

**EDGERTON CITY COUNCIL  
MEETING AGENDA  
CITY HALL, 404 EAST NELSON STREET  
April 14, 2022  
7:00 P.M.**

**Call to Order**

1. **Roll Call** \_\_\_\_\_ Roberts \_\_\_\_\_ Longanecker \_\_\_\_\_ Lewis \_\_\_\_\_ Brown  
\_\_\_\_\_ Beem \_\_\_\_\_ Stambaugh
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 March 24, 2022 Regular City Council Meeting
5. Approve Final Acceptance for the Construction of Corliss Road

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**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.
7. **Public Comments.** The City of Edgerton encourages public participation in local governance issues. To facilitate an efficient and effective meeting, persons wishing to address the City Council must sign-up before the meeting begins. Speakers must provide their name and address for the record and are limited to three (3) minutes. The maximum time limit for all speakers will be thirty (30) minutes. Comments on personnel matters or matters pending before court/other outside tribunals are not permitted. Any comments are for informational purposes only. No action will be taken.

The Mayor may modify these provisions, as necessary. The Mayor may limit any unnecessary, off-topic, or redundant comments or presentations. Speakers should address their comments to City Council members only and should not speak to fellow audience members. City Council members will not engage in a dialogue or debate with speakers. Speakers and audience members should conduct themselves in a civil and respectful manner. Disruptive conduct may result in removal from the meeting.

8. **Proclamation.** Mayor Roberts Declares April 2022 as National Fair Housing Month in the City of Edgerton, Kansas.

**Business Requiring Action**

9. **CONSIDER PLANNING SERVICES AGREEMENT BETWEEN THE CITY OF EDGERTON AND CONFLUENCE, INC., FOR THE DEVELOPMENT OF A NEW COMPREHENSIVE LAND USE PLAN FOR THE CITY OF EDGERTON, KANSAS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**10. CONSIDER ORDINANCE NO. 2105 ORDINANCE ANNEXING CERTAIN LAND INTO THE CITY OF EDGERTON, KANSAS**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**11. Report by the City Administrator**

- 1<sup>st</sup> Quarter Report from Johnson County Sheriff's Office
- 1<sup>st</sup> Quarter Financial Report
- Planned Unit Development Discussion
- Report on 207<sup>th</sup> Street Grade Separation Project

**12. Report by the Mayor**

**13. Future Meeting Reminders:**

- April 28<sup>th</sup>: City Council Meeting – 7:00PM
- May 10<sup>th</sup>: Planning Commission – 7:00PM
- May 12<sup>th</sup>: City Council Meeting – 7:00PM
- May 26<sup>th</sup>: Joint Planning Commission & City Council Work Session – 6:00PM
- May 26<sup>th</sup>: City Council Meeting – 7:00PM
- June 9<sup>th</sup>: City Council Meeting – 7:00PM
- June 14<sup>th</sup>: Planning Commission – 7:00PM
- June 23<sup>rd</sup>: City Council Meeting – 7:00PM

**14. Adjourn** Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

# EVENTS

April 19<sup>th</sup>: Public Safety Open House  
April 20<sup>th</sup>: Senior Lunch & BINGO  
April 22<sup>nd</sup>: Edgerton Elementary School Carnival  
April 24<sup>th</sup>: Mother's Sunday Funday  
April 25<sup>th</sup>: Kids Mother's Day Craft  
April 30<sup>th</sup>: Arbor Day Tree Planting Workshop  
May 13<sup>th</sup>: Cyclones In The Outfield and Cruise-In  
May 14<sup>th</sup>: City-Wide Garage Sale  
May 18<sup>th</sup>: Senior Lunch & BINGO  
May 21<sup>st</sup>: City-Wide Clean-Up  
May 21<sup>st</sup>: Family Beginner Yoga  
May 23<sup>rd</sup>: California Roll Sushi Class  
May 25<sup>th</sup>: Senior Trip: Museum of Toys & Miniatures  
May 30<sup>th</sup>: City Offices Closed for Memorial Day

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**March 24, 2022**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on March 24, 2022. The meeting convened at 7:00 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
Jody Brown	present
Josie Stambaugh	present via phone

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Public Works Director, Dan Merkh
- Accountant, Justin Vermillion
- Development Services Director, Katy Crow
- Marketing & Communications Manager, Kara Banks
- Public Works Superintendent, Trey Whitaker

**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 March 10, 2022 Regular City Council Meeting
5. Accept Easements for 8<sup>th</sup> & Braun Intersection Improvements
6. Approve Application FP2022-01, Final Plat for Logistics Park Kansas City (LPKC) South, Fourth Plat Generally Located East of the Northeast Corner of 207th Street and Gardner Road, Edgerton, Kansas
7. Approve Ordinance No. 2104 Amending Chapter IX, Article 1, Section 9-107 Of the City Code of The City of Edgerton, Kansas, and Repealing All Ordinances or Parts of Ordinances in Conflict Therewith
8. Approve Concurrence to Bid the Nelson Street from East 3rd Street to West 8th Street (CARS) Project

Councilmember Longanecker moved to approve the consent agenda, seconded by councilmember Lewis. The Consent Agenda was approved, 5-0.

**Regular Agenda**

9. **Declaration.** There were no declarations made by the Governing Body.

**10. Public Comments.**

Mr. Bill Bushno, 20685 S Gardner Rd., addressed the Council.

He stated has seen surveyors in the area around his home. He alleged the City of Edgerton has been negligent and did not finish a road prior to opening the Hostess warehouse, which he claims led to a fatal accident. He stated there has never been a plan to talk about easements needed in the area and believes this should be done to solve the problem before more vehicular traffic is added to the Gardner Road and 207<sup>th</sup> Street intersection. He stated this is creating a health and safety hazard, and alleged gross negligence on the city's part.

There were no further public comments made.

11. **Presentation.** James Oltman, with ElevateEdgerton!, gives an update on the EDGE Grant Program.

Mr. James Oltman, with ElevateEdgerton!, addressed the Council. He stated the EDGE Grant program was announced about a month ago, and since then they have seen an overwhelming response from the community. He stated this grant program was focused around beautification and improvements on homes and businesses. He stated they have awarded all \$5,000 set aside for these residential/business improvements with ten \$500 grants awarded. He stated the projects planned total approximately \$29,000 of improvements in the community. He stated because all dollars in the residential beautification grants have been promised, this grant is now closed for 2022. He stated there are still funds available in the small business attraction and expansion grant.

Councilmember Longanecker asked if this will be a yearly program.

Mr. Oltman stated he would like to see this continue and eventually expand.

Mayor Roberts stated this seems to be an overwhelming success. He stated he is looking forward to hearing about the business expansion component and hopes people utilize this program. He stated he hopes with the future downtown plan, they can see some expansion of businesses as some point.

There were no further questions or comments.

**Business Requiring Action**

**12. CONSIDER SUBMITTAL OF 2022 APPLICATIONS TO UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) FOR REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) FUNDING FOR 2022**

Ms. Beth Linn addressed the Council. She stated in January 2022, the US Department of Transportation issued a Notice of Funding Opportunity for the 2022 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program. She stated RAISE is a \$1.5 billion multimodal, merit-based, competitive discretionary grant program for surface transportation infrastructure. She stated the program supports projects that improve safety, equity, climate and sustainability, and the creation of good-paying jobs, consistent with DOT's strategic goals.

She stated local governments, like Edgerton, are eligible to apply for a wide variety of projects such as highway, bridge, public transport, passenger and freight rail projects, projects to replace or rehabilitate a culvert or prevent stormwater runoff, and others as listed in the agenda packet.

She stated this grant is focused on road infrastructure, unlike the previous grant program brought before Council which allowed for utility improvements.

She stated applications will be evaluated based on their ability to meet certain criteria as listed in the agenda packet.

She stated after reviewing the grant guidance and extensive application criteria, city staff would recommend the submittal of two applications for the RAISE Grant funding: the Downtown Streetscape and 2<sup>nd</sup> Street (from termination of 207<sup>th</sup> Grade Separation to Highway 56). She stated both projects have been discussed as part of the 5-year Capital Improvement Program and a portion of 2<sup>nd</sup> Street is scheduled for funding in 2023/2024. She stated both projects clearly promote safety, preserve critical infrastructure, improve the quality of life, and will better connect our community.

She stated federal cost share for projects is up to 80% in urban areas and up to 100% in rural areas. She stated city staff has confirmed that both recommended projects qualify as rural by USDOT. She stated the grant funding would cover 100% of design, construction, right-of-way acquisition and utility relocation. She stated since the packet was approved and published, USDOT raised the project maximum to \$45 Million.

Mayor Roberts stated he would like to give an update on the 191<sup>st</sup> Street safety study. Mayor Roberts recently met with Mayor Winters of Gardner and learned that Gardner has previous agreements with the Phillips 66 gas station owners to keep the entrances open. He stated Gardner does have a project with KDOT for the first phase of the interchange project which includes the replacement of one bridge. KDOT has said they are committed to completing this project. He stated it was great to have a conversation with Gardner and he would like to continue conversations and come to a resolution soon. He stated they also had a conversation about the RAISE Grant and think that the increased project maximum of \$45 Million would be more than enough to finish that DDI Interchange and widen Gardner Road down to the County line, all of which is classified as rural today. He stated Mayor Winters said Gardner would be willing to partner with Edgerton in the completion of this project. Mayor Roberts stated the city is willing to lead the project with Gardner but believes it would be better suited to be led by the county. He stated if it needs to be city led, he would like county support. He suggested the

project would make a substantial safety improvement for the area. He stated he cannot guarantee the grant award, but added it is worth applying for.

Ms. Linn stated she believes Gardner Rd. and the remaining portion of the DDI would compete very well for this grant.

Ms. Linn stated the lead time on this application is very short and the applications must be submitted by April 14<sup>th</sup>, 2022 at 5:00PM EST. She stated to maximize time, staff is requesting authorization for the Mayor to sign all applications and various related documents.

Mayor Roberts asked the governing body if they had any questions.

Councilmember Longanecker asked if this is a partnership between the two cities, will the grant fund \$45 Million per city or for both.

Mayor Roberts stated it is per project.

Ms. Linn stated this year's grant is based on the 2010 Census Data. She stated because RAISE is an annual program, by the time it is released in 2023, the federal government could use the new 2020 Census Data and all or part of the project may not qualify as rural.

Mayor Roberts stated he expects this grant to be much more competitive.

Councilmember Lewis stated if the city could get 100% funding, there is no risk in applying. He stated he sees no downside to this.

Mayor Roberts requested a motion to approve the submittal of the 2022 applications to USDOT for RAISE Grant Funding for the Downtown Streetscape, East 2<sup>nd</sup> Street, and Gardner Road Interchange & Roadway Improvements including the ability to support or lead Gardner Road in partnership with the City of Gardner and Johnson County. The motion would also authorize the Mayor to sign the necessary documents.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lewis. The motion was approved, 5-0.

