

## **PLANNING COMMISSION MEETING**

### **July 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 July 12, 2022. The meeting convened when Chairperson John Daley called the meeting to order at 7:00 PM.

#### **1. ROLL CALL**

Jeremy Little	absent
Charlie Crooks	present
Adam Draskovich	present via videoconference
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

2. **WELCOME** Chairperson Daley welcomed all in attendance to the meeting.

3. **PLEDGE OF ALLEGIANCE** All present participated in the Pledge of Allegiance.

Chairperson Daley welcomed Commissioner Draskovich as the newest member of the Edgerton Planning Commission. Commissioner Draskovich is replacing Deb Lebakken who has been appointed to the Edgerton City Council and resigned her position on the Commission. He stated he was sworn in yesterday, July 11, 2022.

Commissioner Draskovich stated he moved to Edgerton in 2010 and loves the community. He has worked for Burlington Northern Santa-Fe for seventeen (17) years and plans to be in Edgerton for many more years.

#### **CONSENT AGENDA**

4. Approve Minutes from the May 10, 2022 Planning Commission Meeting.

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

#### **REGULAR AGENDA**

#### **5. DECLARATION**

Chairperson Daley asked the Commissioners to declare any correspondence they have received or communication they have had regarding the matters on the agenda. If they

have received correspondence or have had any communication, he asked if it may influence their ability to impartially consider the agenda items.

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

## **BUSINESS REQUIRING ACTION**

### **NEW BUSINESS**

6. **ELECTION OF PLANNING COMMISSION OFFICERS.** Pursuant to the Bylaws of the Planning Commission, an annual meeting is held in June of each year for the purpose of electing a Planning Commission Chair, Vice Chair, and a Secretary. The June 14, 2022 meeting was cancelled due to no items to be presented to the Commission.

Commissioner Crooks nominated John Daley to remain the Chairperson of the Planning Commission. Commissioner Draskovich seconded the nomination. Mr. Daley will remain the Chair, 3-0.

Chairperson Daley nominated Jeremy Little to serve as the Vice Chair of the Planning Commission. Commissioner Crooks seconded the nomination. Mr. Little will serve as the Vice Chair of the Planning Commission, 3-0.

Chairperson Daley nominated Charlie Crooks to serve as the Secretary of the Planning Commission. Commissioner Draskovich seconded the nomination. Mr. Crooks will serve as the Secretary of the Planning Commission, 3-0.

Chairperson Daley stated during the remainder of the meeting, there will be two (2) public hearings and an opportunity to hear public comment and concerns regarding those 2 specific items. The applicant will be allowed to present their information in order for the Commission to make a recommendation to the Governing Body if so warranted. He said anyone wanting to speak during the public comments portion of the meeting will be able to do so. Speakers have been asked to sign in and provide their name and address. Speakers will be limited to three (3) minutes each and the public hearing is limited to one (1) hour in length. He informed speaker their comments must pertain to the item for which the public hearing is being held. He stated that as the chairman of the Commission, he reserves the right to modify the procedures as needed to conduct an orderly and efficient meeting.

7. **PUBLIC HEARING REGARDING APPLICATION ZA2022-01 FOR REZONING 80.4 ACRES LOCATED ON THE SOUTHWEST CORNER OF 207<sup>TH</sup> STREET/BRAUN STREET AND 8<sup>TH</sup> STREET/EDGERTON ROAD FROM JOHNSON COUNTY RURAL (RUR) TO CITY OF EDGERTON PLANNED UNIT DEVELOPMENT (PUD)** Applicant is Jesse Fulcher, Agent of Rausch Coleman Homes, Developer.

Chairperson Daley opened the public hearing for Application ZA2022-01. He stated if someone has signed up to speak, they will be called forward as time allows. He requested that speakers come up to the podium to speak and state their name and address prior to speaking.

Ms. Darlene Lund, 39380 W. 207<sup>th</sup> Street, Edgerton, KS 66021, addressed the Commission. She said she is not only speaking for herself but also for her mother as well. She inquired as to why the parcel needs to be rezoned. She doesn't understand nor does she want the parcel to be rezoned. She said she wants to know why this is even an option for the applicant. She claimed rezoning this property has zero value to Edgerton. Ms. Lund stated Edgerton does not support nor want rentals or additional homes and Edgerton will not grow because of these applications. She said there are other cities nearby that have the stores and amenities that residents can get to, and these applications will add zero value to this town if approved.

Mr. James Oltman, President of ElevateEdgerton!, spoke before the Commission. He said he is speaking in support of the rezoning. He stated the City is in need of a new housing development. He explained the planning consultants at RDG completed a housing assessment in 2021. It found that approximately seventy-one percent (79%) of the houses in Edgerton were built between 1970 to 2009 and less than one percent (1%) has been built since 2010. Mr. Oltman said there are obstacles that need to be overcome. There is a lack of buildable lots, infrastructure challenges as well as other issues. Approving the rezoning is a consideration to address the housing needs in Edgerton and is the first big step in addressing these challenges to bring in other future development. This will help bring and make Edgerton a vibrant community.

Ms. Cheri Magee, 1301 W. 8<sup>th</sup> Street, Edgerton, KS 66021, approached the Commission. She stated she has done research on PUDs. She stated a PUD is made of retail, multifamily rentals, and single-family residential homes. She stated Edgerton does need roofs but is unsure if what the City needs a development of this size. She found very few positive comments about the developer and lots of negative reviews. She has heard they are building homes in Spring Hill and Paola. She said the City does not need more of the same homes that are already here. The City needs variety of houses. She explained she is looking to downsize, and the examples provided are not it. She requested verification if there is going to be space for retail or not.

Mr. Darius Crist, 510 W. Braun Street, Edgerton, KS 66021, addressed the Commission. He stated he is not in favor of the rezoning and requested the Commission deny the request. He said he wants to know more about the styles of the proposed houses. He is concerned the zoning and development could bring the values of the existing houses down. He knows others in area do not want the development. He claimed there would be an increase in traffic. He implored the Commission deny the request.

Mr. Glyn Powers, 1606 W. 8<sup>th</sup> Street, Edgerton, KS 66021, spoke to the Commission. He stated he has seen some of the houses being built in Spring Hill by this developer. He felt that they are decent homes. If this site does get developed, then the sanitary sewer is going to be extended to the site and will be close to his property. He wants the opportunity to connect to the sanitary sewer.

Mr. Mark Sander, 1250 W. Braun Street, Edgerton, KS 66021 approached the Commission. He said he has 3 teen aged boys who about to be driving. He wanted to know the plan for the intersection of Braun Street and 8<sup>th</sup> Street. He wants to know if turn lanes will be added and what the traffic flow will look like. He said in the last decade, there have been 2 or 3

building permits for new houses, and he inquired to how City staff is going to handle the drastic increase of building permits. He claimed the jump in number of permits is not justified. The increase of families will bring in more children and he asked how much will it strain the elementary school and the resources that are already bending. He wanted to know if those concerns had been considered. He is also concerned about the law enforcements' resources and if that had been considered when the application was provided to the City.

Chairperson Daley closed the public hearing. He requested the applicant present their application.

