

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
May 26, 2022
7:00 P.M.**

Call to Order

1. **Roll Call** _____ Roberts _____ Longanecker _____ Lewis _____ Beem _____ Stambaugh
2. **Welcome**
3. **Pledge of Allegiance**

Business Requiring Action

4. CONSIDER APPOINTMENT OF DEB LEBAKKEN TO CITY COUNCIL MEMBER

Motion: _____ Second: _____ Vote: _____

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)*

5. Approve Minutes from May 12, 2022 Regular City Council Meeting
6. Approve Appointment of Adam Draskovich to the Edgerton Planning Commission for a term ending in September 2022
7. Approve Final Acceptance for 2021 CDBG 7th and Nelson Sanitary Sewer Rehabilitation Project

Motion: _____ Second: _____ Vote: _____

Regular Agenda

8. **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.
9. **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.

10. **Presentations** by Representatives from Outside Agencies for 2023 Budget Requests

- Project Grad, Andrea Kleinsorge
- Robert Cook Memorial Votech Scholarship, Jim Dean
- Frontier Days, Nate Eggleston
- Johnson County Utility Assistance, Joanne Haworth
- United Community Services (HSF), Julie Brewer
- Miami County Conservation District, Lesley Rigney
- ElevateEdgerton!, James Oltman

Business Requiring Action

11. **CONSIDER ORDINANCE NO. 2106 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE ARTICLE 9, SECTIONS 9.1 (B)(7) AND 9.6(E) AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Motion: _____ Second: _____ Vote: _____

12. **CONSIDER ORDINANCE NO. 2107 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE ARTICLE 10, SECTION 10.1(E) AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Motion: _____ Second: _____ Vote: _____

13. **CONSIDER ORDINANCE NO. 2108 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE ARTICLE 13, SECTIONS 13.3(B)(1) AND 13.3(F)(1) AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Motion: _____ Second: _____ Vote: _____

14. **CONSIDER AWARD OF CONSTRUCTION OF NELSON STREET FROM EAST 3RD STREET TO WEST 8TH STREET (CARS) PROJECT, INCLUDING STREET MAINTENANCE PROGRAM 2022 ROADWAY SECTIONS (WEST 5TH STREET & WEST MARTIN STREET) TO MCANANY CONSTRUCTION INC. AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT**

Motion: _____ Second: _____ Vote: _____

15. **Report by the City Administrator**

- Water Emergency & Conservation Plan Annual Review

16. **Report by the Mayor**

17. Future Meeting Reminders:

- June 9th: City Council Meeting – 7:00PM
- June 14th: Planning Commission – 7:00PM
- June 23rd: City Council Meeting – 7:00PM
- July 7th: City Council 2023 Budget Work Session – 7:00PM
- July 12th: Planning Commission – 7:00PM
- July 14th: City Council Meeting – 7:00PM
- July 28th: City Council Meeting – 7:00PM

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

EVENTS

May 30th: City Hall Closed for Memorial Day
June 1st: Animal Wonders: Summer Series
June 2nd: Fun in the Sun
June 4th: Summer Kick-off Block Party
June 10th: Tie-Dye T-Shirts
June 12th: Father's Day Toolbox Card
June 13th: Dog Days of Summer
June 14th: Tales for Tots
June 15th: Senior Lunch & BINGO
June 17th - 18th: 51st Annual Frontier Days

City of Edgerton, Kansas
Minutes of City Council Regular Session
May 12, 2022

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on May 12, 2022. The meeting convened at 7:00PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Josh Beem	absent
Josie Stambaugh	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Public Works Superintendent, Trey Whitaker
- CIP Manager, Brian Stanley
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion
- Development Services Director, Katy Crow
- Marketing & Communications Manager, Kara Banks
- Recreation Coordinator, Brittany Paddock

2. WELCOME

3. PLEDGE OF ALLEGIANCE

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

4. Approve Minutes from April 28, 2022 Regular City Council Meeting
5. Approve Resolution No. 05-12-22A Recognizing the Edgerton Frontier Days as a "Public Festival" for Purposes of the City's Noise Restrictions
6. Approve Resolution No. 05-12-22B for Temporary No Parking Related to Frontier Days
7. Approve Resolution No. 05-12-22C Authorizing Permission to Use Requested City Buildings/Public Spaces, and the Approval of Additional Service Requests for Edgerton Frontier Days Festival

Ms. Linn requested items 6 and 7 be removed for updates provided by city staff.

Mayor Roberts removed the items for further discussion, he then requested a motion to approve the consent agenda items 4 and 5.

Councilmember Longanecker moved to approve the consent agenda items 4 and 5, seconded by Councilmember Lewis. The items were approved, 3-0.

Ms. Brittany Paddock, Recreation Coordinator, addressed the Council. She stated after publication of the packet, staff noticed that although the resolution approved for street closures and no parking was correct, the map provided showed incorrect labeling. She stated the map now provided to the governing body is corrected to show that Hulett St., from East 4th to East 5th should be a no parking zone and not a street closure.

With no questions or comments, Mayor Roberts requested a motion to approve Resolution No. 05-12-22B for temporary no parking related to Frontier Days.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 3-0.

Ms. Paddock stated item 7 also needed some further revisions after publication of the packet related to facilities used during the festival and services carried out by City Staff. She stated Yellow House, located at 305 E. Nelson, was not previously listed, this space is used during the festival for the bands to get ready in. She stated the drafted resolution did not previously list the remaining services carried out by city staff for the festival, such as, no parking signage, street sweeping before and after the event, event flyer printing, advertisement, employees provided for the event to be Public Safety liaisons, and coordination with the Sheriff's Office.

With no questions or comments, Mayor Roberts requested a motion to approve Resolution No. 05-12-22C authorizing permission to use buildings/public spaces and approval of additional service requests for Frontier Days.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lewis. The motion was approved, 3-0.

Regular Agenda

8. **Declaration.** There were no declarations made.

9. **Public Comments.** There were no public comments made.

Business Requiring Action

10. PUBLIC HEARING FOR RESOLUTION NO. 05-12-22D TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY

Ms. Paddock addressed the Council. She stated like years past, the city must hold a public hearing and approve a resolution to allow for sale and consumption of alcohol within 200 feet of any church, school, nursing home, library, or hospital. Because the proposed space for the bar at Frontier Days is located at the red barn by the Yellow House, the city must first complete this process due to the proximity of the Edgerton Library. If approved, this resolution would grant the wavier requested with the stipulations as listed in the Council packet. She stated City Staff

will inform the Sheriff's Office of the proposed request to serve alcohol on the mentioned dates and times.

Mayor Roberts opened the public hearing at 7:07PM.

With no questions or comments from the public or the governing body, Mayor Roberts then closed the public hearing at 7:07PM.

11. CONSIDER RESOLUTION NO. 05-12-22D TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY

Mayor Roberts requested a motion to approve Resolution No. 05-12-22D temporarily waiving the City prohibition as to the sale and consumption of alcoholic liquor on certain public property.

Councilmember Lewis moved to approve the resolution, seconded by Councilmember Longanecker. Resolution No. 05-12-22D was approved, 3-0.

12. CONSIDER RESOLUTION NO. 05-12-22E AUTHORIZING SPECIAL EVENT PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS

Ms. Paddock addressed the Council. She stated the Governing Body was provided the current special event permit application submitted from the Frontier Days Committee, along with the alcohol permit submitted by City Center Pub, LLC for serving alcohol at the event. She stated this resolution would approve the permit and allow for the serving of alcohol at the event between certain hours as listed in the Council packet, as well as allow for the serving of alcohol by a licensed party.

With no questions or comments, Mayor Roberts requested a motion to approve Resolution No. 05-12-22E authorizing the special even permit for the sale and consumption of alcoholic liquor on certain public property.

Councilmember Longanecker moved to approve the resolution, seconded by Councilmember Stambaugh. Resolution No. 05-12-22E was approved, 3-0.

Mayor Roberts stated he would like to point out that the Frontier Days flyer has been provided to the Governing Body and it has all the events listed for this year as well as the performers. He stated the flyer will go out in the newsletter, but if there are people asking about the event, Council now has the flyer to give them some details.

13. PUBLIC HEARING FOR 1ST & HULETT SANITARY SEWER PROJECT APPLICATION TO JOHNSON COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR 2023

Mr. Brian Stanley, CIP Manager, addressed the Council. He stated cities who are interested in submitting a CDBG application to the County are required to obtain the views of citizens through at least one public hearing held before the City Council and advertised at least fourteen (14) days in advance in the City's newspaper of record. He stated a Public Hearing Notice was published in the Gardner News on April 25th. At time of preparation of the packet, the City has received no comments. He stated CDBG is a reimbursement program in which cities may apply for up to \$200,000. If Edgerton applies for \$200,000 in 2022, for funding in 2023, Edgerton would be ineligible to apply for a grant in 2023 for funding in 2024.

Mayor Roberts opened the public hearing at 7:11PM.

With no questions or comments from the public or the governing body, Mayor Roberts then closed the public hearing at 7:11PM.

**14. CONSIDER SUBMITTAL OF 1ST & HULETT SANITARY SEWER PROJECT
APPLICATION TO JOHNSON COUNTY FOR COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) FUNDING FOR 2023**

Mr. Stanley stated each year, Johnson County invites cities to submit applications for Community Development Block Grant funds made available by the federal government. He stated the county states their primary goal of this program is to provide federal financial assistance to eligible applicants for the purpose of community development.

He stated the 1st and Hulett Sanitary Sewer Project will take place East of the 2021 CDBG Project, consisting of Cured In Place Pipe (CIPP), Manhole Patches, and Point Repairs. Quantities of each repair type will be analyzed by an engineer, but it is anticipated to be approximately three to six thousand (3,000-6,000) linear feet of CIPP.

He stated the project continues the City's replacement of aging sanitary sewer infrastructure to reduce the amount of Inflow and Infiltration (I&I) from this area. I&I is the wastewater system receiving stormwater, then conveying it to the plant for treatment.

He stated staff would recommend using sewer funds as leverage dollars for project costs over the \$200,000 allowed by CDBG. Funds in the amount of \$125,000 were set aside in the 2022 Budget for sewer projects. He stated this project is currently unfunded within the CIP, but staff will include the project with a recommendation for funding with this year's CIP discussion.

With no questions or comments, Mayor Roberts requested a motion to approve the submittal of the application for CBDG Funding.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lewis. The motion was approved, 3-0.

15. Report by the City Administrator

- 2022 Street Preservation Program

Mr. Trey Whitaker, Public Works Superintendent, addressed the Council. He stated in 2020 the City contracted out a company to do a pavement condition survey to give the city a better idea of what kinds of treatments are acceptable for specific sections of roadway. He stated based on inspections and assessment, staff recommends specific sections of roadway, as included in the Council packet, to be included in the 2022 Street Preservation Program for UBAS treatment.

He stated the 2022 Street Preservation Program was included as a bid alternate with the Nelson Street CARS Project. That bid opening will be held on May 17, 2022. He stated following the bid opening, staff will bring the final selections to the governing body for approval.

He stated with the CARS project, the City will utilize UBAS and localized patching, which will extend the longevity of the roadways.

Ms. Linn stated a significant portion to be reconstructed is the entrance to Edgerton Elementary School where the roadway holds significant amounts of water.

Mr. Whitaker stated staff is working to add these sections of roadway to a maintenance schedule for patching and crack sealing as needed, which in turn, increases the longevity of the roads.

- Report on 1st & Meriwood Stormwater Repairs Project

Ms. Linn stated she would like to give an update on 1st & Meriwood Stormwater Repairs Project and stated the City Engineer, David Hamby, was in attendance tonight should the Governing Body have any questions.

She stated in October 2019, the City Council approved the 2020-2024 CIP which included the 1st Street and W. Meriwood Street Stormwater Repairs. She stated this project was approved for funding based on public input from residents due to the known flooding in the area.

She stated in June 2020, City Council approved the agreement with BG Consultants for the engineering and design services for this project. The project consisted of replacement of the crossroad pipe in the west road right-of-way of 1st Street and crossing under W Meriwood Street. She stated this section of storm-pipe has caused issues in the area including water overtopping the roadway, residential flooding issues, degradation of the stormwater network in the area and damage to the edge of the adjacent roadways.

She stated in October 2020, City Council approved the agreement with J. Richardson Construction Co. for construction. Construction was inspected by Renaissance Infrastructure Consulting. Final acceptance of the Project was approved by City Council on August 12, 2021. The project included the following:

- Remove 35 linear feet of existing 18-inch pipe; replace with 41 linear feet of 30-inch pipe
- Install V-bottom ditch to the north and south of the intersection
- Install a new curb inlet with an opening in the back at south end of the project
- New culvert beneath driveway on property to the north of the intersection

She stated on April 28, Councilmember Stambaugh provided a document consisting of several screen shots from a phone conversation between Trey Whitaker and an unknown person. The dates of the texts range from March 9 to May 24, 2021. It is unclear when the photos were taken. She stated these dates are prior to project completion.

She stated the pictures show visible water in the ditch flowing about 10% to 30% full, as well as no established vegetation in the ditch in some pictures. In other pictures vegetation is starting to be established, as well as gutter buddies removed from the flowline of the ditch.

She stated the main purpose of drainage ditches adjacent to roadways is to convey stormwater. It may appear that the ditch holds water as the water level rises, but the water is either being absorbed or moving through the system. She stated once the rainfall event ends, the ditch continues to absorb or drain until the water is gone. Length of time water may remain in the ditch depends on several factors including amount and timing of rainfall, saturation of ground, etc.

She stated one of the critical phases of construction is the establishment of vegetation in the stormwater ditch. While grass becomes established, it is required by KDHE that the contractor maintain certain erosion control measures, such as gutter buddies, to prevent rain from washing away any grass seed placed and causing erosion within the project. She stated erosion in these areas, if not managed, could remove many of the benefits from a project. Once vegetation is established, the flow can be absorbed, as well as conveyed without changing the grade of the ditch.

Councilmember Stambaugh stated she had expressed that the unknown person referenced in the messages was Megan and Kenneth Dorman. She stated the gutter buddies that were placed were clogged and causing a backup of the water flow, most likely due to the gutter buddies not being properly cleaned and kept an eye on while the project was being completed. She stated their house, with the last rainfall, flooded again and that was not a 100-year rainfall event. She stated it would have made more sense to her to have had an entire new pipe laid and the elevation of the ditches lessened. She stated if they are on a riding mower, they cannot mow the ditch because the elevation is so steep. She asked if there was a reason a full pipe was not installed.

Mayor Roberts stated the cost would have been much higher to install a pipe instead of the ditch. He stated ditches are more environmentally friendly because the water goes back into the ground.

Ms. Linn stated Staff is working to complete the stormwater master plan, that includes concerns submitted from citizens. She stated the intention is to present the data this summer. In October, Councilmembers will be able to decide which, if any, stormwater projects would be funded in the CIP. She stated at the time the project at 1st and Meriwood was completed, the project was limited to address specific concerns.

Councilmember Stambaugh asked if there is any future talk about fixing this issue.

Ms. Linn stated yes, at the CIP Work Session in October when Councilmembers will get to decide where they want unfunded vs. funded projects to fall and prioritize each based off the feedback from the community.

Councilmember Stambaugh asked when they get to identify where this project falls.

