

**EDGERTON PLANNING COMMISSION
MEETING AGENDA
EDGERTON CITY HALL - 404 EAST NELSON STREET
July 12, 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 ____ Draskovich ____ Crooks ____ 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 May 10, 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. **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 Planning Commission.

7. **PUBLIC HEARING REGARDING APPLICATION ZA2022-01 FOR REZONING 80.4 ACRES LOCATED ON THE SOUTHWEST CORNER OF 207TH STREET/BRAUN STREET AND 8TH STREET/EDGERTON ROAD FROM JOHNSON COUNTY RURAL (RUR) TO CITY OF EDGERTON PLANNED UNIT DEVELOPMENT (PUD)**

Applicant: Jesse Fulcher, Agent – Rausch Coleman Homes, Developer

8. **CONSIDER APPLICATION ZA2022-01 FOR REZONING 80.4 ACRES LOCATED ON THE SOUTHWEST CORNER OF 207TH STREET/BRAUN STREET AND 8TH STREET/EDGERTON ROAD FROM JOHNSON COUNTY RURAL (RUR) TO CITY OF EDGERTON PLANNED UNIT DEVELOPMENT (PUD)**

Applicant: Jesse Fulcher, Agent – Rausch Coleman Homes, Developer

Motion: _____ Second: _____ Vote: _____

9. **PUBLIC HEARING REGARDING APPLICATION PUD2022-01 FOR A PLANNED UNIT DEVELOPMENT CONCEPTUAL PLAN FOR 80.4 ACRES LOCATED ON THE SOUTHWEST CORNER OF 207TH STREET/BRAUN STREET AND 8TH STREET/EDGERTON ROAD**

Applicant: Jesse Fulcher, Agent – Rausch Coleman Homes, Developer

10. **CONSIDER APPLICATION PUD2022-01 FOR A PLANNED UNIT DEVELOPMENT CONCEPTUAL PLAN FOR 80.4 ACRES LOCATED ON THE SOUTHWEST CORNER OF 207TH STREET/BRAUN STREET AND 8TH STREET/EDGERTON ROAD**

Applicant: Jesse Fulcher, Agent – Rausch Coleman Homes, Developer

Motion: _____ Second: _____ Vote: _____

11. **Future Meeting Reminders**

- August 9, 2022 at 7:00 PM – Regular Session
- September 13, 2022 at 6:30 PM – Board of Zoning Appeals
- September 13, 2022 at 7:00 PM – Regular Session
- October 11, 2022 at 7:00 PM – Regular Session

12. **Adjourn**

PLANNING COMMISSION MEETING
May 10, 2022

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

1. ROLL CALL

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

With a quorum present, the meeting commenced.

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

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

CONSENT AGENDA

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

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

REGULAR AGENDA

5. DECLARATION

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

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

BUSINESS REQUIRING ACTION

NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

TIMBER CREEK SUBDIVISION

Application ZA2022-01

Southwest Corner of 207th Street/Braun Street and 8th Street/Edgerton Road

QUICK FACTS

PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant is requesting approval to rezone a parcel of land located at the southwest corner of 207th/Braun Street and 8th Street/Edgerton Road from Johnson County RUR to PUD.

**A Public Hearing is
required.**

Owner and Applicant

Dennis and David Dwyer, Property Owners. Jesse Fulcher, agent for Rausch Coleman Homes, Developer and Applicant

Zoning and Land Use

Currently RUR (Johnson County Rural) with no existing improvements

Legal Description

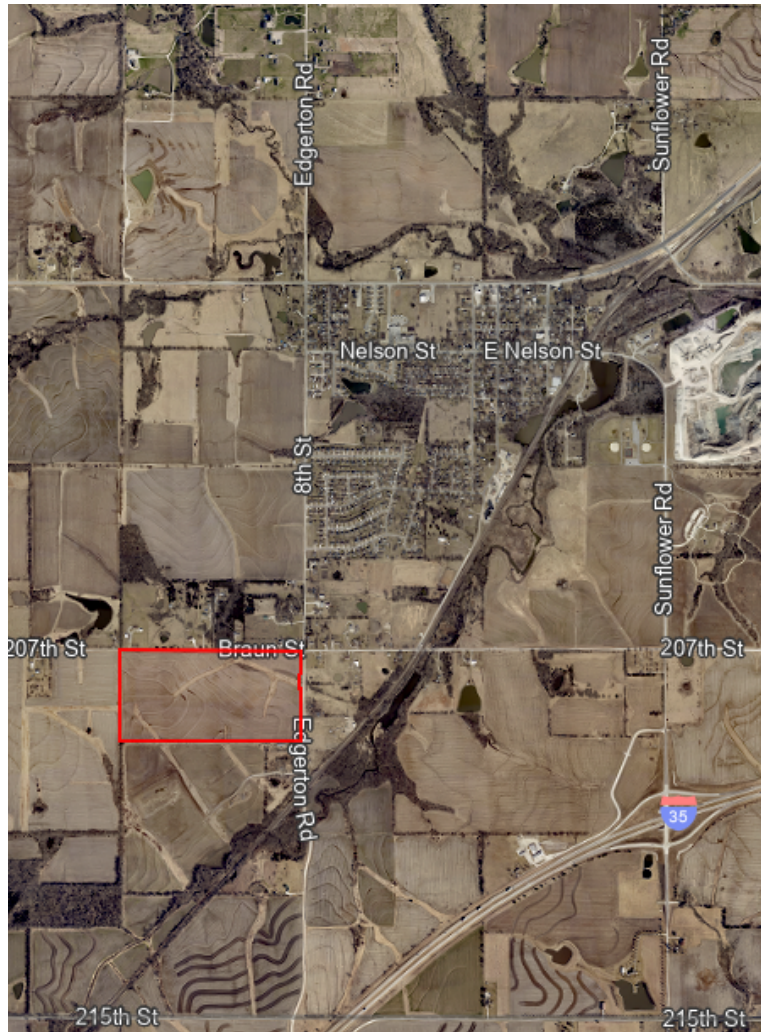
The north ½ of the NE ¼ of Section 13, Township 15 South, Range 21 East, in the City of Edgerton, Johnson County, Kansas

Parcel Size

80.4 acres

Staff Report Prepared by

Chris Clinton



BACKGROUND

Subject Site

The parcel is located within the Bull Creek watershed and was annexed into the City of Edgerton on April 14, 2022.

Utilities and service providers:

- a. Water Service – City of Edgerton.
- b. Sanitary Sewer - City of Edgerton.
- c. Electrical Service - Evergy.
- d. Gas Service – Kansas Gas Service.
- e. Police protection is provided by the City of Edgerton through the Johnson County Sheriff's Office.
- f. Fire protection is provided by Johnson County Fire District #1.

Site History and Past Approvals

The subject parcel has not had any applications submitted to the City for approval prior to this rezoning request. The property has been undeveloped and used for agricultural purposes since 2006 per Johnson County AIMS. At the time of annexation on April 14, 2022, the parcel contained a Johnson County Rural (RUR) zoning designation. The property retains that zoning designation until it is rezoned to a City of Edgerton zoning designation.

Proposed Use

The applicant is requesting to rezone the parcel from Johnson County RUR to City of Edgerton Planned Unit Development (PUD) for development as a single family residential PUD. 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.

This PUD will be for single family residences. In today's ever-changing market, the PUD is an important tool to help developers and home builders design projects that balance the rising fixed costs (such as 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.

In this development, 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 acreage is divided as follows:

- Residential lots - 48.2 acres
- Green Space - 9.7 acres
- Storm Drainage - 3.4 acres
- Dedicated right of way - 19.1 acres
- Total - 80.4 acres

The developer will be presenting the requisite PUD Concept Plan Application (PUD2022-01), at the July 12, 2022 Planning Commission meeting.

Project Timeline

- Application submitted to the City: May 27, 2022
- Public Hearing Notice Published: June 22, 2022
- Public Hearing Notices Mailed: June 22, 2022 (sent to 44 properties)

REZONING REVIEW

Figure 1 below shows the current zoning of the neighboring properties:

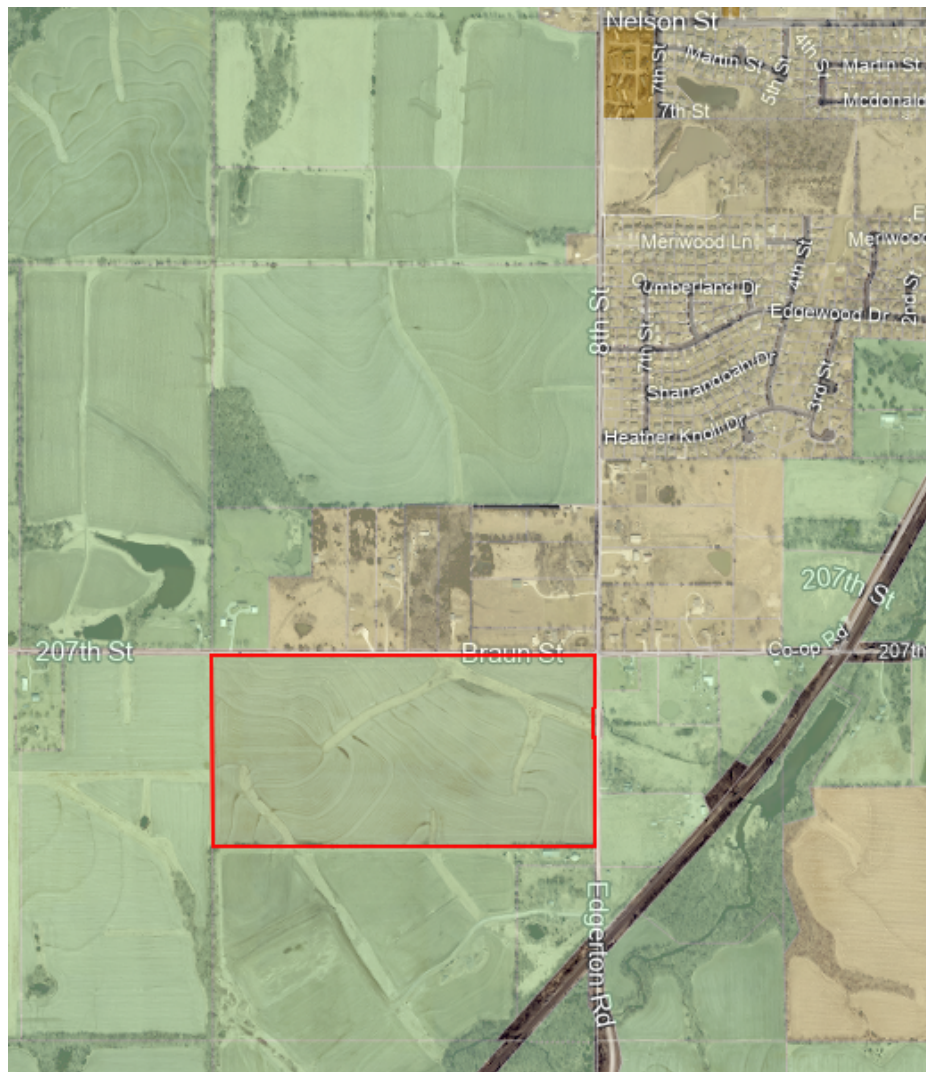


Figure 1 – Subject Parcel Outlined in Red

Green: Johnson County RUR
Beige: City of Edgerton Single-Family Residential (R-1)
Gold: City of Edgerton Manufactured Home Park (MHP)

Staff has reviewed the rezoning application with respect to the Edgerton UDC, the laws of Kansas, and the “Golden Criteria” as established by the Supreme Court of Kansas in 1978. Review comments are listed below.

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 207th/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 8th 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 subdivisions, 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 8th 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 207th 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** - See Recommendation below.

NOTICE OF CITY CODES AND PERMITS

The Applicant is subject to all applicable City codes – whether specifically stated in this 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. Please contact the Building Codes Division of the Community Development Department for more information about City permits. The project may also be subject to obtaining permits and/or approvals from other local, County, State, or Federal agencies.

DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
Application	Application for ZA2022-01	05/27/2022
1	Future Land Use Map	03/10/2011

STAFF RECOMMENDATION

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.

Note: For Application ZA2022-01 the Planning Commission will be recommending either approval or denial of the application to the Governing Body. If the Planning Commission recommends approval, the Application will be presented to the Governing Body on August 11, 2022.

LOCATION OR ADDRESS OF SUBJECT PROPERTY: SW Corner of Edgerton Road and W Braun StPURPOSE FOR REZONING: Development for single family housing.REQUESTED REZONING CHANGE: FROM RUR TO PUD
(Current Zoning) (Proposed Zoning)LEGAL DESCRIPTION: See attachedCURRENT LAND USE: AgPROPERTY OWNER'S NAME(S): Dennis L Dwyer & Vickie J Dwyer - David L Dwyer & Kendra L Dwyer -
David Dwyer, Dennis Dwyer PHONE: _____
Larry Dwyer & Janine R Dwyer

COMPANY: _____ FAX: _____

MAILING ADDRESS: 39715 W 199th St Edgerton, KS 66021

Street City State Zip

APPLICANT/AGENTS NAME(S): Jesse Fulcher PHONE: 844-472-4663COMPANY: Rausch Coleman Homes FAX: _____MAILING ADDRESS: 4058 N College Ave Ste 300 Fayetteville, AR 72703

Street City State Zip

ENGINEER/ARCHITECT'S NAME(S): Ben Gasper PHONE: 913-444-9615COMPANY: SMH Consultants FAX: _____MAILING ADDRESS: 5201 Johnson Dr Suite 405 Mission, KS 66205

Street City State Zip

SIGNATURE OF OWNER OR AGENT: _____

If not signed by owner, authorization of agent must accompany this application.

FOR OFFICE USE ONLYCase No.: RZ- ZA2022-01 Amount of Fee Paid: \$ \$250 Date Fee Paid: 5/27/22 Receipt # 64009Received By: Christopher Clinton Date of Hearing: July 12, 2022**REZONING INSTRUCTIONS**

CERTIFIED LETTERS: The applicant will be responsible for mailing notices (see attached Property Owner Notification Letter) of the public hearing for the requested rezoning by certified mail, return receipt requested, to all owners of land within the notification area: two hundred (200) feet within the city limit, one thousand (1,000) feet in the unincorporated area of the subject property. These notices must be sent a minimum of twenty (20) days prior to the public hearing. Information regarding ownership

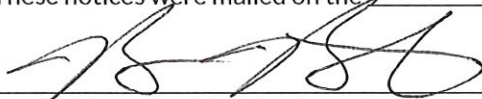
PROPERTY OWNER NOTIFICATION AFFIDAVIT

Case No.: RZ- 2022-01

I, **Ben Burton**, of lawful age being first duly sworn upon oath, state:

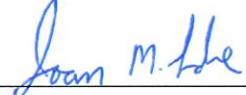
That I am the agent (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton, one thousand (1,000) feet in the unincorporated area of the subject property) in compliance with the Unified Development Code.

These notices were mailed on the 17 day of June, 2022.



Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 17 day of June, 2022.



Notary Public

My Commission Expires: 3-5-2023 (SEAL)
Date



TIMBER CREEK SUBDIVISION

Application PUD2022-01

Southwest Corner of 207th Street/Braun Street and 8th Street/Edgerton Road

QUICK FACTS

PROJECT SUMMARY AND REQUESTED APPROVALS

The Applicant requests approval of a Planned Unit Development Conceptual Plan for single-family residential development on a parcel located at the southwest corner of 207th Street/Braun Street and 8th Street/Edgerton Road.

A Public Hearing is required for this application.

Owner and Applicant

Dennis and David Dwyer, property owners. Jesse Fulcher, agent for Rausch Coleman Homes, Developer and Applicant.

Zoning and Land Use

The applicant has requested rezoning from Johnson County RUR to City of Edgerton PUD (Planned Unit Development) to be heard at the July 12, 2022 Planning Commission Meeting.

Legal Description

The north ½ of the NE ¼ of Section 13, Township 15 South, Range 21 East, in the City of Edgerton, Johnson County, Kansas.