Mr. John Stone, Rausch Coleman Homes, addressed the Commission. He stated his head constructor and design engineer are with him to answer questions. He said he is from a small town and understands the concerns raised by the public. He explained this project will bring growth to the City and there are challenges as cities grow. This type of project does bring businesses into town as well. This development will primarily focus on first time homeowners and people looking to downsize their current homes. He believes this is a good fit for this community.

Mr. Stone explained Rausch Coleman Homes is based out of Arkansas. The construct 5,000 to 6,000 homes a year in four (4) states. He stated this PUD would come with Homeowner's Associations (HOA). He understood the concerns that this project would be filled with rental houses. He explained big companies that own many houses and rent them are not the target for these homes and Rausch Coleman has moved away from that as they will not own the homes in the project. He stated a HOA helps protect the value of the neighborhood and keeps lawns the same and maintained and other handles other nuisances. The first impression of these homes for the buyer is that the neighborhood is well maintained and taken care of. The houses proposed have brick and stone on the front with landscaping. He stated there are about twenty (20) different house plans that Rausch Coleman has to offer and roughly ten (10) of those will be the focus for this development. The lot size determines which floorplan will work on each lot. Each house will have a 2-car garage as well. Rausch Coleman likes to vary the look of the homes, so it does not feel like a rental or townhome area. He strongly recommended that people tour the homes Rausch Coleman has constructed in other cities nearby if they are able to. He explained the developer does not want row houses with rentals and green spaces will be included to make it feel more like a community.

Mr. Shawn Cheevers, Division President of Rausch Coleman Homes, spoke before the Commission. He stated they are currently building in forty-two (42) in Paola that are fourteen (14) different floorplans. Rausch Coleman will fit the floorplans with the available lots. Without the lots being finalized in size, it is difficult to specifically state which floorplans will be available. He explained prices are volatile right now, but the price of lumber is going down. The target price for these homes will be \$260,000 to \$360,000. The houses will come with fully sodded yards, street trees, and trees in the front and back yards. Mr. Cheevers explained that even though there will be different models of houses, they will change colors as well so the development will not look like a cookie-cutter development. There will be similar floorplans, but they will be spaced out throughout the development. He said all of the homes have a standard warranty. He stated Rausch Coleman has a third-party

engineering firm that inspects the foundations and other aspects, as well as the City inspectors. He said Rausch Coleman has been building homes for sixty-five (65) years and they keep the model very similar from development to development.

Chairperson Daley asked staff to present their staff report and findings.

Ms. Katy Crow, Development Services Director, addressed the Commission. She explained the parcel is within the Bull Creek watershed and was annexed into the City on April 14, 2022. She stated the City of Edgerton will provide water and sanitary sewer service to the parcel, Evergy will be the electrical service provider, Kansas Gas Service will supply natural gas to the site. She said police service will be provided by the City of Edgerton through the Johnson County Sheriff's Office and fire protection will be provided by Johnson County Fire District #1. She said the parcel has not had any prior applications submitted to the City prior to this rezoning request. The property has been undeveloped and used as agricultural since 2006 per Johnson County AIMS. It was zoned Johnson County Rural (RUR) and has retained that zoning designation.

Ms. Crow stated the applicant has requested from Johnson County RUR to City of Edgerton Planned Unit Development (PUD) for development of single-family residential lots. Article 6 of the Edgerton Unified Development Code (UDC) states that the purpose of the PUD is to encourage and allow a more creative and imaginative design of land developments than is possible under district zoning regulations. PUDs are intended to afford the developer substantial flexibility when planning and designing a development proposal. She explained the PUD will be for single-family residences only. The PUD is an important tool to help developers and home builders design projects that balance the rising fixed costs, like extension of road and utility infrastructure, and rising costs of building materials with the changing preferences of the home buyer for lower yard maintenance or more close-knit, walkable neighborhoods which include amenities. Ms. Crow said the applicant is proposing 275 total residential lots broken out in four (4) phases. Phase I is to be comprised of eighty-one (81) lots. The second phase will have seventy (70) lots. Phase III will contain sixty-one (61) lots. The final phase will have (63) lots. The residential lots will make up 48.2 acres, greenspace will make up 9.7 acres, storm drainage will comprise 3.4 acres, and dedicated right-of-way will make up 19.1, for a total of 80.4 acres. Ms. Crow explained the zoning map and said all City of Edgerton Single-Family Residential (R-1) are within the City limits.

Ms. Crow explained City staff has reviewed the rezoning application with respect to the UDC, the laws of Kansas, and the "Golden Criteria" as established by the Supreme Court of Kansas in 1978. She read the review comments:

1. **Need for the Proposed Change** – When this parcel was annexed into the City of Edgerton, it contained a Johnson County RUR zoning designation as assigned by the County. That zoning designation allows for agricultural or residential uses, and it is considered a holding designation post annexation. Prior to any development occurring on the parcel, rezoning to a City of Edgerton zoning designation is required. The applicant has requested that this parcel be rezoned to PUD to allow for the future single-family Planned Unit Development.
2. **Magnitude of the Change** – This parcel is located near other single-family residences; therefore, the magnitude of change would not be considered unusual for this area.

3. **Whether or not the change will bring harm to established property rights** - The subject property is located near and adjacent to other residential uses. While the proposed development does have a higher density than those of surrounding residential areas, the development will not change any property rights to the neighboring properties.
4. **Effective use of Land** – The applicant has indicated the zoning designation of PUD will be used to develop the parcel for single-family residential. This would be an effective use of the land as houses are in high demand throughout Johnson County. This development could help bring other residential development to the City along with the amenities that support a residential development.
5. **The extent to which there is a need in the community for the uses allowed in the proposed zoning** – A 2021 Edgerton housing study indicated that there is a need for all types of housing in Edgerton. One strategic objective of the housing study was to provide a range of housing environments by offering moderately priced housing types which meet the housing need for households that are at different points in their life. This study also determined that Edgerton’s average annual construction need for single family homes is 21 units per year with a cumulative total of 205 by the year 2030. A critical component for housing in the Edgerton community is ‘move-up’ housing – new housing that will allow existing residents to move into housing that better fits their needs while allowing them to continue living in the community they have become an integral part of. Rezoning this parcel to PUD for residential development will help to fulfill some of Edgerton’s housing need.
6. **The character of the neighborhood, including but not limited to: zoning, existing and approved land use, platting, density (residential), natural features, and open space** – As shown in Figure 1 of this Staff Report, the subject parcel is near other parcels which currently contain a residential zoning designation. Directly north across 207<sup>th</sup>/Braun Street are existing single-family residences. Parcels abutting the west and south boundaries of the subject parcel are currently zoned Johnson County RUR. The parcel across 8<sup>th</sup> Street/Edgerton Road is also an RUR zoned parcel. While the residential density in RUR zoning designations is lower than that of a traditional residential subdivision, residential lots with an R-1 zoning designation are currently located roughly a quarter of a mile to the north of this parcel. The companion PUD Conceptual Plan (PUD2022-01) provided by the applicant represents the first new home subdivision development in Edgerton in approximately 20 years. The applicant’s design includes green space, a walking trail, a neighborhood pocket park, and sidewalk on one side of each street. The proposed dwelling units are diverse in floor plan and represent a variety of housing types.
7. **Compatibility of the proposed zoning and uses permitted therein with the zoning and uses of nearby properties** – As noted in #6 above, the proposed zoning is compatible with the existing zoning of neighboring and nearby parcels. The companion Conceptual Plan submitted by the applicant (PUD2022-01) is for single-family residential which is a permitted use adjacent to other residential uses. The proposed zoning and land use is consistent with the City’s Future Land Use Map.
8. **Suitability of the uses to which the property has been restricted under its existing zoning** – When a parcel is annexed into the city, it retains its existing zoning designation until it goes through the rezoning process and receives an Edgerton zoning designation. The existing Johnson County RUR zoning of the applicant property is considered a holding designation until this process occurs. Johnson County RUR zoning

is primarily for agricultural and low-density residential use. The current zoning designation, Johnson County RUR, does not exist within Edgerton, and as such, a rezoning must occur before any development by the applicant would be allowed.