### **13. Report by the City Administrator**

Dr. Jim Sutton, Interim Superintendent for USD 231, addressed the Council. He stated the search is well underway for the permanent position of Superintendent. He stated on the 29<sup>th</sup> of March, the board will hold a meeting to review candidates and set up interviews with three finalists. He stated he is excited and thinks it will be a good selection for the district.

Mayor Roberts thanked Dr. Sutton for all he has done. He stated the communication with the district has been tremendous since he took over and looks forward to the partnership with the school district that benefits everyone.

He stated although his children are no longer in school within the district, he cares about the education system and what's being provided to create active young adults in the community. He stated he had an opportunity to speak to a second-grade class and they asked some tough questions. He stated he would love to talk about the comprehensive plan with the district. He stated he would like to include students to hear their ideas for the future of the community.

Dr. Sutton stated it has been a pleasure to serve, and they will be glad to help in any way they can.

Ms. Linn then reminded the Governing Body to fill out the 2022 Citizen Survey and encourage their neighbors to do the same. She stated they still need about 40 more surveys to be completed.

#### **14. Report by the Mayor**

Mayor Roberts stated he had no report to give at this time.

#### **15. Future Meeting Reminders:**

- April 12<sup>th</sup>: Planning Commission – 7:00PM
- April 14<sup>th</sup>: City Council Meeting – 7:00PM
- April 28<sup>th</sup>: City Council Meeting – 7:00PM
- May 10<sup>th</sup>: Planning Commission – 7:00PM
- May 12<sup>th</sup>: City Council Meeting – 7:00PM
- May 26<sup>th</sup>: City Council Meeting – 7:00PM

#### **16. Adjourn**

Councilmember Lewis moved to adjourn, seconded by Councilmember Beem. All in favor. The meeting was adjourned at 7:28 PM.

Submitted by Alexandria Clower, City Clerk

## City Council Action Item

**Council Meeting Date:** April 14, 2022

**Department:** Public Works

### **Agenda Item: Consider Final Acceptance for the Construction of Corliss Road**

**Background/Description of Item:**

On July 8, 2021, the Edgerton City Council approved Corliss Road. The project includes construction of approximately 0.5 miles of roadway, adjacent to Inland Port 52. The finished section of road is 42' back-to-back with curb and gutter. A 14' center turn lane will be included with the two 12' drive lanes. Corliss Road is included as an allowable project expense in LPKC Phase II.

Edgerton Land Holding Company awarded the contract to Emery Sapp and Sons Inc. in the amount of \$1,904,771. The cost will be borne entirely by Edgerton Land Holding Company until such time the project is converted to funding from Home Rule Revenue Bonds, per the LPKC Phase II Development Agreement.

The substantial completion date was March 18, 2022. BG Consultants as the City's Inspector has performed final inspection and noted the project for final acceptance.

**Related Ordinance(s) or Statue(s):** n/a

**Funding Source:** LPKC Phase II Public Infrastructure Fund

**Budget Allocated:** \$1,904,771

**Finance Director Approval:**   
Karen Kindie, Finance Director

### **Recommendation: Approve Final Acceptance for the Construction of Corliss Road**

**Enclosed:** BG Consultants - Letter of Acceptance



**Prepared by:** Dan Merkh, Public Works Director

**From:** Jon Carlson <jon.carlson@bgcons.com>  
**Sent:** Wednesday, March 23, 2022 10:25 AM  
**To:** Dan Merkh  
**Cc:** David Hamby; Brian Stanley; andy.svehla@emerysapp.com; carl.messer@emerysapp.com; Travis Rudisill  
**Subject:** Corliss Road Final Acceptance

Dan,

To the best of my knowledge, Emery Sapp & Sons has completed all work for the Corliss Road Public Street & Storm Sewer Plans in general conformance to the plans and specifications. The final punch list noted below was completed on March 18, 2002. The Final Completion date can be noted as March 18, 2022. This project can be accepted by the City of Edgerton at your discretion.

Respectfully submitted,

**Jon Carlson**

Senior Construction Observer



1405 Wakarusa Drive | Lawrence, KS 66049  
T: 785.749.4474 | C: 785.331.8289 (Personal)  
Web: [www.bgcons.com](http://www.bgcons.com) | Map | Email

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**From:** Jon Carlson  
**Sent:** Friday, January 7, 2022 9:47 AM  
**To:** [andy.svehla@emerysapp.com](mailto:andy.svehla@emerysapp.com); 'Carl Messer' <[carl.messer@emerysapp.com](mailto:carl.messer@emerysapp.com)>  
**Cc:** David Hamby <[david.hamby@bgcons.com](mailto:david.hamby@bgcons.com)>; 'Dan Merkh' <[dmerkh@edgertonks.org](mailto:dmerkh@edgertonks.org)>; Travis Rudisill <[trudisill@northpointkc.com](mailto:trudisill@northpointkc.com)>; Brian Stanley <[bstanley@edgertonks.org](mailto:bstanley@edgertonks.org)>; Patrick Cassity <[pcassity@ric-consult.com](mailto:pcassity@ric-consult.com)>  
**Subject:** Corliss Road Final Punch List

Gentlemen:

Please note the following items that need to be completed prior to final acceptance by the City of Edgerton:

1. Complete the street light installation and all work associated with this item including the controller.
2. Revise the pipe and ditch at the SE corner of the Corliss Road/207<sup>th</sup> Street intersection next to the Bottom's driveway as discussed during the walk-through. Add a 12" pipe at a slope to drain the south ditch and connect to the existing 18" RCP. Fill over the pipe to maintain a proper appearance.

3. Pending the City's direction, grade the east ditch fore-slope for mowing.
4. Remove the remaining large rock exposed at the NE portion of the project.
5. Epoxy three chipped areas of the new concrete. (2 saw cuts in curb returns at entrances and 1 ADA ramp).
6. Trim the expansion joint flush with the concrete in the sidewalk.
7. Remove the silt from the filter socks in the inlet throats.
8. Complete the seeding and mulching for the remainder of the project. The contractor discussed using erosion control blankets to cover the pending seeding operations.
9. The installed sod will be monitored in the spring for proper root development and growth.

If you need additional information, or I have missed an item, please let me know.

Respectfully,

**Jon Carlson**

Senior Construction Observer



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**A PROCLAMATION DESIGNATING APRIL AS FAIR HOUSING MONTH  
IN THE CITY OF EDGERTON, KANSAS**

**WHEREAS**, the Congress of the United States of America passed the Civil Rights Act of 1968, of which Title VIII declared that the law of the land would now guarantee the rights of equal housing opportunity; and

**WHEREAS**, the City of Edgerton, Kansas is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all, and today, many realty companies and associations support fair housing laws; and

**WHEREAS**, the Fair Housing groups and the U.S. Department of Housing and Urban Development have, over the years, received thousands of complaints of alleged illegal housing discrimination and found too many that were proven upon investigation to be violations of the fair housing laws; and

**WHEREAS**, equal housing opportunity is a condition of life in our City that can and should be achieved.

**NOW, THEREFORE BE IT RESOLVED**, that I, Donald Roberts, Mayor of the City of Edgerton, Kansas, do hereby proclaim the month of April 2022 as FAIR HOUSING MONTH to promote fair housing practices throughout the City. In witness whereof, I have hereunto set my hand and caused the Seal of the City of Edgerton, Kansas to be affixed this 14<sup>th</sup> day of April 2022.

**CITY OF EDGERTON, KANSAS**

By: \_\_\_\_\_  
Donald Roberts, Mayor

**ATTEST:**

\_\_\_\_\_  
Alexandria Clower, City Clerk

## City Council Action Item

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**Council Meeting Date:** April 14, 2022

**Department:** Community Development

### **Agenda Item: Consider Planning Services Agreement Between The City Of Edgerton And Confluence, Inc., For The Development Of A New Comprehensive Land Use Plan For the City of Edgerton, Kansas**

**Background/Description of Item:**

The Comprehensive Plan is a long range planning tool developed through the collection of input from residents and stakeholders. The Plan incorporates this collected input with existing plans (Downtown Edgerton Plan, Parks Master Plan, Stormwater Plan, Sewer Master Plan, etc.) and establishes an overall long-term vision for the community. The Comprehensive Plan incorporates a variety of systems – transportation, economic development, housing, open space, parks, etc. – and looks at how they interact together. The Comprehensive Plan is strategic and focuses on critical issues that can shape the Edgerton community over the next 20 to 30 years. Developing the Comprehensive Plan is a lengthy project which involves the gathering of a substantial amount of data and the conducting of in-person information gathering sessions. Kansas State Statute 12-747 requires each City to have a Comprehensive Plan with amendments or updates provided as needed. Edgerton last adopted a Comprehensive Plan in 2010. Development of a new Comprehensive Plan was approved as a budgeted item through the Capital Improvement Fund.

In December 2021 the City of Edgerton issued a Request for Proposals (RFP) to solicit a proposal from a qualified consulting firm to assist the City in the development of a new Comprehensive Plan Land Use Plan. Four consulting firms provided responses to the RFP. Of those four, two were selected to move forward for in-person interviews. The interviewing team consisted of the Mayor, City Administrator, Development Services Director, Planning and Zoning Coordinator, Public Works Director and the Marketing and Communications Manager. Upon conclusion of the interviews, Confluence, Inc., was unanimously recommended as the consultant team to lead the Comprehensive Plan process.

Confluence, Inc., is a planning, urban design, and landscape architecture firm with over 70 professional planners and landscape architects. They have offices in several Midwest cities across eight states and their experience in creating Comprehensive Land Use Plans is extensive. As part of conducting this process for the City of Edgerton, they have partnered with George Butler Associates (GBA) who will provide their engineering expertise to the project.

The time frame for the issuance of a new Comprehensive Plan, from staff issuance of the RFP to acceptance of the Comprehensive Plan by the Governing Body, is approximately 18 months. If approved, we look forward to beginning the process on May 26, 2022 with a joint Work Session with the Planning Commission and Governing Body. Adoption of a new plan is scheduled to occur in summer 2023.

This contract has been reviewed and approved by the City Attorney.

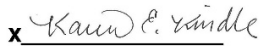
**Related Ordinance(s) or Statue(s):** K.S.A. 12-747

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**Funding Source:** Capital Improvement Fund

**Budget Allocated:** \$150,000

**Finance Director Approval:**

x   
Karen Kindle, Finance Director

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<p><b>Recommendation: Approve Planning Services Agreement Between The City Of Edgerton And Confluence, Inc., For The Development Of A New Comprehensive Land Use Plan For the City of Edgerton, Kansas</b></p>
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**Enclosed:** Confluence, Inc., Planning Services Agreement

**Prepared by:** Katy Crow, Development Services Director

# CITY OF EDGERTON, KANSAS – COMPREHENSIVE LAND USE PLAN

## PLANNING SERVICES AGREEMENT

### PROJECT DESCRIPTION

Planning services will be provided by Confluence, Inc., (Consultant) to the City of Edgerton, Kansas, (City) for the creation of a new Comprehensive Land Use Plan. Confluence anticipates working collaboratively with City staff, the Mayor and City Council, and the Planning Commission as well as the Comprehensive Plan Steering Committee. In addition to Confluence, the Consultant Team includes GBA.

