

**EDGERTON PLANNING COMMISSION
MEETING AGENDA
EDGERTON CITY HALL - 404 EAST NELSON STREET
May 10, 2022
7:00 P.M.**

The City of Edgerton encourages public participation in local governance issues. To facilitate an efficient and effective meeting, persons wishing to address the Planning Commission must sign-up before the meeting begins. During public hearings, comments must be limited to three (3) minutes per speaker. The maximum time limit for all speakers during each public hearing will be one (1) hour.

The chair may modify these provisions, as necessary. Speakers should state their name and address and then make comments that pertain to the public hearing item.

The chair may limit any unnecessary, off-topic, or redundant comments or presentations. Speakers should address their comments to Planning Commission members only and should not speak to fellow audience members. Commission 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.

Call to Order

1. **Roll Call** ____ Daley ____ Berger ____ Crooks ____ Lebakken ____ Little
2. **Welcome**
3. **Pledge of Allegiance**

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

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

Motion: _____ Second: _____ Vote: _____

Regular Agenda

5. **Declaration.** At this time Planning Commission members may declare any conflict or communication they have had that might influence their ability to impartially consider the agenda items.

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**

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

Motion: _____ Second: _____ Vote: _____

8. Future Meeting Reminders

- May 26, 2022 at 6:00 PM – Joint Work Session with City Council regarding the Comprehensive Plan
- June 14, 2022 at 7:00 PM – Regular Session
- July 12, 2022 at 7:00 PM – Regular Session
- August 9, 2022 at 7:00 PM – Regular Session

9. Adjourn

PLANNING COMMISSION MEETING
April 12, 2022

A regular session of the Edgerton Planning Commission (the Commission) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on April 12, 2022. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

1. ROLL CALL

Jeremy Little	present
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
Beth Linn, City Administrator
Todd Luckman, Assistant City Attorney

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 March 8, 2022 Planning Commission Meeting.

Commissioner Crooks moved to approve the consent agenda. Commissioner Little 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

OLD BUSINESS

6. **CONSIDER APPLICATION FS2022-01 FOR A FINAL SITE PLAN FOR LPKC SOUTH, FOURTH PLAT LOCATED EAST OF THE NORTHEAST CORNER OF 207TH STREET AND GARDNER ROAD – CONTINUED FROM MARCH 8, 2022 PLANNING COMMISSION MEETING** Applicant: Brett Powell, Agent – NorthPoint Development, LLC, Developer

Chairperson Daley stated the public hearing for this item was held on March 8, 2022. There is no further public comment on this item during this meeting. He asked if any of the Commissioners had any additional questions.

Commissioner Crooks asked if the applicant had reached out to work with the neighbors regarding the fencing. Mr. Brett Powell, NorthPoint Development, replied he did have contact with the Winslows ten (10) days ago and they met onsite today, prior to this meeting, to discuss some possible solutions. Commissioner Crooks inquired if the applicant and Winslows were reaching a happy medium. Mr. Powell answered a few options have been discussed that could be used adjacent to Mr. Winslow's property.

Commission Little inquired if there has been any movement with the lawsuits. Mr. Todd Luckman, Assistant City Attorney, replied he is the City's lead counsel for the cases. He explained he can answer some questions that are not protected by attorney-client privilege. He said the cases have been on file for some time and the City is the defendant and has responded to all matters requested by the court in a timely manner. At this time, there have been no requests or orders by the court to stop any actions by the Commission and he does not know if there will be any resolution to the cases any time soon. Commissioner Little asked if there have been any conversations regarding the potential development of these parcels. Mr. Luckman replied he is unaware of any questions raised by any of the applications. The court has not advised the City of any schedule and there has not been any request to stop any applications by the courts.

Ms. Beth Linn, City Administrator, stated the City has received protest petitions for the Final Final Site Plan. Mr. Luckman explained the rezoning issue is already in court and a Site Plan is not an item where a protest petition can be submitted by right. He explained that is outlined by both by the State and the City. The protest petition is, therefore, not an official document the Commission has to take into account by law, but it can be considered like a public comment against the application. Mr. Luckman added any protest petition submitted does not change any vote requirements and public comments do not need to be taken again at this time since the public hearing was held last meeting.