9. **Length of time the subject property has remained vacant under the current zoning designation** - Based upon available aerial photography, the property has been used for agricultural purposes in unincorporated Johnson County dating back to at least 2006.
10. **The extent to which the zoning amendment may detrimentally affect nearby property** - This parcel is located near several parcels which today contain a City of Edgerton R-1 zoning designation. The UDC requires that uses within the proposed PUD be of a type, and be appropriately located, so as to exercise no undue detrimental influence upon surrounding properties.
11. **Consideration of rezoning applications requesting Planned Development Districts (PUD) for multifamily and non-residential uses should include architectural style, building materials, height, structural mass, siting, and lot coverage** – This is not a request for multifamily or non-residential PUD uses.
12. **The availability and adequacy of required utilities and services to serve the uses allowed in the proposed zoning. These utilities and services include, but are not limited to, sanitary and storm sewers, water, electrical and gas service, police and fire protection, schools, parks and recreation facilities and services, and other similar public facilities and services** – Water, electric, and gas utilities are located in the right-of-way adjacent to this property or across 8<sup>th</sup> Street/Edgerton Road. The sanitary sewer connection will come from the east and will connect to the Sunflower Benefit District wastewater infrastructure. Extension of the utilities into the site will need to take place as the PUD is developed.
13. **The extent to which the uses allowed in the proposed zoning would adversely affect the capacity or safety of that portion of the road network influenced by the uses, or present parking problems in the vicinity of the property** – Substantial construction has been completed on the grade separation along 207<sup>th</sup> Street/Braun Street to allow traffic to flow uninterrupted over the BNSF train tracks located east of this parcel. While traffic will increase as development occurs, the Conceptual Plan application process for PUDs requires the submittal of a traffic study for the area that will be reviewed by the City Engineer to determine what improvements are needed to the adjacent road network and the timing of those improvements. Additionally, the applicant has indicated that the development will have a Homeowners Association (HOA) which will have restrictions and covenants regarding on street parking.
14. **The environmental impacts that the uses allowed in the proposed zoning would create (if any) including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm** - The City will follow National Pollutant Discharge Elimination System (NPDES) guidelines and stormwater management requirements which require any application to address runoff and water pollution mitigation measures as part of the development of the property. Any construction that occurs on site will be required to get a NPDES permit from the State of Kansas and a land disturbance permit from the City. Those permits require a stormwater pollution prevention plan (SWPPP) that is reviewed by the City and the State. A full stormwater

study of the site is also required and will be reviewed by the City Engineer prior to the issuance of a Land Disturbance Permit.

15. **The economic impact on the community from the uses allowed in the proposed zoning** – The proposed used for this rezoning request is a PUD with approximately 275 single-family residences. The applicant has included an assumption that a single-family home valued at \$275,000 assessed at 11.5% and a mill levy of 146.180 will generate approximately \$4,600 in annual property taxes, with \$920 being distributed to the City of Edgerton and \$2,116 allocated to USD 231 Gardner Edgerton. The increase in rooftops could also drive further commercial growth and development which will also greatly benefit the community.
16. **The relative gain (if any) to the public health, safety, and welfare from a denial of the rezoning application as compared to the hardship imposed upon the rezoning applicant from such denial** - There would be little relative gain, if any, to the public health, safety, and welfare from the denial of these zoning applications.
17. **Consistency with the Comprehensive Plan, Capital Improvement Plan, ordinances, policies, and applicable City Code of the City of Edgerton** - The Comprehensive Plan for the City of Edgerton shows this area as appropriate for low density residential which includes traditional single-family residential. The requested rezoning is compatible with the spirit and intent of future development outlined in the Comprehensive Plan and Future Land Use Map.
18. **The recommendation of professional staff** – City staff recommendation will be provided shortly.

Ms. Crow stated City staff recommends approval of Rezoning Application ZA2022-01 for Timber Creek Subdivision, subject to the following stipulations:

1. All infrastructure requirements of the City are met.
2. All requirements of the City for a PUD are met.

Ms. Beth Linn, City Administrator, stated that she did write down the questions and concerns raised by the public. Chairperson Daley requested she go through those.

Ms. Linn stated the first question was why the parcel needed to be rezoned. She explained the parcel needs to be rezoned as the developer wants to develop the parcel. The City does not have a RUR zoning designation nor does the City have regulations for RUR development, so rezoning to a City of Edgerton zoning designation is required to develop the parcel.

Ms. Linn said the City and Johnson County did housing studies that showed real estate agents, the Planning Commission, the City Council, and many residents want new housing. Ms. Linn stated this PUD would be for single-family residential (SFR) development only. There is no retail, commercial or multi-family residential proposed in this development.

Ms. Linn acknowledged the fact that there have been very few permits for new residential construction and City staff will need to meet the demand this development would create. She stated residents want new housing overall. The City does not have many platted lots that can be developed. Ms. Linn explained most residential development is done via subdivision developed from large lots such as this proposal. She said an average of twenty-

one (21) houses need to be constructed a year to keep up with demand per recent housing studies.

Ms. Linn said the City does have plans to improve the intersection of Edgerton Road/8<sup>th</sup> Street and 207<sup>th</sup> Street/Braun Street. Those plans include a turn lane from south Edgerton Road/8<sup>th</sup> Street 207<sup>th</sup> Street/Braun Street. This work is a continuation from the grade separation project. The City Engineer has reviewed the submitted Traffic Impact Study (TIS) from the applicant. Those items are not typically addressed during the rezoning phase of development. She stated the City understands that upgrades will probably be needed on the existing road infrastructure.

She said the styles of the houses proposed are shown in the packet. The applicant also has provided a range of values the homes will be priced at. The sanitary sewer will be extended to the parcel for the new homes to tap into. Ms. Linn stated in regard to the elementary school, the school currently has capacity for new students and the City will meet with the superintendent to discuss the impact of the possible housing will have on the school. She said all City services will be increased and the phasing of the project helps the City understand when to be ready for the increase of those services. She explained there is a lot of information in the packet than just the application and Staff Report.

Chairperson Daley asked if nearby residents will be required to tap into the sanitary sewer. Ms. Linn replied the Municipal Code requires residents to tie into the sanitary sewer and City staff is bound by the code. Discussions on how to design and how to add the new customers are still being had.

Chairperson Daley inquired about the risk of the developer not moving forward with the project or the possibility of tax abatements for the development. Ms. Linn answered that there is no development agreement currently in place and the current request is only for rezoning.

Commissioner Crooks said it is hard to make the decision without all of the information. Ms. Linn replied the rezoning is about the use of the ground and the Commission needs to determine if they feel single family residential is the best use for the ground or not. She added there is a lot of information in the packet including the concept plan showing the possible way the lots could be platted.