The following Scope of Services are based on our understanding of the City's desired process and outcomes. Services to be provided by our team are as follows:

### A. SCOPE OF SERVICES

#### PHASE 1: PROJECT KICK-OFF, RESEARCH + ANALYSIS

(APPROXIMATELY 3 MONTHS)

##### 1.1 PROJECT KICK-OFF PRESENTATION TO THE CITY COUNCIL AND PLANNING COMMISSION (JOINT WORKSHOP #1)

The Consultant Team will make a presentation to the City Council and Planning Commission to review the project scope, outreach plan, desired outcomes, and meetings dates. *(In-person meeting scheduled for the evening of May 26, 2022.)*

##### 1.2 PROJECT KICK-OFF MEETING WITH THE STEERING COMMITTEE (SC MEETING #1)

The Consultant Team will facilitate a project kick-off meeting with City staff and the Steering Committee (SC). The purpose of this meeting is to:

- Establish roles, responsibilities, and project contacts
- Determine any initial data needs
- Review the project scope, schedule, and key meeting dates
- Identify key stakeholders (including Vision Plan stakeholders) and desired public input process and outcomes
- Review the Public Outreach Plan

At the Kick-Off Meeting, Consultant Team will also take the opportunity to review the current issues and opportunities with the group to identify key focus areas that will likely be drivers of this process. *(In-person meeting.)*

##### 1.3 PUBLIC OUTREACH PLAN + PROJECT NAME AND LOGO

With the input and review of the City, our team will collaborate with staff to brand the Comprehensive Plan, creating a thoughtful name and graphic/logo. Our approach will craft a distinctive graphic appearance for the outreach and identity of this planning process while also complimenting the look and feel.

#### **1.4 EXISTING CONDITIONS REVIEW AND ANALYSIS**

The Consultant Team will review and analyze all previously prepared plans, ordinances, and policies and other available data. This task will rely upon the data provided by the City and additional research conducted by the consultant team, as allowable by the budget.

#### **1.5 EXISTING CONDITIONS ANALYSIS REVIEW MEETING WITH STEERING COMMITTEE (SC MEETING #2)**

Our team will present to City staff and the Steering Committee an overview of our team's analysis of the previous plan, existing conditions, and anticipated trends. For this overview, we will develop:

- An existing community profile with population analysis
- An employment and economic analysis
- An initial analysis of existing land uses
- A preliminary needs assessment of park facilities
- A preliminary community assessment of issues and opportunities
- A preliminary assessment of redevelopment areas
- A high-level infrastructure capacity review based on existing studies
- A summary of vehicle, transit, bicycle and pedestrian analysis

*(In-person meeting.)*

### **PHASE 2: VISION, INPUT + DIRECTION**

**(APPROXIMATELY 3 MONTHS)**

#### **2.1 ONLINE ENGAGEMENT + PROJECT WEBSITE**

At the start of Phase 2, the Consultant Team will set up a Social Pinpoint website to facilitate online engagement between the many stakeholders and community members involved throughout Edgerton. This same site will host surveys and will be updated and utilized as part of Phase 3 to reveal the plan draft and seek public input.

As may be desired by Edgerton, our team will coordinate with staff to develop a project specific website to centralize public information on the planning effort, regular project updates, project schedule, host an electronic survey, and other public content to keep the general public and interested stakeholders engaged and informed. This site will become the City's online comprehensive plan site, housing Comprehensive Plan document in a user-friendly format along with the details of the planning process.

#### **2.2 STAKEHOLDER INTERVIEWS**

Our team will conduct key stakeholder interviews and small group meetings to incorporate this input into the planning process. The interviews and meetings can be conducted with representatives from the Gardner-Edgerton School District, Chamber, economic development groups, major landowners and developers, and other civic and neighborhood organizations. Members of our team will contact, via email, the community stakeholders and community groups as identified by the Steering Committee and schedule individual and small group meetings to be held virtually via video conference calls. *(Virtual meetings.)*



### **2.3 PUBLIC VISIONING WORKSHOP (PUBLIC MEETING #1)**

The Consultant Team will facilitate a structured public workshop to identify key issues, priorities, opportunities, and preferences that will guide the direction of the Comprehensive Plan and Vision Plans. At this meeting, we will provide an overview of the Comprehensive Plan and Vision Plans process and seek input on various aspects of the plans. *(In-person meeting.)*

*Meeting Advertising:* The Consultant Team will collaborate with City staff to advertise this public meeting. The Consultant Team will create meeting fliers for posting at City facilities, press releases, and graphics for posting on the City's website and social media platforms. The Consultant Team will design and order 25 yard-signs (double-sided, color, 18-inch by 24-inch) to advertise the meeting. City staff will place the signs in strategic locations through-out Edgerton and collect the signs after the event for re-use.

**2.4 OTHER PUBLIC ENGAGEMENT OPTIONS (SPECIAL EVENT BOOTHS / YOUTH WORKSHOP / BOX CITY EVENT)** The Consultant Team will conduct a Youth Workshop, Box City Event, and/or set up a booth to collect input at special events. As part of finalizing the Public Outreach Plan at the Kick-Off meeting, our team will work with City staff and the Steering Committee to solidify our plans for these special events. *(Two to three in-person events.)*

**2.5 STAKEHOLDER AND PUBLIC INPUT REVIEW WITH STEERING COMMITTEE (SC MEETING #3)** Following these various public and stakeholder input meetings, the Consultant Team will meet with the Steering Committee to share all of information gathered from the various engagement activities conducted to date. The purpose of this workshop is to review the ideas generated by the stakeholders and community members and set the preferred direction of the Comprehensive Plan and Vision Plans. *(In-person meeting.)*

## **PHASE 3: DRAFT PLAN + EVALUATION**

**(APPROXIMATELY 5 MONTHS)**

### **3.1 DRAFT PLAN**

The Consultant Team will prepare a draft Comprehensive Land Use Plan that address the components and elements as prescribed within the Comprehensive Land Use Plan RFP dated December 27, 2021, provides a vision and goals to guide Edgerton for the next 20-year, follows APA's Sustaining Places: Best Practices for Comprehensive Plans, and meets the provisions of the Kansas Statutes related to Comprehensive Planning. The specific chapters and order of the documents will be developed in collaboration with City staff and the Steering Committee. If requested by the City, the Consultant Team will also conduct a windshield survey of the existing housing conditions within the City of Edgerton and develop housing maps and data to bolster the City's 2021 Housing Needs Assessment.

### **3.2 DRAFT PLAN REVIEW SESSIONS WITH STEERING COMMITTEE (SC MEETINGS #4 and #5)**

The Consultant Team will present elements/chapters of the draft Comprehensive Plan to the City staff and Steering Committee, record feedback and comments, and update and modify the drafts as requested. We anticipate two to three meetings with the Steering Committee to review the plan draft. *(Two in-person or virtual meetings as may be requested by the City.)*

### **3.3 DRAFT PLAN OPEN HOUSE (PUBLIC MEETING #2)**

The Consultant Team will present the Comprehensive Plan and Vision Plans at a public open house to be held over an afternoon and evening utilizing story boards to explain the different plan elements and chapters. The project website will be updated to share the draft plan and solicit comments and feedback. *(In-person meeting.)*

*Meeting Advertising: The Consultant Team will collaborate with City staff to advertise this public open house. The Consultant Team will create meeting fliers for posting at City facilities, press releases, and graphics for posting on the City's website and social media platforms. The Consultant Team will design and order stickers to update the yard signs used in Phase 2 to advertise this meeting. City staff will place the signs in strategic locations through-out the City and collect the signs after the event for re-use. The online engagement website will be updated to host a draft of the plans and solicit feedback and comments from the community during the public comment period.*

### **3.4 DRAFT PLAN PRESENTATION JOINT WORKSHOP WITH THE CITY COUNCIL AND PLANNING COMMISSION (JOINT WORKSHOP #2)**

The Consultant Team will present an overview of the draft Comprehensive Plan to the City Council and the Planning Commission and provide a review of the public comments from Public Meetings #2. Our team will record feedback and comments received at the workshop and update and modify the draft as requested. *(In-person meeting.)*

## **PHASE 4: FINAL PLAN + ADOPTION**

**(APPROXIMATELY 3 MONTHS)**

### **4.1 FINAL DRAFT PLAN**

The Consultant Team will prepare a final draft of the Comprehensive Plan and submit it to City staff for review and comment. We will address City staff comments and submit a revised final draft to City staff.

### **4.2 PLANNING COMMISSION PUBLIC HEARING (PUBLIC MEETING #3)**

The Consultant Team will attend the Planning Commission Public Hearing for the review and recommendation on the adoption of the Comprehensive Plan. We will assist the City staff with the presentation of the Plan and will make subsequent revisions to the Plan as may be requested by the Commission and submit updated copies to City staff. *(In-person meeting.)*

*Meeting Advertising: The Consultant Team will collaborate with City staff to advertise the public hearing with the Planning Commission. The Consultant Team will create meeting fliers for posting at City facilities, press releases, and graphics for posting on the City's website and social media*

platforms. The Consultant Team will design and order stickers to update the yard-signs used in Phase 3 to advertise this hearing. City staff will place the signs in strategic locations throughout the City and collecting the signs after the event for re-use or disposal.

#### **4.3 CITY COUNCIL PUBLIC HEARING (PUBLIC MEETING #4)**

The Consultant Team will attend the City Council Hearing for the review and approval of the Comprehensive Plan. We will assist the City staff with the presentation of the Plan and will make subsequent revisions to the Plan as may be requested by the Council and submit updated copies to City staff. *(In-person meeting.)*

### **FINAL DELIVERABLES**

Electronic copies (PDF and Word formats) of the draft and final Comprehensive Land Use Plan, an Executive Summary, presentation materials, and maps will be provided to the City, and ownership of the project website will be transferred to the City. The final plan document will be user and website friendly and graphically rich. The GIS files (ESRI format) for all maps will also be provided to the City for its use.

## **B. SCHEDULE**

The Consultant is prepared to provide the professional services described herein immediately upon the City's notice to proceed. It is anticipated this project will take approximately 14-months to complete. A general project schedule is included as "Exhibit A". A more definitive schedule for completion of activities can be established with the City at the outset of the project as requested.

## **C. SCOPE SERVICE FEES BY TASK**

The City will compensate the Consultant on a lump sum basis for the fee proposed for each task as identified below. This fee includes all printing, website, meeting, and travel expenses as well as the costs for the meeting advertisement signs. If the nature of the scope of services changes or if the anticipated fees outlined herein require an increase, the Consultant will notify the City of the revised scope and/or fee before proceeding with any additional work.

