replaced when dead. When the project is complete, new trees shall be added to fill the gaps in the existing trees (on the north and west property lines) to fulfill the screening requirements; 3) All existing building exteriors shall be modified in accordance with the City of Edgerton Unified Development Code. Applicant shall provide documentation for review and approval by City for service of utilities and compliance with ADA standards for all existing buildings to remain; 4) Cargo containers and chassis may be stored only in the designated, striped areas shown on the Site Plan; 5) No other outside storage of equipment or materials shall be allowed on the property; 6) Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans; and 7) This Conditional Use Permit shall be valid for ten years from approval by the City of Edgerton. The motion was approved, 6-0.

PUBLIC HEARING – FINAL SITE PLAN

A public hearing for Final Site Plan, S-11-15-2013, requesting approval for International Transload Logistics, Lot 1, located in the vicinity of the southeast corner of 191st Street and Homestead Lane, within the Northwest one-quarter of Section 3, Township 15, Range 22 containing approximately 31.860 acres more or less was opened. Owners: Omar and India Holtgraver. Agent: International Transload Logistics.

The Commissioners were informed this request is for Lot 1 and the purpose of this action is to operate a cargo container storage facility. The property is located near Homestead and 191st Street which are paved and designed to accommodate intermodal and logistic park traffic. Utility services are provided by Rural Water District No. 7 for water; sanitary sewer service through the Homestead Lane lift station; fire

protection by Johnson County Rural Fire District No. 1; and police protection by Johnson County Sheriff.

The Commissioners were informed the applicant has requested to use the existing single-family home for business purposes. It was noted that Type 2 perimeter buffering is required on the west property line to the back of the Transfer Dock building. The City Administrator reviewed the sheets for this request and noted the need for specifying permanent parking material and execution of an agreement not to protest formation of a benefit district for 191st Street sidewalk improvements, review for drainage needs; handicapped access to include parking spaces and ADA compatibility, access point at 191st Street, and existing buildings brought into compliance with UDC to include facing building with appropriate material, additional landscaping, etc. Ms. Linn stated this site is a unique composition and noted if staff's review lacks full comfort, it will be returned to the Planning Commission in January, 2014. Other comments noted were need for storm water study, cross-access easement, location for fire hydrants, scale of site plan adjusted for legibility, and depiction of electrical hookups to eliminate excessive idling.

Craig Swope, ITL, indicated his company is out of Chicago and holds a contract with Burlington Northern Santa Fe Rail Road. He spoke about the proposed use of existing buildings and increased landscaping. He noted the area would appear business-like and presentable with increased landscaping/buffering.

Commissioner B. O'Neill questioned the project's start date. Mr. Swope noted the asphalt cannot be added until after March or later, after the rainy season is over, overall – weather permitting.

John Rohderer spoke about the composite process which is used in Illinois; he indicated that is the proposed method for this project as well. The City Administrator indicated staff and the City Engineer will review and if this process is viable, the request will be brought back to the Commissioners to modify the code. She indicated if the material process is good, this would possibly be returned as an amended plan in January.

Motion by B. O'Neill, seconded by M. O'Neill, to close the hearing. The motion was approved, 6-0.

Motion by B. O'Neill, seconded by Conus, to approve the final site plan, with the following stipulations: 1) Revised final site plans shall be submitted prior to any building permit approvals or commencement of the use to address all Site Plan requirements in the Section 5.2 of Article 5 Logistics Park (L-P) and Section 10.1 of Article 10 Site Plan including all items listed; 2) Only the area shown as Phase I on the Site Plan shall be approved herein. Phase II and other future phases are not approved by this review and shall be reviewed by the Planning Commission in other applications yet to be submitted; 3) No signage is proposed with this application. Signage proposed later shall receive separate approval according to the provisions of the UDC; 4) No exterior lighting is proposed with this application. Lighting proposed later shall receive separate approval

according to the provisions of the UDC; 5) Utility connections for existing buildings and all future phases shall be reviewed and approved by the City. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City. Plans for any public sanitary sewer extension will need to obtain a KDHE permit; 6) All building permit and sign permit requirements of the City shall be met; 7) The City will not require at time of site plan approval the construction of sidewalks along 191st Street. Prior to obtaining a building permit, the property owner will execute the necessary agreement to waive and relinquish any right he/she may have under K.S.A. 12-6a06 to protest the formation of a benefit district to pay for the construction of those sidewalks and street improvements adjacent to the above described property for a period of thirty (30) years, and that such agreement is intended to be a covenant running with the land for said period of time; and 8) Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easements, roads and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein.

The motion was approved, 6-0.