Ms. Linn stated during the work session there will be a number of projects to identify and prioritize for the community.

Councilmember Longanecker questioned if the pictures were taken before the project was completed, is the ditch still holding water.

Ms. Linn invited Mr. Hamby to address the Councilmembers questions.

Mr. Hamby stated when they were brought on to complete this project, they were doing so to address issues with the street elevation and pipe at 1st & Meriwood. He stated this project was not designed to solve the problems in that entire area, rather it was specifically to address the ditches and over-topping of the roadway. He stated they did replace the pipe with a bigger one under Meriwood and the design of the ditch was completed to hold the flow of that bigger pipe as well as stay within the guidelines of right-of-way. He stated when an underground storm sewer project is done, the entire street is reconstructed, which was not part of the plan or budget at the time. He stated the grade of the ditch is designed to hold water and unless it is raining there should not be more than an inch or two of water at a time. He stated ditches are also not designed to be maintained with a riding mower, they are designed to be pushed mowed.

Mr. Hamby stated gutter buddies are installed during construction to slow down the flow of water and catch debris until the vegetation is 70% established, at which point the gutter buddies can be removed. He stated these guidelines come from the state.

Councilmember Longanecker asked what the percentage of grade on new construction storm sewer is.

Mr. Hamby stated it varies based on the size of pipe and the water flowing through.

16. Report by the Mayor

Mayor Roberts stated this weekend is Cyclones in the Outfield which is a fundraiser for Edgerton Elementary. He stated this fundraiser is great because the money from this event will go toward tuition for the students enrolled at Edgerton Elementary and goes right back to the Edgerton Community. He stated Deputy Johnson has done a great job with this event and hopes to expand it over the years to get other schools in the district involved. He stated he encourages those that can make a donation to the fundraiser and come out to participate at the event.

17. Future Meeting Reminders:

- May 26th: Joint Planning Commission & City Council Work Session – 6:00PM
- May 26th: City Council Meeting – 7:00PM

- June 9th: City Council Meeting – 7:00PM
- June 14th: Planning Commission – 7:00PM
- June 23rd: City Council Meeting – 7:00PM
- July 7th: City Council 2023 Budget Work Session – 7:00PM
- July 12th: Planning Commission – 7:00PM
- July 14th: City Council Meeting – 7:00PM
- July 28th: City Council Meeting – 7:00PM

18. **Adjourn**

Councilmember Lewis moved to adjourn, seconded by Councilmember Stambaugh. All in favor.
The meeting was adjourned at 7:37PM.

Submitted by Alexandria Clower, City Clerk

City Council Action Item

Council Meeting Date: May 26, 2022

Department: Public Works

Agenda Item: Consider Final Acceptance for 2021 CDBG 7th and Nelson Sanitary Sewer Rehabilitation Project

Background/Description of Item:

During the work session held on October 10, 2019, City Council identified the 7th and Nelson Sanitary Sewer Project as a priority for completion. On May 28, 2020 City Council approved the submission of an application to Johnson County for the 7th & Nelson Sanitary Sewer Project for Community Development Block Grant (CDBG) funding. In September of 2020 Johnson County notified staff of the proposed award of the full funding request (\$200,000).

At the February 25, 2021 City Council meeting, Trekk was selected as the engineer for this project. On September 23, 2021 City Council approved the award of the contract to Municipal Pipe Tool Company, with a low bid of \$231,233.25.

Substantial Completion was reached on January 14, 2022. On April 19th, 2022 the contractor finished restoring all of the properties following construction. Trekk is currently finishing the As-Builts for the project.

Municipal Pipe Tool Company requested 2 change orders. The first change order was a deduct of \$4,952.18 as field conditions allowed for a decrease in linear feet of cured in place pipe (CIPP). The second change order is an increase of \$4,375.00. This increase is due to an error made in processing the tax exemption certificate for the project. Expenditures were made prior to the date of the certificate. The taxes from these purchases were tracked and the City will be able to complete paperwork to get these costs reimbursed. After these change orders the final contract amount is \$230,656.07.

Original Bid Award:	\$231,233.25
Change Order 1:	- \$4,952.18
Change Order 2:	+ \$4,375.00
Total Contract Amount:	\$230,656.07**

Total Actual (after reimbursement) \$226,281.07

Staff anticipates the project to be under budget once final payments for engineering and construction inspection are completed. Any remaining funds will be reported to City Council at CIP Work Session for consideration of reallocation. Staff recommends final acceptance of the

7th and Nelson Sanitary Sewer Project and by doing so authorizing the final payment of \$27,800.46 to Municipal Pipe Tool.

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

Funding Source: Sewer Fund: \$268,000
CDBG: \$200,000

Budget Allocated: \$468,000

Finance Director Approval: ☒ 
Karen Kindle, Finance Director

<p>Recommendation: Approve Final Acceptance for 2021 CDBG 7th and Nelson Sanitary Sewer Rehabilitation Project</p>
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Enclosed: Final Acceptance Letter from RIC

Prepared by: Dan Merkh, Public Works Director

Katy Crow

From: Joe Venneman <jvenneman@ric-consult.com>
Sent: Thursday, May 12, 2022 8:24 AM
To: Brian Stanley
Subject: RE: Pay App 4
Attachments: Edgerton KS 2021-24 Pay Estimate #4-FINAL.pdf

Brian,
Please see attached document.
The project has been completed per PLANS and Change Orders to my satisfaction.
Thanks,

Joe Venneman

Construction Services Manager
Renaissance Infrastructure Consulting
jvenneman@ric-consult.com | 913.271.7155 (c)

From: Brian Stanley <bstanley@edgertonks.org>
Sent: Thursday, May 12, 2022 8:16 AM
To: Joe Venneman <jvenneman@ric-consult.com>
Subject: Pay App 4

Hey Joe,

Here is Pay App 4.

Thanks,



Brian Stanley • CIP Manager
City of Edgerton, KS
404 East Nelson • Edgerton, KS 66021
913.893.6231 (o) • 913.424.3621 (c)
www.edgertonks.org

Funding Request for City of Edgerton

Robert Cook VoTech Scholarship Fund

Jim Dean – Chairman 913-205-6261, jim_dean@comcast.net

The Robert Cook VoTech Scholarship Fund was established in 2019 to provide financial assistance to GEHS graduating seniors who will be attending a vocation technical school rather than a traditional college or university. The fund was named after long time area resident and businessman, Robert Cook, who passed away in 2018. Robert ran an auto repair business and often allowed high school students to work in his shop for a few days if they were considering a career in the auto repair field. He was a strong advocate for promoting work in the auto repair field.

In the past three years we have awarded \$1,000 scholarships to eight students who went on to attend welding academy, auto technician school, diesel technician school, etc. This year scholarship awards included two females.

Our primary fund raiser is an annual car show held at the high school in September. The car show is now run by the members of the GEHS Car Club. Their efforts in planning and operating the show has been a great learning experience for them. Attendees often comment on how much they enjoyed seeing the students run the show. And, the GEHS Culinary Arts students provide and sell food at the show. Attendance at the show is increasing each year and seems to be gaining a nice reputation.

We do have limited sponsorship from area businesses but would like to increase contributions so we can offer more and/or larger scholarships. We also have expenses for such things as insurance, mailings, trophies, T-Shirts etc. This year we'd like to also purchase a better sound system.

It is our goal to encourage graduating seniors to consider vocational technical training by offering these Scholarships. If we can increase to amounts awarded, we feel it will benefit the community greatly. We know there are many Intermodal businesses that are constantly looking for these types of skills.

We are asking the City of Edgerton to consider funding a \$1,000 scholarship that will be earmarked for an Edgerton resident. Thank you in advance for considering a donation to this unique and worthy cause.

Johnson County Utility Assistance Program

City of Edgerton - City Council
May 2022



History

- For over 30 years, Johnson County Government has an established Utility Assistance & Emergency Assistance program for low-income residents.
 - The demand for assistance continues to grow with ever increasing complex situations.
 - The economic impact of COVID-19 continues to affect many families.

Why do residents need assistance?

- Bills too high (medical or utilities)
- Not able to work (disabled or retired)
- Housing cost increase
- Unemployed/Looking for work
- Low wages

Johnson County Utility Assistance Program

- Financial assistance to qualifying individuals for past due electric, water, propane, gas, & wastewater utility bills.
- Johnson County Government partners with **14 cities, 5 local utility companies, faith based organizations, Community & Family Support Services** to provide assistance for our neighbors in need.

\$424,000 in funds contributed in 2021.

Qualifications for Utility Assistance

- Residents must be a Johnson County resident (and reside in Edgerton to utilize the Edgerton funds)
- Residents must be at or below the 200% poverty level. Eligibility is based on the last 30 days of income.
- Residents must have a past due utility bill in their name
- Residents must provide a history of the account showing recent payments

Dollar Matching

- City of Edgerton contributes “up to” \$150 per qualifying resident.
- Johnson County Government currently contributes “up to” \$300 per qualifying resident.
- Use of additional funds Water One, Atmos Gas-Share the Warmth, faith based, and Community & Family Social Services can also be utilized if available.

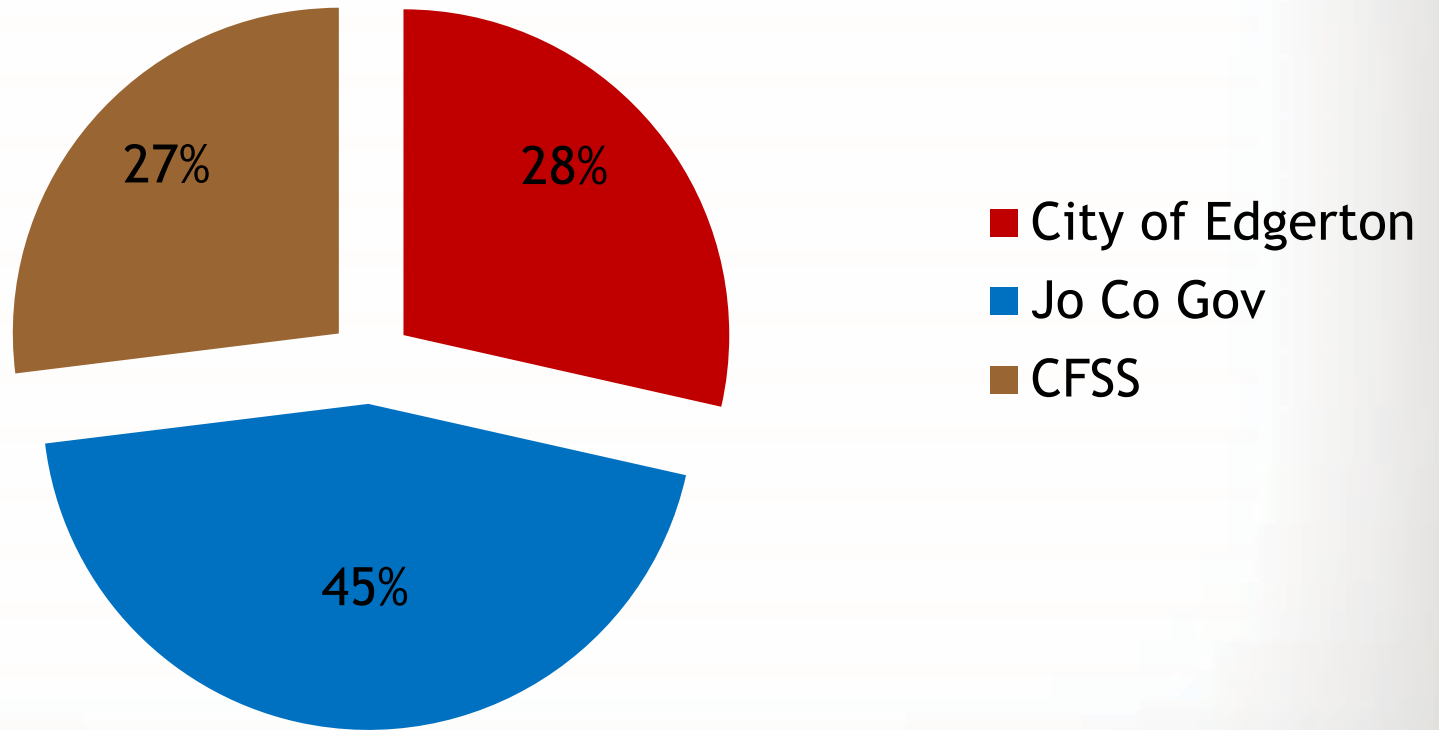
City of Edgerton Pledge History

- City of Edgerton pledged \$3000 annually from 2015 - 2018.
 - In 2016, \$1,861.55 was utilized.
 - In 2017, \$1,708.46 was utilized.
 - In 2018, \$1,116 was utilized.
- City of Edgerton has pledged \$2000 from 2019-2021.
 - In 2019, \$1,016 was utilized.
 - In 2020, \$744 was utilized.
 - In 2021, \$602 was utilized.

Edgerton Stats

- In 2021, 6 households in Edgerton were served.
- Total amount of assistance including funds from City of Edgerton, Johnson County Government, and other resources \$2,327.