Parcel Size

80.4 acres

Staff Report Prepared by

Chris Clinton



BACKGROUND

Subject Site

The parcel is located within the Bull Creek watershed and was annexed into the City of Edgerton on April 14, 2022.

Utilities and service providers:

- a. Water Service – City of Edgerton.
- b. Sanitary Sewer - City of Edgerton.
- c. Electrical Service - Everygy.
- d. Gas Service – Kansas Gas Service.
- e. Police protection is provided by the City of Edgerton through the Johnson County Sheriff's Office.
- f. Fire protection is provided by Johnson County Fire District #1.

Site History and Past Approvals

This parcel was annexed into the City on April 14, 2022. At the July 12, 2022 Planning Commission meeting, the applicant will request the subject parcel be rezoned to PUD (ZA2022-01) in anticipation of the submittal of this Planned Unit Development (PUD) Conceptual Plan Application. Prior to that rezoning application, the City had received no other applications for development on this parcel. The property has been undeveloped and used for agricultural purposes at least since 2006 per Johnson County AIMS. Prior to the annexation of the property, the parcel was zoned Johnson County Rural (RUR).

Proposed Use

Article 6 of the Edgerton Unified Development Code (UDC) states that the purpose of a PUD is to encourage and allow a more creative and imaginative design of land developments than is possible under standard district zoning regulations. PUDs are intended to afford the developer substantial flexibility when planning and designing a development proposal.

This PUD Conceptual Plan request is for the development of a single-family residential subdivision. In today's ever-changing market, the PUD is an important tool to help developers and home builders design projects that balance the rising fixed costs (such as 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.

The applicant is proposing 275 single-family residential lots to be developed in four (4) phases as follows:

- Phase I - eighty-one (81) lots
- Phase II - seventy (70) lots
- Phase III - sixty-one (61) lots
- Phase IV – final phase - sixty-three (63) lots

The project acreage is divided as follows:

- Residential lots - 48.2 acres
- Green Space - 9.7 acres
- Storm Drainage - 3.4 acres
- Dedicated right of way - 19.1 acres.
- Total – 80.4

The developer is presenting the initial Conceptual Plan at this time. A Final Development Plan and Final Plat is required prior to the commencement of development on the site, with both of those items also being reviewed and approved by the Planning Commission and Governing Body.

Project Timeline

- Application submitted to the City: May 27, 2022
- Public Hearing Notice Published: June 22, 2022
- Public Hearing Notices Mailed: June 22, 2022 (sent to 44 properties)

PUD REVIEW

Staff has 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 listed below.

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:
 - b. 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 rear 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:

	Standard R-1	Proposed PUD2022-01
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 207th Street/Braun Street and 8th 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 8th Street/Edgerton Road and two entrances via 207th 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 8th 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.***

NOTICE OF CITY CODES AND PERMITS

The Applicant is subject to all applicable City codes – whether specifically stated in this 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. Please contact the Building Codes Division of the Community Development Department for more information about City permits. The project may also be subject to obtaining permits and/or approvals from other local, County, State, or Federal agencies.

DOCUMENTS INCLUDED IN PACKET

Sheet #	Title	Date on Document
Application	Application for PUD2022-01	May 27, 2022
1	Overview Letter	June 23, 2022
3	Concept Plan	June 2022
4	Topographical Map	May 10, 2022
5	Aerial Plan	June 2022
6	Addison Cut Sheet	NA
8	Bridgeport Cut Sheet	NA
10	Camden Cut Sheet	NA
12	Fenway Cut Sheet	NA
14	Glenwood Cut Sheet	NA
16	Utility Memo	May 26, 2022
19	Drainage Memo	May 26, 2022
21	Property Tax Memo	June 27, 2022
23	Traffic Impact Study	May 2022
52	Draft of the Covenants, Conditions and Restrictions	May 2022

STAFF RECOMMENDATION

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.

Note: For Application PUD2022-01 the Planning Commission will be recommending either approval or denial of the application to the Governing Body. If the Planning Commission recommends approval, the Application could be presented to the Governing Body as early as August 11, 2022.

NAME OF PLANNED UNIT DEVELOPMENT (PUD): Timber Creek

LOCATION OR ADDRESS OF SUBJECT PROPERTY: SW Corner of Edgerton Road and W Braun St

ATTACH LEGAL DESCRIPTION TO THIS APPLICATION
(a Word document is also required and may be emailed to the Community Development Department)

CURRENT LAND USE: Ag

CURRENT SITE OWNERSHIP: Dennis L Dwyer & Vickie J Dwyer - David L Dwyer & Kendra L Dwyer -
David Dwyer, Dennis Dwyer PHONE: 913-980-0078
Larry E Dwyer & Janine K Dwyer

COMPANY: _____ EMAIL: _____

MAILING ADDRESS: 39715 W 199th St Edgerton, KS 66021
Street City State Zip

PROPOSED SITE OWNERSHIP: Rausch Coleman Homes PHONE: 844-472-4663

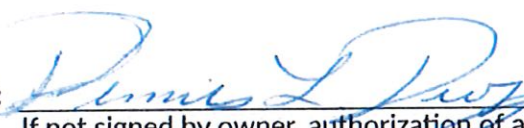
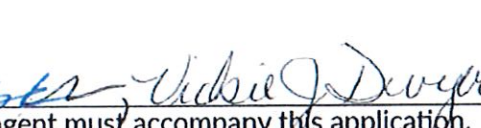
COMPANY: Rausch Coleman Homes EMAIL: jesse.fulcher@rch.com


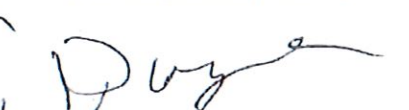
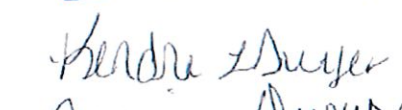
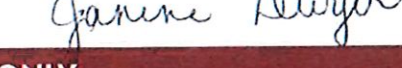
MAILING ADDRESS: 4058 N College Ave Ste 300 Fayetteville, AR 72703
Street City State Zip

ENGINEER/ARCHITECT'S NAME(S): Ben Gasper PHONE: 913-444-9615

COMPANY: SMH Consultants EMAIL: bgasper@smhconsultants.com

MAILING ADDRESS: 5201 Johnson Dr Suite 405 Mission, KS 66205
Street City State Zip

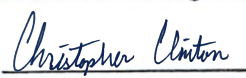
SIGNATURE OF OWNER OR AGENT:  
If not signed by owner, authorization of agent must accompany this application.

FOR OFFICE USE ONLY

Case No.: PUD- 2022-01 Amount Paid: \$750 Date Paid: 05/27/22 Receipt #: 64008

Planning Commission Hearing Date: July 12, 2022 Council Meeting Date: 08/12/2022

Received By: 

v4.26.22

PROPERTY OWNER NOTIFICATION AFFIDAVIT

Case No.: PUD- 2022-01

I, Ben Burton, of lawful age being first duly sworn upon oath, state:

That I am the agent (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Edgerton Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred (200) feet in the City of Edgerton) in compliance with the Unified Development Code.

These notices were mailed on the 17 day of June, 2022.



Signature of Agent, Owner or Attorney

Subscribed and sworn to before me this 17 day of June, 2022.



Notary Public

My Commission Expires: 3-5-2023 (SEAL)
Date





June 23, 2022

Beth Linn
City of Edgerton
404 East Nelson

RE: Edgerton and Braun Subdivision

Mrs. Linn,

I'm pleased to announce plans for a new single-family development at the southwest corner of Edgerton Road and Braun Street. Timber Creek Subdivision will contain approximately 275 lots on 80.4 acres. Lots will range in size from 6,000 square feet to 9,500 square feet, with larger lots around the perimeter of the property. Greenspace will also be a significant part of this project, with approximately 1.1 acres of greenspace interior to the development and another approximately 10-acres of greenspace at the corner of Edgerton and Braun. The 10-acre property is being set aside to preserve an existing creek that runs through the property and to provide a natural area for passive recreation. Five-foot sidewalks will be provided along one side of every street.

Landscaping will be provided in two manners. Along the exterior of the subdivision, trees will be planted every 40-feet along Edgerton and Braun. This standard will include trees along the 10-acre greenspace and the smaller neighborhood greens interior to the development. Additionally, one (1) tree shall be planted in the front yard of every lot. All trees shall be 1.5-2" caliper tree at the time of planting.

A Declaration of Covenants, Conditions and Restrictions (CCR's) will be filed for the subdivision. These covenants will provide for the maintenance of all common property and obligate all property owners to abide by specific responsibilities. A draft of the CCR's is attached and provides among other things, membership and voting rights, assessments, maintenance of common property, use of lots, and enforcement measures. Community Association Management will serve as the management company and will be responsible for all day-to-day operations, such as enforcing violations, collecting dues, responding to homeowner inquiries, and overseeing vendors and maintenance. A direct contact with this company can be provided if needed.

Homes in the subdivision will be 3-4 bedroom with 2-3 bathrooms and all homes will have a 2 or 3-car garage. Building setbacks will be 28-feet along the street, 20-feet in the rear, and 5-feet on the sides. Corner lots will have a 15-foot side-street setback. All setbacks will be measured to the exterior building wall, allowing overhangs to encroach into the setback. House plans are attached and represent some of the plans scheduled for this development. All front facades will be 100% masonry up to the first floor plate.



Sales pace is expected to be 4-8 homes per month, starting in 2023 with the first closings in the fourth quarter of 2023. Sales price is anticipated to range between \$275,000 to \$350,000 for between 1,300-2,400 square feet. Timber Creek should generate a revenue of approximately \$80,000,000-\$100,000,000. According to the 2020 United States Census, the average number of children per family is 1.86.

Construction costs to develop the subdivision, which includes grading, storm sewer, water lines, sewer lines, sidewalks, paving, curb, and gutter are projected to be approximately \$10,000,000-\$15,000,000 for the entire project. The project is expected to be developed in four (4) phases over approximately 5 years.

The subject development was designed around an existing stream channel that provides a wonderful, focal point at the intersection of Edgerton Road and Braun Street. This greenspace will be further enhanced with new street trees. There are also many interior greenspaces and parkland to serve the residents of the community. The community will provide a variety of housing styles with diverse floorplans and exteriors.

As noted above, the most prominent, natural feature on this site is being preserved and enhanced to serve as an important component of the development plan.

Timber Creek will include a variety of lot sizes and floorplans, to create diversity in housing stock, while also providing a cohesive and coordinated development plan.

Providing smaller lots, although varied in size, allows for the most efficient use of land and utility infrastructure. There will be less linear feet of utility infrastructure serving each lot than what would be allowed under a conventional zoning district.

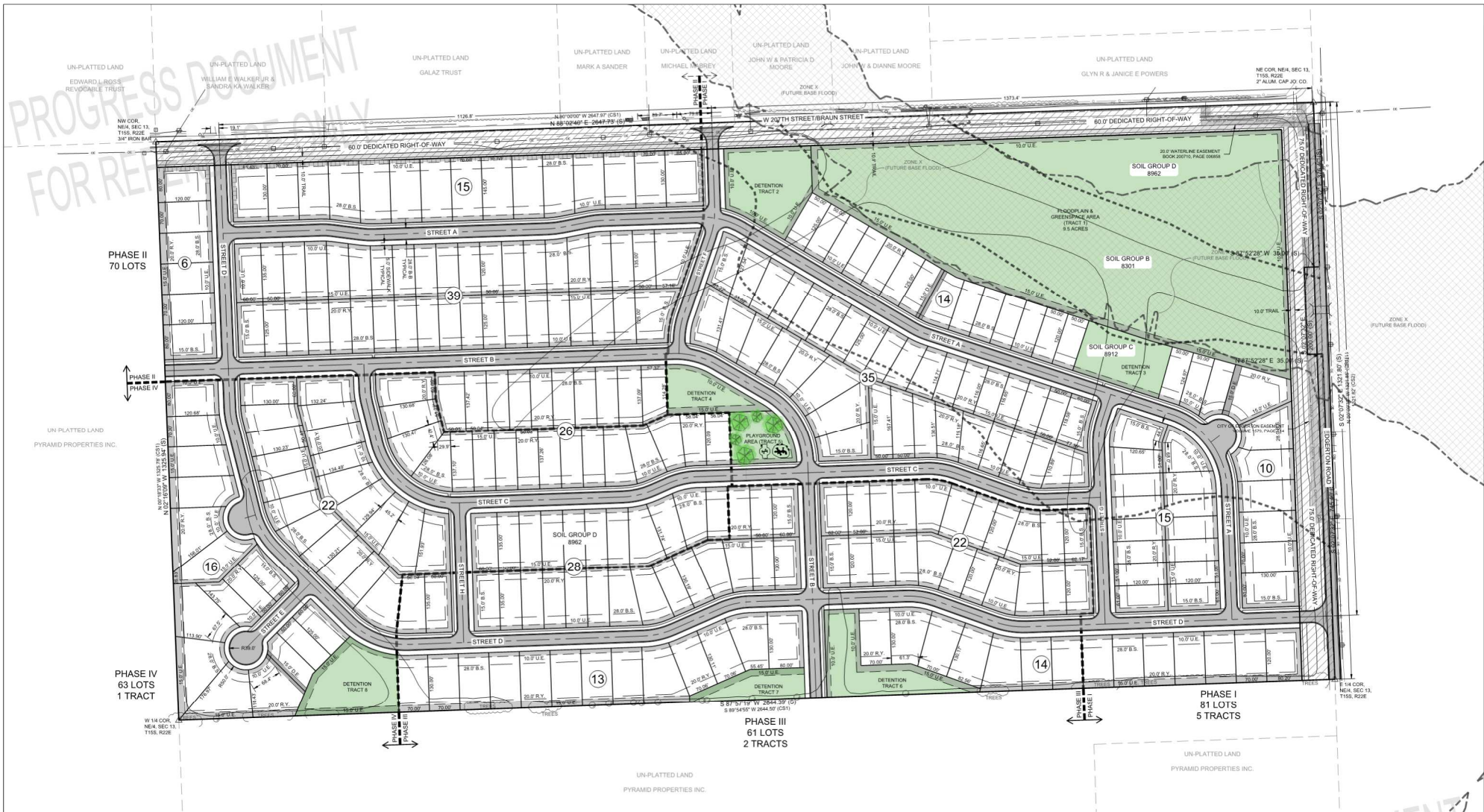
The subdivision will allow for the construction of single-family homes, which is the predominant land use in this area. Therefore, the development will be compatible and harmonious with surrounding land uses. Preservation of the existing stream channel and providing interior greenspaces for the residents will make this a unique development that will provide recreational benefits for the residents.

Please let me know if there is any additional information that you need.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jesse Fulcher", is located below the "Sincerely," text.

Jesse Fulcher
Director of Land Acquisitions and Planning



DESCRIPTION:
North Half of the Northeast Quarter of Section 13, Township 15 South, Range 21 East of the 6th PM, Johnson County, Kansas.

Subject to easements and restrictions of record.

Notes:
Aerial Image was flown with a UAV and is shown in approximate location and is for visual reference only.

A final grading plan will be included with the Final PUD. The applicant acknowledges the final grade could be different from the current grade which impacts infrastructure design.