PUBLIC HEARING - CONDITIONAL USE PERMIT

A public hearing for a Conditional Use Permit, CU-11-15-2013, for Lot 1, ITL, requesting approval for a conditional use permit to operate a cargo container storage, repair and maintenance facility located in the southeast corner of 191st Street and Homestead Lane, within the Northwest one-quarter of Section 3, Township 15, Range 22 containing approximately 31.860 acres more or less was opened. Applicant: Omar and India Holtgraver. Agent: International Transload Logistics (ITL).

The City Administrator reviewed the criteria and noted most of the process is the same as the rezoning request. She also overviewed this project for cargo container storage and compared the project to the "Golden Criteria." The stipulations were noted and staff recommended the permit be granted for ten (10) years, which would allow for the investment needed for the upgrade.

The Planning Commission Chair questioned if ITL is agreeable with the stipulations. The response was in the affirmative.

Motion by Davis, seconded by B. O'Neill, to close the hearing. The motion was approved, 6-0.

Motion by B. O'Neill, seconded by Conus, to approve the conditional use permit with the following stipulations: 1) The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums

and cargo container and chassis stacking height requirements, paving requirements, etc.; 2) The property shall be developed in accordance with the Site Plan, Landscaping Plan, and Photometric Plan as revised, as approved by the City, prior to commencement of the cargo container storage use; 3) All existing building exteriors shall be modified in accordance with the City of Edgerton Unified Development Code. Applicant shall provide documentation for review and approval by City for service of utilities and compliance with ADA standards for all existing buildings to remain; 4) Cargo containers and chassis may be stored only in the designated, striped areas shown on the Site Plan.; 5) No other outside storage of equipment or materials shall be allowed on the property; 6) Any future phases or additional areas used for cargo container maintenance and repair uses shall not commence until a Site Plan is submitted and approved by the City for that phase, including photometric and landscaping plans; and 7) This Conditional Use Permit shall be valid for ten (10) years from approval by the City of Edgerton. The motion was approved, 6-0.

PUBLIC HEARING – REZONING

A public hearing in regards to rezoning request, RZ-11-18-2013, requesting a change of zoning from Johnson County Rural (RUR) to City of Edgerton Logistics Park (L-P) for property located in Section 35, Township 14, Range 22 located approximately .2 miles east of Waverly Road on the north side of 191st Street containing 20 acres more or less was opened. Owners: William E and Lucy E. Dailey. Applicant/Agent: Lynn Boyd, JB Hunt.

The City Administrator overviewed the background, infrastructure and comparisons to the “Golden Criteria.” She noted the proposed use for the property is for a cargo container and truck storage facility. She also noted the property may need a holding tank for wastewater until a sewer line of extended to the property.

Discussion ensued regarding the improvement for 191st Street. It was noted there is a temporary pavement installed by KDOT, and added that the applicant should execute an agreement not to protest the formation of a benefit district for roadway, if warranted.

Motion by B. O’Neill, seconded by M. O’Neill, to close the public hearing. The motion was approved, 6-0.

Motion by B. O’Neill, seconded by Conus, to approve the rezoning 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 any grading on the subject property, a Land Disturbance Permit and a Stormwater Water Quality Management Plan shall be submitted and approved by the City; and 4) Prior to issuance of building permits, the property shall be developed in accordance with a Site Plan reviewed and approved by the City. The motion was approved, 6-0.

PUBLIC HEARING – PRELIMINARY PLAT

A public hearing for PP-11-18-2013, for Preliminary Plat for J. B. Hunt for preliminarily platting property in Section 35, Township 14, Range 22 located approximately .2 miles east of Waverly Road on the north side of 191st Street containing 20 acres more or less was opened. Owners: William E. and Lucy E. Dailey. Applicant/Agent: J.B. Hunt, Lynn Boyd.

The City Administrator provided an analysis of the preliminary plat for a proposed cargo container and truck storage facility. Items noted for addressing include: different name for the plat; adding a legend; adding proposed utility easements; dedicating drainage easement; extension of sanitary line through property; identification of all utility connections for buildings; execution of an agreement not to protest formation of a benefit district for 191st Street prior to issuance of a building permit; addition of proposed sidewalks and storm sewers; proposed entrances; include notation indicating public water and sewer provision as required by the Uniform Development Code Article 13.3 D 9. In addition, the applicants shall provide a traffic study.

Commissioner Davis spoke about the asphalt millings; staff noted potential discussion at the next meeting regarding the propose surface.

The City Administrator addressed questions about setbacks/deviations. It was noted that a deviation of the 50' setback would include higher berm and shorter height for stacking of containers.

Mike Osbourn, Kaw Engineering, spoke about deviation requested. He noted the flood plain is limited and indicated this would be addressed with the Site Plan. He overviewed the set up for the storage containers.