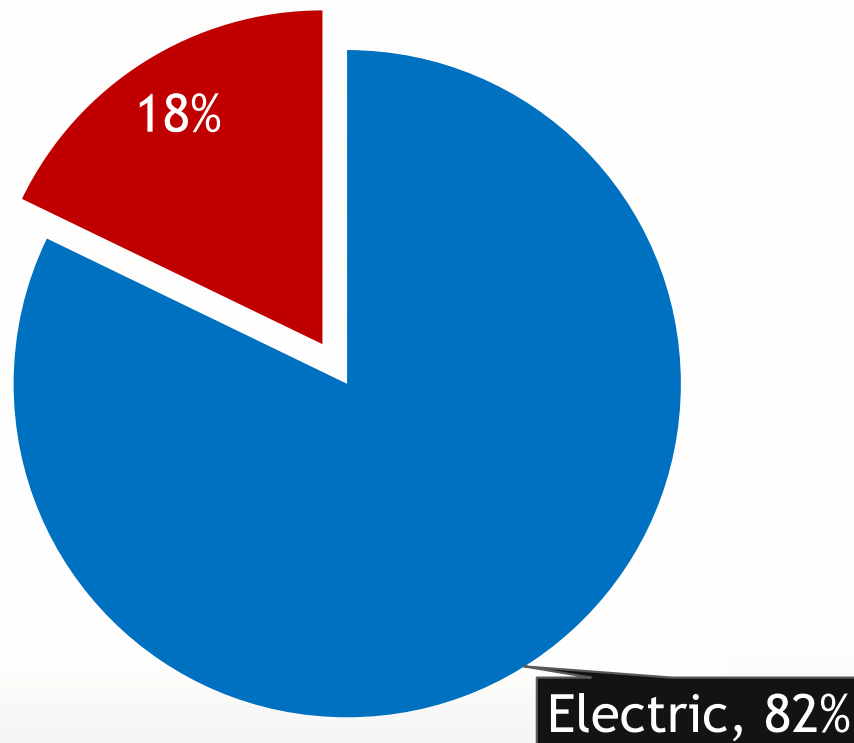
Contributions Per Agency



2021 All Available Funds - \$2327

Dollars Utilized

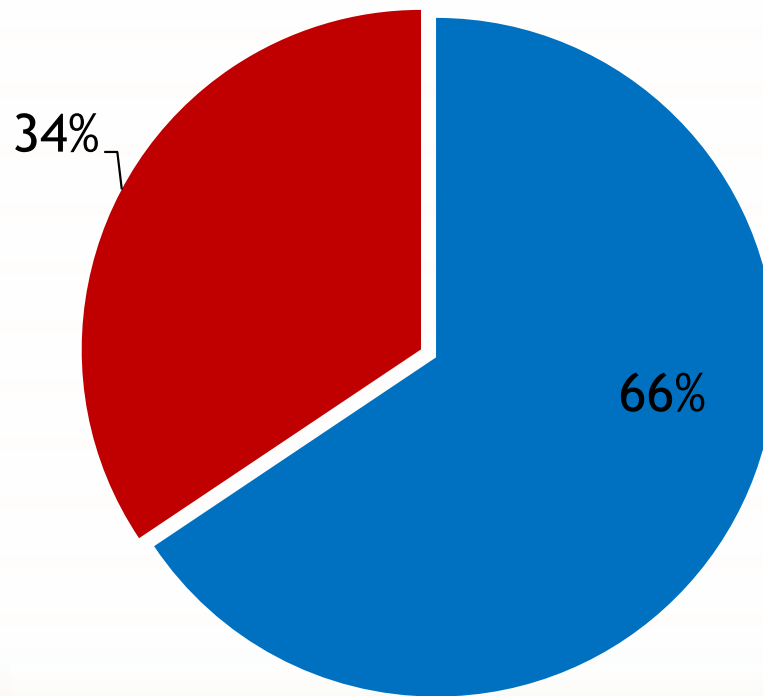
■ Electric ■ Water



2021 City of Edgerton Funds - \$602

Dollars Utilized

■ Electric ■ Water



Five Year History - City of Edgerton

	2017	2018	2019	2020	2021
Households	18	13	13	8	6
Total of Utility Assistance	\$6,900	\$3,715	\$3,431	\$2,659	\$2,327

Raising Awareness

- We recognize the number of households we are serving from City of Edgerton continues to decrease.
- Continued ongoing need to raise awareness about the utility assistance program through:
 - City of Edgerton Newsletter
 - City of Edgerton Website
 - City of Edgerton Water Utility Bills
 - Chamber Newsletter
 - Social Media

2022 Request for Funding

- As of March 31st, 2022, \$2,059.25 is remaining from the City of Edgerton funds. (rollover balance from 2020)
- In 2021, City of Edgerton pledged \$2000.
- We are requesting \$1500 from the City of Edgerton in 2022.

Contact Information

Brandy Hodge

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United Community Services
of Johnson County

2023 Human Service Fund (HSF)

Edgerton City Council Meeting
May 26, 2022

What is the Human Service Fund?

- A City-County partnership that supports priority health and human services and has been managed by UCS since 1990.
- General tax dollars are awarded to nonprofits which operate vital health and human service programs that meet needs of Johnson County residents who live with income at, below or near federal poverty level.
- Edgerton has invested resources to support services since 2012.

Human Service Fund Focus

- Programs that address well-being, personal safety and stability of JoCo residents.
- Programs that fit within safety net investment components of basic needs, work and incomes supports, or health, wellness and personal safety.
- Primary beneficiaries are residents at or below 200% FPL (\$43,920 for a family of 3)
 - ~15% of the population in Johnson County
 - ~27% of the population in Edgerton
- In 2022, 14 cities and county contributed \$437,830

Human Service Fund Impact

- Through a UCS managed competitive grant process, HSF supports 19 programs in providing safety net services.
 - Small grants of <\$5,000 to growing nonprofits: Community Center of Shawnee, Gateway to Hope, HopeBuilders, Pathway to Hope
 - Large grants to established nonprofits: CASA, Catholic Charities, El Centro, FosterAdopt, Growing Futures, Health Partnership Clinic, Hillcrest Transitional Housing, Inclusion Connections, JoCo Interfaith Hospitality Network, KS Children's Service League, KidsTLC, NCircle, Safehome, Salvation Army Family Lodge, Sunflower House
- In 2021, HSF grantees provided >158,000 units of service provided to >44,000 individuals
 - Nearly 16,000 medical/dental appointments
 - >45,000 meals
 - >12,000 nights of safe shelter

2023 Human Service Fund Request

- Since 2012, Edgerton has supported HSF
- In 2022, Edgerton provided \$2,500
- In 2023, requesting \$2,500

Questions?

Thank you!

Direct questions to:

Christina Ashie Guidry

Director of Resource Allocation

United Community Services of Johnson County

(913) 689-2326 (direct); (913) 438-4764 (office)

christinag@ucsjoco.org



To: Edgerton City Council

From: James Oltman – President, ElevateEdgerton!

Re: 2023 Contract for Economic Development Services

Date: 5/10/2022

Overview

ElevateEdgerton! has been operating as a 501(c)6 membership-based organization since the beginning of 2017. Since formation ElevateEdgerton! has contracted with the City of Edgerton for Economic Development Services and in consultation with the City of Edgerton, ElevateEdgerton! has focused its efforts on residential development recruitment, commercial development recruitment, workforce development efforts and being a resource in the continued growth of Logistics Park Kansas City.

Prior to the formation of ElevateEdgerton! in 2017 the City of Edgerton previously executed a contract for Economic Development Services with the Southwest Johnson County Economic Development Corporation (SWJCEDC) in the amount of \$35,000/yr. At that time, SWJCEDC split their efforts between the City of Edgerton, the City of Gardner, and New Century Airfield.

The purpose/mission of ElevateEdgerton! (EE!) is to promote/facilitate organized growth of the Edgerton, KS and Logistics Park Kansas City (LPKC) community by taking advantage of opportunities available because of the Burlington Northern Santa Fe Intermodal Facility.

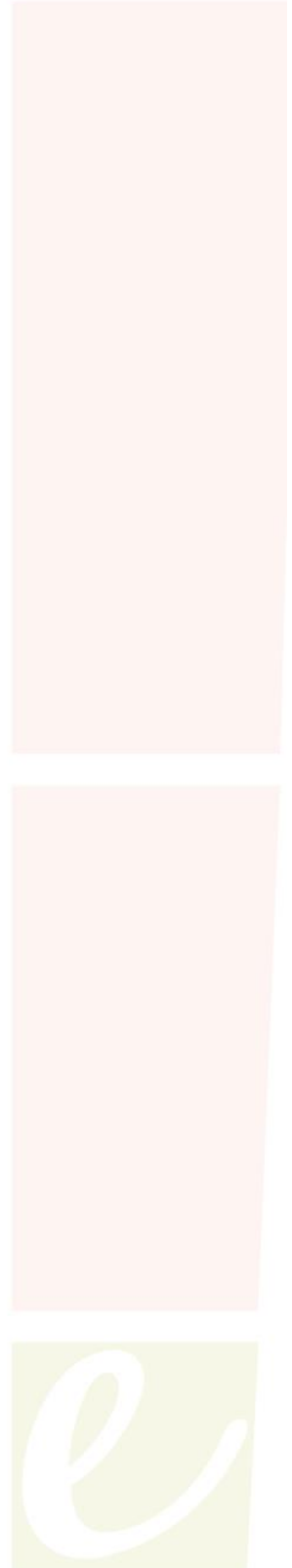
2022-2023 ElevateEdgerton! Officers

Chip Corcoran – Chairman - Renaissance Infrastructure Consulting
Eric Goodman – Vice-Chair – BNSF Railways
Mary Nelson – Treasurer – Central Bank of the Midwest
Chris Stara – Secretary – TSL



ElevateEdgerton! contributions to the community since January 2021

- Helped facilitate over \$90 million of commercial development in Edgerton
 - o On the Go Travel Center
 - o Edgerton Crossing Development
- Completed Edgerton Housing Study
- Completed Edgerton Labor Shed Study
- Completed "Explore Edgerton" Marketing Campaign
- Completed "Why I work at LPKC" Marketing Campaign
- Created "EDGE" Grant program for residents and small businesses
 - o Program led to over \$20k in private investment from community
- Facilitated multiple LPKC Career Fairs
- Made financial contributions to Cyclones in the Outfield
- Made financial contributions to Mayors Christmas Tree Fund
- Made financial contributions to Edgerton Community Museum
- Made financial contributions to Edgerton Food Pantry
- Made financial contributions to Edgerton Frontier Days
- Sponsored Edgerton Senior Lunch





2023 Scope of Economic Development Services

- Housing development efforts
 - Raise awareness in the development community of Edgerton as a viable development market
 - Maintain and update inventory of properties well positioned for residential development
 - Meet with potential housing developers about new residential construction in Edgerton
 - Compile data relevant to aiding housing development efforts
- Retail/commercial recruitment efforts
 - Continue to assess the needs of the community and proceed accordingly
 - Maintain and update marketing material specifically geared towards commercial recruitment
 - Attend events and meetings geared towards active recruitment of retail/commercial
- Workforce
 - Host monthly HR roundtable for all LPKC tenants
 - Coordinate LPKC exclusive career fairs
 - Regional marketing for LPKC employment opportunities
- Represent Edgerton within the following organizations
 - Team Kansas
 - Kansas Economic Development Alliance
 - Kansas City Area Development Council
 - Kansas City SmartPort
 - Johnson County Economic Research Institute
 - Southern Economic Development Council
 - Greater Kansas City Foreign Trade Zone
 - Kansas Housing Association
 - Johnson County Transportation Council



Financial terms of the 2023 Contract for Economic Development Services:

\$55,000.00 cash contribution

\$10,000 in-kind contributions from City of Edgerton Marketing and Communications employee

\$10,000 targeted allocation – Commercial Development Recruiting Fund – Provides ability to leverage money from other partners for the purpose of commercial development recruitment activities:

- Data Collection – Targeted Industries
- Commercial development related marketing
- Enhance efforts to capitalize on the addition of the On the Go Travel Center and Edgerton Crossing Commercial Developments.

City Council Action Item

Council Meeting Date: May 26, 2021

Department: Community Development

Agenda Item: Consider Ordinance No. 2106 Adopting the Planning Commission's Recommendation to Approve an Amendment to the Edgerton Unified Development Code to Include Article 9 - Sections 9.1(B)(7) and 9.6(E) and Repealing All Ordinances or Parts of Ordinances in Conflict Therewith.

Background/Description of Item:

The City of Edgerton's Uniform Development Code (UDC) was adopted to encourage the most appropriate use of land and to insure the logical and compatible growth of various districts within the City. The UDC is intended to implement the planning goals and policies contained in the Comprehensive Plan 2000-2020, other planning documents, and policies of the City Council and Planning Commission.

The current UDC was initially adopted in 2004 (Ordinance 758) and has been revised several times by the Planning Commission in order to remain relevant as it relates to growth and development within the boundaries of the City of Edgerton.

Today, the Planning Commission packet publishes on the Friday before their Tuesday night meeting. It was recently brought to staff's attention that the Planning Commission members would like to receive the packet earlier so that they have more time to review business items. At the April 12, 2022 Planning Commission meeting staff reviewed this concern with the Commission and they requested receipt of the packet one week prior to the meeting date.

While the publication date of the Planning Commission packet is not specifically outlined in the UDC, there are application submittal deadlines outlined in the code for the several items heard by the Planning Commission – rezonings, preliminary and final plats, preliminary and final site plans, PUDs, and temporary construction uses. The submittal deadlines are in place to allow an adequate amount of time for internal review of the applications and for the applicant to make changes based upon staff review. Staff annually publishes a Development Calendar with the application submittal deadlines listed for each Planning Commission meeting.

In order to accommodate the Planning Commission's request to receive the packet one week prior to the meeting, the application submittal deadlines in the UDC must be amended. On May 10, 2022, the Planning Commission held a public hearing to discuss amending the UDC

related application submittal deadline changes. During the public hearing, an opportunity for the public to provide input was given. No public comments were provided. Included with this memo is the Staff Report provided at that meeting which shows a detailed outline of how the submittal deadlines will change and contains redlined copies of the updated UDC.

Upon conclusion of the public hearing, the Planning Commission voted 3-0 to recommend the Governing Body adopt this update. If the Governing Body approves this recommendation, the change will become effective with submittals for the August 2022 Planning Commission meeting.

The City Attorney has reviewed and approved the UDC changes (in red) and Ordinances included in the attachment. In order to have the adoption be a cleaner process, each Article has its own Ordinance to approve individually.

Related Ordinance(s) or Statue(s): City of Edgerton Ordinance 758

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval of Ordinance No. 2106 Adopting the Planning Commission's Recommendation to Approve an Amendment to the Edgerton Unified Development Code to Include Article 9 - Sections 9.1(B)(7) and 9.6(E) and Repealing All Ordinances or Parts of Ordinances in Conflict Therewith.


Enclosed: Planning Commission Staff Report – May 10, 2022
Draft Minutes of May 20, 2022 Planning Commission Meeting
Development Calendar reflecting amended deadlines
Ordinance 2106

Prepared by: Katy Crow, Development Services Director

MEMORANDUM

Date: May 10, 2022

To: City of Edgerton Planning Commission

From: Katy Crow, Development Services Director 

Re: Updates to UDC – Articles 9, 10 and 13

During the April 12, 2022 Planning Commission Meeting the Planning Commission requested that they receive the Planning Commission packet one full week prior to the meeting date. Articles 9, 10 and 13 of the Unified Development Code (UDC) dictate the submission timeline for development applications based upon publishing the packet on the Friday before Tuesday night meetings, rather than a full week ahead.

In order to accommodate the early publication date for the packet and to give staff adequate time to review the applications internally and with the applicants, development applications will need to be submitted earlier than they are today

The table below shows submittal deadlines today and the new deadlines that would be required to publish the packet earlier:

Type of Application	Submittal Deadline Today	Proposed Submittal Deadline
Rezoning/CUP/BZA	30 days prior to Public Hearing	35 days prior to Public Hearing
Preliminary Plat/Final Plat/PUD Conceptual Plan	45 days prior to Public Hearing	49 days prior to Public Hearing
Preliminary/Final Site Plan/Final PUD Plat/Plan	45 days prior to Public Hearing	49 days prior to Public Hearing
Temporary Construction Use	21 days prior to Planning Commission Meeting	28 days prior to Planning Commission Meeting

The proposed submittal deadlines are all multiples of 7 so that the submittal deadline would not fall on a weekend.

Included with this memo are the sections of the UDC which need to be amended. If recommended for adoption by the Planning Commission, this item would go to the Edgerton City Council for final approval on May 28, 2022. City staff recommends that this change become effective with the August 9, 2022 Planning Commission Meeting.

Article 9

Land Use Determination Procedures

Section 9.1	Zoning Amendment Applications
Section 9.2	Procedures for Public Hearings
Section 9.3	Planning Commission Review for Zoning Amendment
Section 9.4	Governing Body Review of Zoning Amendments
Section 9.5	Determination of Building Permits
Section 9.6	Determination of Accessory Uses Generally
Section 9.7	Non-Conforming Uses.

9.1 Zoning Amendment Applications

A. Procedures. All applications for a change to the zoning text or official zoning map shall be made on forms provided by the Zoning Administrator. The Governing Body or Planning Commission may initiate the amendment of the zoning text or official zoning map.