Soil Type	Hydrologic Soil Group	Acres	Percent of Site
Vendigite Silty Loam	B	6.4	8.0%
Summit Silty Clay Loam	C	12.5	15.5%
Woodson Silty Loam	D	61.5	76.5%
Totals		80.4	100.0%

DEDICATED RIGHT-OF-WAYS
-207TH/BRAUN = 60.0'
-EDGERTON = 75.0'
RIGHT-OF-WAYS INTERNAL = 50.0'
MINIMUM CL CURVE RADIUS = 185.0'
CUL-DE-SAC/EYEBROW ROW RADIUS = 50.0'
CUL-DE-SAC MAX LENGTH = 209.5'
MAX BLOCK LENGTH = 1325.0'
DRAINAGE EASEMENTS = 15.0'

BUILDING SETBACKS
-FRONT YARD = 28.0'
-FY CORNER LOT = 28.0' & 15.0'
-SIDE YARD = 5.0'
-REAR YARD = 20.0'
UTILITY EASEMENT
-15.0' BACK OF LOTS
-10.0' ALONG INTERNAL ROW
DENSITY:
GROSS = 3.42 DWELLINGS UNITS PER GROSS ACRE
NET = 5.71 DWELLINGS UNITS PER NET ACRE

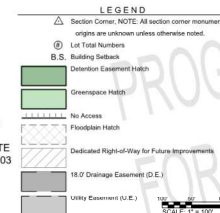
81 LOTS = PHASE I
70 LOTS = PHASE II
61 LOTS = PHASE III
63 LOTS = PHASE IV
275 TOTAL RESIDENTIAL LOTS

48.2 AC - LOTS
19.1 AC - DEDICATED ROW
3.4 AC - DRAINAGE
9.7 AC - GREENSPACE
80.4 AC - TOTAL
FLOODPLAIN = 6.7 ACRES
STREET PAVEMENT = 341,735 SF
SIDEWALK PAVEMENT = 91,580 SF
TRAIL PAVEMENT = 36,852 SF
CURB & GUTTER = 22,876 LF

OWNER:
DENNIS L DWYER
39715 W 199TH ST
EDGERTON, KS 66021

ALONG WITH DAVID & LARRY DWYER

DEVELOPER:
RAUSCH COLEMAN HOMES
JOHN STONE
4058 NORTH COLLEGE SUITE
300, FAYETTEVILLE, AR 72703
479-455-9090



Preliminary PUD Concept
TIMBER CREEK
North Half of the NE Quarter, Section 13, T15S, R22E, Johnson County, Kansas

SMH
CONSULTANTS

Civil Engineering • Land Surveying • Landscape Architecture
Manhattan, KS • HQ P: (785) 775-0541 • Dodge City, KS P: (620) 255-1992
Kansas City, MO P: (816) 444-8815 • Colorado Springs, CO P: (719) 465-2145

Drawn By: A.S.J. Project #2203 0102 TDS #88

JUNE 2022

SCHEDULE B TITLE EXCEPTION NOTES:

This survey is based on an Informational Title Report by Kansas Secured Title, Inc. - Topoka Title No. SN058891, dated March 21, 2022 at 8:00 am.

Items not listed below are standard title exceptions and/or are not matters or issues that pertain to this survey.

1. Terms and provisions of Oil and Gas Lease recorded December 28, 1984, in Book 150 Page 871, for the purposes of mining and operating for oil and gas for a term of 10 years from date and as long thereafter as oil and gas or other of them is produced from said land. This is a non-plotable item that could affect the subject property.
2. Boundary Line Agreement recorded in Book 3433, Page 121, Boundary Line Agreement affects the South property line as shown on the survey.
3. Deeds of Dedication to the Board of County Commissioners of Johnson County, Kansas, recorded in Book 1524, Pages 59-536. Dedication area is shown on the survey.
4. Right-of-Way Easement to the City of Edgerton for water mains recorded in Book 200710, Page 009558. Easement does affect the subject property as shown on the survey.
5. Right-of-Way Easement to the City of Edgerton for road recorded in Book 202203, Page 007702. Easement could affect the subject property as shown on the survey.
6. Temporary Construction Easement to the City of Edgerton for road recorded in Book 202203, Page 007702. Easement could affect the subject property as shown on the survey.

GENERAL NOTES:

The legal description described is the same property as listed in Title Commitment Number SN058891, dated March 21, 2022 at 8:00 am. is the same property shown on this survey.

Bearings used for this survey were based on the north line of the Northeast Quarter of Section 13, T15S, R22E, being assumed N 89° 02' 40" E.

Subject Tract is recorded in Book 3076, Page 0096, and Book 6948, Page 0368-0367, Register of Deeds Office, Johnson County, Kansas.

Subject Tract description is the same as "Exhibit A" in the above mentioned Title Commitment. No recording information for the Book and Page was supplied.

Tax Parcel Number of Subject Tract is 4F211613-0001.

Subject Tract contains a total of 50.4 acres.

There is no evidence of current earth moving work, building construction or building additions on the subject property.

There are no proposed changes in street right of way lines and no evidence of recent street or sidewalk construction or repairs.

There is no evidence of the subject property being used as a solid waste dump, pump, or sanitary landfill.

There are no designated wetland areas on the subject property.

Subject Property has access to 207th/Brown Street & Edgerton Road, which are public streets.

There are no striped parking spaces on the subject property.

There are no observed party wall lines with respect to the adjoining properties on the subject property.

There are no buildings on the subject property.

No gaps or overlaps exist.

There are no fees of possession that affect this survey.

No Blanket Easements were found for the subject property.

FLOOD INFORMATION NOTE:

Flood Insurance Rate Map, Map Number 20091C0132G and 20091C0147G, identify this property as situated in Future Base Flood - Zone X. Zone X is the flood insurance risk zone that corresponds to the hyper-annual-chance floodplains that are determined based on future-conditions hydrology. No BFEs or base flood depths are shown within this zone. Effective date of FIRM Panel is August 3, 2009.

SYMBOL LEGEND

- BENCHMARK
- ▲ SECTION CORNER, NOTE ALL SECTION CORNER MONUMENTS OBSERVED AND UNOBSERVED LAID OUT OTHERWISE
- (S) SURVEY DIMENSION
- (CS1) DIMENSION FROM CERTIFICATE OF SURVEY BY ALLERBAND-BROWN & ASSOCIATES, DATED 15-4-1989
- (CS2) DIMENSION FROM CERTIFICATE OF SURVEY BY FAYNE & BROOKWAY ENGINEERS, DATED 9-14-1985
- ROAD SIGN
- MAILBOX
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- FIBER OPTIC SIGN
- TELEPHONE PEDESTAL
- TREES
- POWER POLE
- LIGHT POLE
- TRANSFORMER
- UNDERGROUND ELECTRIC
- ELECTRIC METER
- ABANDONED
- ELECTRICAL PANEL
- LINE TYPE LEGEND
- UNDERGROUND ELECTRIC
- OVERHEAD ELECTRIC
- FIBER OPTIC LINE
- WATER LINE
- WIRE FENCE
- PROPERTY LINES
- BUILDING SETBACKS
- EASEMENTS
- UTILITY EASEMENT-EXISTING
- RIGHT-OF-WAY EASEMENT-EXISTING

SURVEYED DESCRIPTION:

North Half of the Northeast Quarter of Section 13, Township 15 South, Range 21 East of the 6th PM, Johnson County, Kansas.

Subject to easements and restrictions of record.

ALTA/NSPS CERTIFICATION

for RAUSCH COLEMAN HOMES

00 W 207th Street,

County of Johnson, State of KS

Surveyor's Certificate

To: Dennis L. Dwyer, David L. Dwyer, Larry E. Dwyer, Rausch Coleman Homes, and Kansas Secured Title, Inc.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Data Requirements for ALTA/NSPS Land Title Surveys, partly established and adopted by ALTA and NSPS, and includes Items 1-4, 6, 11-14, 15-14, and 16-19 of Table A, thereof. The full text was contained on 4/20/23/2022.

Date of Plot or Map: May 3, 2022

Last Revised On: May 10, 2022

SMH Consultants, Inc. TPA 18/2021

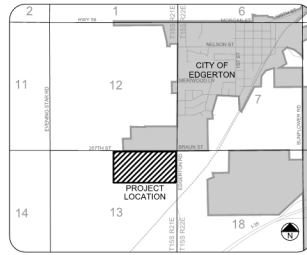
By: Tim Mack, P.E., View/Plotted



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KANSAS:
P. 800-344-7233
F. 316-687-3793
COLORADO:
P. 800-922-1987
F. 303-224-1712

The utilities as shown on this drawing were developed from the information available. This is not implied nor intended to be the complete inventory of utilities in this area. It is the client's responsibility to verify the location of all utilities (whether shown or not) and protect said utilities from any damage.

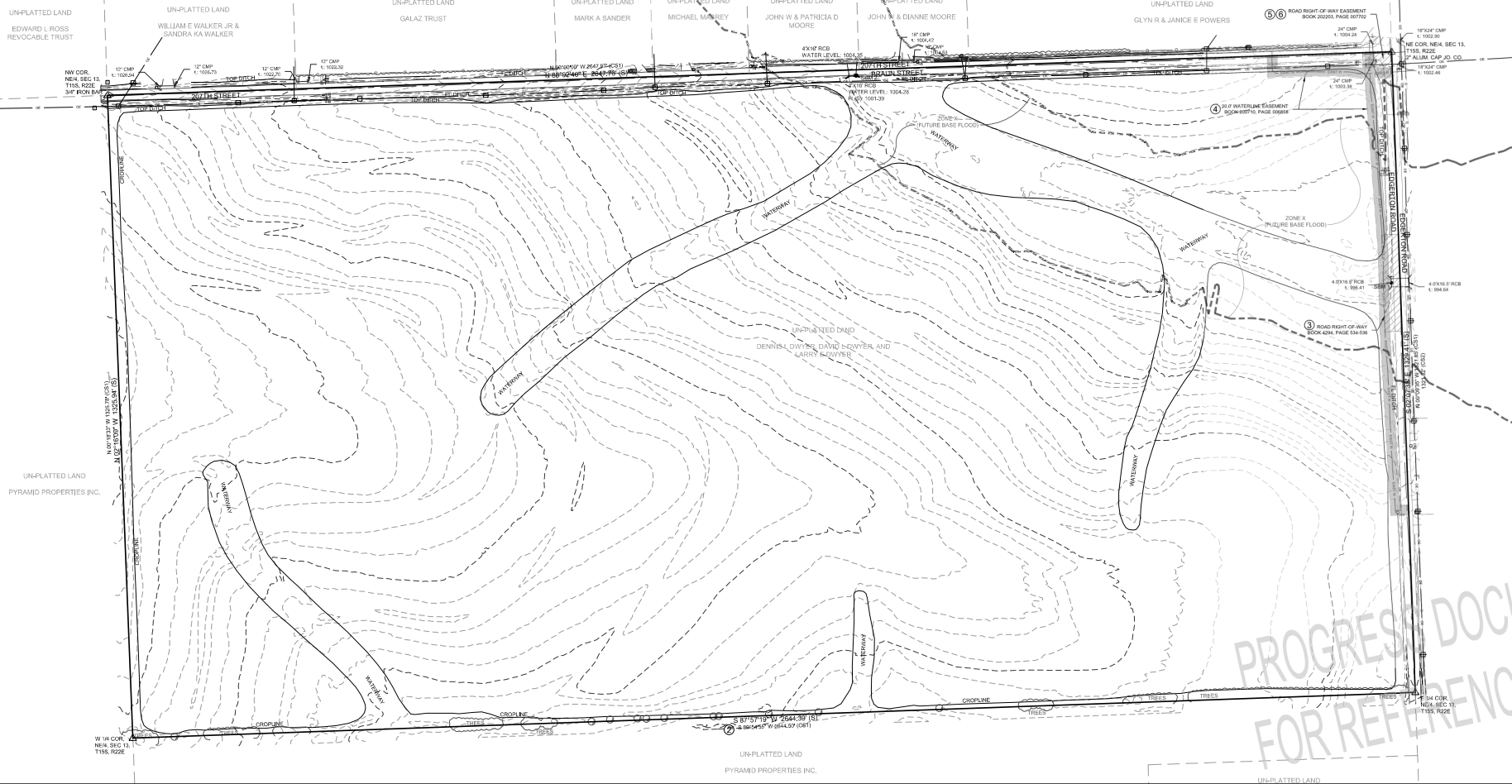
Confirmation Number #22110884.



VICINITY MAP

ZONING CLASSIFICATIONS:
Subject Tract is zoned B-1
Maximum Structure Height: 35.0 feet
Yard Requirements:
Minimum Front Yard: 35.0 feet
Minimum Side Yard: 3.0 feet
Minimum Rear Yard: 20% up to 40.0 feet
Maximum Lot Coverage: N/A percent

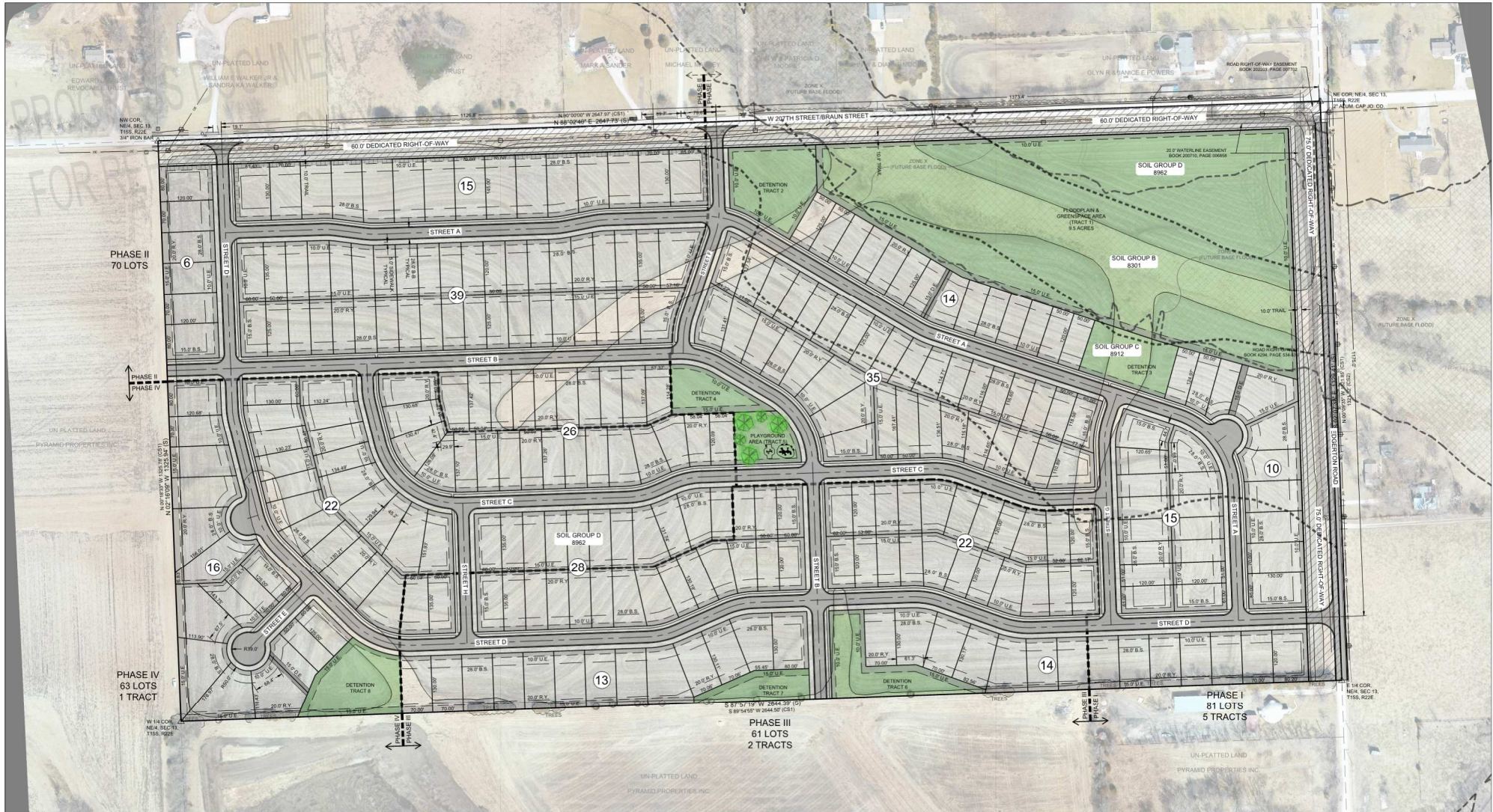
SOURCE: The above information was obtained from the City of Edgerton Zoning Ordinance found online at <https://edgertonks.org/united-development-code-2/>.