Chairperson Daley clarified that there have been no status changes to the lawsuits. Mr. Luckman replied that is correct.

Commissioner Crooks asked if the road improvements will be complete prior to the building being completed. Ms. Linn answered that the road construction takes place at the same time as the building and the opening of the road will coincide with the issuance of a Temporary Certificate of Occupancy (TCO). She explained the main issue with constructing the road will be the acquisition of right-of-way. The City always has the best intention to have the road upgraded by the time a Certificate of Occupancy (CO) is issued, which means the construction of the building is done, but delays in obtaining right-of-way could delay the

road being complete. Commissioner Crooks inquired if it is possible to have the building open and operations going before the road is upgraded. Ms. Linn replied it is not the City's intention to have that happen but the process of right-of-way acquisition could take time. The City has used eminent domain before, and that is a lengthy process. The City will request help from other partners in development, like Johnson County, to negotiate easements and rights-of-way. Chairperson Daley asked if help is from private or public partners. Ms. Linn stated it has been both in the past. Commissioner Crooks asked if the issue of the road being upgraded has been addressed with the County. Ms. Linn answered it has been. Mr. Powell added NorthPoint also attempts to help in acquiring easements and right-of-way as they have a vested interest in the upgrading of the roads as well.

Commissioner Lebakken asked if this Final Site Plan is approved and the plaintiff wins the case, what would the applicant have to legally do. Mr. Luckman said he is not offering legal advice for NorthPoint, but the City would have to revisit the rezoning application as the courts typically will give a reason as to what needs to be reexamined regarding the rezoning. It would be unprecedented for the court to rule the land cannot be rezoned. The actions would not be improper from the City, but the Commission might have to revisit the rezoning application or applications. He stated it would be highly unlikely that a building has to be demolished. Chairperson Daley clarified it would be specific Golden Criteria that would need to be reexamined. Mr. Luckman stated that is correct. Commissioner Lebakken inquired what would the City need to do in case of a worst-case senior. Mr. Luckman explained the building or buildings would be in violation of the Unified Development Code and the City would have to address it as such. He does not believe there is much interest in the removing of improvements. Ms. Linn asked if the risk is more for the developer and not the City. Mr. Luckman answered that is correct and explained the court is not going to tell the City to take down a building and the official record of the City would reflect the default rezoning at the time of the annexation. Chairperson Daley stated the Commission should not stress about the risk to the City and should not make their decision on the worst-case scenario. Commissioner Lebakken replied she wants to be able to consider everything.

Commissioner Crooks inquired how a motion can be made to include a fence, regardless of whether or not the developer and neighbor can't come to an agreement or not. Chairperson Daley asked if a stipulation can be added to come to a mutual agreement. Commissioner Lebakken said it would be best to have the neighbors to be as happy as possible. Ms. Linn replied that the applicant has met the minimum standards of the UDC and has gone above what the UDC requires as shown in the line-of-sight drawings. She said there were other comments brought up by the public last meet and Mr. Powell has continued to work with the neighbor to come with an agreement on the fence. She said it would be in the best interest for the applicant to continue to work with the neighbors regarding the fence. Chairperson Daley said the UDC sets the bar, and the Commission can't continue to move the goal posts. Mr. Curt Peterson, NorthPoint, stated if Mr. Powell does not work with NorthPoint to reach mutual solutions there are consequences for when NorthPoint comes before the Commission in the future. Ms. Linn stated if the Commission wants to start requiring fencing around these types of projects, a discussion will need to be had to add it to the UDC. Commissioner Crooks said he would like to have that discussion. Ms. Linn stated said there are other instances of this applicant going above the UDC on other projects throughout Logistics Park Kansas City. Mr. Luckman added that he has concerns about open ended negotiations that have no end point from a legal standpoint. It is best to have a

deadline or what exactly needs to be installed. Chairperson Daley said he believes the applicant has met the UDC requirements and has gone above that as well. The applicant continues to fulfill their promises by working with neighbors when specific issues arise and there will most likely be more applications in the future.