Commissioner Draskovich inquired about the easement for the road. He wanted to know if the easement is measured from the centerline of the road or the edge and if there would be enough room for street expansion to widen the road if needed. Ms. Linn answered the easement is measured from the centerline and is consistent with the county wide road network. The easements provide enough width for future expansion. Commissioner Draskovich said as a growing town, it is important to have the space to expand roads the roads when that is needed.

Commissioner Draskovich asked Mr. Cheevers if the third-party inspector is one that has been used by them before or if a local company will be used. Mr. Cheevers answered the houses will be built to comply with the City's requirements. The third-party inspector will inspect all of the homes weekly as well as the required inspections per the building code by

the City building inspector. Ms. Crow added George Butler Associates (GBA) does all of the City's inspections and building plan review. Commissioner Draskovich said with the City taking on a lot of permits, the phasing will help ease the strain on the increased number of permits. He inquired if the City has had discussions with the fire department on whether or not they could handle the increase in the number of homes. Ms. Linn replied she and the Mayor went to a work session with Johnson County Fire District No. 1 and spoke about future growth of Edgerton which included possible future residential expansion. Preliminary discussions have been had then the City will reach back out to the fire department, as well as other partners, so they are aware and can plan for the increases as well. Ms. Crow addressed the permitting concerns as the first phase is for 80 homes but are estimated to sell four (4) to eight (8) homes a month. The 4 to 8 permits a month is manageable for City staff.

Chairperson Daley asked why the rezoning request is for PUD and not R-1. Mr. Stone replied that Rausch Coleman is able to mold and fit the community. They attempted to get a feel for the community before the rezoning request. He said they do not push one zoning designation over another.

Commission Crooks said he is concerned about the truck routes in the area.

8. **CONSIDER APPLICATION ZA2022-01 FOR REZONING 80.4 ACRES LOCATED ON THE SOUTHWEST CORNER OF 207<sup>TH</sup> STREET/BRAUN STREET AND 8<sup>TH</sup> STREET/EDGERTON ROAD FROM JOHNSON COUNTY RURAL (RUR) TO CITY OF EDGERTON PLANNED INTU DEVELOPMENT (PUD)** Applicant is Jesse Fulcher, Agent of Rausch Coleman Homes, Developer.

Commissioner Crooks moved to recommend approval of Application ZA2022-01 with the stipulations outlined by City staff to the Governing Body. Commissioner Draskovich seconded the motion. Application ZA2022-01 was recommended for approval with the stipulations outlined by City staff, 3-0.

9. **PUBLIC HEARING REGARDING APPLICATION PUD2022-01 FOR A PLANNED UNIT DEVELOPMENT CONCEPTUAL PLAN FOR 80.4 ACRES LOCATED ON THE SOUTHWEST CORNER OF 207<sup>TH</sup> STREET/BRAUN STREET AND 8<sup>TH</sup> STREET/EDGERTON ROAD** Applicant is Jesse Fulcher, Agent of Rausch Coleman Homes, Developer.

Chairperson Daley opened the public hearing for Application PUD2022-01. He stated if someone has signed up to speak, they will be called forward as time allows. He requested that speakers come up to the podium to speak and state their name and address prior to speaking.

Ms. Nancy Kirk-Matthew, JC Nichols, approached the Commission. She said she was involved in the land transaction but does not represent Rausch Coleman. She wanted to explain the role of an HOA. She said an HOA's can be similar or completely different as each community is different. The main role of the HOA is to protect the property's value. A house is typically the largest investment for a family. She explained the fees are usually paid annually and those fees go toward the maintenance of the common areas of a subdivision.

The dues may also be used to pay for trash collection and keeps it on the same day throughout a development. She said HOA's may also restrict fencing or other accessory structures so there is a more uniformed look throughout the subdivision. Other HOA's will mandate paint colors to avoid strong colors being used on houses. She stated most developments like the proposed one will have an HOA to help protect the property values of the properties within the development.

Mr. Oltman spoke before the Commission. He said he is in support of a much-needed housing project that has been years in the making. He said Rausch Coleman and ElevateEderton! have been exchanging emails since 2018. They both want a project that works for the City and the developer. He said it has been a challenging project to say the least. There has been a lot of time and work put into this submission that went through many variations. Mr. Oltman said there are many parcels and with different rates for a wide range of houses. He explained a PUD will allow the developer and City to market the homes to many more home buyers. The largest lots could have bigger homes for growing homes and the smaller lots could be used for houses for people looking to downsize. The medium lots would be good for first time buyers. Housing needs are drastically different today than even 4 years go. This submission was not put together hastily, and he would like to see the Commission be on the side of progress.

Mr. Mike Mabrey, 1200 W. Braun Street, Edgerton, KS 66021, addressed the Commission. He said his property sits in the waterway. He explained there is floodplain in the first phase of the development. Currently, water will back-up onto neighboring properties. He is concerned about the fact that a PUD does allow for smaller setbacks and the applicant wants to reduce it even more than what is allowed per the UDC. He has also seen neighboring communities have smaller subdivisions that have more than a playground and green spaces as amenities.

Mr. Sander approached the Commission. He said he is confident that City staff did a thorough job and the information in the housing studies was valuable at the time, but it is now 2022. The inflation has increased faster than ever, and mortgage rates have doubled since last year. A current rate is 5.77% now and was it was just 3.25% last year for a buyer in the same situation. He claimed information gathered in 2021 is not useful today. There are still supply chain issues. The prices of lumber may be going down, but contractors still can't get all of the goods they need. Mr. Sander said the number of mortgage applications is declining and interest rates are higher now than what Americans have accepted for the last decade. He stated some people were able to refinance and got rates around 2%. He wants the Commission to think about and consider those items. He said information in 2021 was accurate then, but it is now a new ball game. He asked what if the City signs on the dotted line and nobody will buy the houses with 5-6% mortgage rates. The mortgage business has slowed down.

Chairperson Daley closed the public hearing. He requested the applicant present their application.

Mr. Stone spoke to the Commission. He said the civil engineer will speak regarding the infrastructure. Mr. Ben Gasper, SMH Consultants, approached the Commission. He said SMH Consultants has done a lot of subdivisions as the civil engineers and land surveyors. He

explained the proposed roads will have some curves to help reduce speeding. They had to take into account the existing topography of the parcel. He explained there is a large amount of greenspace on the north as it is floodplain and will not be touched. If there is work done in the floodplain, SMH Consultants will work with the state and federal government to ensure the proper measures are followed. There is more greenspace to the south for drainage as well. Mr. Gasper stated additional reports will be supplied for review to ensure proper detention is provided. He explained no additional stormwater will be going onto other properties. The sanitary sewer will be expanded from the east across the tracks and the water line will go to every house. The gas, electric, and cable will be located in the rights-of-way. He stated there will be improvements to exterior roads especially to Edgerton Road as it is currently a gravel road.

Chairperson Daley asked staff to present their staff report and findings.