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Landscape Architecture
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Dodge City, KS
(620) 255-1902
Kansas City, KS
(913) 644-6815
Colorado Springs, CO
(719) 652-1415

ALTANSPS LAND TITLE SURVEY
DENNIS, DAVID, & LARRY DWYER
JOHNSON COUNTY, KANSAS

REVISION	DATE	DESCRIPTION
1	05/10/2022	NORTH
2	05/10/2022	PROJECT # 2205-0102
3	05/10/2022	CHECKED BY: JSJ
4	05/10/2022	DRAWN BY: JSJ
5	05/10/2022	SHEET #
6	05/10/2022	1
7	05/10/2022	TOTAL SHEETS
8	05/10/2022	1



Soil Type	Hydrologic Soil Group	Acres	Percent of Site
Vergnia Silt Loam	B	6.4	8.0%
Summit Silty Clay Loam	C	12.5	15.5%
Woodson Silt Loam	D	61.5	76.5%
Totals		80.4	100.0%

DESCRIPTION:
North Half of the Northeast Quarter of Section 13, Township 15 South, Range 21 East of the 6th PM, Johnson County, Kansas.

Subject to easements and restrictions of record.

Notes:
Aerial Image was flown with a UAV and is shown in approximate location and is for visual reference only.

DEDICATED RIGHT-OF-WAYS
-207TH BRAUN = 60.0'
-EDGERTON = 75.0'
RIGHT-OF-WAYS INTERNAL = 50.0'
MINIMUM CL CURVE RADIUS = 185.0'
CUL-DE-SAC/EYEBROW ROW RADIUS = 50.0'
CUL-DE-SAC MAX LENGTH = 209.5'
MAX BLOCK LENGTH = 1325.0'

DRAINAGE EASEMENTS = 15.0'
BUILDING SETBACKS
-FRONT YARD = 28.0'
-FY CORNER LOT = 28.0' & 15.0'
-SIDE YARD = 5.0'
-REAR YARD = 20.0'
UTILITY EASEMENT
-15.0' BACK OF LOTS
-10.0' ALONG INTERNAL ROW

81 LOTS = PHASE I
70 LOTS = PHASE II
61 LOTS = PHASE III
63 LOTS = PHASE IV
275 TOTAL RESIDENTIAL LOTS

48.2 AC - LOTS
19.1 AC - DEDICATED ROW
3.4 AC - DRAINAGE
9.7 AC - GREENSPACE
80.4 AC - TOTAL

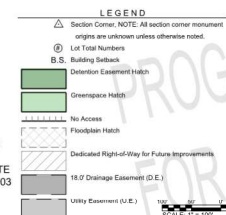
FLOODPLAIN = 8.7 ACRES

STREET PAVEMENT = 341,735 SF
SIDEWALK PAVEMENT = 91,580 SF
TRAIL PAVEMENT = 36,852 SF
CURB & GUTTER = 22,876 LF

OWNER:
DENNIS L DWYER
39715 W 199TH ST
EDGERTON, KS 66021

ALONG WITH DAVID & LARRY DWYER

DEVELOPER:
RAUSCH COLEMAN HOMES
JOHN STONE
4058 NORTH COLLEGE SUITE
300, FAYETTEVILLE, AR 72703
479-455-9090

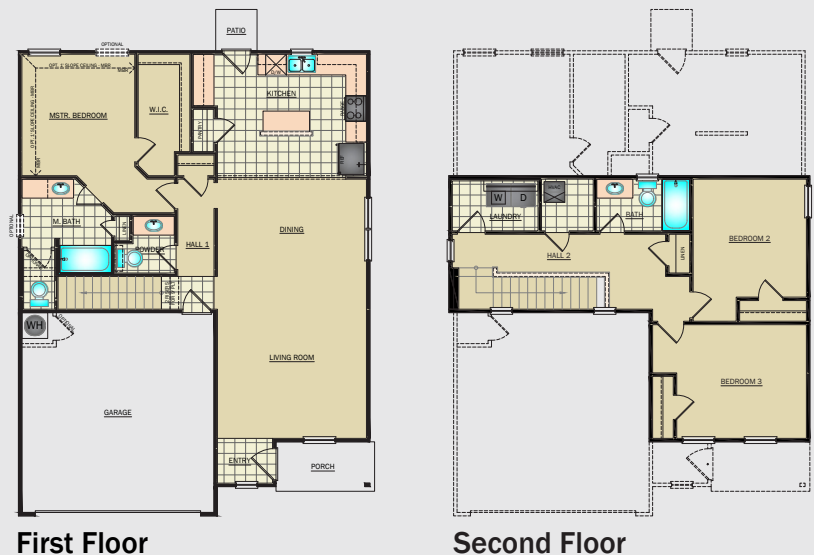
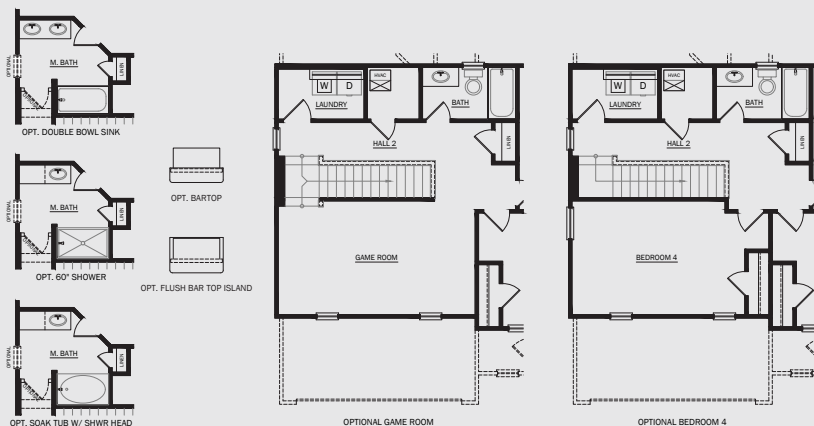


Preliminary PUD Concept
TIMBER CREEK
North Half of the NE Quarter, Section 13, T15S, R22E, Johnson County, Kansas

SMH
CONSULTANTS

Civil Engineering • Land Surveying • Landscape Architecture
Manhattan, KS • HQ P: (785) 775-0541 • Dodge City, KS P: (620) 255-1992
Kansas City, KS P: (913) 444-8815 • Colorado Springs, CO P: (719) 485-2145
Drawn By: A.S.J. Project #2203 0102 TDS #88

JUNE 2022



RC Addison

**3 BED • 2.5 BATH
2 CAR GARAGE**



LONG LIVE HAPPY HOMES®

Drawing is an artistic rendering only. Actual home, options and floorplans may vary from rendering and by community. Optional elevation drawings on reverse side.



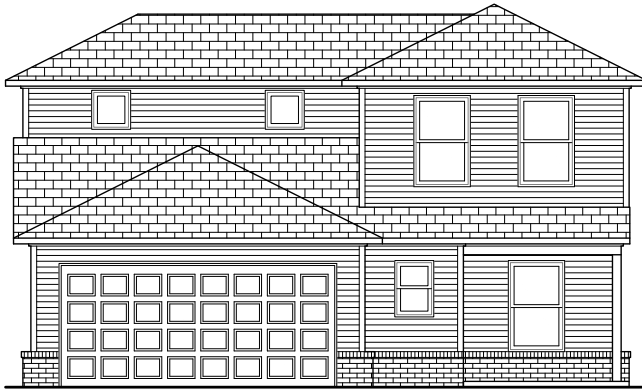
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Version 03

ELEVATIONS



RC Addison Elevation A



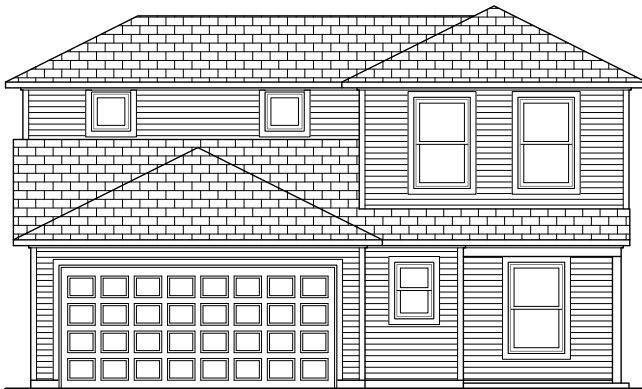
RC Addison Elevation B



RC Addison Elevation C



RC Addison Elevation D



RC Addison Elevation G



RC Addison Elevation H



RC Addison Elevation I



4 BED • 2 BATH
2 CAR GARAGE



Drawing is an artistic rendering only. Actual home, options and floorplans may vary from rendering and by community.
Optional elevation drawings on reverse side.

RAUSCH
COLEMAN



RCH.com

844.4RCHomes



Version 03

ELEVATIONS



RC Bridgeport Elevation A



RC Bridgeport Elevation B



RC Bridgeport Elevation C



RC Bridgeport Elevation D



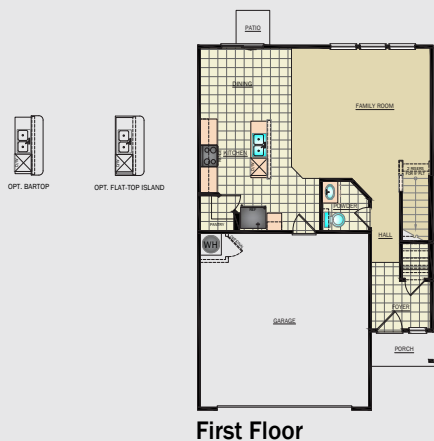
RC Bridgeport Elevation G



RC Bridgeport Elevation H



RC Bridgeport Elevation I



RC Camden

3 BED • 2 BATH
2 CAR GARAGE



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Version 06

ELEVATIONS



RC Camden Elevation A



RC Camden Elevation B



RC Camden Elevation C



RC Camden Elevation D



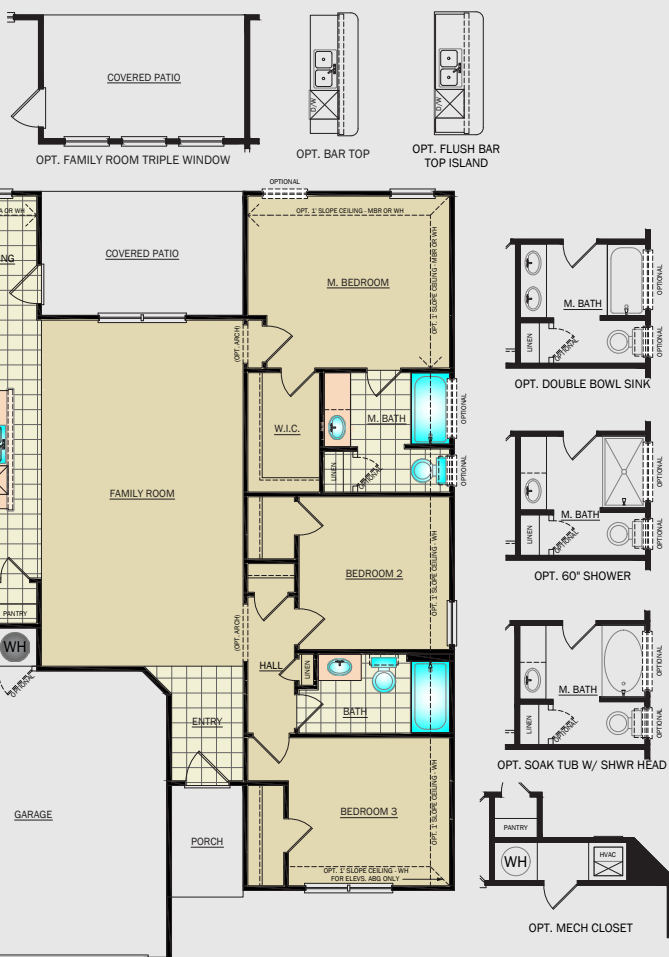
RC Camden Elevation G



RC Camden Elevation H



RC Camden Elevation I



Version 04

KC Elevations



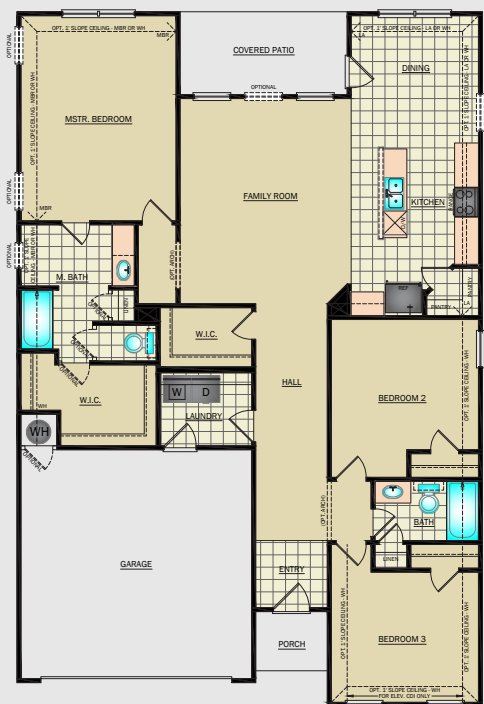
RC Fenway Elevation G



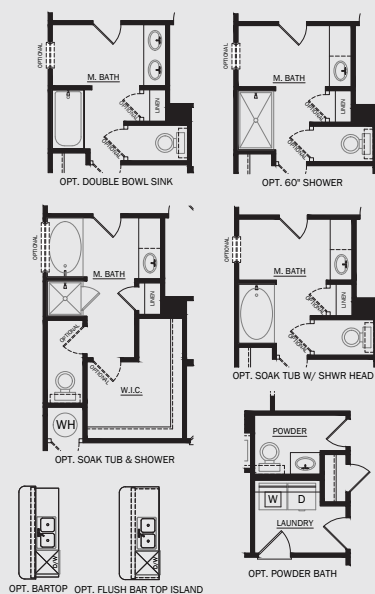
RC Fenway Elevation H



RC Fenway Elevation I



First Floor



RC Glenwood

**3 BED • 2 BATH
2 CAR GARAGE**



LONG LIVE HAPPY HOMES®

Drawing is an artistic rendering only. Actual home, options and floorplans may vary from rendering and by community. Optional elevation drawings on reverse side.



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Version 07

ELEVATIONS



RC Glenwood Elevation A



RC Glenwood Elevation B



RC Glenwood Elevation C



RC Glenwood Elevation D



RC Glenwood Elevation G



RC Glenwood Elevation H



RC Glenwood Elevation I



May 26, 2022

City of Edgerton
404 E Nelson St
Edgerton, KS 66021

Dear City of Edgerton:

This letter is intended to document sanitary sewer, storm sewer, and water main are directly available to the proposed Planned Unit Development (PUD) of Timber Creek Subdivision. A Preliminary Utility Layout is attached to provided verification each lot, in the proposed development, will have access to public sanitary sewer and water service.

SITE OVERVIEW

The existing site is located at the southwest quadrant of Braun Street & Edgerton Road in Edgerton, Kansas. The property is currently undeveloped agricultural land. The site is bordered to the north by Bruan Street and to the east by Edgerton Road. The bordering properties to the south and west are undeveloped agricultural land. There is a large waterway that splits the north east corner of the property. This area is marked as Flood Zone X – .1% Future Conditions.

SANITARY SEWER

Currently, there is no sanitary sewer available to the site. The developer and the City of Edgerton have discussed solutions to extend sanitary sewer to serve this development and future developments to the west.

The probable solution will be to connect to an existing 18-inch sanitary sewer main that runs north/south along the east side of the existing rail road tracks and South Lake. The City and the Developer have coordinated to potentially connect to this sanitary sewer and extend approximately 1,600 LF sanitary sewer main line to the proposed Timber Creek Development. Based on existing as-built plans, provided by the City, it should be feasible to route gravity sanitary sewer from east of the existing rail road tract to west of Edgerton Road to serve the entire proposed PUD Timber Creek Subdivision.

The proposed internal lots will be served throughout the development with approximately 10,000 LF of 8" sanitary sewer main.

STORM SEWER

The existing agricultural site can be divided into three main watersheds consisting of three main waterways; the southwest waterway, southeast waterway and the north waterway. The north waterway flows from west to east and carries water from offsite, through the existing channel, and crosses under Edgerton Road via 4'x16.5' RCB. This area is considered to be Flood Zone X- .1% Future Conditions and is not planned to be disturbed.