### **FEES BY PHASE**

<b>Phase 1:</b> Project Kick-Off Research + Analysis	\$44,800
<b>Phase 2:</b> Vision, Input + Direction	\$34,300
<b>Phase 3:</b> Draft Plan + Evaluation	\$54,900
<b>Phase 4:</b> Final Plan + Adoption	\$15,000
<hr/>	
TOTAL FEE PROPOSAL	\$149,000

#### **D. COMPENSATION**

Service fees and reimbursable expenses will be billed to the City monthly by the Consultant. Payment is due upon receipt of invoice. The City agrees to provide payment to the Consultant within thirty (30) days of the invoice date and that payment is not dependent on the success or failure of the project, project approvals or non-approvals, or project feasibility. Payment not received by the Consultant within thirty (30) days of the invoice date is considered past due. Past due balances will be charged simple interest rate at 1% per month based upon the original invoice amount. In the event the account becomes past due, the Consultant may suspend performance of services on the project until the account is paid.

In the event an invoice is disputed by the City, the City shall inform the Consultant within a reasonable timeframe (within 10 days of City's receipt of invoice), and both parties agree to meet with each other in a timely manner (within 10 days of the Consultant's receipt of dispute notice) to further clarify the nature of the dispute in an effort to resolve it while minimizing impacts to the performance of the services outlined herein. In the event the dispute remains unresolved, the Consultant, at its discretion, may suspend performance of services on the project until the account is paid.

#### **E. TERMINATION**

The Consultant or the City may terminate this Agreement at any time by written notice. If the Agreement is terminated by either the Consultant or the City, the City will pay the Consultant for service provided and expenses incurred by the Consultant up to the time notice is either sent by the Consultant or received by the Consultant.

#### **F. MISCELLANEOUS**

The City shall provide all necessary background information, documents, maps and data and shall further provide the timely review of document and map drafts, assist with scheduling meetings, provide meeting space, and be responsible for all required public meeting notices.

#### **G. LIMITATION OF LIABILITY**

The total cumulative liability of the Consultant, its agents, servants, employees, and sub-consultants to the City with respect to services performed or to be performed pursuant to this Agreement, whether in contract, indemnity, contribution, tort (including, but not limited to, negligence) or otherwise shall be limited to the Consultant's professional liability insurance coverage limits in place at the time of performance of the services outlined herein. The Consultant shall secure and maintain Professional Liability insurance in the amount of \$2,000,000 per claim / \$4,000,000 aggregate. The Consultant shall not be liable to the City for special or consequential losses or damages including, but not limited to, loss of use.

#### **H. WITNESS FEES**

The Consultant's employees shall not be retained as expert witnesses except by separate, written agreement.

## I. APPROVAL AND ACCEPTANCE

Upon review of the foregoing terms, this proposal for services is approved and accepted by the City of Edgerton, Kansas, (City) and Confluence (Consultant) as confirmed by the signatures below.

**Offered by:**

Confluence, Inc.  
417 Delaware Street  
Kansas City, MO 64105



\_\_\_\_\_  
(signature)

Name: Christopher Shires, AICP

Title: Principal

Date: April 8, 2022

**Accepted by:**

City of Edgerton, Kansas  
404 E. Nelson  
Edgerton, KS 66021

\_\_\_\_\_  
(signature)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT 'A'

EDGERTON COMPREHENSIVE LAND USE PLAN PROJECT SCHEDULE														
	May 2022	June 2022	July 2022	Aug 2022	Sept 2022	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	March 2023	April 2023	May 2023	June 2023
Phase 1 - Project Kick-Off, Research + Analysis														
1.1 Pre-Kick-Off Presentation to City Council and Commission (Joint #1)		● May 26th, 2022												
1.2 Project Kick-Off Meeting with Steering Committee (SC #1)		●												
1.3 Public Outreach Plan and Project Name and Logo														
1.4 Existing Conditions Review and Analysis														
1.5 Analysis Review Meeting with Steering Committee (SC #2)				●										
Phase 2 - Vision, Input + Direction														
2.1 Online Engagement + Project Website														
2.2 Stakeholder Interviews				●										
2.3 Public Visioning Workshop (Public Meeting #1)				●										
2.4 Public Engagement Events (2-3 events)														
2.5 Input Review Meeting with Steering Committee (SC #3)							●							
Phase 3 - Draft Plan + Evaluation														
3.1 Draft Plan														
3.2 Draft Plan Review Sessions with Steering Committee (SC #4 & #5)									●	●				
3.3 Draft Plan Public Open House (Public Meeting #2)											●			
3.4 Draft Plan Joint Workshop with City Council and Commission (Joint #2)											●			
Public Review and Comment Period														
Phase 4 - Final Draft Plan + Adoption														
4.1 Final Draft Plan														
4.2 Planning Commission Public Meeting (Public Meeting #3)													●	
4.3 City Council Public Meeting (Public Meeting #4)														●

## City Council Action Item

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**Council Meeting Date:** April 14, 2022

**Department:** Administration

### **Agenda Item: Consider Ordinance No. 2105 Ordinance Annexing Certain Land Into The City Of Edgerton, Kansas**

**Background/Description of Item:**

The City of Edgerton has received a Consent for Annexation application for property currently located in Johnson County, Kansas. A copy of the Consent for Annexation form is included in the packet.

Kansas Statute 12-520 states that the governing body of any city, by ordinance, may annex land to such city if that land adjoins the city and a written petition for consent to annexation is filed with the city. The property owner has filed the required petition for Consent for Annexation. The property is contiguous to property within the City of Edgerton corporate city limits.

The enclosed draft ordinance was prepared by the City Attorney

**Related Ordinance(s) or Statue(s):**

**Funding Source:** N/A

**Budget Allocated:** N/A

**Finance Director Approval:** N/A

### **Recommendation: Approve Ordinance No. 2105 Ordinance Annexing Certain Land Into The City Of Edgerton, Kansas**

**Enclosed:** Consent for Annexation Application  
Map of Parcel  
Draft Ordinance No. 2105

**Prepared by:** Katy Crow, Development Services Director

**CONSENT FOR ANNEXATION FORM**  
(Adjoining Property by Request)

TO: The Governing Body of the City of Edgerton, Kansas.

The undersigned owner of record of the following described land hereby petitions the Governing Body of the City of Edgerton, Kansas to annex such land to the City. The land to be annexed is described as follows:

Legal Description: 13-15-21 N 1/2 NE1/4 EX .069 AC 79.931 ACS M/L MC 137

The undersigned further warrants and guarantees that they are the only owner(s) of record of the land.

**OWNERS OF LAND TO BE ANNEXED:**

Signature

Printed Name

Date

Signature

Printed Name

Date

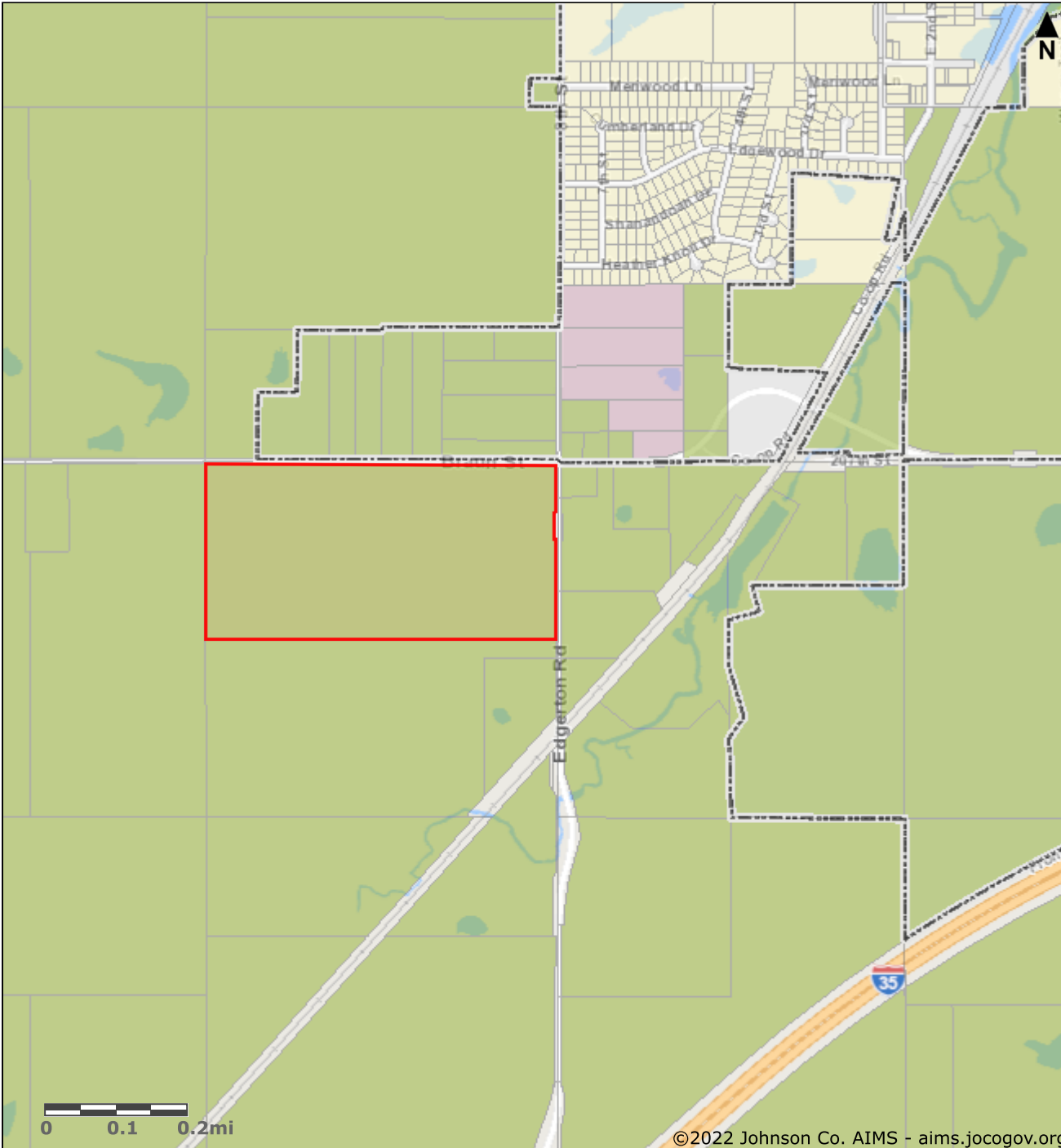
Signature

Printed Name

Date












*Dennis L. Dwyer* Dennis L. Dwyer 4-6-2022  
*Dennis L. Dwyer* Dennis L. Dwyer 4-6-2022  
*Larry E. Dwyer* Larry E. Dwyer 4-6-2022

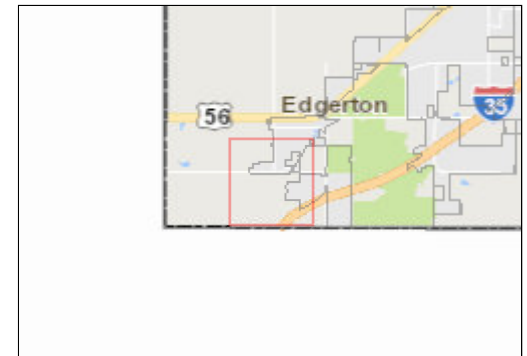




## Johnson Co AIMS Map

### LEGEND

-  City
-  Address Point
-  Building/Structure
- Property**
  -  Untaxed
  -  Vertical
  -  Unplatted
  -  Mineral Rights
  -  Common Interest
  -  Platted
  -  Right-of-way
  -  Leased Land



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## **ORDINANCE NO. 2105**

### **AN ORDINANCE ANNEXING CERTAIN LAND INTO THE CITY OF EDGERTON, KANSAS**

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

WHEREAS, the tract of land described below adjoins the City of Edgerton; and

WHEREAS, written Consent for Annexation of such tract, signed by the owners thereof, was filed with the City of Edgerton on or about April 7, 2022; and

WHEREAS, the City desires to annex this tract of land into the City of Edgerton, pursuant to K.S.A. § 12-520(a)(7).