Ms. Crow reminded the Commission that a PUD is different than the typical development process. She said the submitted Conceptual Plan replaces the Preliminary Plat that the Commission is used to reviewing. This is the first piece in the PUD process. When the applicant brings forward the phases of the development, the Commission and Governing Body will need to approve those documents as well. Chairperson Daley asked if Phases 2, 3, or 4 could not be heard for years. Ms. Crow answered that is correct and when the phases are submitted, they will be checked to ensure it matches the Conceptual Plan. Commissioner Crooks asked if the City charges the requirements between the Conceptual Plan and the submission of the Final Plan. Ms. Crow replied that the applicant will be held to the standards that were in place when the Conceptual Plan was approved. Chairperson Daley stated the applicant cannot change the items once approved. Ms. Linn stated that is correct as the Conceptual Plan is approved by an ordinance by the Governing Body. Ms. Crow said there is a process the applicant can go through if they decide to change anything.

Ms. Crow stated City staff reviewed the PUD application with respect to the Edgerton UDC, specifically Section 6.1.C, *Standards for Planned Unit Development* and Section 6.3, *Conceptual Plan and Preliminary Plat Submission Data*. Review comments are as followed:

**Section 6.1.C – Standards for Planned Unit Development**

1. **Comprehensive Plan.** A Planned Unit Development must conform with the objectives of the Comprehensive Plan of Edgerton.
  - a. *There are two goals outlined in the City's Comprehensive Plan that this development would achieve:*
    - i. *Promote a balanced and sustainable community by providing a mix of different types of residential, commercial, and industrial development.*
    - ii. *Provide a range of housing types and price ranges for all citizens of Edgerton.*
    - iii. *Ensure that new subdivisions are integrated into an overall neighborhood design concept where diversity of housing is encouraged, the streets are pedestrian-friendly, and each neighborhood has a center public park or square.*

***This Conceptual Plan represents the first new home subdivision development in Edgerton in approximately 20 years. The applicant's design includes green space, a walking trail, a neighborhood pocket park, and sidewalk on one side of each street. The proposed dwelling units are diverse in floor plan and represent a variety of housing types. Standard has been met.***

2. **Compatibility.** The uses permitted in a Planned Unit Development must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties.

***The parcel this development is proposed on is surrounded by other single-family residential parcels. Standard has been met.***

3. **Net Density.** The net density of the Planned Unit Development is not required to precisely correspond with the normal net density of a traditional zoning district, but instead should reflect complementary building types and architectural design. The Planning Commission shall determine net density and floor area through the Conceptual Plan review.

***The developer has proposed a variety of lot sizes within this development, and the perimeter lots are equivalent to the required lot sizes in Edgerton R-1 single-family residential zoning. Narrower lot sizing is included on the interior of the development which provides for an increase in density, balanced by the inclusion of green space and walking trails. The applicant has provided cutsheets and elevations of the dwelling styles proposed to be constructed as part of this subdivision project. Architecturally the residences are consistent with current residential development in Edgerton and the building types are complimentary within the subdivision. Standard has been met.***

4. The Planned Unit Development site shall be under a single ownership or unified control. Unified control shall mean that the various owners of adjacent site join to submit a unified application for a PUD.

***The submitted application has been signed by the current property owners and is for one parcel of land. Standard has been met.***

5. **Space Between Buildings.** The minimum horizontal space between buildings shall be:
- a. Sixteen (16) feet between single-family detached dwellings.

***The applicant has requested the spacing between the residential units be ten (10) feet as each dwelling unit will have a five (5) foot side yard setback with setbacks being measured to the exterior building wall, allowing overhangs (eaves) to encroach into the setback. The City's contracted building official review has noted that all aspects of the building, eaves included, needs to be a minimum of 10 feet apart, unless fire rated materials, such as cement fiberboard, are used in construction.***

***Pursuant to Article 6, Section 6.1(C)(9)(b), departure from any requirement specified in this UDC or other City ordinances and regulations is a privilege and shall be granted only upon recommendation of the Planning Commission and approval by the Governing Body. Staff recommends the Planning Commission grant this departure from standards for setback distance as long as fire rated materials are used in construction.***

6. **Yards.** The minimum required yards in a PUD shall be:
- a. The required yards along the periphery of the Planned Unit Development shall be at least equal in width or depth to that of the adjacent zoning district.

***The applicant has shown that all of the periphery lots meet this requirement either in width or depth. Standard has been met.***

- b. The minimum required side yards shall be consistent with the space standards listed in item 5a-d stated above.

***As noted in 5.b. above, the applicant has stated the spacing between the residential units will be ten (10) feet as each dwelling unit will have a five (5) foot side yard setback with roof overhang in the side yard setback. Staff recommends the Planning Commission grant this departure from standards for setback distance as long as fire rated materials are used in construction.***

- c. The minimum front and year yard shall be determined by the review of the Planning Commission and approval of the Governing Body and shall be based on design or construction features that are deemed both architecturally and environmentally superior, are consistent with the provision of amenities, and are in strict compliance with Edgerton's building, fire health, and other applicable codes, and/or contribute to the increased health, safety, and welfare of existing and future residents of Edgerton.

***The applicant's Conceptual Plan contains the following setbacks as compared to the standard requirements for R-1 Single-Family Residential:***

	<b>Standard R-1</b>	<b>Proposed PUD2022-01</b>
Interior Lot Width	70 feet	50 feet
Front Yard Setback	35 feet	28 feet
Rear Yard Setback	22 feet	20 feet
Side Yard Setback	9 feet	5 feet
Corner Yard Setback	20 feet	15 feet

***As is noted in the description of a PUD, utilizing this type of development tool allows the developer more flexibility in lot sizing within the development. In addition, the existence of a Homeowner's Association (HOA) with Covenants, Conditions and Restrictions (CCRs), helps enforce lot maintenance and parking standards. Staff supports the departure from standard R-1 lot sizes for this project.***

7. **Parking Standards.** Adequate parking shall be provided and shall be in general conformance with the parking regulations provided for in other section of this Ordinance unless changes are warranted by the particular characteristics of the proposed Planned Unit Development.
- a. Additional parking space for guests, customers, the handicapped, recreational vehicles, and other common storage and/or parking uses in Planned Unit Developments, shall be required by the Governing Body, acting upon the recommendation of the Planning Commission, if warranted by the particular characteristics of the proposed Planned Unit Development.

***Article 16 of the UDC requires single-family dwellings have three (3) parking spaces with one (1) being inside a garage. The Conceptual Plan overview indicates that each of the proposed dwellings will have an attached garage for two (2) or three (3) cars. The provision of parking in an attached garage and on***

***a driveway meets the requirements for the minimum amount of parking required by the UDC. Additionally, the HOA has CCRs in place which provide additional parking requirements for the development. Standard has been met.***

8. **Traffic.** The PUD must incorporate adequate provisions to provide ingress and egress designed to minimize both internal and external traffic hazards and congestion.

***The applicant has submitted a Traffic Impact Study (TIS). The City will use this study and the proposed development phasing to determine the scope and timing of any improvements to the adjacent road network (see Item #5 on page 8 of this Staff Report). Standard has been met.***

9. **Design Standards.** The basic design standards for a PUD are provided in this UDC and are known as the "Subdivision Regulations."

- a. **Use Standards.** The standards for the allowable use of building and land are provided throughout the various use districts of this UDC.
- b. **Departure From Standards.** The Planned Unit Development may depart from strict conformance with the required density, dimension, area, height, bulk, use and specific content regulations of this Ordinance to the extent specified in the preliminary plat and documents authoring the Planned Unit Development so long as the Planned Unit Development provides tangible benefits to the neighborhood or community in which it is located. These benefits shall be in the form of provisions of amenities, design excellence, and general compatibility with neighboring properties. The waiver of any requirement shall be the direct cause of accrual of benefits to the residents of the development as well as to the general community. Departure from any requirement specified in this UDC or other City ordinances and regulations is a privilege and shall be granted only upon recommendation of the Planning Commission and approval by the Governing Body.