Commissioner Crooks moved to approve Application FS2022-01 with the stipulations outlined in the Staff Report. Commissioner Lebakken stated she has to set personal feelings aside and vote with the facts as presented and seconded the motion. Application FS2022-01 was approved/denied/tabled to the May 10, 2022 Commission meeting, 2-1, with Commissioner Little casting the dissenting vote.

NEW BUSINESS

7. CONSIDER APPLICATION FP2021-05 FOR A FINAL PLAT FOR EDGERTON CROSSING LOCATED AT THE SOUTHWEST CORNER OF 199TH STREET AND HOMESTEAD LANE. Applicant: Shannon McMurdo, Property Owner

Chairperson Daley introduced the application. He requested the applicant present their project.

Mr. Buck Driggs, Driggs Design Group, approached the Commission and stated he is the engineer for this project. He explained the project is forty-two (42) acres, has C-2 (Heavy Service Commercial) zoning and is located at the southwest corner of 199th Street and Homestead Lane. He said he and his staff have been working with City staff for a few months to get any comments on the Final Plat resolved prior to bringing it to the Commission. He stated he is happy to stand for any questions.

Chairperson Daley requested City staff present their findings.

Ms. Crow stated this application is for a Final Plat located on the Southwest Corner of 199th Street and Homestead Lane. The property owner is Woodstone Properties, LLC and is represented by Shannon McMurdo. There are no current improvements on the site and it is zoned C-2, Heavy Service Commercial. The parcel is located within the Bull Creek watershed and was annexed into the City of Edgerton on February 24, 2011. Water service will be provided by Johnson County Rural Water District No. 7 and the City will be providing sanitary sewer services. Evergy will be the electrical provider and Kansas Gas Service will be providing gas to the property. Police protection will be provided by the City through the Johnson County Sheriff's Office and Johnson County Fire District No. 1 will be providing fire protection.

Ms. Crow said the parcel was rezoned from Johnson County Rural (RUR) to City of Edgerton C-2, Heavy Service Commercial, on July 14, 2011 by Ordinance 905. Ms. Crow reminded the Commission of the platting history of this parcel. On October 8, 2019, the Commission approved Application PP2019-04 for a Preliminary Plat of this same parcel. An associated Final Plat was never approved and pursuant to the Edgerton Unified Development Code (UDC), the Preliminary Plat became null and void. On November 9, 2021, the Commission approved Application PP2021-03 for a Preliminary Plat of this same parcel by the same Final Plat applicant, Mr. McMurdo.

Ms. Crow explained the applicant has proposed dividing the parcel into three (3) blocks. The 3 blocks are divided into 1 lot and two (2) tracts which are designated as non-buildable parcels, reserved for future platting and development. There are 2 additional tracts which will be used for stormwater detention. This Final Plat request is being made in preparation for commercial development which would serve the residents of Edgerton, the patrons, and employees of Logistics Park Kansas City (LPKC), and travelers along the Interstate 35 (I-35) corridor.

She informed the Commission that proposed access to the site is from Homestead Lane via the extension of West 200th Street and from 199th Street via Jubilee Street. Jubilee Street will provide full access to the development from 199th Street and will run north/south, parallel to Homestead. Access further south into the development would continue along this newly constructed Jubilee Street through a roundabout at 200th Street.

Ms. Crow said City staff has reviewed the Final Plat submittal for compliance with the requirements in Section 13.3 of Article 13 of the Edgerton UDC. One comment City staff has is that upon recording of the Final Plat, the County will add their seal and information to the document. This is a standard comment on Final Plat application.

Ms. Crow indicated that sanitary sewer plans have been reviewed by City staff and have received Kansas Department of Health and Environment (KDHE) approval. Roadway infrastructure plans are still under review by City staff and the City Engineer. The Final Plat should not be recorded prior to the City receiving and approving all public infrastructure plans. The applicant has acknowledged both comments and will continue to work with the City on the infrastructure plans.