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

**Section 1.** The following described tract of land is hereby annexed into the City of Edgerton, Kansas, upon the voluntary petition of the owners thereof, pursuant to K.S.A. § 12-520(a)(7):

#### **Tract (Parcel No. 4F211513-3001)**

The North Half of the Northeast Quarter of Section 13, Township 15 South, Range 21 East, Johnson County, Kansas, EXCEPT that part described as follows:

All that part of the Northeast Quarter of Section 13, Township 15, Range 21, Johnson County, Kansas, more particularly described as follows:

Beginning at a point on the East line of said Northeast  $\frac{1}{4}$  of said Section 13 and 376.40 feet South of the Northeast corner thereof; thence West a distance of 35.00 feet; thence South parallel to the East line of said Northeast  $\frac{1}{4}$  a distance of 200 feet; thence East a distance of 35.00 feet; thence North along the East line of said Northeast  $\frac{1}{4}$  a distance of 200.00 feet to the point of beginning, all subject to that part thereof dedicated for existing public road right-of-way containing 0.161 acres, including 0.092 acres, more or less, of existing public road right-of-way and 0.069 acres, more or less, of new right-of-way.

**Section 2.** An official copy of the Consent for Annexation shall be attached to a copy of this ordinance and shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable hours.

**Section 3.** The Clerk of the City of Edgerton, Kansas shall cause a certified copy of this ordinance to be filed with the County Clerk, Register of Deeds and the County Election Commissioner of Johnson County, Kansas.

**Section 4.** This Ordinance shall become effective upon its publication in the official City newspaper.

PASSED by the Council and APPROVED by the mayor on this 14<sup>th</sup> day of April, 2022.

---

DONALD ROBERTS, Mayor

ATTEST:

---

ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

---

LEE W. HENDRICKS, City Attorney

**City of Edgerton - 1st Quarter 2022 Report**  
**General Fund (Unaudited)**

	YTD Actual	2022 Budget	% Used	Remaining
<b>Revenues:</b>				
Ad Valorem Tax	\$ 1,172,292	\$ 2,214,328	52.9%	\$ (1,042,036)
City TIF Increment	\$ (13,959)	\$ (38,157)	36.6%	\$ 24,198
Delinquent Tax	\$ 8,442	\$ -	n/a	\$ 8,442
Motor Vehicle Tax	\$ 12,514	\$ 52,830	23.7%	\$ (40,316)
Recreational Vehicle Tax	\$ 327	\$ 835	39.2%	\$ (508)
16/20M Vehicle Tax	\$ 251	\$ 375	66.9%	\$ (124)
Local Alcoholic Liquor Tax	\$ 4,686	\$ 5,000	93.7%	\$ (314)
Local Comp Use Tax	\$ 77,683	\$ 200,000	38.8%	\$ (122,317)
County Use Tax	\$ 34,782	\$ 100,000	34.8%	\$ (65,218)
Local Sales Tax	\$ 130,772	\$ 485,000	27.0%	\$ (354,228)
County Sales Tax	\$ 96,418	\$ 375,000	25.7%	\$ (278,582)
Franchise Tax	\$ 64,609	\$ 180,000	35.9%	\$ (115,391)
Licenses & Permits	\$ 30,113	\$ 224,000	13.4%	\$ (193,887)
Charges for Services	\$ 34,352	\$ 98,700	34.8%	\$ (64,348)
Fines & Forfeitures	\$ 22,121	\$ 75,000	29.5%	\$ (52,879)
Miscellaneous	\$ 3,542	\$ -	n/a	\$ 3,542
Investment Income	\$ 366	\$ 15,000	2.4%	\$ (14,634)
<b>Total Revenue</b>	<b>\$ 1,679,311</b>	<b>\$ 3,987,911</b>	<b>42.1%</b>	<b>\$ (2,308,600)</b>

<b>Expenditures:</b>				
General Government	\$ 183,937	\$ 1,050,748	17.5%	\$ 866,811
Law Enforcement	\$ 11,243	\$ 556,036	2.0%	\$ 544,793
Public Works	\$ 134,151	\$ 565,620	23.7%	\$ 431,469
Parks	\$ 25,535	\$ 315,043	8.1%	\$ 289,508
Facilities	\$ 20,403	\$ 143,570	14.2%	\$ 123,167
Fleet Maintenance	\$ 10,986	\$ 52,700	20.8%	\$ 41,714
Community Development	\$ 73,864	\$ 387,348	19.1%	\$ 313,484
Economic Development	\$ 61,302	\$ 506,700	12.1%	\$ 445,398
Information Technology	\$ 17,469	\$ 81,872	21.3%	\$ 64,403
Employee Benefits	\$ 114,937	\$ 555,093	20.7%	\$ 440,156
<b>Total Expenditures</b>	<b>\$ 653,827</b>	<b>\$ 4,214,730</b>	<b>15.5%</b>	<b>\$ 3,560,903</b>

**Sources Over(Under) Expenditures: \$ 1,025,484 \$ (226,819)**

**Other Financing Sources & Uses**

**Transfers from Other Funds:**

Transfer from Capital Projects Fund	\$ -	\$ -	n/a	\$ -
Transfer from TIF Funds-City TIF Fee	\$ -	\$ 17,656	0.0%	\$ 17,656

**Transfers to Other Funds:**

Transfer to Equipment Reserve Fund-General	\$ -	\$ (125,000)	0.0%	\$ (125,000)
Transfer to Capital Projects Fund	\$ -	\$ (195,000)	0.0%	\$ (195,000)

**Total Other Financing Sources & Uses** \$ - \$ (302,344)

<b>Beginning Fund Balance</b>	\$ 2,098,334	\$ 1,855,359
<b>Estimated Ending Fund Balance</b>		\$ 1,326,196
<b>Unaudited Ending Fund Balance</b>	<b>\$ 3,123,818</b>	

**Reserve Required**

17% of 2022 budgeted expenditures	\$ 716,504
25% of 2022 budgeted expenditures	\$ 1,053,683

**Budget Authority**

2022 Budget Authority	\$ 5,860,925
Remaining 2022 Budget Authority	\$ 5,207,098
% of Budget Authority Used	11.2%

## City of Edgerton - 1st Quarter 2022 Report Water Fund (Unaudited)

	YTD Actual	2022 Budget	% Used	Remaining
<b>Revenues:</b>				
Charges for Services	\$ 115,916	\$ 462,222	25.1%	\$ (346,306.00)
Fines & Forfeitures	\$ 4,669	\$ 20,000	23.3%	\$ (15,331.00)
Miscellaneous	\$ 1,027	\$ -	n/a	\$ 1,027.00
Investment Income	\$ 31	\$ 2,500	1.2%	\$ (2,469.00)
Total Revenue	\$ 121,643	\$ 484,722	25.1%	\$ (363,079.00)
<b>Expenditures:</b>				
Fleet Maintenance	\$ 247	\$ 6,075	4.1%	\$ 5,828
Information Technology	\$ 10,443	\$ 49,878	20.9%	\$ 39,435
Production	\$ 57,808	\$ 175,000	33.0%	\$ 117,192
Distribution	\$ 3,473	\$ 54,505	6.4%	\$ 51,032
Administrative-Water	\$ 20,287	\$ 143,054	14.2%	\$ 122,767
Employee Benefits	\$ 7,214	\$ 36,429	19.8%	\$ 29,215
Debt Service	\$ 48,672	\$ 56,153	86.7%	\$ 7,481
Total Expenditures	\$ 148,144	\$ 521,094	28.4%	\$ 372,950
<b>Sources Over(Under) Expenditures:</b>	<b>\$ (26,501)</b>	<b>\$ (36,372)</b>		
<b>Transfers to Other Funds:</b>				
Transfer to Equipment Reserve Fund-Water	\$ -	\$ (25,000)	n/a	\$ (25,000)
Transfer to Capital Projects Fund	\$ -	\$ -	n/a	\$ -
Total	\$ -	\$ (25,000)		
<b>Beginning Fund Balance</b>	<b>\$ 168,723</b>	<b>\$ 176,502</b>		
<b>Estimated Ending Fund Balance</b>		<b>\$ 115,130</b>		
<b>Unaudited Ending Fund Balance</b>	<b>\$ 142,222</b>			
<b>Reserve Required</b>				
17% of 2022 budgeted expenditures	\$ 88,586			
25% of 2022 budgeted expenditures	\$ 130,274			
<b>Budget Authority</b>				
2022 Budget Authority	\$ 661,224			
Remaining 2022 Budget Authority	\$ 513,080			
% of Budget Authority Used	22.4%			

**City of Edgerton - 1st Quarter 2022 Report**  
**Sewer Fund (Unaudited)**

	YTD Actual	2022 Budget	% Used	Remaining
<b>Revenues:</b>				
Charges for Services	\$ 119,065	\$ 761,529	15.6%	\$ (642,464)
Licenses & Permits	\$ 100	\$ -	n/a	\$ 100
Miscellaneous	\$ -	\$ -	n/a	\$ -
Investment Income	\$ 176	\$ 3,500	5.0%	\$ (3,324)
<b>Total Revenue</b>	<b>\$ 119,341</b>	<b>\$ 765,029</b>	<b>15.6%</b>	<b>\$ (645,688)</b>