***The applicant has requested a departure from the standard lot width for R-1 single-family residential development as some of the proposed lots are fifty (50) feet wide, compared to the minimum requirement for R-1 residential of seventy (70) feet in width. The benefits proposed by the developer to counter the narrower lot widths include a 10-foot trail along 207<sup>th</sup> Street/Braun Street and 8<sup>th</sup> Street/Edgerton Road, a playground area in the center of the development and proposed sidewalks throughout. Staff supports the recommendation and approval of departure from standard R-1 lot sizes for this project.***

### **Section 6.3 – Conceptual Plan and Preliminary Plat Submission Data**

1. **Conceptual Plan and Plat.** A drawing of the Planned Unit Development shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. The Plan shall indicate the concept of the development with refinements to indicate the overall land use pattern, general circulation system, open space or park system, and major features of the development together with a set of proposed restrictions, conditions, and covenants. The Plan must include:
  - a. Boundary lines and dimensions of the subject site.
  - b. Existing and proposed easements – general location and purpose.
  - c. Streets on, adjacent, or proposed for the tract, including all rights-of-way and pavement widths.

- d. Land use pattern proposed for the subject site.
- e. Map data – name of development, name of site planner, north point, scale, date of preparation.

***As stated in Article 6, Section 6.2.C, the Conceptual Plan is prepared to serve in lieu of a preliminary plat. The applicant has provided a Conceptual Plan that meets all of the requirements noted in Section 6.3(1) above. A draft copy of CCRs related to the HOA has also been provided. Requirement has been met.***

2. **Site Data.** A list of pertinent site data, including:

- a. Description and quantity of land uses. ***48.2 acres for residential lots, 19.1 acres of dedicated right-of-way, 3.4 acres of drainage, 8.7 acres of floodplain, and 9.7 acres of greenspace.***
- b. Acreage of site. ***80.4 acres.***
- c. Number of dwelling units proposed. ***81 lots in Phase I, 70 lots in Phase II, 61 lots in Phase III, and 63 lots in Phase IV; for a total of 275 residential lots.***
- d. Area of industrial, commercial, institutional, recreational, and number of buildings proposed. ***48.2 acres of residential with 275 single-family homes. No commercial, institutional, recreations, or industrial buildings.***
- e. Densities of residential area.
  - i. ***The Edgerton UDC defines the gross density as the numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This would include all non-residential land uses and private streets of the development, as well as rights-of-way of dedicated streets. The applicant has stated the gross density for this project is 3.42 dwelling units per gross acre of land.***
  - ii. ***The Edgerton UDC defines the net density, as the numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open spaces and associated recreational facilities within the area. The result is the number of dwelling units per net residential acre of land. The net density calculation, excluding rights-of-way of publicly dedicated and private streets, is 5.71.***
- f. Housing mix. ***Applicant has provided cut sheets and elevations which represent the available floor plans for this development. Those have been included with this Staff Report.***
- g. A statement indicating how the proposed Planned Unit Development corresponds to and complies with objectives for Planned Unit Developments as previously stated in the Article. ***The applicant has included this information in their cover letter, stating that the subdivision will allow for the construction of single-family homes, which is the predominant land use in this area. The development will be compatible and harmonious with surrounding land uses. The preserved stream channel and the inclusion of interior greenspaces for the residents, will make this a unique development that will include recreational benefits for the residents.***
- h. Development schedule indicating:

- i. Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material. ***The provided concept plan clearly delineates the phases of development. The table on the plan also shows how many dwellings are to be constructed for each phase.***
  - ii. Approximate dates for beginning and completion of each stage. ***The applicant has provided a letter outlining the timeline for when development is estimated to begin and how the project will be phased. The applicant expects to sell four (4) to eight (8) homes per month until the development is complete, with an estimated project completion time of five (5) years.***
  - iii. If different land use types are to be included within the Planned Unit Development, the schedule must include the mix of uses anticipated to be built in each stage. ***Not applicable.***
- 3. **Environmental Information.** Data identifying existing natural and environmental site conditions, including:
  - a. **Topography.** A topographic map, if possible, underlying the concept plan, at a minimum of ten (10) foot contour intervals. ***The developer has provided a topographical map of the existing contours, but the proposed contours have not been provided. The developer has stated a grading plan will be submitted with the Final PUD. The applicant acknowledges that the final grade could change from the current grade and there may be an impact to the infrastructure design.***
  - b. **Flood Plain.** Information from the most current source specified by the City indicating the location and extent of the regulatory flood plain. ***The flood plain information is displayed on the concept plan and the topographical map.***
  - c. **Soils.** Information from the most current U.S. Department of Agriculture – Soil Conservation Services Soils Catalog indicating the location and species of soils. If said information is not available, soil borings may be submitted. ***This information is provided on the concept plan.***
  - d. Location and extent of existing vegetation. ***An aerial map was providing showing the existing vegetation.***
  - e. A depiction of existing surface drainage patterns and proposed retention and detention areas. ***The applicant has provided a memo outlining how the site currently drains and how it is proposed to be handled in the future. However, a drainage map has not been provided. The developer will provide a grading plan with the Final PUD as the currently proposed grade could change which would impact how the stormwater is handled onsite.***
- 4. **Utilities.** Statement indicating that sanitary sewer, storm sewer, and water are directly available to the site, or if well and septic systems are proposed, a statement from a licensed professional engineer indicating that the proposed development can be suitably served by such systems.
  - a. ***Today there is no sanitary sewer available to the site. There is an existing sanitary sewer main that runs north/south along the east side of the existing railroad tracks and South Lake. The applicant is engaged in***

*ongoing discussions with the City to extend the Sanitary Sewer to the site for development.*

- b. The developer has indicated that the stormwater will be conveyed in the same direction it currently moves now. A preliminary stormwater drainage memo has been provided. A full stormwater drainage study should be provided at the time deemed appropriate by the City. The memo and study should be sealed.*
- c. An engineering analysis will be performed to review the impact of proposed development to the existing water system and to determine if any upgrades to the system are needed. In their proposal the applicant has outlined how water will be distributed within the development.*

*Update plans as needed.*

5. **Traffic Analysis.** A study providing information on the existing road network, and adjunct vehicle volumes, and the effect the proposed Planned Unit Development will have on the existing (or improved) road network.

*The proposed development would have access via one entrance from 8<sup>th</sup> Street/Edgerton Road and two entrances via 207<sup>th</sup> Street/Braun Street. Interior roads and sidewalks will be provided for vehicular and pedestrian circulation throughout the development.*

- a. A review by the City Engineer indicates that the right-of-way for the cul-de-sacs does not appear to be large enough. The Fire Code requires a 48-foot radius, however only fifty (50) foot radius of right-of-way is provided. Update plans as needed.*
- b. The TIS has indicated that from a safety and operational standpoint, no auxiliary lanes are warranted based upon the existing and development conditions. Additionally, the TIS indicates that 8<sup>th</sup> Street/Edgerton Road will need to be upgraded from gravel to a paved 24-ft wide roadway. The City will use this study and the proposed development phasing to determine the scope and timing of any improvements to the adjacent road network. City review and approval of infrastructure plans is required prior to commencement of construction.*

*Update plans as needed.*

6. **Tax and School Impact.** A study indicating the sources and amounts of revenue to be generated to various governmental jurisdictions as a result of the development, expected school-age children generation, and estimated cost of providing service to the development that will be absorbed by the City and the affected school districts.