Commissioner Davis asked how close the house is to the north. The response indicated it is over 400 feet.

Fred Fraley, Gardner, Kansas, stated his property is to the north and indicated concern that his property is being used for the set back and that he is not in favor/support of the deviation.

Motion by M. O'Neill, seconded by B. O'Neill, to close the public hearing. The motion was approved, 6-0.

Motion by B. O'Neill, seconded by M. O'Neill, to approve the preliminary plat with the following stipulations: 1) All Preliminary Plat requirements of the City noted shall be met or addressed during the Final Plat submittal as identified; 2) Preliminary plat be approved for a one-year period and shall be extended for an additional year upon the approval of a final plat for the same parcel of land or any part thereof. If a final plat is not approved for a portion or all of the land covered under the preliminary plat within one year, the preliminary plat shall be ruled null and void. The Planning Commission

upon submittal and approval of a written request may grant a one-year extension on the approval of a preliminary plat; 3) All infrastructure requirements of the City shall be met; 4) The preliminary plat shall be revised to show the drainage easements, streamway buffers, floodplain restrictions, and NPDES (stormwater management) requirements, according to and as required by City Engineer review; and 5) The preliminary plat shall be revised to show a not indicating public water and sewer provision as required by Article 13.3 D 9.

Commissioner Davis asked if the preliminary plat would be brought back with any changes at the final plat. The City Administrator addressed and noted the potential changes would be addressed with the site plan.

The motion was approved, 6-0.

PUBLIC HEARING – FINAL SITE PLAN

A public hearing for Final Site Plan, S-11-18-2013, requesting approval for property located in Section 35, Township 14, Range 22 located approximately .2 miles east of Waverly Road on the north side of 191st Street containing 20 acres more or less was opened. Owners: William E and Lucy E. Dailey. Applicant/Agent: Lynn Boyd, JB Hunt.

The City Administrator overviewed staff analysis of the plan. Ms. Linn addressed the project name which should be the same as the plat, which also needs to be renamed. She addressed the landscape plan regarding required right-of-way along 191st Street to include buffer, trees and bushes. The plan requires a noted trash container, landscaped islands inside the parking areas to minimize the heat island effect and the elimination of a chain line fence which is not permitted in the designated zoning.

Ms. Linn addressed needs for Sheet #3 which include: pedestrian access within and to the development and noted the need to have the property owner execute an agreement not to protest formation of a benefit district or districts. Other items to be addressed include: accessible parking spaces and accessible routes to the buildings. She noted a traffic study shall be completed and details for access point to 191st Street shall be reviewed and approved by the City Engineer; location of utility easements shall be shown; and inclusion of a drainage easement, and extension of sewer line to allow property to the east to connect.

Ms. Linn indicated the storm water study would need to address noted items prior to approval, the plan's scale should be adjusted for better reading and inclusion of electrical hook-ups as required per the Diesel Emission Requirements in the UDC.

Lynn Boyd, J.B. Hunt, and Mike Osbourn, Kaw Engineering, were present to address the Commission.

Mr. Osbourn spoke about the potential changes to the building, berm, driveway, and aggregate/composite for the pavement. He stated samples would be submitted in the future for review.

Mr. Boyd overviewed the project and business operations. He noted if the alternative options for the hard surface are not viable for this site, asphalt or concrete would be installed. He indicated the number of trucks at this site would accommodate approximately 40-50 drivers, but noted a better number would be available in the near future. He stated this purpose is controlled growth, noting his company ships domestic containers.

Mr. Conus questioned how the company would work with the neighbor to the north. Mr. Osbourn addressed the engineering concerns.

Mr. Fred Fraley, Gardner, Kansas informed the Planning Commissioners he opposes his adjacent residential property being used as a buffer for this project.

Motion by Conus, seconded by Davis, to close the public hearing. The motion was approved, 6-0.