Ms. Crow stated the applicant is subject to all applicable City codes, whether specifically stated in the Staff Report or not, including, but not limited to, Zoning, Buildings and Construction, Subdivisions, and Sign Code. The applicant is also subject to all applicable local, State, and Federal laws. Various permits may be required in order to complete this project.

Ms. Crow explained City staff does recommend approval of Final Plat Application FP2021-05 for Edgerton Crossing, subject to the following stipulations:

1. The commencement of any improvements shall not occur prior to the approval and endorsement of the Final Plat by the Governing Body and the submittal and approval of construction plans for all streets, sidewalks, storm water sewers, sanitary sewers, and water mains contained within the Final Plat.
2. The applicant shall meet all requirements of Recording a Final Plat as defined in Section 13.5 of the Edgerton UDC.
3. The applicant shall meet all requirements of their Development Agreement with the Edgerton City Council dated September 10, 2021 which satisfies the requirements of Financial Assurances as defined in Section 13.7 of the Edgerton UDC.
4. All City Engineer comments related to the Stormwater Management Plan must be addressed.

5. All Final Plat requirements of the City listed in the Staff Report shall be met or addressed prior to recording of the Plat.
6. If the Final Plat is not recorded with the Johnson County Register of Deeds within 1 year after acceptance by the Governing Body, the Final Plat will expire. Commission reapproval and Governing Body re-acceptance is required for expired Final Plats.

Ms. Crow informed the Commission that they will be recommending either approval or denial of the application to the Governing Body. If the Commission recommends approval, the Final Plat will be presented to the Governing Body on April 28, 2022, subject to the applicant making the necessary corrections in a timely manner.

Commissioner Crooks inquired if this is the time to discuss berming. Ms. Crow replied that is only the platting of the ground and discussion of any built items will come when Site Plans come forward. She stated no Site Plan applications for this parcel have been received at this time.

Ms. Linn explained the Final Plat does dedicate the entire right-of-way for the new Jubilee Street and allows access to the parcel to the south.

Commissioner Crooks asked if the full access intersection at 199th Street is in the best location as proposed. Ms. Linn answered the proposed location is the best location due to Kansas Department of Transportation (KDOT) right-of-way. She explained that access to this parcel has been reviewed extensively with KDOT and the City Engineer to allow access at 200th Street and 199th Street. Commissioner Crooks inquired if the 200th Street on this parcel lines up with the 200th Street on the other side of Homestead Lane. Ms. Linn replied that it does. Commissioner Crooks asked if a stop light will be constructed at this time. Ms. Linn answered the traffic counts do not warrant one at this time, but eventually one will and the cost of the signal have been included as part of the Tax Increment Financing District.

Commissioner Crooks moved to recommend approval of Application FP2021-05 with the stipulations outlined by City staff. Commissioner Little seconded the motion. Final Plat FP2021-05 was recommended for approval with the stipulations outlined by City Staff, 3-0.

7. DISCUSSION REGARDING PLANNED UNIT DEVELOPMENTS (PUD)

Ms. Crow said the rising cost of infrastructure, land and raw materials has led to increased sales prices for new home development. This has proven to be detrimental to first time home buyers and those with a growing family who are looking to move up to the next size home. City staff has recently received inquiries from residential developers regarding the use of Planned Unit Development (PUD) in the City of Edgerton. She explained the memo and the Quicknotes briefing from the *American Planning Association (APA)* located in the Commissioners' packet, will provide an introduction to PUDs and how they can be a tool used to help facilitate the development of residential neighborhoods. Also included in the packet was Article 6 of the UDC, which outlines the process today in Edgerton.

Ms. Crow stated building materials, labor costs, supply chain issues, cost of lot development, infrastructure and local regulations are all contributing challenges related to new home development. A 2021 housing study in Johnson County indicated that reducing

the minimum lot size required by a City's development code, opened more attainable housing option with lower lot and public infrastructure costs per lot. Today, the minimum lot size in Edgerton is seventy (70) feet wide by 110 feet deep with an increase to an eighty (80) foot width on corner lots. Flexibility in the lot size requirement allows developers and home builders to add more housing to a subdivision which in turn spreads the fixed costs over more homes. For an example, Ms. Crow said on a 700-foot stretch of roadway, ten (10) 70-foot-wide lots can be developed or decrease the lot width requirement and fourteen (14) fifty (50) wide lots can be developed. This increased density, also called up-zoning, allows for additional homeowners in that particular neighborhood who can help absorb the fixed costs of the development related to infrastructure. This in turn lowers the overall cost for everyone.