- a. The applicant has provided a memo with estimated revenue for each taxing jurisdiction. The applicant estimates one home sold at \$275,000 will generate \$2,116 based on the current mill levy. The applicant explained this is an estimate and it is difficult to predict the exact number of school age children that will live in this development nor can the applicant account for any additional funding the school district might receive from a potential increase in the number of students enrolled.*

7. **Market Analysis.** At the request of the Planning Commission, and depending upon the types of land uses proposed to be included in a Planned Unit Development, information may be provided from one (1) or more of the following categories:
- a. Planned Unit Developments proposed to contain any residential uses shall require submission of at least the following market data:
    - i. Details about the proposal pertaining to: housing types, floor area of dwellings, estimated price ranges, number of bedrooms, densities, and amenities included.  
***The applicant has stated the single-family homes will 3-4 bedroom with 2-3 bathrooms with 2 or 3-car garages. The homes will range in size from 1,300 to 2,400 square feet and are estimated to be sold from \$275,000 to \$350,000***
    - ii. Total anticipated demand in the City for the type of unit(s) proposed shall be estimated for the immediately subsequent five (5) year period. The percent of that demand which would be absorbed by the Planned Unit Development shall be identified. Methods used in determining the five (5) year demand shall be indicated.

***In 2021, a Johnson County Community Housing Study indicated an aspirational growth strategy for the City of Edgerton of 21 units per year through 2030, equating to an anticipated total need of 205 dwellings over the 10 year period. The anticipated rate of construction by the applicant is 4-8 homes per month starting in 2023 with the first closings occurring in the fourth quarter of that same year. As proposed, this project is slightly larger than the forecasted average annual need amount (275 vs. 205) and occurs at an accelerated buildout timeline of 5 years vs. 9 years.***

#### **General Comments**

1. The City Engineer has stated that while a preliminary stormwater drainage memo has been provided, a full stormwater drainage study is required prior to submittal of a Final Plan. The memo and the study must be signed and sealed. ***Applicant Acknowledges.***
2. All references in the memos to "Flood Zone X – 0.1% Future Conditions" should be corrected to "Flood Zone X – 1% Future Conditions." ***Update plans as needed.***

Ms. Crow stated City staff recommends approval of PUD Conceptual Plan **Application PUD2022-01** for the *Timber Creek Subdivision*, as submitted, subject to the following stipulations:

1. All infrastructure requirements of the City are met.
2. All requirements of the City for a PUD are met.
3. Planning Commission recommendation to grant the departure from Planned Unit Development standards for setback distance on side yards between residential units as long as fire rated materials are used in construction.

Chairperson Daley stated it is time for the Commission to ask any questions regarding this application.

Ms. Linn stated she again took notes from the public hearing. Regarding the stormwater and the parcel siting in floodplain area, a preliminary stormwater study memo has been included in the provided materials and a more detailed stormwater study will need to be done prior to submitting for a final plan. She said if the City enters a development

agreement with the developer, and the houses do not sell, it is not the City's responsibility or role to recruit or find buyers. The Commission is approving the architectural plans and lot layout. The developer is responsible for constructing and marketing the houses while the City does the appropriate building inspections and other services. Ms. Linn said while the phasing is there, sales will ebb and flow and there will always be estimates on the final numbers.

She explained there is a Traffic Impact Study in the packet and the County Arterial Road Network Plan (CARNP) does establish the counts as to when the improvements will need to be done. The City uses the CARNP as guidelines for upgrading the roads. The improvement of the intersection of 8<sup>th</sup> Street/Edgerton Road and 207<sup>th</sup>/Braun Street will be based on the provided TIS and CARNP. She explained the City will monitor the area and how this development impacts the area and what possible improvements will need to be done.

Ms. Linn stated there are two other questions for the applicant to answer. The first is to why the smaller set back was chosen. She added City staff has visited many developments and this is not unusual as it is happening all over in new developments. The second item for the applicant is to indicate how the amenities are chosen for the development.

Mr. Stone approached the Commission. He explained they are currently constructing homes in Gardner, Spring Hill, Blue Springs, and Paola. The encroachment of the eaves has been done in those communities without any pushback. He explained odd shape lots happen on cul-de-sacs.

Mr. Stone stated the amenities are negotiated with the municipality. He they proposed whatever has the best feel for the community. He explained smaller parks could be better than a large park as it draws the kids out to play without being intimidating. Walking trails is another typical amenity that is proposed as people with dogs like the trails. Rausch Coleman is open to the type of amenities and is part of a PUD. He stated if City staff feels there might be better amenities for the development, they are happy to discuss the options.

Chairperson Daley inquired if Rausch Coleman has approved PUDs in those cities mentioned earlier. Mr. Stone replied they have multiple PUDs in many towns. He explained a PUD is a give and take and no two PUDs are the same. It is a mutual agreement for what works best for the developer and the City.

Chairperson Daley asked how many PUDs do not include pools in Johnson County. Mr. Stone answered Rausch Coleman rarely installs pools due to the liability unless it is a large scale with apartments. He said their prime market is the first-time home buyer or people looking to downsize.

Chairperson Daley asked if the parking would have to follow the HOA rules. He noted an area that has about forty (40) houses facing each other in one area. Ms. Linn explained the area Chairperson Daley is looking at is where the houses are back-to-back and not facing either other. Ms. Crow added the lots along the perimeter are larger than the interior lots. Chairperson Daley asked about the HOA parking rules and if the streets were wide enough for parking on both sides of the street. Mr. Stone said they meet with the fire department to ensure the safety of any future resident. Ms. Linn stated the City's standard is twenty-eight

(28) feet from back of the curb to the other back of curb. Ms. Crow added all of the proposed houses will include a 2 or 3 car garage. Mr. Stone said they build very few homes with no garages if one is built without a garage, it is a townhome. Commissioner Crooks asked if the electrical lines will be underground. Mr. Stone answered they will be, and those discussions have been done way in advanced.

Commissioner Crooks inquired as to who is doing the stormwater study as there are issues for a few houses to the north of the development. Mr. Gasper replied that a final stormwater study will include their land only and not land to the north, but there will not be any additional watershed to other properties as it will all be detained in the development. He explained whatever is happening now will not be worse by the development. Commissioner Crooks asked what would happen if the properties resolved their stormwater issues. Mr. Gasper replied there is floodway and future floodway shown and those areas will not be disturbed. Anything done by other neighbors will have to be done with approval from the City. Chairperson Daley asked Mr. Mabrey where the current issues are. Mr. Mabrey stated on the north side of 207<sup>th</sup>/Braun Street, there is silt that deposits 2-3 feet above the catch basin each big rain. Ms. Linn stated the City will investigate what is occurring there today. The City just completed a stormwater master plan that will be presented to the Governing Body that will direct the City in policies and other improvements regarding stormwater. Ms. Linn will research to see if this area was studied as part of the master plan. If it was not, then it would need to be determined if it is a public or private concern once it is understood what is happening in the area. Mr. Gasper stated if the culverts have not been upgraded now, they might need to be upgraded in the future. Mr. Stone added it is possible for an approved plan to be changed and evaluated as to what needs to be done. Commissioner Crooks said he wants the development to be good neighbors with the existing residences. Mr. Stone agreed. Chairperson Daley inquired if Public Works has looked at this area recently. Ms. Linn replied she is not sure if this section was reviewed for the stormwater master plan or not. Mr. Sander stated it is not a new issue and has been occurring for years.