B. Materials and Reviews. The following materials and procedures shall be used to process an application for a change to the Zoning Map or Text:

1. The applicant shall provide title or other suitable proof of ownership to the subject property.
2. The applicant shall provide a correct legal description of the subject property either in the form of a certificate of survey or a lot and block reference to the official City Map.
3. The applicant shall provide a sketch of the subject property drawn to scale that details the lot lines, existing features or building, drives, adjacent buildings, and the current use of existing buildings.
4. The applicant shall submit supporting material as requested by the Zoning Administrator depending on the magnitude of the change and the possibility of detrimental effects on surrounding properties. Supporting materials may include but are not limited to:
 - a). Topography at an appropriate scale.
 - b). A Certificate of Survey.
 - c). Environmental assessment.
 - d). Surface water discharge analysis.
 - e). Facilities and utilities suitability analysis.
 - f). An analysis of existing wells, tanks, and other sub-structures.
 - g). Traffic and parking analysis.
5. The applicant shall provide 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. 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. If the city proposes a zoning amendment to property adjacent to the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. 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.

6. If requested by the Zoning Administrator, the applicant shall provide a written statement detailing the nature and reasons for the requested change.
7. All materials to be submitted by applicant shall be given to the Zoning Administrator at least ~~thirty-five~~ 30-(35) days in advance of a public hearing.
8. A Rezoning Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the rezoning application.

9.2 Procedures for Public Hearings

- A.** All recommendations for an amendment to the zoning text or official zoning map shall first be submitted to the Edgerton Planning Commission for recommendation. The Planning Commission shall conduct a public hearing in accordance with the procedures for public hearing for zoning changes as listed in Article 8, Section 8.1 part F.
- B.** Notice of a hearing for a zoning map amendment shall be published once, at least 20 days in advance of the hearing, in the official city newspaper pursuant to KSA 12-757.
- C.** The applicant shall mail a copy of said publication notice by U.S. Mail, certified, return receipt requested and prepaid, to each owner of record of land within a distance of two hundred (200) feet of the perimeter of such proposed change, at least twenty (20) days prior to said hearing; sufficient copies of said notice for such purpose to be provided by the City Clerk. At least twenty (20) days prior to the date set for hearing, the applicant shall file with the City Clerk a (Johnson County AIMS property ownership map) of the land in question, drawn to scale, showing all tracts within a distance of two hundred (200) feet of the perimeter and the ownerships of each such tract.
- D.** The applicant shall place a sign on the property informing the general public that a public hearing will be held at a specific time and place concerning the proposed rezoning. The sign shall be placed in a conspicuous location on the property to provide visibility to the general public. The sign shall be furnished by the city to the applicant, and the applicant shall maintain the sign for at least twenty (20) days immediately proceeding the date of the public hearing. If a lot, tract or parcel of land is larger than five (5) acres, multiple signs shall be posted.

9.3 Planning Commission Review for Zoning Amendment

- A.** The procedures for zoning amendment changes shall be the same as listed in Article 8, Section 8.1 part F 3 and 4.

9.4 Governing Body Review of Zoning Amendments

- A.** The procedures for zoning amendment changes shall be the same as listed in Article 8, Section 8.1 part G-3.

9.5 Determination of Building Permits

- A. Exemption From Building Permits.** The following uses shall be exempt from building permits:
 1. Wires, poles, cables, CATV.

2. A child's playhouse; play equipment.
3. Any building or facility owned by the City of Edgerton.
4. Renovation or finishing of a residential structure that does not result in an increase of the gross square feet of the building unless required by the City of Edgerton for Code Enforcement.
5. Satellite communication devices. (Ord. 880, 2010)

B. Building Permits Required. The following uses require building permits:

1. The erection, renovation, relocation of any structure not listed in "exempt from permit" above.
2. Decks; porches; fences; patios, shelters, gazebos.
3. Accessory uses.
4. Additions to buildings.
5. Any building used for an agricultural purpose.
6. Renovation of any non-residential building that, in the opinion of the Zoning Administrator, results in a "substantial change."
7. Signs and advertising devices (see sign permits).
8. Location or relocation of a manufactured home.
9. Accessory storage sheds (prefabricated or custom). (Ord. 880, 2010)

9.6 Determination of Accessory Uses Generally

A. Defined. An accessory use is a structure or activity used in support of and in conjunction with a permitted principal use. No building permit shall be issued for an accessory use unless a permit is also issued for a principal use.

B. Permitted. The following uses shall be considered "accessory:"

1. Structures used in conjunction with and support principal uses such as a garage; deck; patio; storage building; carport; parking pads.
2. Solar collectors;
3. Home occupations.
 - a. No home occupation shall generate vehicular traffic, noise, parking, sewage or water use that is in excess of what is normal in a residential district.
 - b. Deliveries to and from the home occupation shall not require the use of vehicles other than parcel post or similarly service vehicles.
 - c. Commercial vehicles greater than one-ton capacity shall not be parked at the location of the home occupation operator, including the public right-of-way or private driveway.
 - d. There shall be no exterior alteration of the principal structure that changes its residential character or appearance.
 - e. No mechanical or electrical equipment shall be used, nor any business activity permitted, that creates a nuisance from noise, smell, and dust or the disturbance uncharacteristic of a normal residential district.
 - f. No outdoor storage of equipment or materials used in the home occupation shall be permitted.
 - g. The home occupation shall be conducted by and involve the employment of only the residents of the dwelling unit.

- h. A permit to establish a home occupation is required.
- i. A Home Occupation Permit Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the home occupation permit application.
- j. The following uses shall be prohibited from being classified as a home occupation.
 - 1). Automobile repair service
 - 2). Funeral homes
 - 3). Restaurants
 - 4). Commercial stables, kennels or animal hospitals
 - 5). Retail or wholesale sales
 - 6). Manufacturing of goods
- 4. Storage buildings, loading docks; generators, assembly areas, natural materials storage, outside storage of goods and products, parking areas, vehicle storage, loading docks, 2 - way radio transmitting towers 60 feet or less in height; refuse collection areas; cooling towers; quarters for protective or security personnel. Those accessory structures and buildings specifically listed in the manufacturing district regulations of this ordinance.

C. Prohibited. The following shall be prohibited as accessory uses:

- 1. Shipment cartons used for storage purposes in conjunction with a residence.
- 2. Box cars; truck beds; RV's; buses, tractor trailer beds used for storage in conjunction with a residence or on a vacant lot.

D. Exceptions. The Board of Zoning Appeals may issue an exception to permit an accessory use when, in the opinion of the board, such use would support and compliment the principal activity of the land.

E. Temporary Construction Activities. The Planning Commission is authorized to review and approve the use of property during times of construction, reconstruction, or adaptation to permit temporary living quarters for construction personnel, offices, buildings for storage, outdoor storage, machinery yards, portable concrete or asphalt mixing plants, sanitary facilities, and similar uses. Applications for Temporary Construction Activities must be submitted at least twenty-eight (28) days prior to the Planning Commission at which they are to be heard.

9.7 Non-Conforming Uses

A. Defined. A previously legal conforming use (non-conforming use) is a vested property right that runs with the land. Therefore, the use cannot be lost from a sale or transfer of the land. The distinction arises from a use of the land that is lawful but, due to a change in regulations, no longer "conforms" to current ordinance requirements.

B. Existing Use. Any structure, building or use of the land lawfully existing before the effective date of the adoption of this ordinance shall be allowed to continue unchanged.

C. Restrictions. The following restrictions shall apply to all non-conforming uses:

- 1. A previously legal structure or building, but not a sign, that is damaged by fire, flood, wind or other disaster to the extent of 51 percent or more of the assessed value of the building, must be reconstructed in a manner that is more conforming to the

provisions of these regulations (a sign must be reconstructed in a manner that conforms to present regulations). Such building shall be restored within a period of six (6) months, provided that when such restoration becomes involved in litigation, the time requirement for such litigation shall not be counted as a part of the six months allowed for reconstruction. The Board of Zoning Appeals is hereby authorized to grant variances to this provision when it can be shown in a compellable manner that the property owner would be left homeless, or in an unsafe position; or, this provision would work to create an untenable and unfair economic hardship; or, that the owner is left with no practical or reasonable use of the land.

2. A previously legal use may not be changed, altered, or expanded beyond 25% in area unless the contemplated change would:
 - a). Result in greater conformity.
 - b). Correct deficiencies required for licenses or permits.
 - c). Correct deficiencies that would endanger the life, safety, or health of the public or property owners.
3. A previously legal building or use of the land which is abandoned for a period of one (1) year or more shall thereafter not be resumed unless it is in greater conformance to the district regulations.
4. Any use which is accessory to a previously legal conforming use shall not continue if the principal use or structure is abandoned unless a variance is issued by the Board of Zoning Appeals.

D. Certificate of Non-Conformity.

1. Any owner may request that the Zoning Administrator issue a Previously Legal Conforming Use Certificate which specifies: (1) The reason(s) for the conflict with the ordinance; (2) The manner or means of bringing the facility into greater conformity; and, (3) the restrictions placed on the facility.

Article 10

Site Plans and Design Standards

Section 10.1	Site Plans
Section 10.2	Streets and Access
Section 10.3	Building Permit
Section 10.4	Final Approved Site Plan

10.1 Site Plans

- A. Obligation.** The Site Plan (i.e., scaled drawings of existing and proposed buildings/structures, landscaping, outdoor lighting, parking areas, utilities, easements, roads and other city requirements used in physical development), when approved by the Planning Commission, or the Governing Body when required, shall create an enforceable obligation to build and develop in accordance with all specifications and notations contained in the Site Plan instrument. The applicant prior to the issuance of any development or building permit shall provide a final approved Site Plan (paper and electronic) containing the authorized signature of the developer or applicant.
- B. When Site Plans Are Required.** Site Plans are required for all of the following application types:
1. All development applications involving mixed-use development (when more than one type of land use is to be integrated into one site); Planned Unit Development; Multi-family residential; Office; Commercial; and Industrial projects.
 2. All new buildings and proposed expansions and enlargements of more than ten percent (10%) of the existing floor area of the existing building or structure except single-family dwellings, two-family dwellings, group homes and residential designed single-family and two-family manufactured homes shall prepare and submit a Site Plan for Planning Commission approval in accordance with Article 10 prior to the issuance of a building permit.
 3. When required by the specific provisions of this Unified Development Code.
 4. For a proposed change in use to determine if additional requirements are necessary for site access, parking, etc.
- C. Preliminary and Final Site Plans.** Whether a Preliminary and/or Final Site Plan is required depends upon the type of development.
1. Preliminary Site Plans may be utilized to determine the acceptability of a detailed design concept and are reviewed by staff for compliance with the Unified Development Code prior to presentation to the Planning Commission. Preliminary Site Plans are required when a development contains multiple buildings, several streets/roads, complex layout, extensive landscaping, trails, sidewalks, etc. Preliminary Site Plans are required for office, commercial, business complexes, planned unit developments, and multi-family developments. If a Preliminary Site Plan is approved with conditions or stipulations, the applicant should incorporate those conditions/stipulations into a Final Site Plan for staff review. If all conditions/stipulations are met by the submitted Final Site Plan, staff may provide final administrative approval. The Planning Commission shall have the final decision on whether a Preliminary Site Plan is required.
 2. Final Site Plans may be used in lieu of a Preliminary Site Plan if the detailed design concept is fairly simple and does not involve multiple buildings. The

Final Site Plan is also reviewed by staff for compliance with the Unified Development Code prior to presentation to the Planning Commission. Once approved by the Planning Commission, any conditions or stipulations outlined during the review process must be made and an amended Final Site Plan must be submitted. If all conditions/stipulations are met by the submitted Final Site Plan, staff may review and provide final administrative approval.

D. Public Hearing.

1. A public hearing is required for Site Plan applications at either the Preliminary or Final Site Plan stage, depending upon which is submitted first.
2. Notice of the public hearing shall be published in the official city newspaper at least twenty (20) days prior to the date of the hearing.
3. The public hearing shall be conducted in accordance with Article 8, Section 8.1.F.1 through 3, *The Conduct of Hearings*.
4. The Planning Commission may approve the Site Plan, deny or approve with conditions/stipulations.

E. Submission Requirements.

1. A fully completed Site Plan Application with the Site Plan Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with a complete set of Site Plan documents.
2. Two paper copies of the Site Plan plus an electronic copy must be submitted to the Zoning Administrator at least ~~forty-five (45)~~ forty-nine (49) calendar days in advance of a scheduled Planning Commission meeting and/or public hearing.
3. All paper copies of Site Plans must be submitted on superior quality paper (sized 34" by 42"). The scale shall be a professionally acceptable standard suitable to the area of the proposed project.
4. One copy of the proposed Site Plan shall be made available for public inspection at least twenty (20) days in advance of a public hearing.
5. An electronic copy of a Microsoft Word document containing the legal description of the parcel.

F. Certifications. Unless otherwise specified, each Site Plan shall contain the following certifications on the front sheet of the submittal:

CERTIFICATE:

Received and placed on record this _____ day of _____,
20____.

Zoning Administrator

Approved by the Edgerton City Planning Commission this _____ day of _____,
20____.

Chair of the Planning Commission

I certify that I have reviewed this SITE PLAN and will comply with all specifications, changes, conditions required during Site Plan approval and amendments herein, and that this instrument creates a legally enforceable obligation to build and develop in accordance with all final agreements.

Applicant signature : _____ Date: _____
Title: _____ Organization _____

G. Contents of Site Plan Drawings. All materials shall be adequately labeled and should provide complete details which show compliance with District requirements.