Motion by Conus, seconded by B. O'Neill, to approve the final site plan with the following stipulations: 1) Revised final site plans shall be submitted prior to any building permit approvals or commencement of the use to address all Site Plan requirements in the Section 5.2 of Article 5 Logistics Park (L-P) and Section 10.2 of Article 10 Site Plan including all items noted; 2) The revised Site Plan shall provide a designated off-street space for the loading and unloading of goods and merchandise. The revised site plan shall address the requirement for bumper guards in required parking areas; 3) Revised landscaping plan shall be submitted and approved. Additional mitigating measures along north property line shall be submitted and approved; 4) No signage is proposed with this application. Signage proposed later shall receive separate approval according to the provisions of the UDC; 5) No exterior lighting is proposed with this application. Applicant shall submit a photometric plan according to the provisions of the UDC; 6) All paved surfaces must be asphalt or concrete. Asphalt millings is not permitted; 7) Traffic study shall be completed and approved by City Engineer prior to construction; 8) Comments regarding stormwater study shall be addressed prior to construction; 9) Utility connections for all buildings shall be reviewed and approved by the City. All construction plans for any public infrastructure shall be prepared to City standards and approved by the City. Plans for any public sanitary sewer extension will need to obtain a KDHE permit; 10) All building permit and sign permit requirements of the City shall be met; 11) The City will not require at time of site plan approval the upgrade of 191st Street adjacent to the property. Prior to obtaining a building permit, the property owner will execute the necessary agreement to waive and relinquish any right he/she may have under K.S.A. 12-6a06 to protest the formation of a benefit district to pay for the construction of those sidewalks and street improvements adjacent to the above described property for a period of thirty (30) years, and that such agreement is intended

to be a covenant running with the land for said period of time; and 12) Applicant/Owner Obligation. The site plan, a scale map of proposed buildings, structures, parking areas, easement, roads and other city requirements (landscaping/berm plan, lighting plan) used in physical development, when approved by the Planning Commission shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the site plan instrument. The applicant prior to the issuance of any development permit shall sign all site plans. A final site plan filed for record shall indicate that the applicant shall perform all obligations and requirements contained therein. The motion was approved, 6-0.

PUBLIC HEARING – CONDITIONAL USE PERMIT

A public hearing for Conditional Use Permit, CU-11-18-2013, requesting approval of a conditional use permit to operate a cargo container storage, maintenance and repair facility for one lot located in Section 35, Township 14, Range 22 located approximately .2 miles east of Waverly Road on the north side of 191st Street containing 20 acres more or less was opened. Owners: William E. and Lucy E. Dailey. Applicant/Agent: Lynn Boyd, J.B. Hunt.

The City Administrator reviewed the project and operations with this requested permit and overviewed the general criteria.

She spoke about the limitations of stacking height along the northern area setback. In addition, the language for the deviation request was reviewed.

It was discussed that an additional stipulation regarding stacking of cargo containers adjacent to residentially zoned property be added to the listing and to allow this permit to be valid for ten (10) years.

Motion by B. O'Neill, seconded by M. O'Neill, to close the public hearing. The motion was approved, 6-0.

Motion by B. O'Neill, seconded by Davis, to approve the conditional use permit with the following stipulations: 1) Additional mitigation measures are submitted by the applicant with regard to the setback along the north property line; 2) Revised landscaping plan be submitted and approved. The revised plans shall include modification of the berm closed to the southeast property line as an additional mitigation measure for the property to the east. Additional mitigating measures along north property line shall be submitted and approved; 3) The property owner shall continuously comply with all performance criteria in Article 7 pertaining to Cargo Container Storage Facilities and Cargo Repair and Maintenance Facilities, including, but not limited to, noise maximums and cargo container and chassis stacking height requirements, paving requirements, etc.; 4) The property shall be developed in accordance with the Site Plan, Landscaping Plan and Photometric Plan as revised, as approved by the City, prior to commencement of the cargo container storage use. Plant material shall be continuously maintained and replaced when dead; 5) Detailed building construction plans shall be submitted as

required for building permit review. All new building exteriors shall comply with the City of Edgerton Unified Development Code. Applicant shall provide documentation for review and approval by City for service of and compliance with ADA standards for all existing buildings to remain.; 6) Cargo containers and chassis may be stored only in designated, striped areas shown on the Site Plan; 7) No other outside storage of equipment or materials shall be allowed on the property; 8) This Conditional Use Permit shall be valid for ten (10) years from approval by the City of Edgerton; and 9) Cargo containers stacked only two (2) high along the north row as long as the adjacent property remains residential. The motion was approved, 6-0.

Ms. Linn announced these items would be considered by the Governing Body at its regular meeting of January 9, 2014.

OTHER BUSINESS

The City Administrator informed the Commissioners of a possible lease on a new building for Edgerton Land Holding Company which may require a special session.

Ms. Linn reminded the Commissioners of the Open House scheduled for the next evening, December 11, 2013.

Commissioner Conus spoke about the quarry blasting and his concern with operations. The City Administrator addressed, noting the quarry is outside of the corporate limits and indicated Fire District No. 1 oversees the blasting. She indicated the quarry operators are blasting on a lower shelf and at times will cause more vibration.

ADJOURNMENT

Motion by Conus, seconded by M. O'Neill, to adjourn. The motion was approved, 6-0.

The meeting adjourned at 9:15 p.m.