The southwest and southeast waterways collect stormwater from the southern third of the site and drain offsite. Generally, the proposed development will follow existing flow patterns. The proposed development will consist of five stormwater detention locations to meet pre-development peak flow rates. A stormwater memo, attached with this application, discusses existing and proposed stormwater conditions.

WATER MAIN

There is existing water main available in the right of way fronting the development. An 8" water main that runs along the north side of Braun Street, 12" water main along the south side of Braun Street at the Braun Street & Edgerton Road intersection, and 6" water main that runs along the west side of Edgerton Road.

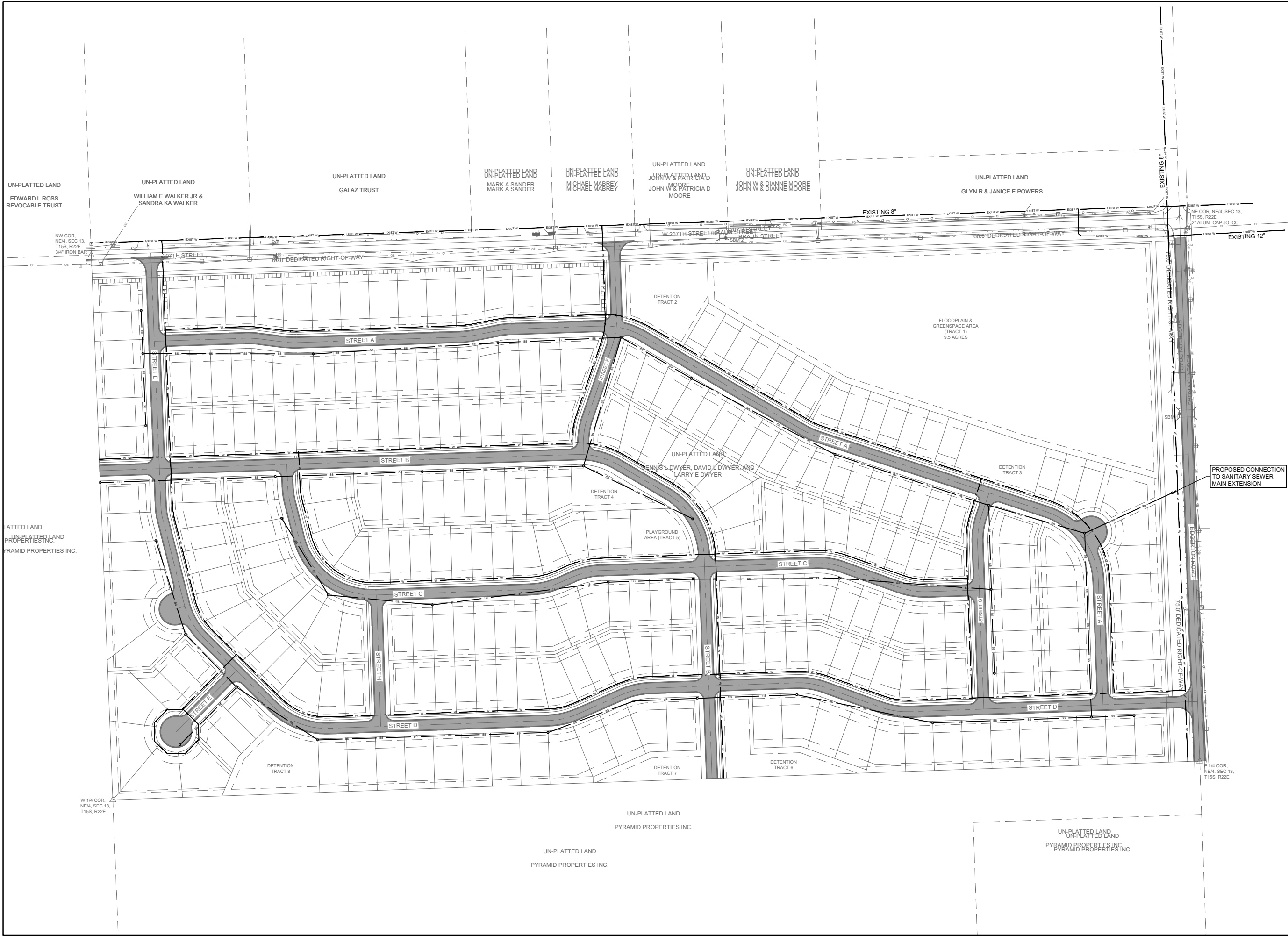
The proposed development will require to upgrade the 6" line along Edgerton to 8" and require an approximately 1,300 LF extension the length of the property. The proposed development will connect to existing water main at all three entrance locations. The internal site will be served by approximately 12,000 LF of 8" waterline.

If you need any more information or have any questions or concerns, I can be reached by email at bgasper@smhconsultants.com. I can also be reached by phone at (913) 444-9615.

Sincerely,



Ben Gasper, P.E.
SMH Consultants



TIMBER CREEK SUBDIVISION

PUD DOCUMENTS
EDGERTON, KANSAS

PRELIMINARY UTILITY LAYOUT

REVISION DESCRIPTION
(DESCRIPTION)



REVISION
DATE
00/00/00

NORTH



100' 50' 0' 100'
SCALE 1" = 100'

PROJECT #: 2203-0102
CHECKED BY: BCG
DRAWN BY: BCG

DATE: 5/26/2022

SHEET #

1

TOTAL SHEETS 1



City of Edgerton Planning and Zoning
Attn: Chris Clinton, Planning and Zoning Coordinator
404 East Nelson
Edgerton, KS 66021

Subject: Property tax impact

Mr. Clinton,

The Timber Creek Subdivision in Edgerton, KS is planned for 275 single-family homes, each with an anticipated sales price between \$275,000-\$300,000. According to the Johnson County, KS website, the 2021 mil levy on a single-family home in the City of Edgerton was 146.180, of which approximately 20% goes to the City of Edgerton and 46% to USD 231 Gardner Edgerton. The remaining 34% benefiting other taxing entities including the State of Kansas, Johnson County, Johnson County Fire District 1, Community College, Library, and Parks & Rec.

By annexing the property into the City of Edgerton and rezoning to single-family, each home will be assessed with the City of Edgerton mil levy bringing the total rate to 146.180 for a single-family home (2021). The subject property is currently zoned RUR with a total 2021 mil levy of 116.789.

Assuming a home is valued at \$275,000, assessed at 11.5%, and a mill levy of 146.180, it will generate approximately \$4,600 in annual property taxes. Approximately \$920 of which would go to the City of Edgerton and \$2,116 to USD 231 Gardner Edgerton.

Timber Creek is proposed to be developed in four phases over the course of approximately five years. A breakdown of the annual property tax revenue that could be generated is estimated below; assuming the 2021 mil levy, a valuation of \$275,000 and fully developed. Please note, these estimates do not take into account fluctuations in the taxing jurisdiction's mil levy or property values. The total property tax received in 2021 for the subject property was \$1,176.

- **Phase I** - 81 Homes - \$372,500 Estimated Annual Property Tax Revenue
 - \$74,500 City of Edgerton and \$171,350 USD 321 Gardner Edgerton
- **Phase II** - 151 Homes - \$694,500 Estimated Annual Property Tax Revenue
 - \$138,900 City of Edgerton and \$319,500 USD 321 Gardner Edgerton
- **Phase III** - 212 Homes - \$975,000 Estimated Annual Property Tax Revenue
 - \$195,000 City of Edgerton and \$448,500 USD 321 Gardner Edgerton
- **Phase IV** - 275 Homes - \$1,265,000 Estimated Annual Property Tax Revenue
 - \$253,000 City of Edgerton and \$582,000 USD 321 Gardner Edgerton

It is difficult to predict the number of school age children that will live in Timber Creek as each municipality and subdivision age demographics vary based on a number of community factors. However, data from the 2020 census indicates there are 787,000 children ages 0-19 in the state of Kansas which makes up 27% of the state's estimated 2,913,000 residents. Additionally, the Kansas Statewide Housing Assessment notes the only region in Kansas with growth in the 0-19 age demographic was the Kansas City Metro. Based on these factors, in combination with the proposed housing type, it is reasonable to conclude USD 231 Gardner Edgerton will see an increase in school age children from the Timber Creek development. As noted above, a single home valued at \$275,000 will generate \$2,116 dollars for USD 231 based on the current mil levy. This does not include additional school state funding based on the number of enrolled students.

Generally, population growth and new subdivisions will require the need for additional public services including fire protection and law enforcement. The City of Edgerton is better positioned to quantify these costs of service. While we have taken time to analyze the property tax impact, Timber Creek will also have a positive impact on City sales tax revenue. Both throughout project construction and after completion as the increased population utilizes available City of Edgerton services and amenities.

Sincerely,



Ben Burton
SMH Consultants

TIMBER CREEK SUBDIVISION TRAFFIC IMPACT STUDY

**Braun Street & Edgerton Road
Edgerton, Kansas**

May 2022

Completed By:
Ben Gasper, P.E.
Cassandra Patrick, I.E.
Jody Thayer, I.E.

Project Description:
Proposed residential subdivision located at the
southwest quadrant of Braun Street & Edgerton Road



SMH
CONSULTANTS

TABLE OF CONTENTS

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Figure 1 – Location Map

Figure 2 – Proposed Preliminary Concept Plan

Exhibit 1 – KDOT Access Management Policy, Table 4-25 & Table 4-27

Exhibit 2 – Existing Peak Hour Turning Movements

Exhibit 3 – Existing LOS Calculations

Exhibit 4 – ITE Trip Generation Sheets

Exhibit 5 – Trip Distribution AM & PM Assumptions

Exhibit 6 – Existing + Development Peak Hour Turning Movements

Exhibit 7 – Existing + Development LOS Calculations

Exhibit 8 – Johnson County CARNP Pages 4-5 and 4-6

INTRODUCTION

SMH Consultants, P.A. (SMH) conducted a basic traffic impact study for the proposed Timber Creek residential subdivision development located in Edgerton, Johnson County, Kansas. The development is located in the southwest quadrant of the Braun Street and Edgerton Road intersection. At full build out, the development is anticipated to consist of approximately 276 residential lots. The purpose of this study is to evaluate the impact of the proposed development on the Braun Street and Edgerton Road intersection level of service, evaluate the existing roadway capacities fronting the development, and evaluate the proposed entrance drives for the need of auxiliary lanes. A location map and proposed concept of the development is provided by Figures 1-2 in the appendix.

The traffic impact study discusses existing conditions and the anticipated traffic growth from the proposed development. Existing + development volumes were determined using existing field collected traffic volumes at the Braun Street and Edgerton Road intersection and combining with assumptions and ITE's Trip Generation Methodology.

METHODOLOGY

SMH Consultants conducted manual A.M. and P.M. peak hour turning movement counts at the intersection of Braun Street and Edgerton Road on three consecutive days, Tuesday-Thursday, on April 12-14, 2022. McTrans HCS7 Software was utilized to analyze the existing and existing + development conditions of the intersection level of service.

Intersection Level of Service (LOS) is a concept defined by the *Highway Capacity Manual* (HCM) to qualitatively describe operating conditions within a traffic stream. LOS is typically sorted into six categories (A through F). These range from LOS A indicating free-flow, low density, or nearly negligible delay conditions to LOS F where demand exceeds capacity and large queues are experienced.

The HCM uses control delay, measured in average seconds of delay per vehicle, as the basis for determining LOS for unsignalized intersections. Control delay at an intersection is the average stopped time per vehicle traveling through the intersection plus the movements at slower speeds due to the vehicles moving up in the queue or slowing upstream of the approach. For all-way stop-controlled intersections, individual approach delays as well as an overall average delay are calculated for each intersection. Table 1 has the LOS criteria for an unsignalized intersection.

Table 1: Unsignalized LOS Criteria	
Level of Service	Control Delay Range (s/veh)
A	0-10
B	10-15
C	15-25
D	25-35
E	35-50
F	>50

The LOS rating deemed acceptable varies by community, facility type, and traffic control device. In communities similar to Edgerton, Kansas a LOS C and above at unsignalized intersections is often accepted for low to moderate traffic volumes where the installation of a traffic signal is not warranted.

The Johnson County Comprehensive Arterial Road Network Plan (CARNP) was utilized to evaluate the existing roadway capacities fronting the proposed development. Johnson County CARNP provides data and recommendations for specific roadway capacities and trigger mechanisms to warrant an upgrade to roadway typical sections.

The Kansas Department of Transportation's (KDOT) Access Management Policy was utilized for auxiliary lane warrant analysis. The KDOT Access Management Policy Table 4-25, Exhibit 1, was utilized to evaluate if a right-turn or deceleration taper is warranted.

The KDOT Access Management Policy has three warrants that must be analyzed to determine if an auxiliary left turn lane is warranted. Table 2 depicts the three warrants and the criteria for each warrant that must be met and Table 4-27, Exhibit 1, gives the recommended left-turn lane warrants.

Table 2: Auxiliary Left Turn Lane Warrants	
Warrant	Criteria
Safety	Crash rate statistically above statewide average
	Located within a highway corridor with a crash rate statistically above statewide average
	Pattern of left turn/rear end crashes present and addition of left turn would reduce crashes
Special Circumstances	Locations where site geometry would improve operational and/or safety aspects of highway
	All new educational institutions and medical facilities located on or adjacent to a highway with a posted speed limit of greater than 45 mph
	When special circumstances known by the District Engineer are present at the specific access location
Operational	Utilize Table 4-23 from the KDOT Access Management Policy. See Table 4-23 located in the appendix

EXISTING CONDITIONS

The existing intersection of Braun Street and Edgerton Road is all-way stop-controlled and currently all legs of the intersection are paved. In discussions with the City of Edgerton, the City plans to upgrade the existing intersection to allow for improved truck turning movements. To do this, the city is proposing to add right hand turn lanes to allow for larger turning movements. However, at the time of this study and analysis, no improvements have been made, and data was conducted using the existing intersection as it sits.

Braun Street consist of a 24-foot wide, asphalt peeved, two-lane road with no shoulder or curb and gutter and has a posted speed limit of 30 miles per hour. Based on information from Johnson County AIMS, Braun Street has an approximate Average Daily Traffic (ADT) volume of 205 vehicles west of the intersection and 662 vehicles east of the intersection.

North of the intersection, Edgerton Road is a 24-foot wide, asphalt peeved, two-lane road with no shoulder or curb and gutter and has a posted speed limit of 30 miles per hour. South of the intersection, Edgerton Road is 24-foot wide unpaved gravel road. Edgerton Road has an ADT of 651 vehicles north of the intersection and 125 vehicles south of the intersection.

Based on the manual turning movement counts performed by SMH Consultants, the A.M. peak hour was found to be 7:00-8:00 A.M. and had a peak hour volume of 95 vehicles. The P.M. peak hour was found to be 4:30-5:30 P.M. and had a volume of 109 vehicles. The existing A.M. and P.M. peak hour turning movements are summarized in Exhibit 2 of the appendix.

Table 3 displays the existing vehicle delay and LOS for each leg of the intersection. Detailed intersection LOS calculations for the intersection are provided by Exhibit 3 in the appendix. The analysis shows that the existing intersection performs at an LOS A, which is an acceptable level of service during the A.M. and P.M. peak hour.

Table 3 – Existing Intersection LOS					
Intersection	Movement	A.M. Peak Hour		P.M. Peak Hour	
		Delay (s/veh)	LOS	Delay (s/veh)	LOS
Braun Street & Edgerton Road	EB Thru/RT/LT	7.3	A	7.3	A
	WB Thru/RT/LT	6.8	A	6.8	A
	NB Thru/RT/LT	7.1	A	6.8	A
	SB Thru/RT/LT	7.5	A	7.3	A

PROJECT DESCRIPTION

The proposed Timber Creek development will be located in the southwest quadrant of the intersection of Braun Street and Edgerton Road. The development will be served by three entrances, two via Braun Street and one via Edgerton Road. Figure 2, in the appendix, depicts the proposed layout of the Timber Creek Subdivision. The entrance via Edgerton Road will be approximately 1,175 feet south of the Braun Street and Edgerton Road intersection and will be approximately 28 feet wide, back of curb to back of curb, at the right of way line. The entrances via Braun Road, will be approximately 1,375 feet and 2,500 feet west of the Braun Street and Edgerton Road intersection and will be approximately 28 feet wide, back of curb to back of curb, at the right of way line. At full development, the development will consist of approximately 275 single family residential lots. Interior roads and sidewalks will be provided for vehicular and pedestrian circulation throughout the development.