1. A scale vicinity map showing the relationship of the site to surrounding neighborhoods, zoning of surrounding properties, roads and other physical features.
2. A project title, zoning designation and applicant name.
3. A street, lot or tract address of the project.
4. An index of content pages.
5. A data table which, at a minimum, includes: acreage of the site and number of units per acre (if applicable), gross square feet of the building(s) area, the proposed use of each building, number of employees and the total number of parking spaces to be provided.
6. The name of the architect, engineer, surveyor and landscape architect, all licensed in the State of Kansas, who prepared the Site Plan.
7. Engineer's seal with original signature.
8. All Site Plan submissions shall include a landscape plan sealed by a landscape architect licensed to practice in the state of Kansas which is in conformance with applicable zoning district requirements. All landscape features shall be shown in relation to sidewalks, paths, lawns, parking areas and drives. The submitted landscape plan drawn to scale, shall show the following:
 - a. All sides of the parcel site;
 - b. Name/type and size of existing trees to be retained;
 - c. Proposed building locations;
 - d. Planting timetable and seeding/sodding schedules;
 - e. All landscaping and screening;
 - f. A table entitled "Planting Schedule" which lists botanical name, the common name, size and condition of all planting materials.
9. The submitted Site Plan shall include the following features.
 - a. Existing and proposed topography including contours at two (2) foot intervals unless the property is too flat and then spot elevations shall be provided;
 - b. Exterior lot lines with any survey pins;
 - c. Location of buildings, proposed and existing if existing buildings will remain;
 - d. Parking areas, paths, sidewalks with sizes and surface material specifications;
 - e. Exterior lighting specifications including a preliminary photometric plan. A final photometric plan will be required at the time the applicant applies for a Building Permit. Lighting should be installed in an effort to minimize spillover onto adjacent properties and streets. The maximum light level at any point on a property line shall not exceed 0.0 foot-candles when adjacent to an agricultural or residential property or 0.2 foot-candles when adjacent to a nonresidential district, measured five (5) feet above grade. Lights shall be aimed away from adjacent properties and streets and may need to be shielded to meet the foot-candle requirements. The maximum height for luminaries

shall not exceed 25 feet as measured between the bottom of the luminaire and grade;

- f. Site entrance and connections to streets;
- g. The location of existing and proposed easements;
- h. Connection point for utilities and the location and size of all utility lines including but not limited to sewer lines and manholes; water lines and fire hydrants; telephone, cable, fiber, and electrical systems; and storm drainage systems including inlets, catch basins, lines and other appurtenances, existing and proposed;
- i. Vehicular and pedestrian circulation within the site, entrances and exits, loading and unloading areas, and adjacent curb cuts;
- j. Storm Drainage Systems and Facilities shall be provided in connection with the proposed development of land in accordance with the Kansas City Metropolitan chapter of the American Public Works Association Construction and Material Specifications Section 5600 Storm Drainage Systems and Facilities. Said Site Plan shall show, by use of directional arrows, the proposed flow of storm drainage from the site. A summary table shall be provided on the Site Plan in the following format:

<u>PROPERTY SURFACE SUMMARY</u>			
<u>Summary of Existing Conditions</u>		<u>Summary after project completion</u>	
<u>Total Buildings</u>	<u># ft.²</u>	<u>Total Buildings</u>	<u># ft.²</u>
<u>Total Pavement</u>	<u># ft.²</u>	<u>Total Pavement</u>	<u># ft.²</u>
<u>Total Impervious</u>	<u># ft.²</u>	<u>Total Impervious</u>	<u># ft.²</u>
<u>Total Pervious</u>	<u># ft.²</u>	<u>Total Pervious</u>	<u># ft.²</u>
<u>Total Property Area</u>	<u># ft.²</u>	<u>Total Property Area</u>	<u># ft.²</u>

A Storm Water Pollution Prevention Plan (SWPPP) shall also be provided and shall meet the known requirements of the National and Kansas General Permit. A signed and dated copy of the NOI shall be provided to the City prior to any disturbance of the soil on the construction site;

- k. Scale drawings of all proposed signage including location, height, size, area, materials and design to be used on the premises with construction drawings required when applying for a sign permit in accordance with Article 12, *Sign Regulations*, of the Unified Development Code;
- l. Features to facilitate handicapped access;
- m. Profile and detail for roads the location and width of sidewalks and the location of trails;
- n. Scale drawing of building floor plans with dimensions and square foot calculations;
- o. Scale drawings in full color with dimensions of all building facades or elevations including the labeling of exterior materials and color;
- p. Roof pitch and materials;
- q. The location of any HVAC systems (roof or ground), utility boxes and any other above ground facilities. Include line of sight drawings which indicate view from the street, right of way, and/or adjacent properties. Ground-based mechanical equipment shall be located away from property lines adjacent to public streets and residential property. Include type of screening that will be used around equipment;

- r. Areas or facilities used for trash, trash compacting, recycling containers, service and loading are to be located out of public view from streets, adjacent to residential properties, and other highly visible areas such as parking lots, access drives, and similar areas.
 - i. Refuse storage and pick-up areas shall be combined with other service and loading areas.
 - ii. Service areas and refuse storage areas shall not front onto streets and open public places. Service areas shall be located to the rear or side of buildings and screened from view from the street and/or public open space.
 - iii. The enclosure shall provide full screening on all four (4) sides and be constructed with permanent building materials that are similar to or complement the building materials and colors used on the principal building on the site. One screening side may be a gate;
- s. Depending upon circumstances the Zoning Administrator may require additional information related to business operations and their impact on adjacent properties including, but not limited to the requirement of additional information for hazardous material or other environmental impacts;
- t. The Zoning Administrator may also require a detailed traffic impact study prepared by a Traffic Engineer, licensed in the State of Kansas, for large uses, mixed use and multi-tenant developments, or for developments in heavy traffic or congested areas to include:
 - i. The projected number of motor vehicle trips to enter and leave the site, estimated for daily and peak hour traffic levels;
 - ii. The projected traffic flow pattern including vehicular traffic movements at all major intersections likely to be affected by the proposed use of the site;
 - iii. The impact of the proposed traffic upon existing, public and private ways in relation to existing and projected daily and peak hour road capacities.
 - iv. A recommendation of whether additional improvements would be needed such as turning lanes or traffic signals to accommodate the projected traffic;
 - v. Any other information as determined by the City Engineer;
- u. Site Plan shall include the layout and design of all property designed required parking and loading areas in accordance with Article 16, *Parking and Loading Regulations*, of the Unified Development Code;
- v. If applicable and allowed within the zoning designation, location of permanent outside storage including building materials which meet aesthetic guidelines must be included on the Site Plan;
- w. Outdoor Storage Requirements. Include adequate details on Site Plan to confirm individual District requirements are met.
 - i. ***Permanent Outdoor Storage*** – If applicable and allowed within the zoning designation, permanent outdoor storage areas, attached to the main structure and enclosed with screening or fencing, may be allowed if the enclosure meets aesthetic guidelines. Permanent outdoor storage areas must be indicated on the Site Plan.
 - ii. ***Seasonal Outdoor Storage*** - If applicable and allowed within the zoning designation, placement and dimensions of Seasonal Outdoor Storage area must be shown on the Site Plan. Administrative approval for a Seasonal Outdoor Storage Permit is granted by the Zoning Administrator upon the submission of a

permit application which includes, but is not limited to, parking implications, time parameters (hours of operation and duration of display), signage, pedestrian and vehicular traffic flow, lighting requirements, security, maintenance of merchandise, and fencing.

- iii. **Temporary Sales Area** – Temporary Sales Areas may be allowed within certain zoning designations. If the applicant wishes to request a Temporary Sales Permit, the Temporary Sales Area must be indicated on the Site Plan.

H. Standard of Approval. The Planning Commission shall give consideration to the following criteria in approving or disapproving a Site Plan:

1. The site is capable of accommodating the building or buildings, parking areas and drives with appropriate open space and landscaping.
2. Utilities are available or can be extended to serve the proposed development.
3. The proposed plan provides for adequate management of stormwater runoff.
4. The plan provides for safe and easy ingress, egress and internal traffic circulation.
5. The plan is consistent with good land planning and site engineering design principles.
6. An appropriate degree of compatibility will prevail between the architectural quality of the proposed building or buildings and the surrounding neighborhood.
7. The plan provides adequate landscaping, screening and buffering for the benefit of adjacent properties.
8. The plan represents an overall development pattern that is consistent with the Comprehensive Plan and other adopted City policies.

I. Improvements. The Planning Commission may require the construction or installation of infrastructure improvements such as sidewalks, trails, traffic signals, street improvements, turn lanes or and channelization, acceleration and deceleration lanes, storm drainage improvements and other similar improvements that are related to the proposed project and may require the dedication of any necessary easements.

J. Site Plan Modifications. Minor modifications may be made to an approved Site Plan by the applicant with the approval of the Zoning Administrator and without resubmittal to the Planning Commission provided that the modifications do not meet or exceed the basic requirements of the district in which the project is located and do not:

1. Substantially change the pedestrian or vehicular flow;
2. Alter the juxtaposition of land uses;
3. Alter the relationship of open space in the development;
4. Reduce the degree of screening or buffering and the architectural appearance and building design approved for the project;
5. Vary the proposed gross residential density or intensity by more than 5 percent;
6. Increase the floor area of nonresidential buildings by more than 5 percent;
7. Increase the ground coverage or height of the buildings by more than 5 percent;
8. Alter utility locations and connections so as to adversely affect the quality of the project.

If, in the opinion of the Zoning Administrator, a Site Plan has substantially changed from the approved plan, the applicant is required to resubmit the revised Site Plan to

the Planning Commission for approval. If, in the opinion of the Zoning Administrator, the revised Site Plan contains significant changes, a new Public Hearing may be required.

- K. Planning Commission Action and Appeals.** Building permits shall not be issued for use of any land or proposed construction in which a Site Plan approval is required, until such time as Site Plan approval has been granted by the Planning Commission. The Planning Commission may require revisions to the Site Plan, building designs and materials, landscaping, screening or any other element in order to improve the compatibility of the proposed project.

The applicant may appeal the decision of the Planning Commission to the Governing Body by filing a letter detailing the reason for appeal of the decision, with the City Clerk within fourteen (14) calendar days after the decision has been rendered by the Planning Commission.

10.2 Streets and Access

A. General Design and Layout Criteria.

1. **Relation to Adjoining Street System.** The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining subdivisions (or their proper projection where adjoining property is not subdivided) where required by the Planning Commission or the Governing Body.
2. **Street Provisions for Future Development.** Where appropriate, right-of-way shall be platted for future street usage in conjunction with the development of adjacent tracts and said street shall be paved to the property line by the applicant.
3. **Lot Access.** The Planning Commission may disapprove any point of ingress or egress to any lot, tract, or development from any street or highway when the proposed ingress or egress would create unsafe conditions, reduce the capacity of the adjoining street or highway, or result in substandard circulation and impaired vehicle movement.
4. **Construction Standards.** All streets shall be built to standards established by the City of Edgerton.

10.3 Building Permits

- A.** A building permit shall not be issued for any building, structure or addition required to have a Site Plan, until such time as said Site Plan has been approved.
- B.** An application for a building permit shall include a complete set of construction drawings based on the approved Site Plan. If in the opinion of the Zoning Administrator, the submitted drawings are significantly different from the approved Site Plan, the applicant shall either revise the drawings to comply with the approved Site Plan or resubmit the Site Plan to the Planning Commission for consideration. See Section 10.1 (J).

10.4 Final Approved Site Plan

- A.** Within sixty (60) calendar days after the approval of the Site Plan, the applicant shall submit one signed set of paper drawings plus an electronic copy to the Zoning Administrator. All corrections/stipulations outlined during the Planning Commission meeting must be listed on a cover letter submitted with the revised plans.
- B.** The Site Plan shall be approved for a period of one year from the date of approval provided the applicant has been issued a building permit for the project or has requested an extension of time from the Planning Commission. If a building permit has not been issued for the project or an extension of time has not been requested from the Planning Commission within that one year period, the Site Plan approval shall expire and become null and void. Prior to the one-year expiration date, the applicant may request an extension of time, for a maximum of one year, from the Planning Commission. If an extension is not granted, the approved Site Plan shall become null and void.

Article 13

Subdivision Approval Procedures

Section 13.1	Lot Splits
Section 13.2	Development Conference
Section 13.3	Regular Land Development Process
Section 13.4	Governing Body Approval
Section 13.5	Recording Final Plat
Section 13.6	Vesting and Conflicting Requirements
Section 13.7	Assurances
Section 13.8	Resubdivision or Replats

13.1 Lot Splits

A. General.

1. Owners of a lot of record may divide such lots into no more than two tracts without recourse to replatting. Once a lot is split, it may not again be divided without replatting. The resulting lots must conform in all respects to the current district zoning regulations.
2. A Lot Split Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with each lot split.
3. Lot splits must be filed with the Zoning Administrator, with a signature block for the Register of Deeds. A lot split must be submitted as a certificate of survey, and sealed by a Licensed Land Surveyor in Kansas and reviewed by the County Surveyor or another designated land surveyor. The Zoning Administrator may require that reasonable service and right-of-way easements accompany the survey. Such instruments shall be recorded with the Register of Deeds.

13.2 Development Conference

A. Purpose. The development conference affords the applicant an opportunity to review the city development codes and procedures and for the Zoning Administrator or consultant to comment on the proposed development.

1. STEP ONE. Contact the Edgerton, Kansas Zoning Administrator at (913-893-6231) for an appointment.
2. STEP TWO. With city assistance, determine the legal description and legal ownership of the land. Second, determine the current zoning designation and intended use for the property to be subdivided. If the land is not zoned for the intended use, review the Comprehensive Plan and read the contents of the plan with regard to future intentions. Amendments to both the Comprehensive Plan and the Zoning Map may be necessary, and a waiting period of 30 to 90 days may be required to process the required amendments.
3. STEP THREE. The Zoning Administrator will review pertinent requirements for platting, including roads, easements, physical arrangement and density, and general regulations for public water/sewer connections.
4. STEP FOUR. The applicant must review all Sanitary Regulations and Flood Plain Elevation maps that are currently in force in Edgerton.

5. STEP FIVE. Seek a Licensed Land Surveyor or Registered P.E. or Landscape Architect to begin the initial phase of subdivision. Please note that only a Licensed Land Surveyor (Kansas) may issue the actual Certificate of Survey.

13.3 Regular Land Development Process

A. Sketch Plan. The purpose of the sketch plan is to afford an applicant the opportunity to confer early and informally with the Planning Commission. If warranted, the Zoning Administrator may waive the sketch plan, and the applicant may proceed to the preliminary platting process.

1. A sketch plan must be submitted at least twenty (20) days prior to a scheduled meeting. The Zoning Administrator must sign all sketch plans, indicating the date of review.
2. The sketch plan is an informal scale drawing and may be submitted on normal quality paper of any size larger than 8 1/2 by 11 inches. No fee is required for the sketch plan.
3. The sketch plan must contain the following information:
 - a). Name, address and phone number of Applicant.
 - b). Name and legal description of the tract.
 - c). Proposed boundaries, North point.
 - d). Very general topographic features at reasonable intervals.
 - e). General drainage features.
 - f). Roads adjacent to tract.
 - g). Proposed general street and lot layout.

B. Preliminary Plat. The Preliminary Plat is the actual review instrument used by the Planning Commission. The Planning Commission must approve the preliminary plat, with any notations, variances and changes, before the applicant can proceed with the Final Platting Stage. To accomplish this end, the Planning Commission shall have the following authority, options and powers:

1. A preliminary plat must be submitted at least ~~forty-five (45)~~ forty-nine (49) days prior to a scheduled meeting.
2. A Preliminary Plat Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with each preliminary plat application.
3. The authority to require the modification of any plat to conform to this Unified Development Code, or to modify or add conditions to any plat when such action increases the public convenience, the goals of the city comprehensive plan, supports property values, or secures the public health, safety and welfare.
4. The authority to vary setbacks and yard sizes to overcome practical difficulties, or to promote good land design. The authority to vary yard size and placement in planned unit developments, or if the plat contains zero lot line or cluster provisions.
5. The authority to compel applicants to file easements that are necessary to serve the potential residents of a subdivision, protect the use and value of neighboring property and to promote the public safety and welfare; the authority to compel applicants to offer for dedication or reservation such property as necessary to safely, conveniently and effectively serve the general welfare, promote good standards of land design

and land use, and to advance the practice of agricultural (and other natural resources) preservation.

6. Notice and a Public Hearing are required at the preliminary platting stage. Notice to the Public shall be in the official City newspaper at least twenty (20) days in advance of the hearing.
7. The Planning Commission shall review the preliminary plat and other material submitted with it to determine conformity with the comprehensive plan and these regulations and it shall act upon the plat within ninety (90) days after submission, unless the subdivider shall waive or consent to an extension of the ninety (90) day period. If the subdivider submits the preliminary and final plats concurrently, the time period shall be ninety (90) days.