<b>Expenditures:</b>				
Fleet Maintenance	\$ 285	\$ 6,075	4.7%	\$ 5,790
Information Technology	\$ 11,821	\$ 49,879	23.7%	\$ 38,058
Treatment Plant	\$ 51,023	\$ 195,674	26.1%	\$ 144,651
Sewer Line Maintenance	\$ 572	\$ 11,700	4.9%	\$ 11,128
Lift Stations/Vaults	\$ 5,522	\$ 34,562	16.0%	\$ 29,040
Administrative-Sewer	\$ 27,376	\$ 224,738	12.2%	\$ 197,362
Employee Benefits	\$ 10,697	\$ 63,261	16.9%	\$ 52,564
Debt Service	\$ 47,219	\$ 94,438	50.0%	\$ 47,219
<b>Total Expenditures</b>	<b>\$ 154,515</b>	<b>\$ 680,327</b>	<b>22.7%</b>	<b>\$ 525,812</b>

**Sources Over(Under) Expenditures:**      **\$ (35,174)**      **\$ 84,702**

Transfers to Other Funds:				
Transfer to Equipment Reserve Fund-Sewer	\$ -	\$ (25,000)	n/a	\$ (25,000)
Transfer to Capital Projects Fund	\$ -	\$ (125,000)	n/a	\$ (125,000)
<b>Total</b>	<b>\$ -</b>	<b>\$ (150,000)</b>		

<b>Beginning Fund Balance</b>	<b>\$ 577,918</b>	<b>\$ 338,155</b>
<b>Estimated Ending Fund Balance</b>		<b>\$ 272,857</b>
<b>Unaudited Ending Fund Balance</b>	<b>\$ 542,744</b>	

<b>Reserve Required</b>	
17% of 2022 budgeted expenditures	\$ 115,656
25% of 2022 budgeted expenditures	\$ 170,082

<b>Budget Authority</b>	
2022 Budget Authority	\$ 1,103,184
Remaining 2022 Budget Authority	\$ 948,669
% of Budget Authority Used	14.0%

**MEMORANDUM**

Date: April 14, 2022

To: City of Edgerton Governing Body

From: Katy Crow, Development Services Director

Re: Planned Unit Development (PUD)

The rising cost of infrastructure, land and raw materials has led to increased sales prices for new home development. This has proven to be detrimental to first time home buyers and those with a growing family who are looking to move up to the next size home.

City Staff has recently received inquiries from residential developers regarding the use of Planned Unit Development (PUD) in the City of Edgerton. This memo, plus the attached Quicknotes briefing from the *American Planning Association* (APA), will provide an introduction to PUDs and how they can be a tool used to help facilitate the development of residential neighborhoods. Also included is Article 6 of the Unified Development Code (UDC), *Planned Unit Development District*, which outlines the process today in Edgerton.

Building materials, labor costs, supply chain issues, cost of lot development, infrastructure and local regulations are all contributing challenges related to new home development. A 2021 housing study in Johnson County indicated that reducing the minimum lot size required by a City's development code, opened more attainable housing options with lower lot and public infrastructure costs per lot. Today, the minimum lot size in Edgerton is 70' wide by 110' deep with an increase to an 80' width on corner lots. Flexibility in the lot size requirement allows developers and home builders to add more housing to a subdivision which in turn spreads the fixed costs over more homes. For example, on a 700' stretch of roadway, you can develop *ten* 70' wide lots, or decrease the lot width requirement, you can develop *fourteen* 50' wide lots. This increased density, or *upzoning*, allows for additional homeowners in that particular neighborhood who can help absorb the fixed costs of the development related to infrastructure (sewer, road network, etc.). This in turn lowers the overall housing cost for everyone.

The use of a PUD in the development process allows for the aforementioned flexibility in lot size. There is a give and take associated with PUDs. A developer might be allowed to build homes on smaller lots (i.e., 50' by 120') in exchange for providing extra

amenities in the development like green spaces, trail systems, street trees, sidewalks, auxiliary parking areas, etc. In addition, these neighborhoods come with a Homeowners Association (HOA) which enforces a set of rules (Covenants, Conditions and Restrictions or CCRs) that all property owners within the association are required to comply with. The CCRs are provided to home buyers when they close on the property and there are processes put in place by the HOA which hold the property owners accountable for things like home maintenance, lot improvements, on-street parking, etc.

Included with this memo is an article entitled "*Understanding Planned Unit Development*". Published by the American Planning Association, it provides a brief but comprehensive overview of what a PUD is and how they work. PUDs are not just for residential neighborhoods. They can be used to allow a mix of nonresidential and residential uses of mixed density. Every city is different so it is important to understand when the time is right to use a PUD and how it could benefit both the community and the developer.

### **Steps in the PUD Process**

1. **Rezoning.** Article 6 of the UDC, *Planned Unit Development District*, outlines the process for PUDs in Edgerton. PUD is a zoning designation and as such, a Rezoning application is required.
2. **Conceptual Plan.** PUDs are a little different than the typical development process in that a Conceptual Plan gets submitted in place of a Preliminary Plat. Article 6 has very specific submittal requirements for the Conceptual Plan. Like a Site Plan, a variety of information is required so that everyone has a clear understanding of the way in which the property is intended to be developed. Lot sizes, land use patterns, site data, environmental information, traffic analysis, and market analysis are just some of items required when the application is submitted.

Upon receipt of PUD Rezoning and Conceptual Plan applications, City Staff would review the submittal during the pre-application process to ensure the proposed plan submitted is in accordance with the parameters set forth by the UDC.

The Rezoning application and the PUD Conceptual Plan application would be presented as two separate items but at the same Planning Commission meeting. Both items require a Public Hearing. If the rezoning application did not receive approval to be rezoned to a PUD, the Conceptual Plan would not move forward during the meeting. If both the rezoning and the Conceptual Plan are recommended for approval, both items then continue on to the City Council for final acceptance. This is a little different than the standard development process as the Preliminary Plat and Site Plan are not reviewed by the Governing Body.



3. **Final Development Plan and Plat.** Once the Rezoning and Conceptual Plan receive acceptance from the Governing Body, the applicant can then proceed with reasonable assurance that if the agreed to concept is carried forth, Final Development Plan and Plat approval will be granted.

The Final Development Plan and Plat is a precise plan of development that shows the exact location of facilities, arrangement of streets and lots, open space and common areas and the final survey description. The Final Plat may be submitted in stages with each stage reflecting the approved Conceptual Plan, provided that each stage submitted conforms to all regulations. The Final Development Plan and Plat are reviewed by the Planning Commission and if recommended for acceptance, the applications move on to the Governing Body for approval.

4. **Any Changes.** Once approved, the Final Development Plan represents a binding agreement with the applicants and their successors. Any changes or amendments to the PUD must be made in accordance with the parameters outlined in the UDC. Changes deemed minor may be reviewed at a regular Planning Commission meeting after being published on the agenda. The method in which major changes are approved varies, depending upon when the change is made and what the change is made to.

When used correctly, PUDs can allow the flexibility necessary to bring a variety of housing appropriate for all types of residents. When properly designed, a PUD Conceptual Plan allows for creativity in land planning and site design and it is important to understand how the PUD Conceptual Plan fits with the Comprehensive Plan. To date Edgerton has not received a PUD application but we thought it would be important to explain what one is so that you can be familiar with the process that governs this important tool in the development process. We would be happy to answer any additional questions you might have on this topic.

# QUICKNOTES

*Planning fundamentals  
for public officials and  
engaged citizens*

*This PAS QuickNotes was prepared by  
APA research staff with contributions  
from national planning law experts.*

## Understanding Planned Unit Development

A planned unit development (PUD) is a large, integrated development adhering to a comprehensive plan and located on a single tract of land or on two or more tracts of land that may be separated only by a street or other right-of-way. PUD is a form of development that, although conceived decades ago, can be used today to advance a number of important smart growth and sustainability objectives. PUD has a number of distinct advantages over conventional lot-by-lot development. Properly written and administered, PUD can offer a degree of flexibility that allows creativity in land planning, site design, and the protection of environmentally sensitive lands not possible with conventional subdivision and land development practices. Moreover, properly applied, PUD is capable of mixing residential and nonresidential land uses, providing broader housing choices, allowing more compact development, permanently preserving common open space, reducing vehicle trips, and providing pedestrian and bicycle facilities. In exchange for design flexibility, developers are better able to provide amenities and infrastructure improvements, and find it easier to accommodate environmental and scenic attributes.

PUD is particularly useful when applied to large developments approved in phases over a number of years, such as master planned communities. PUDs are typically approved by the local legislative body (city council, board of supervisors, county commissioners) after a comprehensive review and recommendation by the planning board or commission, which normally includes a public hearing. Communities considering adoption of a PUD ordinance should be mindful that while planning boards and commissions are given a good deal of discretionary power in acting on PUDs, appropriate standards are essential. Moreover, a delicate balance must be found between the desire to be flexible in order to take into account unique site characteristics and the need to spell out concrete standards and criteria.

### WHY PLANNED UNIT DEVELOPMENT IS POPULAR

PUD has grown increasingly popular, in part because standard subdivision and zoning ordinances have serious limitations. Many older vintage zoning ordinances prohibit mixed use. Single family, multifamily, and nonresidential uses are often not allowed in the same zoning district. Older conventional ordinances also contain uniform site development standards that tend to produce monotonous outcomes. Subdivision control ordinances deal with narrow concerns, such as street, curb, and sidewalk standards and lot and block layout. The lack of meaningful amounts of well-placed, accessible open space and recreational amenities is another shortfall of conventional development controls.

### TYPES OF PLANNED UNIT DEVELOPMENT

Planned unit developments can take many forms, ranging from modest residential developments where housing units are clustered and open space is provided, to mixed use master planned communities that cover thousands of acres.

**Simple Residential Cluster.** Simple cluster subdivisions allow smaller lots on some parts of the site in exchange for permanently preserved common open space elsewhere on the site. Planning boards or commissions normally require the open space to be configured in a manner to protect sensitive natural features such as streams and riparian areas, vernal pools, ponds, and lakes, and to take into account hazard areas and areas of steep slope.

Communities may either limit the gross density of the tract to what would be permitted under conventional zoning, or may choose to offer a density bonus allowing more units than would other-

Matt Green



*Showcasing a 120-acre regional multi-purpose public park, pedestrian-friendly design, and a 1500+ acre wetland system, the Buckwalter PUD and the Buckwalter Place urban center in Bluffton, South Carolina promote multiple aspects of sustainable development.*



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wise be allowed. By allowing a bonus, the community can require a greater percentage of the tract as common open space. Theoretically, communities can choose to allow any residential type (or combination of types) on a parcel in the cluster plan—single-family houses, attached houses, town houses, garden apartments, or high rises. As a practical matter, however, cluster subdivisions are developed mostly for single-family homes on individual lots.

**Mixed Uses.** PUD builds on the simple residential cluster idea by allowing nonresidential uses, often at higher densities. Retail and service establishments, restaurants, schools, libraries, churches, recreation facilities, offices, and even industrial uses can be included in PUDs. Downtown or village center development with apartments above shops and live-work arrangements are also possible. The extreme case is the master planned community, which usually involves substantial acreage and combines employment, office, retail, and entertainment centers with associated self-contained neighborhoods. This can include diverse housing types as well as retail, entertainment and office centers.