Ms. Crow explained the use of a PUD in the development process allows for the aforementioned flexibility in lot size. There is a give and take associated with PUDs. A developer might be allowed to build homes on smaller lots in exchange for providing extra amenities in the development like green spaces, trail systems, street trees, sidewalks, and auxiliary parking areas. In addition, these neighborhoods come with a Homeowners Association (HOA) which enforces a set of rules, also known as covenants, conditions and restrictions, that all property owners within the HOA are required to comply with. The covenants, conditions, and restrictions (CCRs) are provided to home buyers when they close on the property and there are processes put in place by the HOA which hold the property owners accountable for things like home maintenance, lot improvements, and on-street parking.

Ms. Crow stated the article entitled "*Understanding Planned Unit Development*" is included in the packet. It was published by the APA and provides a brief but comprehensive overview of what a PUD is and how they work. She said PUDs are not just for residential neighborhoods. They can be used to allow a mix of nonresidential and residential uses of mixed density. Every city is different so it is important to understand when the time is right to use a PUD and how it could benefit both the community and the developer.

Ms. Crow outlined the steps in the PUD process. The first one is the rezoning, which is outlined in Article 6 of the UDC. PUD is a zoning designation and so a rezoning application is required. The second step is a Conceptual Plan. She explained PUDs are different than the typical development process in that a Conceptual Plan gets submitted in place of a Preliminary Plat. Article 6 has very specific submittal requirements for the Conceptual Plan. Like a Site Plan, a variety of information is required so that everyone has a clear understanding of the way in which the property is intended to be developed. Lot sizes, land use patterns, site data, environmental information, traffic analysis, and market analysis are just some of the items required when the application is submitted. She stated that upon receipt of PUD rezoning and Conceptual Plan applications, City staff would review the submittal during the pre-application process to ensure the proposed plan submitted is in accordance with the parameters set forth by the UDC. The 2 applications would be presented as 2 separate items but at the same Commission meeting. Both items would require a public hearing. If the rezoning did not receive approval to be rezoned to a PUD, the Conceptual Plan would not move forward during the meeting. If both applications are recommended for approval, both items then continue to the City Council for final

acceptance. This is different than the typical development process as the Preliminary Plat and Site Plan are not reviewed by the Governing Body.

Ms. Crow explained the next step is Final Development Plan and Plat. Once the rezoning and Conceptual Plan review acceptance from the Governing Body, the applicant can then proceed with reasonable assurance that if the agreed to concept is carried forth, Final Development Plan and Plat approval will be granted. She said the Final Development Plan and Plat is a precise plan of development that shows the exact location of facilities, arrangement of streets and lots, open space and common areas and the final survey description. The Final Plat may be submitted in stages with each stage reflecting the approved Conceptual Plan, provided that each stage submitted conforms to all regulations. The Final Development Plan and Plat are reviewed by the Commission and if recommended for acceptance, the applications move on to the Governing Body for approval.

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

Ms. Crow concluded that when used correctly, PUDs can allow the flexibility necessary to bring a variety of housing appropriate for all types of residents. When properly designed, a PUD Conceptual Plan allows for creativity in land planning and site design, and it is important to understand how the PUD Conceptual Plan fits with the Comprehensive Plan. To date, Edgerton has not received a PUD application, but City staff thought it would be important to explain what one is that the Commission can be familiar with the process that governs this important tool in the development process. She stated City staff will be happy to answer any questions about PUDs.