C. Content of Preliminary Plat.

1. A North point and scale which is appropriate to the size of the development: one inch equals 50, 100, 150 or 200 feet is typical.
2. A legal description; and current zoning.
3. Names of: Applicant, Subdivision & Streets.
4. Name and seal of surveyor/engineer.
5. Date surveyed.
6. Adequate legend; vicinity map.
7. Signature block and date for review of Zoning Administrator.
8. Signature block and date for review of City Engineer.
9. Signature block and date for review of Chair of Planning Commission.
10. Signature block and date for review of Mayor.
11. Complete outline drawing of all boundaries, lots, and streets, together with courses, distances and areas. Boundaries must be shown as solid lines and all easements as dashed lines.
12. Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities, walkways, access, and other purposes.
13. Proposed location of streets, sidewalks, sanitary sewers, storm water sewers, water mains, and fire hydrants. Plat must show that the water distribution system and the sanitary sewer collection system touch upon each lot, or in an easement appurtenant to each lot.
14. Total acreage, and size of each lot.
15. Contours at vertical intervals of 4 feet or less.
16. Setbacks, yards and any entrance restrictions. Setbacks shall be shown as a building envelope representing that portion of the lot within the yards and setbacks that can reasonably contain, depending upon watercourses, topography or geology, the principal structure and the lateral field (if a lateral field is used).
17. A copy of the proposed restrictive covenants.

D. General Design Standards.

1. Rights-of-way must conform to the current standards of the American Public Works Association, and greater widths may be required by the Zoning Administrator after

preliminary review; utility easements must be a minimum of fifteen (15) feet wide or, 7.5 feet for appurtenant utility easements on interior lots. Street lighting and fire hydrants must be indicated in areas planned for residential use. Cul-de-sacs are limited to 800 feet in length.

2. All portions of the tract being subdivided shall be taken up in lots (or phases), streets, planned open areas or other uses so that remnants and landlocked areas are not created.
3. All lots must front on a public right-of-way. The Zoning Administrator may grant a waiver from this requirement and allow permanent travel easements when appropriate. When a subdivision is located along arterial roads adequate buffers must be maintained between the right-of-way and the building line. Residential structures shall have their front on interior roads.
4. Corner lots shall have minimum side-yard setbacks of twenty (20) feet to the street right-of-way and nine (9) feet to the property line of the adjacent interior lot unless approved by the Zoning Administrator.
5. Side lot lines shall be substantially at right angles to street lines.
6. Drainage and watercourse easements are required. Building setbacks from watercourses should be measured from the thread of the stream. Flowage easements may be used to calculate required minimum lot sizes.
8. The lot depth to front lot width ratio shall be no more than 3 to 1.
9. If the development is to be served with public water or sewer, the plat must bear a notation that the subdivision is to be served by these facilities. The Zoning Administrator may not issue a building permit for a lot notated "SERVICED BY PUBLIC WATER/SEWER" without written verification from the public water or sewer district that all distribution or collection lines have been installed and that all lots are either connected or are capable of being connected to central utilities.
10. Ten (10) copies of a preliminary plat must be submitted to the Zoning Administrator. The plat should be on regular quality paper, either 18 x 24 or 24 x 36 inches.

E. Approval Limitations.

1. The Planning Commission shall approve or deny the preliminary plat as submitted or may approve the plat as submitted subject to specified changes. Upon denial, the Planning Commission must give reason for the denial. If a preliminary plat is denied the applicant shall not submit the same proposal again for a period of one year without written approval of the Planning Commission.
2. Tentative approval shall not constitute a final acceptance of the plat, but authorizes preparation of the final plat. No grading for streets or construction of improvements shall take place in the subdivision prior to approval and endorsement of the final plat and the submittal to and approval of construction plans and drainage plans by the Governing Body.
3. The preliminary plat shall be approved for a one-year period and shall be extended for an additional year upon the approval of a final plat for the same parcel of land or any part thereof. If a final plat is not approved for a portion or all of the land covered under the preliminary plat within one year, the preliminary plat shall be ruled null and void.
4. The Planning Commission upon submittal and approval of a written request may grant a one-year extension on the approval of the preliminary plat.

F. Final Plat and Construction Plans

1. A final plat and construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat must be submitted at least ~~forty-five (45)~~ forty-nine (49) days prior to a scheduled meeting.
1. A Final Plat Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with each final plat application.
2. The commencement of any improvements shall not occur in any subdivision prior to the approval and endorsement of the final plat and the submittal to and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat by the Governing Body. Sanitary sewer and water main drawings and specifications must be submitted to and approved by the Kansas Department of Health and Environment prior to the commencement of any improvements.
3. A New Public Improvement Inspection Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted with the document of financial assurance as defined in Section 13.7 prior to the commencement of any improvements.
5. All final plats and construction plans must comply with the regulations in effect at the time that the final plat and construction plans are submitted.
6. The Planning Commission shall act upon the final plat within ninety (90) days of submission of the final plat and construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains as required by these regulations, unless the subdivider consents to an extension or waiver of the time limitation.

G. Final Plat. Required Contents

1. Scale, the same used for the preliminary plat; North point; vicinity map
2. The words "FINAL PLAT" followed by the name of the subdivision at the top of the sheet, and then followed by a metes and bounds description of the tract.
3. The instrument of survey which shows the point of beginning, corners, bearings, courses, distances, exterior boundaries, interior lot boundaries, abandoned lot lines, pins, monuments found or set. All P.I.'s corners, boundaries must be monumental with a 2" x 24" metal bar
4. A boundary survey of third order surveying accuracy (maximum closure error one in five thousand (1 in 5,000), with bearings and distances referenced to section or fractional section corners or other base line shown on the plat and readily reproducible on the ground.
5. Individual notations and a TABLE showing: lot area, setbacks, and building envelopes.
6. A number for each lot, starting (if practical) in the northwest corner.
7. All easements with widths, and roads with curve data.
8. Ingress/egress limitations if required.
9. The location of existing utility easements.
10. A written legal description from the survey.

11. An instrument of dedication for all roads and easements
12. Special notations required as a condition of platting by the Planning Commission.
13. Approved phases – clearly delineated.
14. Private travel easements.
15. The Owner's Certificate with Notary Seal.
16. Certificate of the Governing Body with City Clerk's attest and Seal.
17. Edgerton City Planning Commission chair and secretary approval.
18. Certificate of the Register of Deeds.
19. Surveyor's Certificate and Seal and certificate for survey review by the County Surveyor or designated Land Surveyor.
20. Certificate of the Zoning Administrator.

13.4 Governing Body Approval

- A. Required Review.** Following the approval of a final plat by the Planning Commission, the Governing Body shall review the instrument for dedications and reservations and assure that the final plat and construction plans for all proposed streets, sidewalks, storm water sewers, sanitary sewers, and water mains meet the standards of the City of Edgerton. The Governing Body may either approve the final plat, return the final plat and/or construction plans to the applicant with instructions and specifications to conform to City standards, or deny the final plat and/or construction plans with a refusal to accept dedication. If the Governing Body denies the final plat and/or construction plans a set of written findings must be given to the applicant within 30 (thirty) days.

13.5 Recording of Final Plat

- A.** Upon approval of a final plat by the Governing Body the applicant shall record the plat with the Register of Deeds within a period of one year. If the final plat is not recorded within one year from the date of approval by the Governing Body, it shall be considered null and void.
- B.** Before any final plat shall be signed by the Zoning Administrator and filed by the Register of Deeds, the applicant shall submit a certificate of title indicating the ownership of all property within the bounds of the subdivision.
- C.** The applicant shall provide the Zoning Administrator with one copy of the final plat that was approved by the Governing Body on Mylar®. The applicant shall also return one copy of the final plat that was recorded by the Register of Deeds.
- D.** Article 10 of Chapter IV of the Edgerton City Code imposes an excise tax on platting and building within the City. Prior to endorsement of any final plat, all excise taxes must be paid or city staff must determine that an exemption from payment prior to platting is applicable, all in accordance with Article 10 of Chapter IV of the City Code.
- E.** A New Street Light Fee, established by the Fee Schedule for the Unified Development Code, shall be submitted prior to the endorsement of any final plat. (Ord. 800; 2005)

13.6 Vesting and Conflicting Requirements

- A.** Initial rights for a final plat shall vest for a period of three (3) years. If all streets, sidewalks, storm water sewers, sanitary sewers, and water mains have not been installed and the development of structures commenced after three (3) years, the final plat shall be considered null and void.
- B.** The requirements and standards in force at the time of the adoption of a final plat shall remain and shall continue to govern and not be set aside by the adoption of subsequent standards.
- C.** Standards (such as setbacks) appearing on a plat which are greater than those imposed by this ordinance are valid, and shall be duly noted and enforced by building permits.
- D.** Restrictive covenants are private instruments between buyer and seller. The Zoning Administrator does not enforce restrictive covenants unless such restrictions are part of a Planned Unit Development, or unless the City itself, as a condition of platting, is a party to such agreements. Nothing contained in these regulations is intended to void the obligation of any party to adhere to the terms of all contracts, conditions, and covenants of record.

13.7 Assurances

- A.** Developers are required to install all streets, storm water sewers, sanitary sewers, and water mains and other services to all lots (in a designated phase) as they appear on the final plat and/or construction plans prior to receiving a building permit from the Zoning Administrator. Developers are required to install all sidewalks on a lot as they appear on the final plat and/or construction plans prior to receiving a certificate of occupancy from the Zoning Administrator. Developers are also required to reimburse the City of Edgerton for the cost of all street signs, stop signs, and speed limit signs.
- B. Exceptions.** The Zoning Administrator may issue building permits for lots in an approved subdivision when such lots have direct access to an existing public right-of-way and when, in his/her opinion, building construction would not interfere with the orderly process of the installation of facilities and utilities.
- C. Financial Assurance.** Prior to the commencement of any improvements, all required infrastructure (streets, sidewalks, storm water sewers, sanitary sewers, and water mains) must be assured by a financial instrument (performance and maintenance bond or special benefit district). Financial assurances must be made in a form and amount acceptable and approved by the City Attorney. Unless otherwise indicated by special resolution of the Governing Body, financial assurances shall be equal to the contract cost of purchase and installation of all facilities and utilities and valid for a period ending no less than two years after acceptance by the City of Edgerton. If substantial progress in installing the infrastructure is not evident within two hundred eighty (280) days after the approval of the final plat by the Governing Body, the City of Edgerton shall take appropriate action to exercise the financial assurance.
- D. As Built.** Prior to acceptance of public improvements by the City, the developer shall provide two (2) sets of prints for all public improvement projects, excluding sidewalks, corrected to show the project as constructed and shall accurately and completely denote all changes made during the construction. Each sheet within the prints shall be clearly marked as "Conforming to Construction Records" and shall include the date of revision and certifications by a Kansas licensed engineer. This set of plans shall be substantially

similar to the set of construction plans that was approved by the Governing Body. (Ord. 801; 2005)

13.8 Resubdivision or Replats

- A.** Any previously subdivided tract(s) may be resubdivided after submission of a new or corrected plat. Resubdivided plats may be used for the following purposes:
 - 1. The division of any existing lot into two or more additional lots.
 - 2. The reconfiguration of any lot(s).
 - 3. The correction of any monument, distances, and/or bearing.
 - 4. The addition or removal of any easement or right-of-way.
 - 5. The vacation of a lot(s) from an existing subdivision.
- B.** All resubdivision plats shall contain the title RESUBDIVISION or REPLAT followed by the original title of the plat and, if applicable, the lot(s) that are to be divided: ie, A Replat of Lots 1 and 2 of _____ Subdivision.
- C.** Renumbering of existing lots using resubdivision.
 - 1. When one or more lots are created from an existing numbered (or lettered) lot(s), the new lot(s) shall be numbered as follows:
 - a). **Abandoning lot lines between two or more lots to create one or more lots:** the lowest lot number plus the letter beginning with (A). Example - abandoning lot lines between lots 1 and 2 and 2 and 3 to create a new, single lot; the lot is now numbered 1A. If the lot originally contained a letter designation, then the new lot shall contain the lowest letter plus the numeric character one (1).
 - b). **Creating two or more new lots from an existing lot:** the letters A, B ... and so forth for each new lot created preceded by the original lot number. Example: lot 4 is split into four (4) lots - the new lots would be lots 4A, 4B, 4C, and 4D.
 - c). **Adding new lots (one or more) to an existing subdivision:** as far as practicable, the lots shall continue in a consecutive fashion - or by direction of the Zoning Administrator.
 - d). **Creating new lots from a lot or lots previously resubdivided:** as far as practicable, the lots shall continue using a numbered system. Example: lot 4 was resubdivided into lots 4A, 4B and 4C. If lot 4A were resubdivided into three lots, the new numbers would be lot 4A-1, lot 4A-2, and lot 4A-3.

2022 Planning Commission Dates and Deadlines

All Applications and Revisions are due by 12:00 Noon on the day listed.