### WHICH ORDINANCE, WHICH AGENCY?

Individual state planning statutes control how communities handle the deliberative process leading to a decision about a PUD. In most states a PUD provision can be made part of the zoning ordinance or it may be written as a stand-alone ordinance. In either case, the decision to approve, approve with conditions, or disapprove a PUD falls to the legislative branch of local government. Some communities permit a PUD through a discretionary review process, such as a conditional or special use permit. These permits can be approved by the legislative body, planning commission, or board of adjustment, depending on the state enabling legislation and local policies. Some communities provide for the administrative approval of mixed use developments that normally require a discretionary PUD process.

The zoning ordinance is the most appropriate place to locate planned unit development regulations. Basic legislative decisions on use and density are normally the responsibility of the legislative body. Street design and infrastructure could also be resolved through PUD approval, though these considerations are normally built into a unified development ordinance. Decisions about plan details can be left to the planning board or commission and planning staff.

### ZONING FOR PUD

Communities face a number of questions when deciding how to fit planned unit development regulations into their zoning ordinances. One alternative is to provide for planned unit development as-of-right. Under this guideline the ordinance would specify the requirements for a planned unit development, and discretionary review and approval procedures would not be necessary.

Stand-alone PUD ordinances are now fairly common. Although there are variations, a typical ordinance will include a purpose clause; a statement of the type or types of PUD that are authorized; zoning procedures; and standards for approval. The ordinance may contain definitions.

### CONSISTENCY WITH THE COMPREHENSIVE PLAN

Consistency with the comprehensive plan should be required, especially if the PUD has a major effect on growth and development in the community and on public facilities. This will be true of master planned communities. Many statutes now require zoning to be consistent with a comprehensive plan, and consistency can be required by ordinance even if there is no statutory mandate. □

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## REFERENCES

### 1. Published by American Planning Association

Mandelker, Daniel R. 2007. Planned Unit Developments. Planning Advisory Service Report no. 545. Chicago: American Planning Association.

Mandelker, Daniel R. 2007. "Planned Unit Developments and Master Planned Communities: Review and Approval Process." Zoning Practice, March.

### 2. Other Resources

American Planning Association. 2006. "Legal Foundations: Planned Unit Development." Pp. 599–601 in Part 6: Implementation Techniques, in Planning and Urban Design Standards. Hoboken, N.J.: John Wiley and Sons.

## Article 6

# Planned Unit Development District

Section 6.1	PUD Planned Unit Development
Section 6.2	Procedures for Planned Unit Development
Section 6.3	Conceptual Plan and Preliminary Plat Submission Data
Section 6.4	Final Plan and Final Plat Submission Data
Section 6.5	Changes and Amendments to a PUD

## 6.1 PUD Planned Unit Development

**A. Purpose.** The purpose of Planned Unit Development regulations is to encourage and allow more creative and imaginative design of land developments than is possible under district zoning regulations. Planned Unit Developments are intended to allow substantial flexibility in planning and designing a proposal. This flexibility often accrues in the form of relief from compliance with conventional zoning ordinance site and design requirements. Ideally, this flexibility results in a development that is better planned, that contains more amenities, and ultimately a development that is more desirable to live in than one produced in accordance with typical zoning ordinance and subdivision controls.

### **B. Objectives.**

1. To allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning and subdivision controls.
2. To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural ecologic conditions.
3. To combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.
4. To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
5. To enable land developments to be compatible and congruous with adjacent and nearby land developments.
6. To allow unique and unusual land uses to be planned for and located in a manner that ensures harmony with the surrounding community.

### **C. Standards for Planned Unit Developments.**

1. **Comprehensive Plan.** A Planned Unit Development must conform with the objectives of the Comprehensive Plan of Edgerton.
2. **Compatibility.** The uses permitted in a Planned Unit Development must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties.
3. **Net Density.** The net density of the Planned Unit Development is not required to precisely correspond with the normal net density of a traditional zoning district, but instead should reflect complementary building types and architectural design. The Planning Commission shall determine net density and floor area through the conceptual site plan review.

4. **Site Ownership.** The Planned Unit Development site shall be under a single ownership or unified control. Unified control shall mean that the various owners of adjacent sites join to submit a unified application for a PUD.
5. **Space Between Buildings.** The minimum horizontal space between buildings shall be:
  - a). Twelve (12) feet between clustered or "zero lot line" single-family detached buildings.
  - b). Sixteen (16) feet between single-family detached dwellings.
  - c). Twenty-five (25) feet between buildings, other than single family-detached dwellings, of one (1), or two and one-half (2 1/2) stories in elevation.
  - d). Equal to the height of the taller building in the case of free-standing buildings greater than two and one-half (2 1/2) stories in elevation.
6. **Yards.** The minimum required yards in a PUD shall be:
  - a). The required yards along the periphery of the Planned Unit Development shall be at least equal in width or depth to that of the adjacent zoning district.
  - b). The minimum required side yards shall be consistent with the space standards listed in item 5a-d stated above.
  - c). The minimum front and rear yards shall be determined by the review of the Planning Commission and approval of the Governing Body and shall be based on design or construction features that are deemed both architecturally and environmentally superior, are consistent with the provision of amenities, and are in strict compliance with Edgerton's building, fire health, and other applicable codes, and/or contribute to the increased health, safety, and welfare of existing and future residents of Edgerton.
7. **Parking Standards.** Adequate parking shall be provided and shall be in general conformance with the parking regulations provided for in other sections of this Ordinance unless changes are warranted by the particular characteristics of the proposed Planned Unit Development.
  - a). Additional parking space for guests, customers, the handicapped, recreational vehicles, and other common storage and/or parking uses in Planned Unit Developments, shall be required by the Governing Body, acting upon the recommendation of the Planning Commission, if warranted by the particular characteristics of the proposed Planned Unit Development.
8. **Traffic.** The PUD must incorporate adequate provisions to provide ingress and egress designed to minimize both internal and external traffic hazards and congestion.
9. **Design Standards.** The basic design standards for a PUD are provided in this Unified Development Code and are known as the "Subdivision Regulations."
  - a). **Use Standards.** The standards for the allowable use of building and land are provided throughout the various use districts of this Unified Development Ordinance.
  - b). **Departure From Standards.** The Planned Unit Development may depart from strict conformance with the required density, dimension, area, height, bulk, use and specific content regulations of this Ordinance to the extent specified in the preliminary plat and documents authorizing the Planned Unit Development so

long as the Planned Unit Development provides tangible benefits to the neighborhood or community in which it is located. These benefits shall be in the form of provisions of amenities, design excellence, and general compatibility with neighboring properties. The waiver of any requirement shall be the direct cause of accrual of benefits to the residents of the development as well as to the general community. Departure from any requirement specified in this UDC or other City ordinances and regulations is a privilege, and shall be granted only upon recommendation of the Planning Commission and approval by the Governing Body.

## **6.2 Procedures for Planned Unit Development**

**A. General.** Approval of a Planned Unit Development proposal shall follow the procedures used for a change to the official zoning map as outlined in Article 9. A conceptual plan shall be submitted with the request for rezoning to PUD.

**B. Processing Procedures.** The following steps are required in processing all Planned Unit Developments:

### **1. Pre-Application**

- a). **Intent.** The intent of the Pre-Application process is to obtain a general awareness of the City's adopted planning rationale, the compatibility of the proposed Planned Unit Development with existing and anticipated land uses in the vicinity, and a familiarity with the City's Planned Unit Development procedures. This meeting allows the developer to understand the Planned Unit Development procedures.
- b). **Pre-Application Conference.** Prior to the filing of an application for approval of a Planned Unit Development, the prospective applicant may request the Planning Commission to discuss the development of the proposed Planned Unit Development site in conjunction with the City's adopted planning rationale and its compatibility with existing and anticipated land uses in the vicinity at an informal meeting. This meeting may be a part of a regularly scheduled agenda or at a special meeting. All such meetings shall be open to the public, and included on the agenda in advance of the meeting.
- c). **Pre-Application Document Review.** Prior to the filing of an application for approval of a Planned Unit Development, either before or after the Pre-Application Conference, all prospective applicants shall review copies of the Edgerton Land Use Plan, the Zoning Map, and the Planned Unit Development Sections of this UDC. The petitioner shall evaluate the Comprehensive Plan in order to determine the consistency of the proposal with the City's adopted planning rationale. The Zoning Map shall be reviewed to ascertain whether or not the proposal is likely to be compatible with existing and anticipated land uses in the vicinity of the proposal. The Planned Unit Development sections of this UDC shall be reviewed to insure familiarity with the City's Planned Unit Development procedures.

### **C. Conceptual Plan and Preliminary Plat Procedure.**

1. **Intent.** The intent of the Conceptual Plan Submission is to obtain approval of the City for the development of a parcel of land in accord with the plans, programs, and schedule submitted as this part of the Planned Unit Development application. The

Conceptual Plan shall be prepared so as to serve in lieu of a preliminary plat. At this stage the applicant is explicitly committing the subject property to a specific arrangement of land uses at a specific range of densities. In return the petitioner is receiving - through rezoning for a Planned Unit Development - a community commitment that, following conceptual plan approval, the petitioner can proceed to subsequent steps of the Planned Unit Development procedure with reasonable assurance that if the agreed to concept is carried forth, final plan and plat approval will be granted.

2. **Procedure.** A request for approval of a Conceptual Plan/rezoning, as a step in the Planned Unit Development procedure, shall be submitted to the Zoning Administrator and subsequently shall be referred to the Planning Commission for public hearing, review, and recommendation.
3. **Hearing.** The Planning Commission shall hold a public hearing on the application for a Planned Unit Development Conceptual Plan/rezoning in accord with the procedures established for public hearings in this UDC.
4. **Review Time.** Following the public hearing and review of the Conceptual Plan submission, the Planning Commission shall within sixty (60) days, unless an extension is requested by the applicant, recommend approval, modification, or disapproval of the Conceptual Plan/Rezoning, and the reasons therefore, or indicate why a report and recommendation cannot be rendered to the Governing Body.
5. **Governing Body Review.** The Governing Body, after receipt of the Conceptual Plan/rezoning from the Planning Commission, shall approve, disapprove, or return the proposal to the Planning Commission for additional review within sixty (60) days, unless an extension is requested by the applicant. In the case of approval, the Governing Body shall pass an ordinance approving the Conceptual Plan. This ordinance shall provide for a change in the official City Zoning Map indicating that the subject site is approved for a Planned Unit Development. If the Governing Body returns the application to the Planning Commission with specific recommendations for change, and such changes are not made or not in agreement with the with the comments accompanying the return, the Governing Body may modify, add conditions, or impose specific limitations as necessary to protect the health, safety, and welfare of the City.