TRIP GENERATION

Vehicle trips generated by the proposed Timber Creek development were estimated using The Institute of Transportation Engineers (ITE), *Trip Generation Report, 11th Edition*. Table 4 illustrates the A.M. and P.M. peak hour vehicle volume generated by the development. The pages from the ITE report can be seen in Exhibit 4 of the appendix.

Table 4 – Trip Generation										
Land Use (ITE Code)	Intensity (Dwelling Units)	Daily (vehicles)			A.M. Peak Hour (vehicles)			P.M. Peak Hour (vehicles)		
		Total	In	Out	Total	In	Out	Total	In	Out
Single Family Detached (210)	275	2594	1297	1297	203	53	150	267	171	96

TRIP DISTRIBUTION

For the purposes of this study, the generated trips were distributed based on the number of lots in close proximity to a certain entrance of the development. For the Edgerton Road entrance, it was approximated 35% of the generated trips would utilize this entrance. Conversely, for the two Braun Street entrances, it was assumed that a combined 65% of the generated trips would utilize these entrances. The trips distribution was further broken down; 16% would utilize the west entrance and 49% would utilize the east entrance along Braun Street. This trip distribution assumptions were used in the Braun Street & Edgerton Road intersection LOS analysis as well as the auxiliary lane warrant analysis. These assumptions can be viewed in Exhibit 5.

EXISTING + DEVELOPMENT

Existing + development conditions combine the existing A.M. and P.M. peak hour turning movements with the A.M. and P.M. peak hour traffic generated by the full development. The existing + development peak hour turning movements can be seen in Exhibit 6 of the appendix. Table 5 shows the existing + development LOS for the four directions of the Braun Street and Edgerton Road intersection. Detailed intersection LOS calculations for the intersection are provided by Exhibit 7 in the appendix.

Table 5: Existing + Development Intersection LOS					
Intersection	Movement	A.M. Peak Hour		P.M. Peak Hour	
		Delay (s/veh)	LOS	Delay (s/veh)	LOS
Braun Street & Edgerton Road	EB Thru/RT/LT	8.3	A	8.2	A
	WB Thru/RT/LT	7.5	A	8.5	A
	NB Thru/RT/LT	7.4	A	7.7	A
	SB Thru/RT/LT	8.0	A	8.1	A

As depicted in Table 5, the peak hour analysis shows that the intersection will continue to perform at LOS A during the peak hours in the existing + development conditions, with the all-way-stop controlled intersection. The delay does increase approximately 1 second per vehicle across the board, however, this still warrants LOS A based on Table 1.

JOHNSON COUNTY CARNP

The City of Edgerton request Johnson County CARNP be considered when studying the proposed development area. Johnson County CARNP is a planning process “to achieve a community consensus for maximizing the utility of the County's existing arterial road network to meet anticipated perimeter transportation needs.” It recommends the development of both major and minor systems of routes, including parkways and boulevards that would interconnect the County’s and the regional roadway network.

Braun Street and Edgerton Road are listed as arterials and part of the Johnson County arterial network. Both of the existing corridor ROWs are limited at 40 feet. With this development, 60 feet will be dedicated along Braun Street to meet the proper 120 foot ROW and 75 feet will be dedicated along Edgerton Road to meet the proposed 150 foot ROW. Page 4-5 and 4-6 of the Johnson County CARNP depict the corridor development categories and the conceptual schematic of the different roadway types. These pages are presented in Exhibit 8 of the appendix. Table 7 depicts the Street Capacity Guidelines listed in the Johnson County CARNP.

Table 7: Street Capacity Guidelines			
Class	Name	Description	ADT
1	Primitive	Narrower than 17 feet	N/A
2	One Lane Gravel	Narrower than 17 feet	40
3	Narrow Gravel	17'-20' wide	200
4	Gravel	Wider than 20 feet	350
5	Narrow Asphalt	Less than 22 feet wide	1,000
6	Asphalt	No shoulders, wider than 22 feet	2,000
7	Asphalt	With shoulders, wider than 24 feet	4,000
8	Rural Major Arterial	Engineered plan and profile, >24' wide	8,000
9	Rural Major Arterial	With turn lanes, >24' wide	10,000
10	Urban Major Arterial	4-lane, >48' wide	20,000

Johnson County CARNP lists particular trigger policies that roadways are required to meet before being upgraded. The majority of the designated CARNP routes currently do not meet CARNP standards. Since Edgerton Road is a Type III, a minimum threshold traffic volume is required before a trigger review is conducted for potential improvement to CARNP standards. An existing two-lane CARNP designated road that does not meet CARNP standards shall not be considered for improvement to CARNP design standards unless the traffic volume is at least 1,500 ADT. An existing two-lane CARNP designated road shall not be considered for improvement to a four-lane road unless the existing traffic volume is at least 7,500 ADT.

Braun Street is currently a Class 6 Street capacity. It is a 24 feet wide asphalt paved street with no shoulder and operates ideally around 2,000 ADT. Braun street is planned as Type I with two lanes. Along the proposed Timber Creek Development frontage, Braun Street will have an existing + development ADT of approximately 1891 vehicles. With this development, Braun Street will still be at optimal ADT with a two-lane asphalt road, as noted in Table 7.

Edgerton Road north of the intersection is also a Class 6 street capacity. However, south of the intersection and along the frontage of the proposed Timber Creek Development, it is a Class 4. The existing roadway along the development consist of a 24-foot-wide gravel road.

With this development Edgerton Road will have an approximate existing + development ADT of 1033 vehicles and would be required to be a minimum of Class 5. Edgerton Road will need to be upgraded from Class 4 Gravel. Edgerton Road will be acceptable as a two lane 24-foot-wide roadway, 28 feet with curb and gutter. CARNP proposed Edgerton Road as a Type III with four lanes, but this development does not warrant the 7,500 ADT trigger of upgrading from two lanes to four.

AUXILIARY LANES

Auxiliary lanes (such as a left or right-turn lane) provide space for slowing vehicles preparing to turn while maintaining through traffic or allow vehicles entering from a minor street to accelerate before merging onto the highway. SMH evaluated each of the three subdivision entrances to determine if a right-turn, deceleration taper, or left-turn lane is warranted.

Right-Turn Lane and Deceleration Taper

To warrant a right-turn lane or deceleration taper, the criteria used was exterior road speed limits, 40 mph or lower, and the directional design hourly volume (DDHV). Braun Street and Edgerton have a DDHV of 95 vph and 52 vph respectively. Neither Braun Street or Edgerton Road fronting the proposed development has an existing or existing + development DDHV over 400. Based on Table 4-25, none of these entrances warrant a right turn lane into the development. The analysis determines that no right-turn or deceleration taper is needed for any of the three entrances into the subdivision from Braun Street or Edgerton Road.

Left-Turn Lane

Three criteria were analyzed to determine if any of the entrances warrant a left hand turn auxiliary lane, seen in Table 2. SMH evaluated each of the three entrances and concluded that none of these entrances warrant a left-turn lane. SMH has summarized its finding for each warrant below:

Safety: Based on information provided by the KDOT Bureau of Transportation Safety department, there have been no crashes at the intersection or within 200 feet in either direction of the intersection within the last five years. Based on the crash data history, the statistical rate of crashed at the intersection is below the statewide average; and there is no history or patterns of left turn/rear end crashes requiring the implementation of auxiliary lanes.

Special Circumstances: SMH does not have any knowledge of special circumstances to be aware of in this location. There are no new educational institutions and medical facilities located on or adjacent to a highway with a posted speed limit of greater than 45 mph and no special circumstances that have been brought to SMH's attention. The City does plan to widen and improve the existing intersection; however, this shall theoretically improve existing and existing + development turning movements.

Operational Criteria: SMH utilized Table 4-23 from the KDOT Access Management Policy to determine if any entrance warranted a left-hand turn lane. Based on existing and existing + development data, neither Braun Street or Edgerton Road has a high enough opposing volume of vehicles per hour, or high enough speed limit, to register on Table 4-23. Table 6 list the volumed assumptions used to evaluate each intersection.

Tabel 6: Volume Assumptions			
	V_o (vph)	V_a (vph)	% Left Turns
West Braun	15	47	> 30%
East Braun	28	125	> 30%
Edgerton	64	8	> 20%

SUMMARY

The traffic impact study documents the impact of a proposed residential subdivision to be located at the southwest quadrant of Braun Street and Edgerton Road. The existing conditions proved to be an existing LOS A. The intersection will continue to operate at LOS A for the A.M and P.M. peak hours, at full development. Geometric or signalized intersection improvements to the Braun Street and Edgerton Road intersection are not required for this specific development.

The Johnson County CARNP describes future development of Braun Street to be Type I, with two lanes and Edgerton Road to be Type III, with four lanes and a median. At this time, the ADT volumes do not warrant the Type III typical section for Edgerton Road and shall be re-evaluated with future development. However, Edgerton Road will need to be upgraded from gravel to a paved 24-foot wide roadway.

From a safety and operational standpoint, no auxiliary lanes are warranted, based on the existing + development conditions. With more development in the area, these roadways should be re-evaluated in the future.

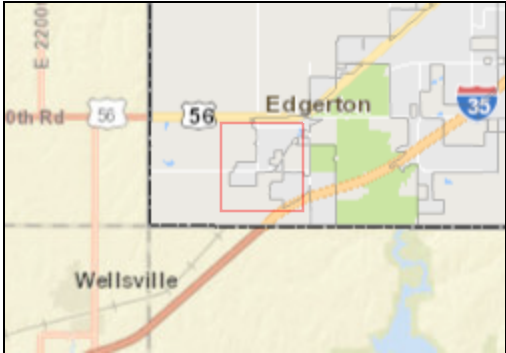
Appendix



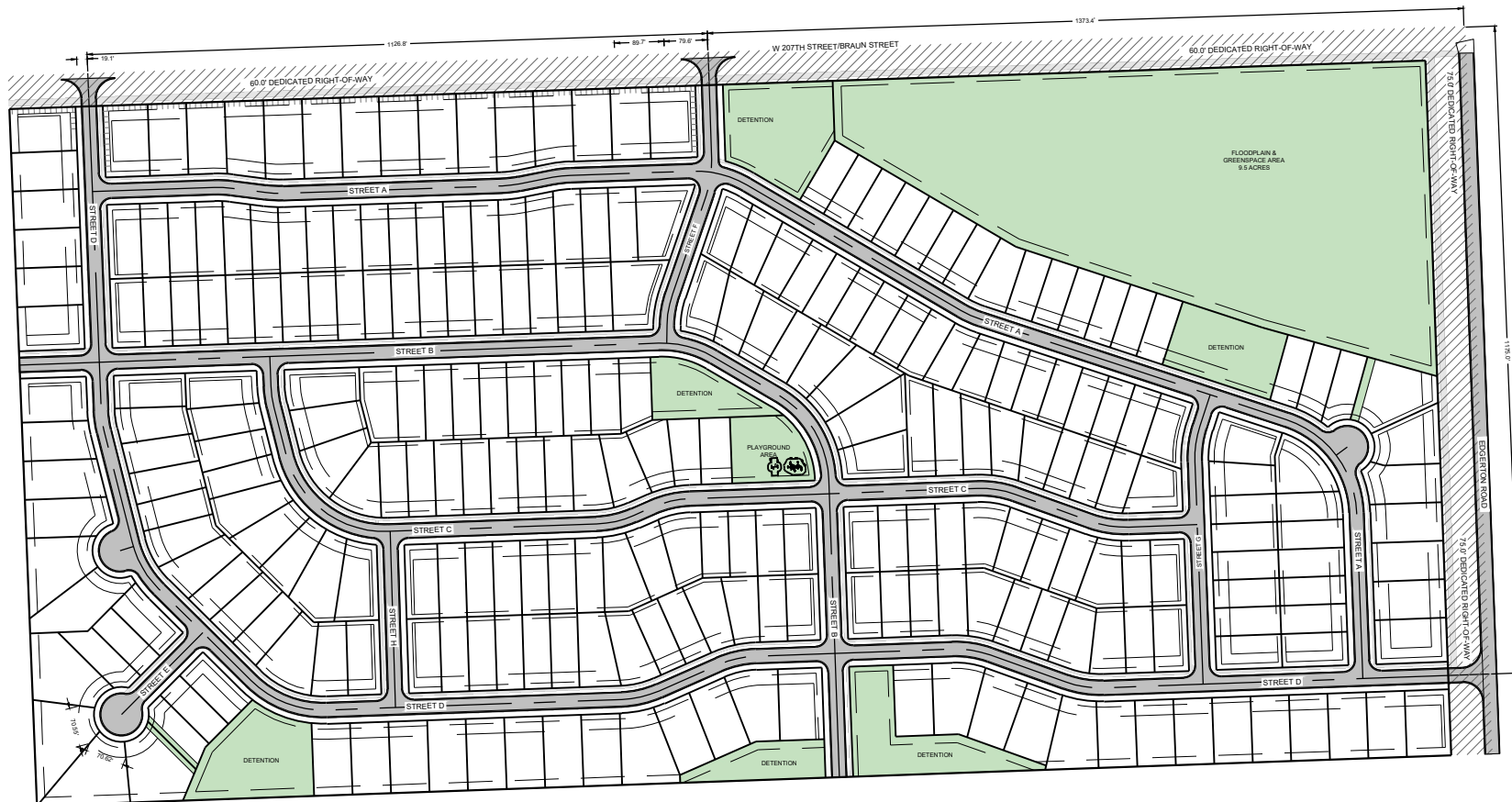
Johnson Co AIMS Map

Figure 1 - Location Map

LEGEND



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highway operating speed and DDHV, either a right-turn lane or deceleration taper is warranted at the access. See Section 4.5.3 for the design of auxiliary lanes.

The values in Table 4-25 shows the minimum turning volume needed to *warrant* a turn lane or a deceleration taper on a two-lane highway.

Table 4-25. Right-turn treatment guidelines for two-lane highways

Highway DDHV (vph)	Highway Operating Speed (mph)											
	40		45		50		55		60		65	
	Lane	Taper	Lane	Taper	Lane	Taper	Lane	Taper	Lane	Taper	Lane	Taper
200				83	73	30	35	14	20	8	15	7
300			120	40	41	19	24	9	15	7	12	6
400	200	85	52	27	30	14	19	8	12	6	11	5
600	50	27	26	13	20	9	14	6	10	5	9	4
800	25	12	16	8	15	7	11	5	9	4	8	3
1000	14	8	12	5	11	5	9	4	8	3	7	3
1200	10	6	9	4	9	4	8	4	7	3	7	3

Source : "Guidelines for right-turn treatments at unsignalized intersections and driveways," K-Tran:KSU-95-5, Kansas Department of Transportation, Kansas State University, Tanweer Hasan, Dr. Robert W. Stokes

- Turning speed is 15 mph (right-turn)
- The values presented in this table represent minimum right-turn design hour volumes (vph) required to warrant right-turn treatments (lane or taper)
- DDHV = directional design hourly volumes

Two-lane highway example—A new development along US-50 (two-lane highway) in Reno County east of Hutchinson, Kansas, has requested an access point to the north. It is estimated that during the peak hour, approximately 25 vehicles will be turning right into the new access from the east soon after the facility opens. The 2011 *average daily traffic* (ADT) is shown to be 4,370 vpd and the posted speed limit is 65 mph. Is a right-turn lane warranted?