Month	Applicant Filing Deadline	Public Hearing Publication Deadline for the Gardner News	Notice of Public Hearing Publication Date - Rezoning, Site Plan, CUP	Post Sign/Postmark Notices (if required) and Site Plan available for public inspection	Staff Review Meeting	Review comments with applicant	Applicant Revisions Due	Packet Publishes	Planning Commission Meeting	Protest Petition Deadline (if applicable)	City Council Meeting (2)*
		FRIDAY	WEDNESDAY	WEDNESDAY	FRIDAY	TUESDAY	TUESDAY	FRIDAY	TUESDAY	TUESDAY	THURSDAY
	Varies depending upon Kansas statute and Edgerton UDC requirements	Friday @ noon; publishes following Wednesday	At least 20 days prior to the Public Hearing (1)	20 days prior to Public Hearing	3.5 Weeks Prior to PC Meeting	3 Weeks Prior to PC Meeting	2 Weeks Prior to PC Meeting	One week before the PC Meeting	Second Tuesday of the month	14 days after item is passed at PC	Second & Fourth Thursdays of the month
AUGUST											
Rezoning/CUP/BZA	5-Jul-22	15-Jul-22	20-Jul-22	20-Jul-22	15-Jul-22	19-Jul-22	26-Jul-22	2-Aug-22	9-Aug-22	23-Aug-22	8-Sep-22
Preliminary Plat	21-Jun-22	15-Jul-22	20-Jul-22	20-Jul-22	15-Jul-22	19-Jul-22	26-Jul-22	2-Aug-22	9-Aug-22	N/A	N/A
Final Plat	21-Jun-22	N/A	N/A	N/A	15-Jul-22	19-Jul-22	26-Jul-22	2-Aug-22	9-Aug-22	N/A	25-Aug-22
Site Plan	21-Jun-22	15-Jul-22	20-Jul-22	20-Jul-22	15-Jul-22	19-Jul-22	26-Jul-22	2-Aug-22	9-Aug-22	N/A	N/A
TCU	12-Jul-22	N/A	N/A	N/A	15-Jul-22	19-Jul-22	26-Jul-22	2-Aug-22	9-Aug-22	N/A	N/A
SEPTEMBER											
Rezoning/CUP/BZA	9-Aug-22	19-Aug-22	24-Aug-22	24-Aug-22	19-Aug-22	23-Aug-22	30-Aug-22	6-Sep-22	13-Sep-22	27-Sep-22	13-Oct-22
Preliminary Plat	26-Jul-22	19-Aug-22	24-Aug-22	24-Aug-22	19-Aug-22	23-Aug-22	30-Aug-22	6-Sep-22	13-Sep-22	N/A	N/A
Final Plat	26-Jul-22	N/A	N/A	N/A	19-Aug-22	23-Aug-22	30-Aug-22	6-Sep-22	13-Sep-22	N/A	13-Oct-22
Site Plan	26-Jul-22	19-Aug-22	24-Aug-22	24-Aug-22	19-Aug-22	23-Aug-22	30-Aug-22	6-Sep-22	13-Sep-22	N/A	N/A
TCU	16-Aug-22	N/A	N/A	N/A	19-Aug-22	23-Aug-22	30-Aug-22	6-Sep-22	13-Sep-22	N/A	N/A
OCTOBER											
Rezoning/CUP/BZA	6-Sep-22	16-Sep-22	21-Sep-22	21-Sep-22	16-Sep-22	20-Sep-22	27-Sep-22	4-Oct-22	11-Oct-22	25-Oct-22	10-Nov-22
Preliminary Plat	23-Aug-22	16-Sep-22	21-Sep-22	21-Sep-22	16-Sep-22	20-Sep-22	27-Sep-22	4-Oct-22	11-Oct-22	N/A	N/A
Final Plat	23-Aug-22	N/A	N/A	N/A	16-Sep-22	20-Sep-22	27-Sep-22	4-Oct-22	11-Oct-22	N/A	27-Oct-22
Site Plan	23-Aug-22	16-Sep-22	21-Sep-22	21-Sep-22	16-Sep-22	20-Sep-22	27-Sep-22	4-Oct-22	11-Oct-22	N/A	N/A
TCU	13-Sep-22	N/A	N/A	N/A	16-Sep-22	20-Sep-22	27-Sep-22	4-Oct-22	11-Oct-22	N/A	N/A
NOVEMBER											
Rezoning/CUP/BZA	4-Oct-22	14-Oct-22	19-Oct-22	19-Oct-22	14-Oct-22	18-Oct-22	25-Oct-22	1-Nov-22	8-Nov-22	22-Nov-22	8-Dec-22
Preliminary Plat	20-Sep-22	14-Oct-22	19-Oct-22	19-Oct-22	14-Oct-22	18-Oct-22	25-Oct-22	1-Nov-22	8-Nov-22	N/A	N/A
Final Plat	20-Sep-22	N/A	N/A	N/A	14-Oct-22	18-Oct-22	25-Oct-22	1-Nov-22	8-Nov-22	N/A	8-Dec-22
Site Plan	20-Sep-22	14-Oct-22	19-Oct-22	19-Oct-22	14-Oct-22	18-Oct-22	25-Oct-22	1-Nov-22	8-Nov-22	N/A	N/A
TCU	11-Oct-22	N/A	N/A	N/A	14-Oct-22	18-Oct-22	25-Oct-22	1-Nov-22	8-Nov-22	N/A	N/A
DECEMBER											
Rezoning/CUP/BZA	8-Nov-22	18-Nov-22	23-Nov-22	23-Nov-22	18-Nov-22	22-Nov-22	29-Nov-22	6-Dec-22	13-Dec-22	27-Dec-22	12-Jan-23
Preliminary Plat	25-Oct-22	18-Nov-22	23-Nov-22	23-Nov-22	18-Nov-22	22-Nov-22	29-Nov-22	6-Dec-22	13-Dec-22	N/A	N/A
Final Plat	25-Oct-22	N/A	N/A	N/A	18-Nov-22	22-Nov-22	29-Nov-22	6-Dec-22	13-Dec-22	N/A	12-Jan-23
Site Plan	25-Oct-22	18-Nov-22	23-Nov-22	23-Nov-22	18-Nov-22	22-Nov-22	29-Nov-22	6-Dec-22	13-Dec-22	N/A	N/A
TCU	15-Nov-22	N/A	N/A	N/A	18-Nov-22	22-Nov-22	29-Nov-22	6-Dec-22	13-Dec-22	N/A	N/A

Timelines

Re-zoning/BZA/CUP - 35 days before Public Hearing (Article 9.1, Section B7)

Preliminary Plat - 49 days before Public Hearing (3) (Article 13.3, Section B1)

Final Plat - 49 days before Planning Commission Meeting (Article 13.3, Section F1)

Site Plan - 49 days before Planning Commission Meeting (Article 10.1, Section E2)

TCU - Temporary Construction Use - 28 days before Planning Commission Meeting

(1) The public hearing date does not count as a clear day for publication purposes.

(2) No second City Council meeting in November due to Thanksgiving holiday.

**PLANNING COMMISSION MEETING
May 10, 2022**

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on May 10, 2022. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	absent
Charlie Crooks	present
Tim Berger	absent
Deb Lebakken	present
John Daley	present

With a quorum present, the meeting commenced.

Staff in attendance: Katy Crow, Development Services Director
Chris Clinton, Planning and Zoning Coordinator

2. **WELCOME** Chairperson Daley welcomed all in attendance to the meeting.
3. **PLEDGE OF ALLEGIANCE** All present participated in the Pledge of Allegiance.

CONSENT AGENDA

4. Approve Minutes from the April 12, 2022 Planning Commission Meeting.

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

REGULAR AGENDA

5. DECLARATION

Chairperson Daley asked the Commissioners to declare any correspondence they have received or communication they have had regarding the matters on the agenda. If they have received correspondence or have had any communication, he asked if it may influence their ability to impartially consider the agenda items.

The Commissioners did not have anything to declare at this time.

BUSINESS REQUIRING ACTION

NEW BUSINESS

6. PUBLIC HEARING FOR APPLICATION UDCA2022-01 FOR AMENDMENTS TO ARTICLES 9, 10, AND 13 OF THE CITY OF EDGERTON UNIFIED DEVELOPMENT CODE

Chairperson Daley introduced the application and opened the public hearing. He requested City staff present the application.

Ms. Katy Crow, Development Services Director spoke before the Commission. She stated during the April 12, 2022 Commission meeting, the Commission requested that the packet be distributed one full week prior to the meeting date. Articles 9, 10, and 13 of the Unified Development Code (UDC) dictate the submission timeline for development applications based upon publishing the packet on the Friday before the Tuesday night meetings, rather than a full week ahead. In order to accommodate the earlier publication date for the packet and to give staff adequate time to review the application internally and with the applicants, development application will need to be submitted earlier than they are today.

She explained that applications for a rezoning, Conditional Use Permit (CUP), or Board of Zoning Appeals (BZA) request currently have a submittal deadline of thirty (30) days prior to the public hearing. The new proposed submittal deadline is thirty-five (35) days prior to the public hearing. All plats, site plans, and Planned Unit Development (PUD) applications are due to be submitted forty-five (45) days prior to the public hearing currently. The new proposed submittal deadline is forty-nine (49) days prior to the public hearing. The current submittal deadline for Temporary Construction Use (TCU) is twenty-one (21) days prior to the Commission meeting and the proposed submittal deadline is twenty-eight (28) days prior to the Commission meeting. The proposed submittal deadlines are all multiples of seven (7) to prevent any deadline falling on a weekend. Ms. Crow said if recommended for adoption by the Commission, the amendments would go to the City Council for final approval on May 26, 2022. City staff recommends that the changes become effective with the August 9, 2022 Commission meeting date if adopted as that would not impact any current submittal deadlines.

Chairperson Daley said the only reason for the changes is to allow the Commission to receive the packet earlier. Commissioner Lebakken inquired if these changes would affect the timing of when City Council receives their packet. Ms. Crow answered it would not and the City Council would have to discuss when the City Council packet is published if they wanted to change that.

Chairperson Daley closed the public hearing with no further public comment being made.

7. CONSIDER APPLICATION UDCA2022-01 FOR AMENDMENTS TO ARTICLES 9, 10, AND 13 OF THE CITY OF EDGERTON UNIFIED DEVELOPMENT CODE

Commissioner Lebakken moved to recommend adoption of Application UDCA2022-01. Commissioner Crooks seconded the motion. Application UDCA2022-01 was recommended for adoption, 3-0.

Ms. Crow explained City staff will update the Commission of the results at the next meeting.

8. **FUTURE MEETING REMINDERS** Chairperson Daley stated the next regular session of the Commission is scheduled for June 14, 2022 at 7:00 PM and there is a May 26th joint session. Ms. Crow stated that the joint meeting on May 26, 2022 will begin at 6:00 PM and be held before the regularly scheduled City Council meeting. She stated City staff will be polling for attendance as dinner will be provided for the Commission and City Council.

Mayor Donald Roberts addressed the Commission. He explained Councilmember Jody Brown has resigned from the City Council. Mayor Roberts stated that as he has done in the past, when there are vacancies on the City Council, he prefers to appoint eligible members of the Commission to fill those vacancies. He has found the experience they bring to the City Council is valuable and he named several former and current council members who had first served on the Planning Commission. He requested that any sitting Planning Commission members interested in filling the vacancy contact him. If he does not have any volunteers from the Commission, he will ask for volunteers from the City. Mayor Roberts said he hopes to have an appointment by the next City Council meeting.

Chairperson Daley inquired to the status of Commissioner Tim Berger. Mayor Roberts replied that Commissioner Berger formally resigned from the Commission.

9. **ADJOURN** Commissioner Lebakken moved to adjourn the meeting. Commissioner Crooks seconded the motion. The meeting was adjourned at 7:09 PM.

		FRIDAY	WEDNESDAY	WEDNESDAY	FRIDAY	TUESDAY	TUESDAY	FRIDAY	TUESDAY	TUESDAY	THURSDAY
	Varies depending upon Kansas statute and Edgerton UDC requirements	Friday @ noon; publishes following Wednesday	At least 20 days prior to the Public Hearing (1)	20 days prior to Public Hearing	3.5 Weeks Prior to PC Meeting	3 Weeks Prior to PC Meeting	2 Weeks Prior to PC Meeting	One week before the PC Meeting	Second Tuesday of the month	14 days after item is passed at PC	Second & Fourth Thursdays of the month
AUGUST											
Rezoning/CUP/BZA	5-Jul-22	15-Jul-22	20-Jul-22	20-Jul-22	15-Jul-22	19-Jul-22	26-Jul-22	2-Aug-22	9-Aug-22	23-Aug-22	8-Sep-22
Preliminary Plat	21-Jun-22	15-Jul-22	20-Jul-22	20-Jul-22	15-Jul-22	19-Jul-22	26-Jul-22	2-Aug-22	9-Aug-22	N/A	N/A
Final Plat	21-Jun-22	N/A	N/A	N/A	15-Jul-22	19-Jul-22	26-Jul-22	2-Aug-22	9-Aug-22	N/A	25-Aug-22
Site Plan	21-Jun-22	15-Jul-22	20-Jul-22	20-Jul-22	15-Jul-22	19-Jul-22	26-Jul-22	2-Aug-22	9-Aug-22	N/A	N/A
TCU	12-Jul-22	N/A	N/A	N/A	15-Jul-22	19-Jul-22	26-Jul-22	2-Aug-22	9-Aug-22	N/A	N/A
SEPTEMBER											
Rezoning/CUP/BZA	9-Aug-22	19-Aug-22	24-Aug-22	24-Aug-22	19-Aug-22	23-Aug-22	30-Aug-22	6-Sep-22	13-Sep-22	27-Sep-22	13-Oct-22
Preliminary Plat	26-Jul-22	19-Aug-22	24-Aug-22	24-Aug-22	19-Aug-22	23-Aug-22	30-Aug-22	6-Sep-22	13-Sep-22	N/A	N/A
Final Plat	26-Jul-22	N/A	N/A	N/A	19-Aug-22	23-Aug-22	30-Aug-22	6-Sep-22	13-Sep-22	N/A	13-Oct-22
Site Plan	26-Jul-22	19-Aug-22	24-Aug-22	24-Aug-22	19-Aug-22	23-Aug-22	30-Aug-22	6-Sep-22	13-Sep-22	N/A	N/A
TCU	16-Aug-22	N/A	N/A	N/A	19-Aug-22	23-Aug-22	30-Aug-22	6-Sep-22	13-Sep-22	N/A	N/A
OCTOBER											
Rezoning/CUP/BZA	6-Sep-22	16-Sep-22	21-Sep-22	21-Sep-22	16-Sep-22	20-Sep-22	27-Sep-22	4-Oct-22	11-Oct-22	25-Oct-22	10-Nov-22
Preliminary Plat	23-Aug-22	16-Sep-22	21-Sep-22	21-Sep-22	16-Sep-22	20-Sep-22	27-Sep-22	4-Oct-22	11-Oct-22	N/A	N/A
Final Plat	23-Aug-22	N/A	N/A	N/A	16-Sep-22	20-Sep-22	27-Sep-22	4-Oct-22	11-Oct-22	N/A	27-Oct-22
Site Plan	23-Aug-22	16-Sep-22	21-Sep-22	21-Sep-22	16-Sep-22	20-Sep-22	27-Sep-22	4-Oct-22	11-Oct-22	N/A	N/A
TCU	13-Sep-22	N/A	N/A	N/A	16-Sep-22	20-Sep-22	27-Sep-22	4-Oct-22	11-Oct-22	N/A	N/A
NOVEMBER											
Rezoning/CUP/BZA	4-Oct-22	14-Oct-22	19-Oct-22	19-Oct-22	14-Oct-22	18-Oct-22	25-Oct-22	1-Nov-22	8-Nov-22	22-Nov-22	8-Dec-22
Preliminary Plat	20-Sep-22	14-Oct-22	19-Oct-22	19-Oct-22	14-Oct-22	18-Oct-22	25-Oct-22	1-Nov-22	8-Nov-22	N/A	N/A
Final Plat	20-Sep-22	N/A	N/A	N/A	14-Oct-22	18-Oct-22	25-Oct-22	1-Nov-22	8-Nov-22	N/A	8-Dec-22
Site Plan	20-Sep-22	14-Oct-22	19-Oct-22	19-Oct-22	14-Oct-22	18-Oct-22	25-Oct-22	1-Nov-22	8-Nov-22	N/A	N/A
TCU	11-Oct-22	N/A	N/A	N/A	14-Oct-22	18-Oct-22	25-Oct-22	1-Nov-22	8-Nov-22	N/A	N/A
DECEMBER											
Rezoning/CUP/BZA	8-Nov-22	18-Nov-22	23-Nov-22	23-Nov-22	18-Nov-22	22-Nov-22	29-Nov-22	6-Dec-22	13-Dec-22	27-Dec-22	12-Jan-23
Preliminary Plat	25-Oct-22	18-Nov-22	23-Nov-22	23-Nov-22	18-Nov-22	22-Nov-22	29-Nov-22	6-Dec-22	13-Dec-22	N/A	N/A
Final Plat	25-Oct-22	N/A	N/A	N/A	18-Nov-22	22-Nov-22	29-Nov-22	6-Dec-22	13-Dec-22	N/A	12-Jan-23
Site Plan	25-Oct-22	18-Nov-22	23-Nov-22	23-Nov-22	18-Nov-22	22-Nov-22	29-Nov-22	6-Dec-22	13-Dec-22	N/A	N/A
TCU	15-Nov-22	N/A	N/A	N/A	18-Nov-22	22-Nov-22	29-Nov-22	6-Dec-22	13-Dec-22	N/A	N/A

Timelines
Re-zoning/BZA/CUP - 35 days before Public Hearing (Article 9.1, Section B7)
Preliminary Plat - 49 days before Public Hearing (3) (Article 13.3, Section B1)
Final Plat - 49 days before Planning Commission Meeting (Article 13.3, Section F1)
Site Plan - 49 days before Planning Commission Meeting (Article 10.1, Section E2)
TCU - Temporary Construction Use - 28 days before Planning Commission Meeting

(1) The public hearing date does not count as a clear day for publication purposes.