#### **D. Final Development Plan and Final Plat Approval**

1. **Purpose.** The purpose of the Final Development Plan and Plat is a precise plan of development that shows the exact location of facilities, arrangement of streets and lots, open space and common areas, and the final survey description.
2. **Procedure.** The Final Plat shall be submitted as a Planned Unit Development Plat and shall conform substantially to the Conceptual Plan as approved and, if desired by the applicant, may be submitted in stages with each stage reflecting the approved Conceptual Plan; provided, however, that each stage submitted conforms to all requirements of these regulations.
3. **Submission.** Submission of the items required of a Final Development Plan and Plat petitioner as identified under the "Submission Requirements" Section of this Article shall be made to the Zoning Administrator for certification that the Final Development Plan and Plat is in conformance.

4. **Review.** The Planning Commission shall review the Final Development Plan and Plat within sixty (60) days after submission unless an extension is requested by the applicant.
5. **Governing Body.** The Governing Body, after receipt of the Final Development Plan and Plat from the Planning Commission, shall approve, or disapprove the Final Development Plan and Plat within a period of sixty (60) days, unless the applicant requests an extension. The Governing Body shall base its review on the sufficiency of the dedications and/or reservations offered by the applicant. If approved, the Governing Body shall sign the plat and return it to the Register of Deeds for recording.

## **6.3 Conceptual Plan and Preliminary Plat Submission Data.**

### **A. Pre-Development Stage.**

1. **Application.** A written application for a Planned Unit Development shall be submitted on forms supplied by the Zoning Administrator.
2. **Fee.** A Conceptual Plan and Preliminary Plat Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the conceptual plan and preliminary plat application. If special planning, engineering, architectural or other consultants must be retained by the City for review of the proposed Planned Unit Development, the petitioner shall be so notified, and all costs for said consultants expended by the City - not covered by the filing fee - shall be reimbursed by the petitioner.
3. **Notification List.** A 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 shall be submitted to the Zoning Administrator. This list shall be current as of the date of submission. Persons appearing on said list will be sent notice of the public hearing in compliance with statutory requirements. 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.
4. **Ownership.** A state of present and proposed ownership of all land within the development shall be submitted to the Zoning Administrator.
5. **Legal Description.** A legal description of the subject site shall be submitted to the Zoning Administrator.
6. **Number of Copies.** At the time of the public hearing on the Conceptual Plan, six (6) copies, and all subsequent listed information, shall be submitted (with the exception of non-reproducible exhibits). Failure to submit any of the required information, without a specific written waiver from the Planning Commission, shall constitute grounds for dismissal of the Planned Unit Development petition. Waiver of specific submission elements may be requested of the Planning Commission, in writing, at the time the Planned Unit Development Conceptual Plan application is made. The Planning Commission shall decide upon the waiver request at its next regularly scheduled meeting; the petitioner will be notified of the decision, and the public hearing will then be scheduled. Specific grounds for waiver must be stated by the petitioner. The Conceptual Plan submission shall include the following:



7. **Conceptual Plan and Plat.** A drawing of the Planned Unit Development shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. The Plan shall indicate the concept of the development with refinements to indicate the overall land use pattern, general circulation system, open space or park system, and major features of the development together with a set of proposed restrictions, conditions, and covenants. The Plan must include:
  - a). Boundary lines and dimensions of the subject site.
  - b). Existing and proposed easements--general location and purpose.
  - c). Streets on, adjacent, or proposed for the tract, including all rights-of-way and pavement widths.
  - d). Land use patterns proposed for the subject site.
  - e). Map data--name of development, name of site planner, north point, scale, date of preparation.
8. **Site Data.** A list of pertinent site data, including:
  - a). Description and quantity of land uses.
  - b). Acreage of site.
  - c). Number of dwelling units proposed.
  - d). Area of industrial, commercial, institutional, recreational, and number of buildings proposed.
  - e). Densities of residential areas.
  - f). Housing mix.
  - g). A statement indicating how the proposed Planned Unit Development corresponds to and complies with objectives for Planned Unit Developments as previously stated in this Article.
  - h). Development schedule indicating:
    - i). Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material.
    - j). Approximate dates for beginning and completion of each stage.
  - k). If different land use types are to be included within the Planned Unit Development, the schedule must include the mix of uses anticipated to be built in each stage.
9. **Environmental Information.** Data identifying existing natural and environmental site conditions, including:
  - a). **Topography.** A topographic map, if possible underlying the concept plan, at a minimum of ten (10) foot contour intervals.
  - b). **Flood Plain.** Information from the most current source specified by the City indicating the location and extent of the regulatory flood plain.
  - c). **Soils.** Information from the most current U.S. Department of Agriculture - Soil Conservation Service Soils Catalog indicating the location and species of soils. If said information is not available, soil borings may be submitted.
  - d). Location and extent of existing vegetation.

- e). A depiction of existing surface drainage patterns and proposed retention and detention areas.
- 10. **Utilities.** Statement indicating that sanitary sewer, storm sewer, and water are directly available to the site, or if well and septic systems are proposed, a statement from a licensed professional engineer indicating that the proposed development can be suitably served by such systems.
- 11. **Traffic Analysis.** A study providing information on the existing road network, and adjunct vehicle volumes, and the effect the proposed Planned Unit Development will have on the existing (or improved) road network.
- 12. **Tax and School Impact.** A study indicating the sources and amounts of revenue to be generated to various governmental jurisdictions as a result of the development, expected school-age children generation, and estimated cost of providing service to the development that will be absorbed by the City and the affected school districts.
- 13. **Market Analysis.** At the request of the Planning Commission, and depending upon the types of land uses proposed to be included in a Planned Unit Development, information may be provided from one (1) or more of the following categories:
  - a). Planned Unit Developments proposed to contain any residential uses shall require submission of at least the following market data:
  - b). Details about the proposal pertaining to: housing types, floor area of dwellings, estimated price ranges, number of bedrooms, densities, and amenities included.
  - c). Total anticipated demand in the City for the type of unit(s) proposed shall be estimated for the immediately subsequent five (5) year period. The percent of that demand which would be absorbed by the proposed Planned Unit Development shall be identified. Methods used in determining the five (5) year demand shall be indicated.
  - d). Planned Unit Developments proposed to contain any commercial uses shall require submission of at least the following market data: details about the proposal pertaining to: number of users, floor area of each use area, bulk of buildings, price or rent ranges, or floor area ratios.
  - e). Planned Unit Developments proposed to contain any industrial uses shall require submission of at least the following market data: details about the proposal pertaining to: number of users, floor area of each use area, bulk of buildings, price or rent ranges, floor area ratios, and approximate number of employees.

## **6.4 Final Plan and Final Plat Submission Data.**

### **A. Final Plan and Final Plat Submission Requirements.**

- 1. A Final Plan and Final Plat Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the final plan and final plat application.
- 2. An accurate legal description of the entire area under immediate development within the planned development.
- 3. A Planned Unit Development Plat of all lands which are part of the Final Plat being submitted, and meeting all requirements for a Final Plat.
- 4. An accurate legal description of each separate unsubdivided use area, including common open space.
- 5. Designation of the location of the building pads, or areas, or setback lines or setback standards for all buildings to be constructed.

6. Certificates, seals, and signatures required for the dedication of lands, and recording the document.
7. Tabulation of separate unsubdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.
8. **Common Open Space Documents.** All common open space shall be either conveyed a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the Planned Unit Development, or retained by the developer with legally binding guarantees, in a form approved by the City Attorney, verifying that the common open space will permanently be preserved as open area. All land conveyed to a not-for-profit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.
8. **Final Systems Plans.** Final plans, with all required detail, shall be submitted, including:
  - a). Engineering plans showing how the site is to be serviced with sewer, water, well, and/or septic systems (as agreed to during the Preliminary Plat Stage).
  - b). Lighting plans.
  - c). Drainage and storm water retention and detention plans.
  - d). Road plans, including curbs and gutters, on-site/off-site signalization, acceleration, deceleration lanes, etc.
  - e). Sidewalk, paths, and cycle trails.
  - f). **Landscape Plans.** Plans showing the type and location of plant material, berms, and other aesthetic treatments.
  - g). **Public Facilities.** All on-site and/or off-site public facilities and improvements made necessary as a result of the Planned Unit Development shall be either constructed in advance of the approval of the Final Plat or subdivider's bond or approved letters of credit posted to guarantee construction of the required improvements. The subdivider's bond or approved letters of credit, payable to the City of Edgerton, shall be sufficient to cover the full cost of the improvements plus ten (10) percent. Detailed construction plans shall be submitted for all public facilities to be built.
  - h). **Construction Plans.** Detailed plans shall be submitted for the design, construction, or installation of site amenities; including buildings, landscaping, lakes, and other site improvements.
  - i). **Construction Schedule.** A final construction schedule shall be submitted for that portion of the Planned Unit Development for which approval is being requested.
  - j). **Delinquent Taxes.** A certificate shall be furnished from the appropriate County official that no delinquent taxes exist and that all special assessments constituting a lien on the whole or any part of the property of the Planned Unit Development have been paid.
  - k). **Covenants.** Final agreements, provisions, or covenants which will govern the use, maintenance and continued protection of the Planned Unit Development shall be approved by the City and recorded at the same time as the Final Planned Unit Development Plat.

## 6.5 Changes and Amendments to a PUD.

- A. **Development Concept.** The Planned Unit Development shall be developed only according to the approved and recorded Final Plan and Plat and all supporting data. The recorded Final Plat and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the Planned Unit Development project as set forth therein.
- B. **Changes.** Changes and amendments may be made to the PUD in accord with the following schedule:
  - 1. **Major Changes.**
    - a). Changes which alter the concept or intent of the Planned Unit Development including increases in density, changes in the height of buildings, reductions of proposed open space, changes in the development schedule, changes in road standards, or changes in the final governing agreements, provisions, or covenants, may be approved only by submission and reconsideration of a new Preliminary and/or Final Planned Unit Development Plat and supporting data and following the Preliminary or Final Plat procedure.
    - b). If the major change alters data or evidence submitted during the Conceptual Plan or Preliminary Plan or Preliminary Plat stage, then the resubmission must begin at the Preliminary Plat stage.
    - c). If only Final Plat evidence or data is altered as a result of the major change, then the resubmission shall begin at the Final Plat stage. If major changes are proposed, a new public hearing shall be required during resubmission of the Preliminary or Final Plat.
    - d). All changes to the "original" Final Plat shall be recorded with the County Register of Deeds as amendments to the Final Plat or reflected in the recording of a new "corrected" Final Plat.
  - 2. **Minor Changes.** Changes that are deemed minor by the Planning Commission, and not listed above under major changes, may be initiated at any regular meeting after first being published on the agenda.
  - 3. **Vesting.** Vested rights to a PUD shall expire five (5) years after the date of final approval if all public utilities have not been installed in the first approved phase. The land shall then revert to its underlying zoning district.