The *directional design hourly volume* (DDHV) is equal to the ADT divided by two (assuming half the traffic is traveling westbound and half eastbound on US-50) and multiplied by 10 percent (assumed peak hour volume).

$$\text{DDHV} = (\text{ADT}/2) \times 0.10$$

$$\text{DDHV} = (4,370/2) \times 0.10 = 219 \text{ vph (westbound on US-50)}$$

Looking at Table 4-25, it can be seen that the DDHV is over 200 vph, the highway operating speed is 65 mph and, therefore, the design hourly right-turn threshold is 15 vph. The estimated number of right turns westbound during the peak hour is 25 vph (greater than 15 vph) and, therefore, a right-turn lane is warranted.

The values in Table 4-26 shows the minimum turning volume needed to warrant a turn lane or a deceleration taper on a four-lane highway.

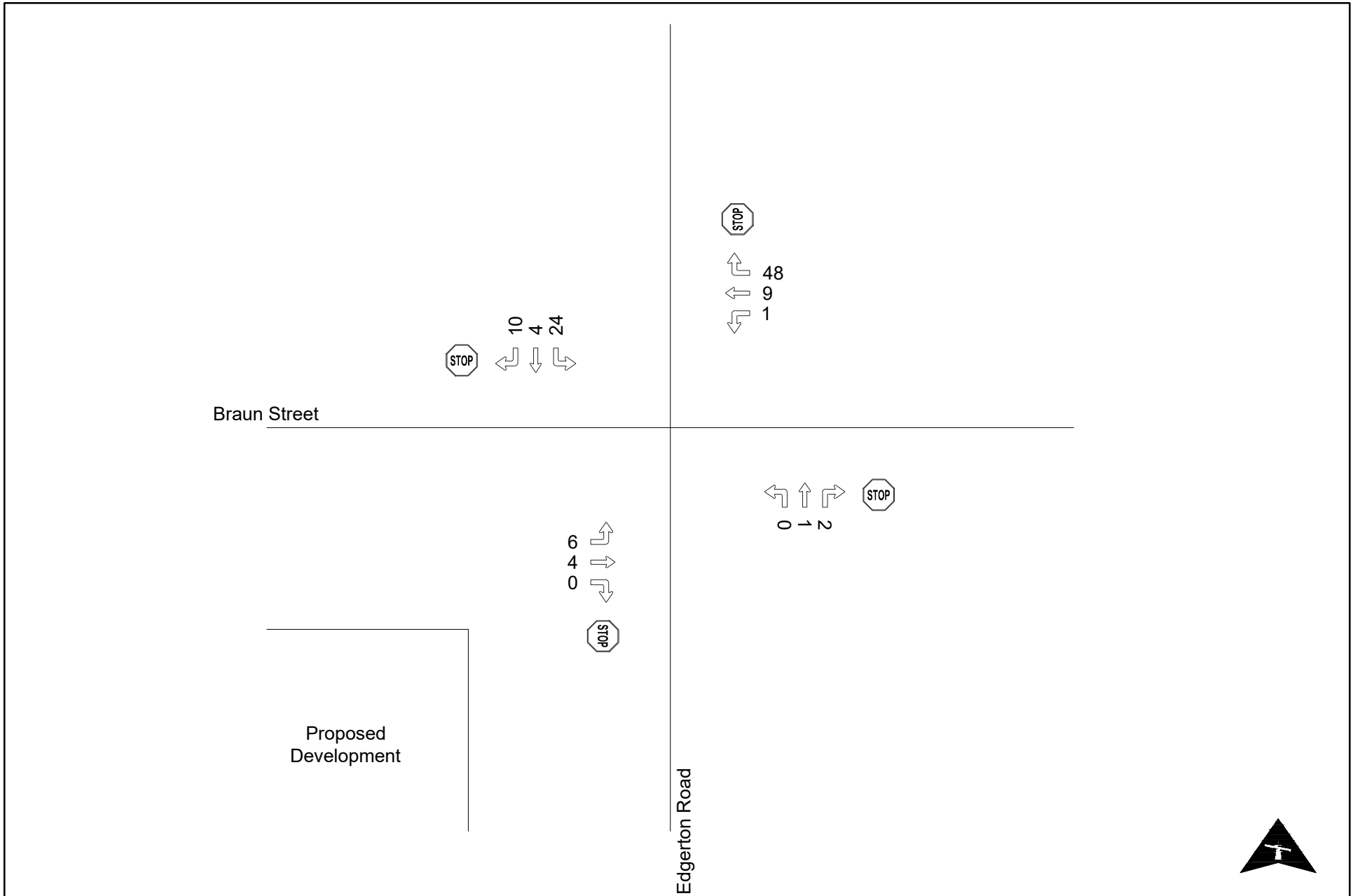
Table 4-27. Recommended left-turn lane warrants for two-lane highways

Opposing Volume V_o (vph)	Advancing Volume V_a (vph)			
	5% Left turns	10% Left turns	20% Left turns	30% Left turns
40-mph speed				
800	136	99	74	65
700	159	116	87	76
600	186	135	101	88
500	218	158	119	103
400	255	185	139	121
300	301	218	164	143
200	356	259	194	169
100	426	309	232	202
50-mph speed				
800	118	86	64	56
700	138	100	75	66
600	161	117	88	77
500	188	137	103	90
400	221	161	120	105
300	260	189	142	124
200	309	224	168	147
100	369	268	201	175
60-mph speed				
800	96	70	53	46
700	113	82	61	54
600	131	95	72	63
500	154	112	84	73
400	181	131	98	86
300	213	154	116	101
200	252	183	137	120
100	301	219	164	143
70-mph speed				
800	68	50	37	32
700	80	58	43	38
600	93	68	51	44
500	109	79	59	52
400	128	93	70	61
300	150	109	82	72
200	178	129	97	85
100	213	155	116	101

Source: Adapted from Van Schalkwyk, I., and V. Stover. *Revisiting Existing Warrants for Left-Turn Lanes at Unsignalized Intersections on Two-Way Roadways*, TRB 2007 Annual Meeting CD-ROM, National Research Council, Washington, D.C. (2007).

Note: Critical gap = 8.0 seconds, time to turn left = 4.3 seconds, time to clear lane = 3.2 seconds



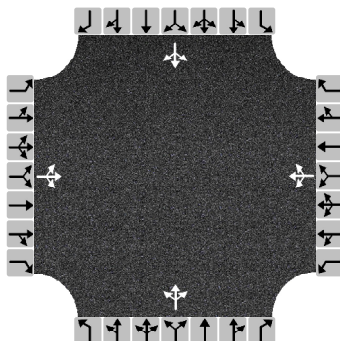


HCS7 All-Way Stop Control Report

General Information

Analyst	Brett Louk	Intersection	W. Braun St. & Edgerton R
Agency/Co.	SMH Consultants	Jurisdiction	Edgerton, KS
Date Performed	5/11/2022	East/West Street	W. Braun St.
Analysis Year	2022	North/South Street	Edgerton Rd.
Analysis Time Period (hrs)	1.00	Peak Hour Factor	0.82
Time Analyzed	7-8 am Existing		
Project Description	Timber Creek Subdivision		

Lanes



Vehicle Volume and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume	7	8	0	2	2	10	0	4	0	53	1	8
% Thrus in Shared Lane												
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	18			17			5			76		
Percent Heavy Vehicles	2			2			2			2		

Departure Headway and Service Time

Initial Departure Headway, hd (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.016			0.015			0.004			0.067		
Final Departure Headway, hd (s)	4.22			3.73			4.08			4.11		
Final Degree of Utilization, x	0.021			0.018			0.006			0.086		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, ts (s)	2.22			1.73			2.08			2.11		

Capacity, Delay and Level of Service

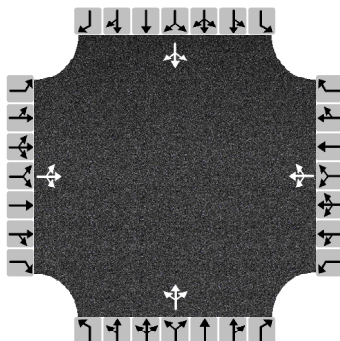
Flow Rate, v (veh/h)	18			17			5			76		
Capacity	853			966			882			877		
95% Queue Length, Q ₉₅ (veh)	0.1			0.1			0.0			0.3		
Control Delay (s/veh)	7.3			6.8			7.1			7.5		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh)	7.3			6.8			7.1			7.5		
Approach LOS	A			A			A			A		
Intersection Delay, s/veh LOS	7.3						A					

HCS7 All-Way Stop Control Report

General Information

Analyst	Brett Louk	Intersection	W. Braun St. & Edgerton R
Agency/Co.	SMH Consultants	Jurisdiction	Edgerton, KS
Date Performed	5/11/2022	East/West Street	W. Braun St.
Analysis Year	2022	North/South Street	Edgerton Rd.
Analysis Time Period (hrs)	1.00	Peak Hour Factor	0.83
Time Analyzed	4:30-5:30 pm Existing		
Project Description	Timber Creek Subdivision		

Lanes



Vehicle Volume and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume	6	4	0	1	9	48	0	1	2	24	4	10
% Thrus in Shared Lane												
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	12			70			4			46		
Percent Heavy Vehicles	2			2			2			2		

Departure Headway and Service Time

Initial Departure Headway, hd (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.011			0.062			0.003			0.041		
Final Departure Headway, hd (s)	4.22			3.56			3.74			4.06		
Final Degree of Utilization, x	0.014			0.069			0.004			0.052		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, ts (s)	2.22			1.56			1.74			2.06		

Capacity, Delay and Level of Service

Flow Rate, v (veh/h)	12			70			4			46		
Capacity	853			1011			963			886		
95% Queue Length, Q ₉₅ (veh)	0.0			0.2			0.0			0.2		
Control Delay (s/veh)	7.3			6.8			6.8			7.3		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh)	7.3			6.8			6.8			7.3		
Approach LOS	A			A			A			A		
Intersection Delay, s/veh LOS	7.0						A					

Single-Family Detached Housing (210)

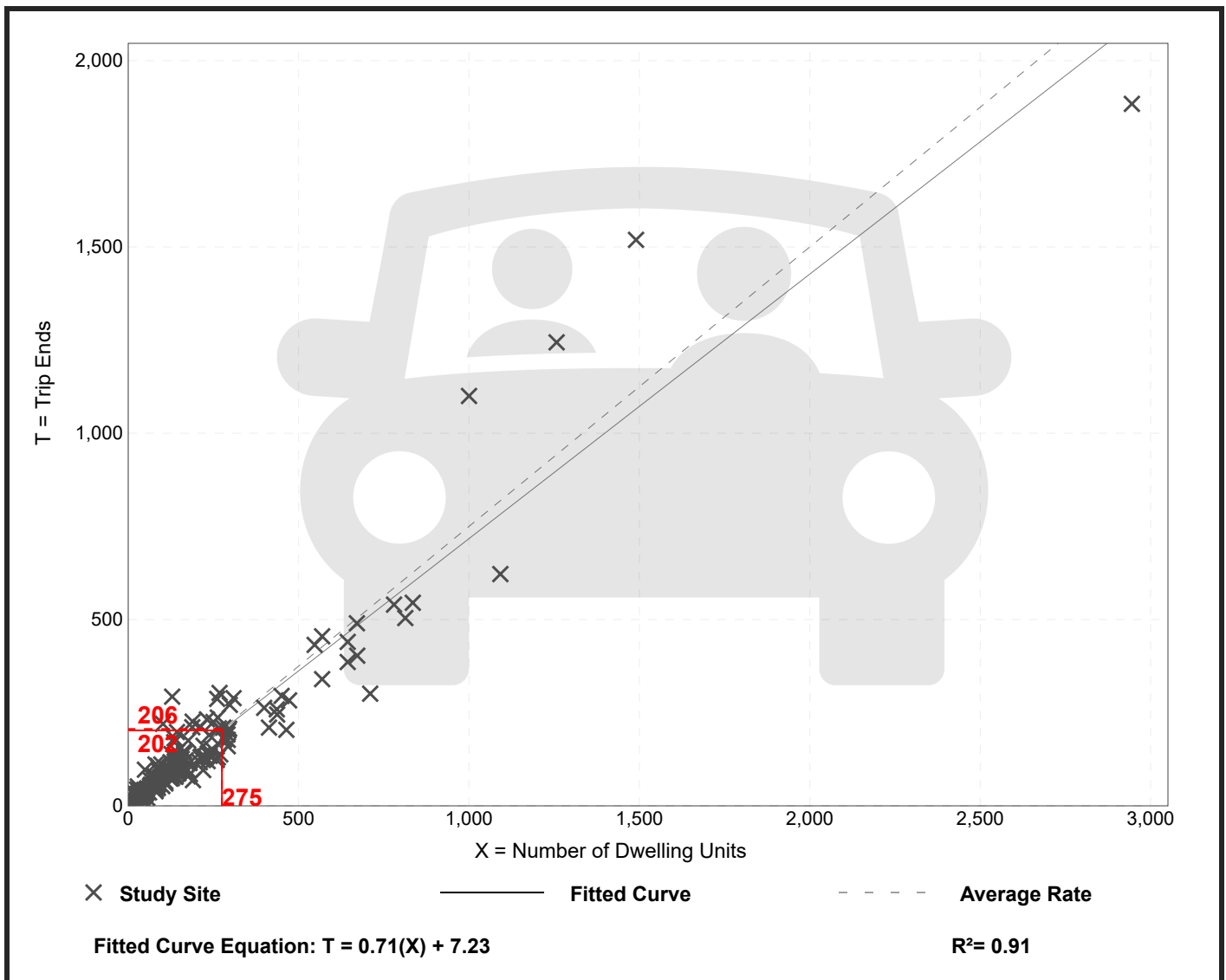
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
AM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 169
Avg. Num. of Dwelling Units: 217
Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.75	0.34 - 2.27	0.25

Data Plot and Equation



Single-Family Detached Housing (210)

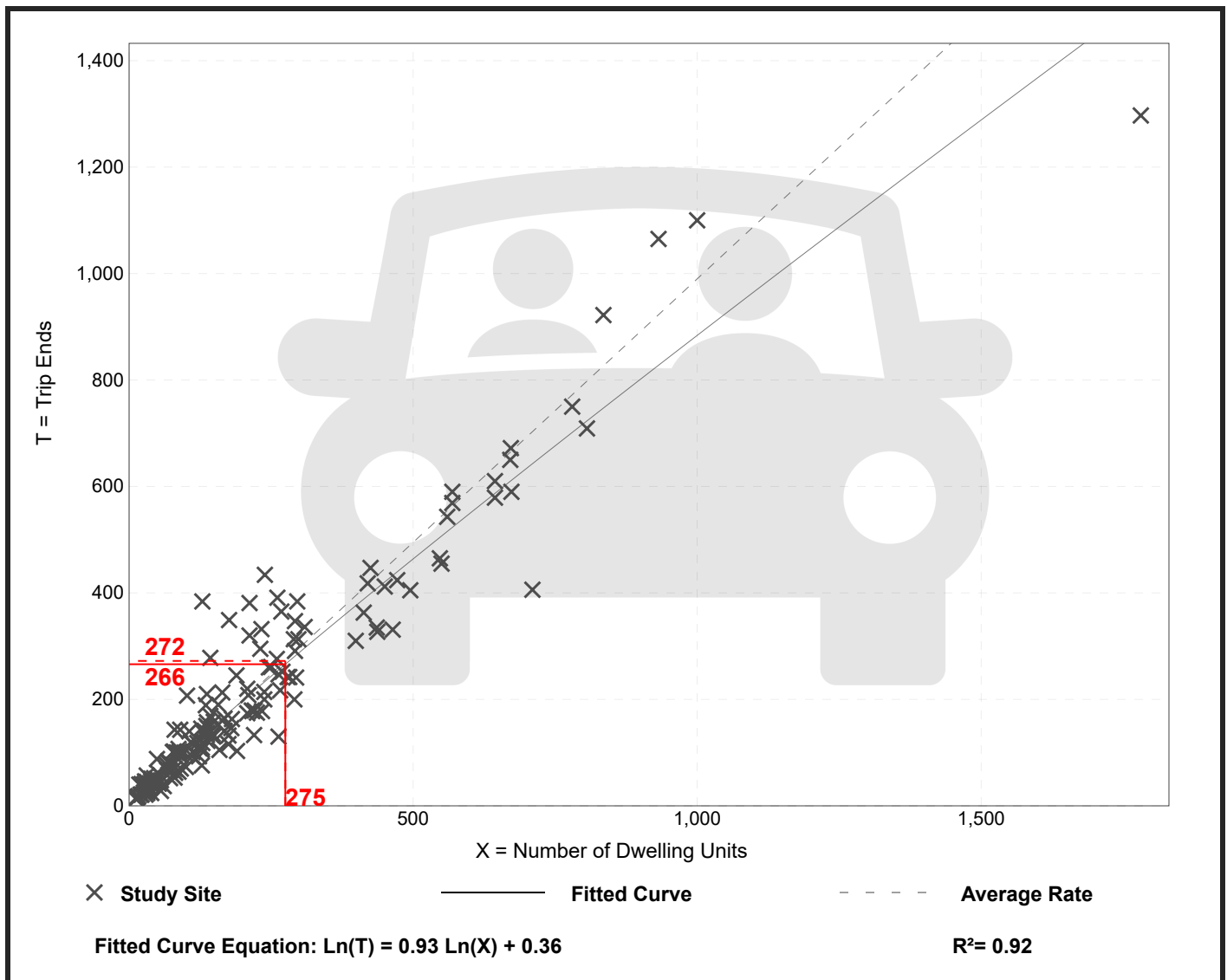
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 178
Avg. Num. of Dwelling Units: 203
Directional Distribution: 64% entering, 36% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.99	0.49 - 2.98	0.28