(2) No second City Council meeting in November due to Thanksgiving holiday.

* Actual date item is heard at Council Meeting is dependent upon applicant's submittal of any items requiring corrections post Planning Commission.

ORDINANCE NO. 2106

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE CITY OF EDGERTON UNIFIED DEVELOPMENT CODE ARTICLE 9 – SECTIONS 9.1(B)(7) AND 9.6(E) AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, on May 10, 2022 the City of Edgerton Planning Commission met, held a public hearing, and reviewed proposed updates to the City of Edgerton Unified Development Code. More specifically it considered revisions to Article 9 – *Land Use Determination Procedures, Section 9.1(B)(7) and Section 9.6(E)*; and

WHEREAS, at that meeting the Edgerton Planning Commission voted to approve an amendment to the City of Edgerton Unified Development Code Sections 9.1(B)(7) and 9.6(E) to amend the application deadline for the submittal of rezoning and temporary construction activity applications; and

WHEREAS, the City Governing Body, upon recommendation of the Planning Commission, and after reviewing the proposed amendments to the City of Edgerton Unified Development Code, finds that the amendments to the City of Edgerton Unified Development Code should be approved.

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

Section 1. That Article 9 *Land Use Determination Procedures – Section 9.1(B)(7)* of the City of Edgerton Unified Development Code is hereby approved by the Council to read as follows:

Section 9.1 Zoning Amendment Applications

B. Materials and Reviews.

7. All materials to be submitted by applicant shall be given to the Zoning Administrator at least thirty-five (35) days in advance of a public hearing.

Section 2. That Article 9 *Land Use Determination Procedures – Section 9.6(E)* of the City of Edgerton Unified Development Code is hereby approved by the Council to read as follows:

Section 9.6 Determination of Accessory Uses Generally

- E. Temporary Construction Activities.** The Planning Commission is authorized to review and approve the use of property during times of construction, reconstruction, or adaptation to permit temporary living quarters for construction personnel, offices, buildings for storage, outdoor storage, machinery yards, portable concrete or asphalt mixing plants, sanitary facilities, and similar uses. Applications for Temporary

Construction Activities must be submitted at least twenty-eight (28) days prior to the Planning Commission at which they are to be heard.

Section 3. This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper. All Zoning Regulations of the City of Edgerton, Kansas which are inconsistent or in conflict herewith are hereby repealed.

Section 4. A copy of the above amendments to Article 9 are available to the public at City Hall and on the website for the City of Edgerton.

PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 26th day of May, 2022

DONALD ROBERTS, MAYOR

ATTEST:

ALEXANDRIA CLOWER, CITY CLERK

APPROVED AS TO FORM:

LEE W. HENDRICKS, CITY ATTORNEY

City Council Action Item

Council Meeting Date: May 26, 2021

Department: Community Development

Agenda Item: Consider Ordinance No. 2107 Adopting the Planning Commission's Recommendation to Approve an Amendment to the Edgerton Unified Development Code to Include Article 10 - Section 10.1(E) and Repealing All Ordinances or Parts of Ordinances in Conflict Therewith.

Background/Description of Item:

The City of Edgerton's Uniform Development Code (UDC) was adopted to encourage the most appropriate use of land and to insure the logical and compatible growth of various districts within the City. The UDC is intended to implement the planning goals and policies contained in the Comprehensive Plan 2000-2020, other planning documents, and policies of the City Council and Planning Commission.

The current UDC was initially adopted in 2004 (Ordinance 758) and has been revised several times by the Planning Commission in order to remain relevant as it relates to growth and development within the boundaries of the City of Edgerton.

Today, the Planning Commission packet publishes on the Friday before their Tuesday night meeting. It was recently brought to staff's attention that the Planning Commission members would like to receive the packet earlier so that they have more time to review business items. At the April 12, 2022 Planning Commission meeting staff reviewed this concern with the Commission and they requested receipt of the packet one week prior to the meeting date.

While the publication date of the Planning Commission packet is not specifically outlined in the UDC, there are application submittal deadlines outlined in the code for the several items heard by the Planning Commission – rezonings, preliminary and final plats, preliminary and final site plans, PUDs, and temporary construction uses. The submittal deadlines are in place to allow an adequate amount of time for internal review of the applications and for the applicant to make changes based upon staff review. Staff annually publishes a Development Calendar with the application submittal deadlines listed for each Planning Commission meeting.

In order to accommodate the Planning Commission's request to receive the packet one week prior to the meeting, the application submittal deadlines in the UDC must be amended. On May 10, 2022, the Planning Commission held a public hearing to discuss amending the UDC related application submittal deadline changes. During the public hearing, an opportunity for the public to provide input was given. No public comments were provided. Included with this

memo is the Staff Report provided at that meeting which shows a detailed outline of how the submittal deadlines will change and contains redlined copies of the updated UDC.

Upon conclusion of the public hearing, the Planning Commission voted 3-0 to recommend the Governing Body adopt this update. If the Governing Body approves this recommendation, the change will become effective with submittals for the August 2022 Planning Commission meeting.

The City Attorney has reviewed and approved the UDC changes (in red) and Ordinances included in the attachment. In order to have the adoption be a cleaner process, each Article has its own Ordinance to approve individually.

Related Ordinance(s) or Statue(s): City of Edgerton Ordinance 758

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval of Ordinance No. 2107 Adopting the Planning Commission's Recommendation to Approve an Amendment to the Edgerton Unified Development Code to Include Article 10 - Section 10.1(E) and Repealing All Ordinances or Parts of Ordinances in Conflict Therewith.

Enclosed: Planning Commission Staff Report – May 10, 2022 – included with Item 11
Draft Minutes of May 20, 2022 Planning Commission Meeting – included with Item 11
Development Calendar reflecting amended deadlines – included with Item 11
Ordinance 2107

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2107

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE CITY OF EDGERTON UNIFIED DEVELOPMENT CODE ARTICLE 10 – SECTION 10.1(E)(2) AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, on May 10, 2022 the City of Edgerton Planning Commission met, held a public hearing, and reviewed proposed updates to the City of Edgerton Unified Development Code. More specifically it considered revisions to Article 10 – *Site Plans and Design Standards, Section 10.1(E)(2); and*

WHEREAS, at that meeting the Edgerton Planning Commission voted to approve an amendment to the City of Edgerton Unified Development Code Section 10.1(E)(2) to amend the application deadline for the submittal of site plan applications; and

WHEREAS, the City Governing Body, upon recommendation of the Planning Commission, and after reviewing the proposed amendment to the City of Edgerton Unified Development Code, finds that the amendment to the City of Edgerton Unified Development Code should be approved.

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

Section 1. That Article 10 *Site Plans and Design Standards – Section 10.1(E)(2)* of the City of Edgerton Unified Development Code is hereby approved by the Council to read as follows:

Section 10.1 Site Plans

E. Submission Requirements.

2. Two paper copies of the Site Plan plus an electronic copy must be submitted to the Zoning Administrator at least forty-nine (49) calendar days in advance of a scheduled Planning Commission meeting and/or public hearing.

Section 2. This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper. All Zoning Regulations of the City of Edgerton, Kansas which are inconsistent or in conflict herewith are hereby repealed.

Section 3. A copy of the above amendment to Article 10 is available to the public at City Hall and on the website for the City of Edgerton.

PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 26th Day of May, 2022

DONALD ROBERTS, MAYOR

ATTEST:

ALEXANDRIA CLOWER, CITY CLERK

APPROVED AS TO FORM:

LEE W. HENDRICKS, CITY ATTORNEY

City Council Action Item

Council Meeting Date: May 26, 2021

Department: Community Development

Agenda Item: Consider Ordinance No. 2108 Adopting the Planning Commission's Recommendation to Approve an Amendment to the Edgerton Unified Development Code to Include Article 13 – Sections 13.3(B)(1) and 13.3(F)(1) and Repealing All Ordinances or Parts of Ordinances in Conflict Therewith.

Background/Description of Item:

The City of Edgerton's Uniform Development Code (UDC) was adopted to encourage the most appropriate use of land and to insure the logical and compatible growth of various districts within the City. The UDC is intended to implement the planning goals and policies contained in the Comprehensive Plan 2000-2020, other planning documents, and policies of the City Council and Planning Commission.

The current UDC was initially adopted in 2004 (Ordinance 758) and has been revised several times by the Planning Commission in order to remain relevant as it relates to growth and development within the boundaries of the City of Edgerton.

Today, the Planning Commission packet publishes on the Friday before their Tuesday night meeting. It was recently brought to staff's attention that the Planning Commission members would like to receive the packet earlier so that they have more time to review business items. At the April 12, 2022 Planning Commission meeting staff reviewed this concern with the Commission and they requested receipt of the packet one week prior to the meeting date.

While the publication date of the Planning Commission packet is not specifically outlined in the UDC, there are application submittal deadlines outlined in the code for the several items heard by the Planning Commission – rezonings, preliminary and final plats, preliminary and final site plans, PUDs, and temporary construction uses. The submittal deadlines are in place to allow an adequate amount of time for internal review of the applications and for the applicant to make changes based upon staff review. Staff annually publishes a Development Calendar with the application submittal deadlines listed for each Planning Commission meeting.

In order to accommodate the Planning Commission's request to receive the packet one week prior to the meeting, the application submittal deadlines in the UDC must be amended. On May 10, 2022, the Planning Commission held a public hearing to discuss amending the UDC related application submittal deadline changes. During the public hearing, an opportunity for the public to provide input was given. No public comments were provided. Included with this

memo is the Staff Report provided at that meeting which shows a detailed outline of how the submittal deadlines will change and contains redlined copies of the updated UDC.

Upon conclusion of the public hearing, the Planning Commission voted 3-0 to recommend the Governing Body adopt this update. If the Governing Body approves this recommendation, the change will become effective with submittals for the August 2022 Planning Commission meeting.

The City Attorney has reviewed and approved the UDC changes (in red) and Ordinances included in the attachment. In order to have the adoption be a cleaner process, each Article has its own Ordinance to approve individually.

Related Ordinance(s) or Statue(s): City of Edgerton Ordinance 758

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approval of Ordinance No. 2108 Adopting the Planning Commission's Recommendation to Approve an Amendment to the Edgerton Unified Development Code to Include Article 13 – Sections 13.3 (B)(1) and 13.3 (F)(1) and Repealing All Ordinances or Parts of Ordinances in Conflict Therewith.

Enclosed: Planning Commission Staff Report – May 10, 2022 – included with Item 11
Draft Minutes of May 20, 2022 Planning Commission Meeting – included with Item 11
Development Calendar reflecting amended deadlines – included with Item 11
Ordinance 2107

Prepared by: Katy Crow, Development Services Director

ORDINANCE NO. 2108

AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE CITY OF EDGERTON UNIFIED DEVELOPMENT CODE ARTICLE 13 – SECTIONS 13.3(B)(1) AND 13.3(F)(1) AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, on January 12, 2021 the City of Edgerton Planning Commission met, held a public hearing, and reviewed proposed updates to the City of Edgerton Unified Development Code. More specifically it considered revisions to Article 13 – *Subdivision Approval Procedures, Section 13.3(B)(1) and 13.3(F)(1)*; and

WHEREAS, at that meeting the Edgerton Planning Commission voted to approve an amendment to the City of Edgerton Unified Development Code Sections 13.3(B)(1) and 13.3(F)(1) to amend the application deadline for the submittal of preliminary and final plat applications and has recommended to the City Council approval of the same; and

WHEREAS, the City Governing Body, upon recommendation of the Planning Commission, and after reviewing the proposed amendments to the City of Edgerton Unified Development Code, finds that the amendments to the City of Edgerton Unified Development Code should be approved.

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

Section 1. That Article 13 *Subdivision Approval Procedures – Section 13.3(B)(1)* of the City of Edgerton Unified Development Code is hereby approved by the Council to read as follows:

Section 13.3 Regular Land Development Process

B. Preliminary Plat. The Preliminary Plat is the actual review instrument used by the Planning Commission. The Planning Commission must approve the preliminary plat, with any notations, variances and changes, before the applicant can proceed with the Final Platting Stage. To accomplish this end, the Planning Commission shall have the following authority, options and powers:

1. A preliminary plat must be submitted at least forty-nine (49) days prior to a scheduled meeting.

Section 2. That Article 13 *Subdivision Approval Procedures – Section 13.3(F)(1)* of the City of Edgerton Unified Development Code is hereby approved by the Council to read as follows:

Section 13.3 Regular Land Development Process

F. Final Plat and Construction Plans

1. A final plat and construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the final plat must be submitted at least forty-nine (49) days prior to a scheduled meeting.

Section 3. This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper. All Zoning Regulations of the City of Edgerton, Kansas which are inconsistent or in conflict herewith are hereby repealed.

Section 4. A copy of the above amendments to Article 13 are available to the public at City Hall and on the website for the City of Edgerton.

PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 26th day of May, 2022.

DONALD ROBERTS, MAYOR

ATTEST:

ALEXANDRIA CLOWER, CITY CLERK

APPROVED AS TO FORM:

LEE W. HENDRICKS, CITY ATTORNEY



EDGERTON

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DATE: May 26, 2022

TO: Mayor and City Council Members

FROM: Dan Merkh, Public Works Director

SUBJECT: Annual Review of Water Emergency, Water Conservation Plans

In September 2020, City Council Approved the Water Conservation Plan and Water Emergency Plan. The City is required to review the plans annually. If any changes are made, approval is required by City Council and submitted to the State for review and acceptance. Major revisions were completed in 2020, and no substantive revisions to the plans are recommended at this time.

Staff did make a few minor revisions to the plans: (1) updating the gallons per year Edgerton is allocated in 2022 under the contract with the Hillsdale Area Water Cooperative in both the Emergency and Conservation Plans, (2) updating the education section of the Conservation Plan to include a link to the Army Corps of Engineers website because they are no longer printing brochures about Hillsdale Lake, and (3) removing language that indicates the City supplies water to industrial/high-volume customers.

The primary objective of the Water Conservation Plan for the City of Edgerton is to develop long-term water conservation plans (Long-Term Water Use Efficiency Section) and short-term water emergency plans (Drought Response Section) to assure the City customers of an adequate water supply to meet their needs. The efficient use of water also has the beneficial effect of limiting or postponing water distribution system expansion and thus limiting or postponing the resultant increases in costs, in addition to conserving the limited water resources of the State of Kansas.

The primary objective of the Water Emergency Plan for the City is to isolate and conserve an adequate supply of potable water during emergency conditions that will be used only to sustain human life and maintain acceptable standards of hygiene and sanitation. Other topics included in the Plan include Organizational Hierarchy, Mutual Aid, Emergency Equipment and Supplies and Disaster Response. The Plan also includes critical contact information needed at time of an emergency.

Verification of Council review will be provided to the Kansas Water Office.