Commissioner Draskovich said he is familiar with the property and how it drains to the northeast. He said a lot of topsoil and vegetation will be removed and fill will be removed. He asked if the constructors will be digging up clay when they are digging basements. He said depending on their process, it will help remove silt buildup and improve the drainage in the area. Mr. Stone agreed and stated the homes will be built on slab with some having basements. He said installing the sod and landscaping will also help with erosion. Ms. Linn explained the developer will also be required to go through Kansas Department of Health and Environment (KDHE) prior to any land being disturbed. She said KDHE requirements are extensive and include monitoring of the site after rains and other requirements.

Commissioner Crooks asked if tornado shelters will be installed. Mr. Stone replied there are no proposed shelters provided. Chairperson Daley asked if reinforced rooms will be provided in the homes. Mr. Stone answered there are options for homeowners to buy from third parties. Commissioner Crooks inquired where those shelters could be placed. Mr. Stone said some can be installed in garages or some are installed in backyards. Commissioner Crooks asked if that would be approved by the HOA. Mr. Stone the shelters could be discussed by the HOA board.

Commissioner Draskovich asked how the footings will be designed and how everything will be attached to the slab. Mr. Cheevers replied the lots will dictate how the construction is done. He said without knowing the topography completely, but he believes about seventy percent (70%) of the houses will be slab foundations. He added the stormwater study will also dictate how the site is developed too. At this point it is still preliminary and there are a lot of other moving parts.

Commissioner Draskovich asked if it is possible to install a cinderblock closet for storm shelters. He said there are lot of current homes without shelters, and he doesn't want people to skimp on safety. The City as whole cannot house a lot of families to protect other families. Mr. Cheevers responded that there are a lot of different products that can be installed in the garage and other options as well. He said he has built a lot of storm shelters and it is better to have the prebuilt units that meet federal requirements than people constructing their own. Mr. Stone said the shelters are cheap to ship in bulk and they don't want to price first time homebuyers out purchasing a home. Commissioner Draskovich said with the smaller lots, it will be more difficult to sell the potential buyer on a shelter to put in their yard if they don't have a lot of room dedicate to a shelter. He said he was just north of Moore, Oklahoma when the tornado hit, and Edgerton does not want to be on the news when many new homes don't have shelters and people are hurt or killed. Mr. Stone said there are 4-foot by 4-foot shelter to fit in garages or closets. He said Rausch Coleman are not experts in storm shelters and don't build a profit into that. He believes it is wiser to have the consumer look into their options and Rausch Coleman can make referrals to who they have used for installation purposes. Ms. Linn explained the 2006 building code that is currently adopted by the City of Edgerton does not require a safe room. Other versions of the code might. Mr. Stone stated Rausch Coleman has only done 1 other development that has storm shelters.

Commissioner Draskovich asked if the landscaping will be restricted and proportionate to the lot. Mr. Cheevers said typical street trees for the area will be used. They will select draught and salt (road salt) resistant species that have noninvasive roots. In the backyards, similar trees will be used so it can all be matching. Small bushes and day lilies could be possibly used, and the HOA will not restrict the landscaping that a homeowner can plant. He said there is an example of the HOA restrictions in the packet. Most of the restrictions are locations of accessory buildings and other property maintenance issues. He explained the HOA is not intended to be used for beautification of a private lot, but more about the common spaces and keeping the development neat and organized. Ms. Crow asked if there is a requirement to replace any landscaping placed by the developer. Mr. Cheevers replied there will be a warranty on the landscaping for the first year and homebuyers are not typically allowed to touch street trees. Commissioner Crooks asked who maintains the street trees. Mr. Cheevers said it is the property owner who is to maintain the right-of-way including the trees. Ms. Crow said the common areas would be maintained by the HOA.

Commissioner Draskovich inquired as to how the floodplain area and the greenspace will be made to fit the community. Mr. Gasper replied right now, they will let the area naturally grow. Some communities do mow them to use as a park area or open greenspace. Chairperson Daley inquired if the detention ponds are actual ponds. Mr. Gasper replied none of them are actual ponds.

Commissioner Draskovich asked with the current status of mortgage rates if Rausch Coleman will build once the lot is sold or how far out are they going to build. Mr. Cheevers answered at this moment in Paola, they will start with twelve (12) to fifteen (15) houses and construct them up to installing sheetrock. That is the most volatile stage currently as windows and like items are needed to keep the price firm. It also helps to make sure appliances are available and the house can be closed on in time to lock in a rate for the buyer. He explained the ideal time frame is sheetrock to closing in sixty (60) days. There are some promotions they do where they will pay up to \$4,000 in closing costs and buying down interest rates. Rausch Coleman tries to keep the buyer locked in at a certain rate. Mr. Cheevers said those promotions can also be used to entice buyers. He stated realtors are crucial to help them to help handle the market. Mr. Stone said he used to work on the mortgage side. He said they break it up into tiers and that helps the first-time home buyer qualified. There are ways Rausch Coleman can help as well. They will go to local lenders to help if they can get buyer qualified and they are sensitive to as where mortgage rates are.

Commission Draskovich said it seems that Rausch Coleman is proactive with getting houses sold. Edgerton is a growing community and bringing in families is important, but he does not want to see them in a sink or swim situation. He also does not want to see twenty (20) to thirty (30) homes sold to a company and having blocks of rentals. Mr. Stone said profit margins are what drive those options and investors do not increase profit margins, so they do not want to sell to a rental company either.

10. **CONSIDER APPLICATION PUD2022-01 FOR A PLANNED UNIT DEVELOPMENT CONCEPTUAL PLAN FOR 80.4 ACRES LOCATED ON THE SOUTHWEST CORNER OF 207<sup>TH</sup> STREET/BRAUN STREET AND 8<sup>TH</sup> STREET/EDGERTON ROAD** Applicant is Jesse Fulcher, Agent of Rausch Coleman Homes, Developer.

Commissioner Draskovich moved to recommend approval of Application PUD2022-01 with the stipulations outlined by City staff to the Governing Body. Commissioner Crooks seconded the motion. Application PUD2022-01 was recommended for approval with the stipulations outlined by City staff, 3-0.

Ms. Crow stated both the rezoning and conceptual plan will be presented to the City Council on August 11, 2022.

11. **FUTURE MEETING REMINDERS** Chairperson Daley stated the next regular session of the Commission is scheduled for August 9, 2022 at 7:00 PM.

Ms. Crow informed the Commission that there will be a Board of Zoning Appeals meeting on September 13, 2022 at 6:30 PM prior to the regularly scheduled Commission meeting.

12. **ADJOURN** Commissioner Crooks moved to adjourn the meeting. Commissioner Draskovich seconded the motion. The meeting was adjourned at 9:28 PM.