Ms. Linn explained the zoning is the use of the development, the plat is horizontal development, and the site plan is the vertical development. A PUD muddies the water as all of the development items are mixed together. Since the developer typically wants to do things that a one lot development would not be able to, the Commission needs to understand each component individually. Chairperson Daley asked if there has been kickback regarding the lot width outlined in the UDC. Ms. Linn replied that the City has met with many residential developers and used to stand firm on the 70-foot requirement, but the pandemic and the increased price on materials has caused major changes to the housing market. She explained for a residential developer to decide to build in the City, the lot width will most likely be less than what the UDC requires. Commissioner Crooks inquired if a study has been done on 50-foot lot width with lots of cars parked on the street. Ms. Crow answered that is why there will most likely be an HOA in the development. An HOA can be stricter than the City and homeowners know a head of time those requirements before moving in. She and City staff knows that nobody wants another development like the horseshoe, but it is possible to achieve a good development with smaller lots depending on how the development is accomplished and how the lots are laid out. She explained an HOA will not encompass the existing homes in Edgerton, just those that are developed under a PUD.

Ms. Linn said all of the items in R-1, Single Family Residential, are addressed in the PUD Article, but there are many other pieces to a development and the PUD Article attempts to blend all of the concepts together. Commissioner Lebakken inquired about the lot width of the lots on the horseshoe development. Ms. Crow and Ms. Linn were not sure at this time but estimated close to sixty (60) foot lot widths. Ms. Linn stated those are all questions that will be asked during conversations with the developer. Commissioner Crooks stated there are only twelve (12) feet between homes. Ms. Crow agreed and stated a PUD has some restrictions like that seen in R-1. Commissioner Crooks commented that houses that are close together are popular in western states as well. Ms. Crow added those types of developments are being done in the Kansas City metro area as well. There have been some in Lenexa, Overland Park, Olathe, and they are all being done differently. She stated everyone has been thinking about traditional residential development, but it has changed recently and forced City staff everywhere to think differently. Ms. Crow stated she will provide a list of some neighborhoods for the Commissioners to drive through to see how a PUD could look in Edgerton.

8. DISCUSSION REGARDING DEVELOPMENT CALENDAR

Ms. Crow stated it has recently been brought to City staff's attention that it would be beneficial for the Commissioners to receive the packet earlier than the Friday before the scheduled meeting. She stated that the current UDC requires applicants to follow certain deadlines for application submittals. The deadlines allow City staff to publish the packet four (4) days prior to the scheduled meeting. An example of the deadlines showing what the dates are currently, what the dates would need to be for the Commissioners to receive the packet 1 week prior to the meeting and the dates would need to be for the Commissioners to receive the packet 2 weeks prior to the meeting.

Ms. Crow explained City staff has surveyed 14 Johnson County jurisdictions to review how the timeline at which the Commission packets are distributed prior to the meeting. 2 jurisdictions provide the packet 1 week prior to the meeting, 4 distribute the packet five (5) days prior to the meeting, six (6), including Edgerton, publish 4 days prior to the meeting and 2 jurisdictions distribute three (3) days prior to the meeting.

Ms. Crow requested guidance from the Commission related to the timeline for packet publishing. If a change is needed to the Development Calendar to meet earlier packet distribution, several sections of the UDC would need to be amended. City staff would make the necessary revisions to the UDC and bring those revisions back for a public hearing on the matter at the May Planning Commission meeting.

Chairperson Daley requested the packet be published a week before the meeting. The rest of the Commission agreed. Ms. Crow explained the changes that would be done to the development calendar and the associated Articles in the UDC.

9. FUTURE MEETING REMINDERS

Chairperson Daley stated the next regular session of the Commission is scheduled for May 10, 2022 at 7:00 PM. Mr. Little stated he will not be in town for the July meetings.

Ms. Crow stated The City Council will consider the contract with the company City staff has selected to help in updating the City's Comprehensive Plan on Thursday, April 14, 2022. If the contract is approved, the first step will be a joint meeting of the City Council and Council on May 26, 2022 at 6:00 PM before the regularly scheduled City Council meeting.


10. **ADJOURN** Commissioner Crooks moved to adjourn the meeting. Commissioner Lebakken seconded the motion. The meeting was adjourned at 7:58 PM.

DRAFT

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.