Data Plot and Equation



Single-Family Detached Housing (210)

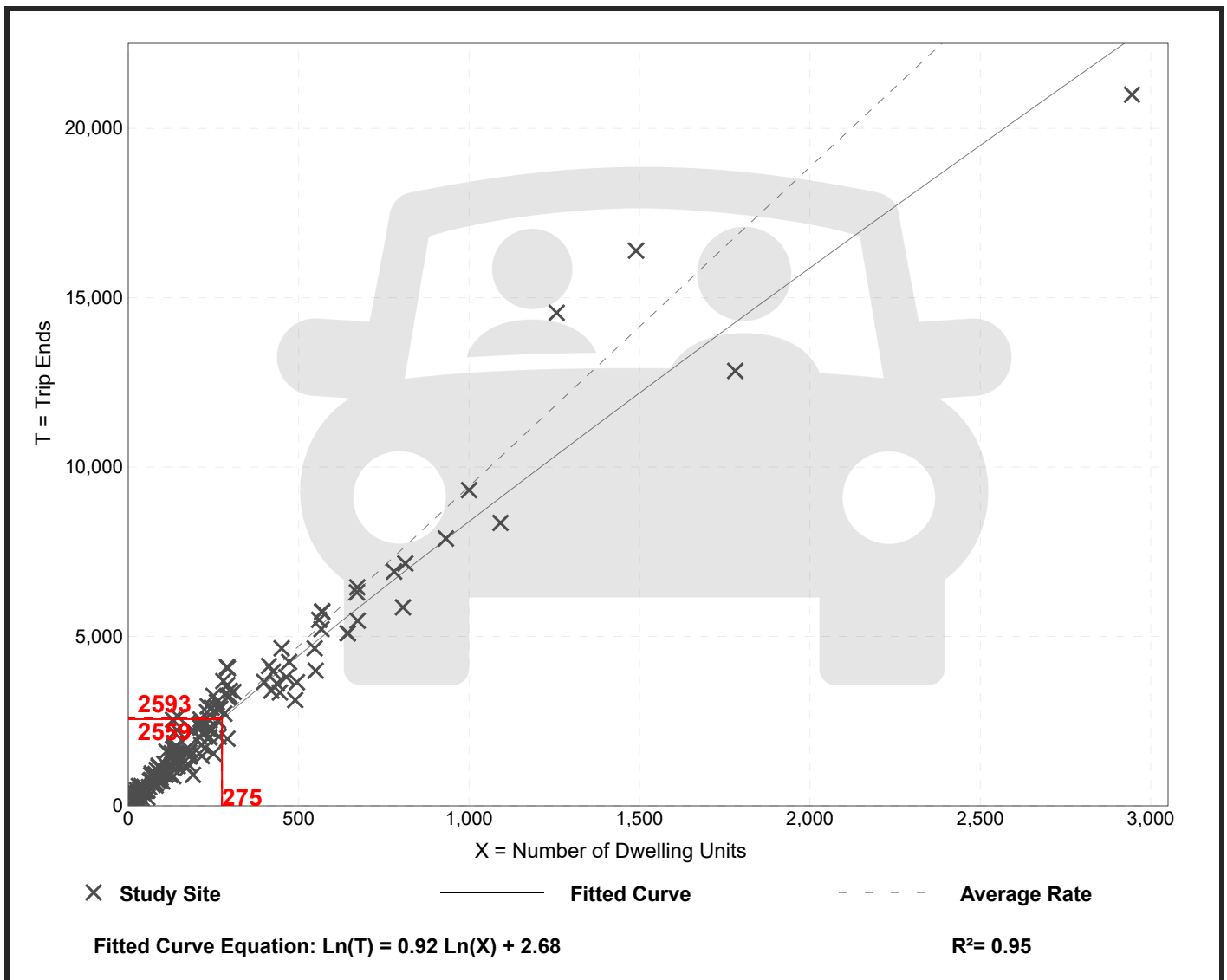
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

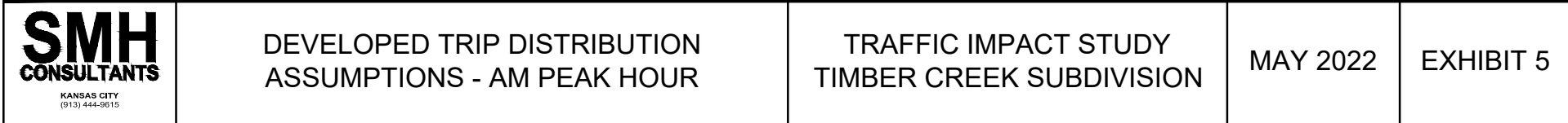
Setting/Location: General Urban/Suburban
Number of Studies: 174
Avg. Num. of Dwelling Units: 246
Directional Distribution: 50% entering, 50% exiting

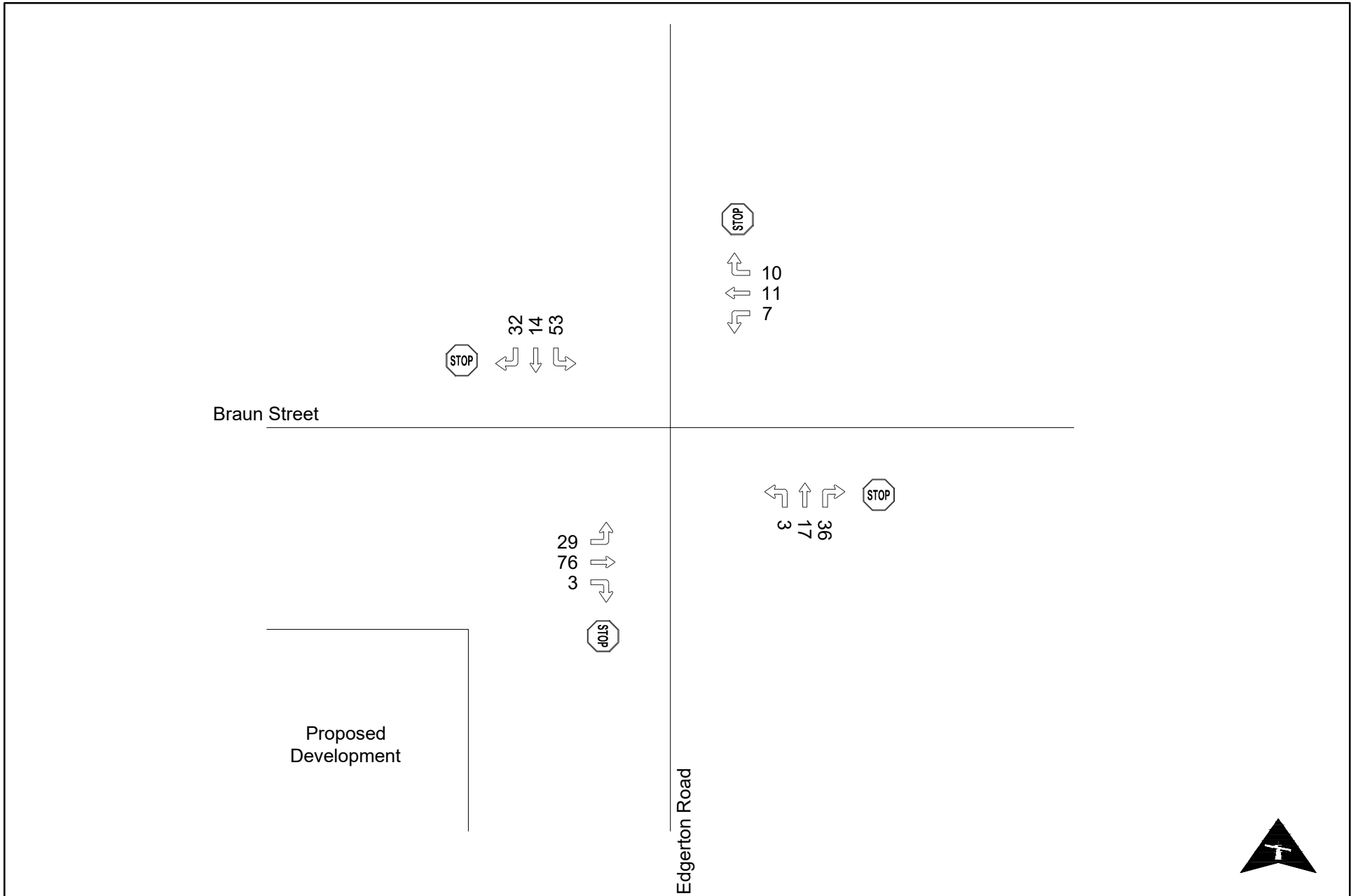
Vehicle Trip Generation per Dwelling Unit

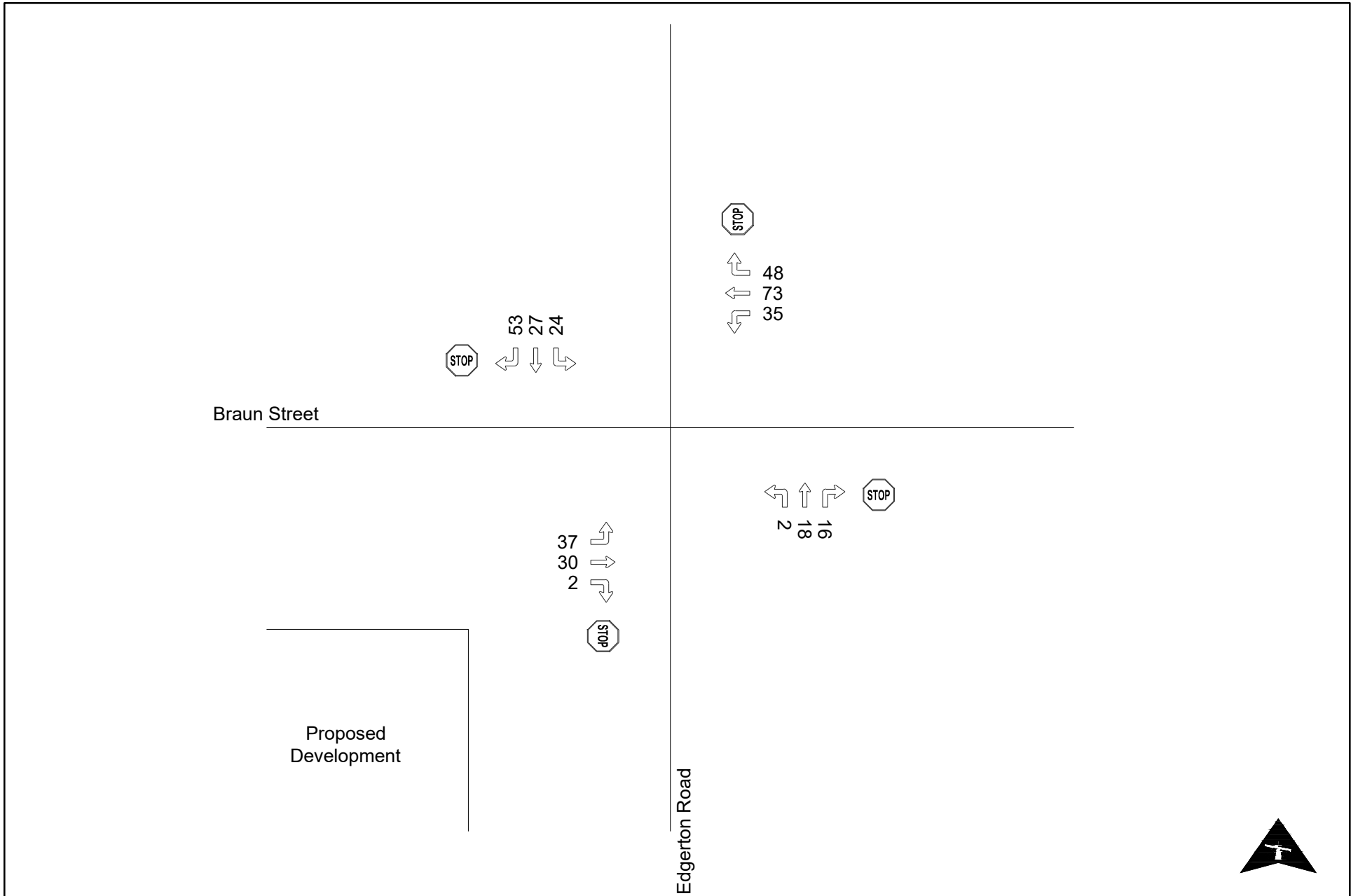
Average Rate	Range of Rates	Standard Deviation
9.43	4.45 - 22.61	2.13

Data Plot and Equation









HCS7 All-Way Stop Control Report

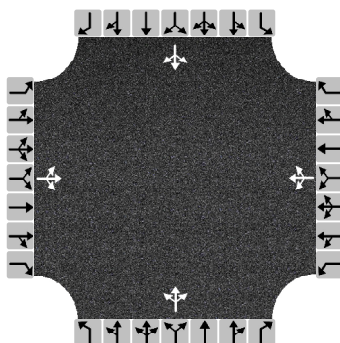
General Information

Analyst	Brett Louk
Agency/Co.	SMH Consultants
Date Performed	5/23/2022
Analysis Year	2022
Analysis Time Period (hrs)	1.00
Time Analyzed	7-8 am Existing + Dev
Project Description	Timber Creek Subdivision

Site Information

Intersection	W. Braun St. & Edgerton R
Jurisdiction	Edgerton, KS
East/West Street	W. Braun St.
North/South Street	Edgerton Rd.
Peak Hour Factor	0.82

Lanes



Vehicle Volume and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume	29	76	3	7	11	10	3	17	36	53	14	32
% Thrus in Shared Lane												
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	132			34			68			121		
Percent Heavy Vehicles	2			2			2			2		

Departure Headway and Service Time

Initial Departure Headway, hd (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.117			0.030			0.061			0.107		
Final Departure Headway, hd (s)	4.43			4.34			4.08			4.31		
Final Degree of Utilization, x	0.162			0.041			0.077			0.144		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, ts (s)	2.43			2.34			2.08			2.31		

Capacity, Delay and Level of Service

Flow Rate, v (veh/h)	132			34			68			121		
Capacity	813			829			882			836		
95% Queue Length, Q ₉₅ (veh)	0.6			0.1			0.3			0.5		
Control Delay (s/veh)	8.3			7.5			7.4			8.0		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh)	8.3			7.5			7.4			8.0		
Approach LOS	A			A			A			A		
Intersection Delay, s/veh LOS	8.0						A					

HCS7 All-Way Stop Control Report

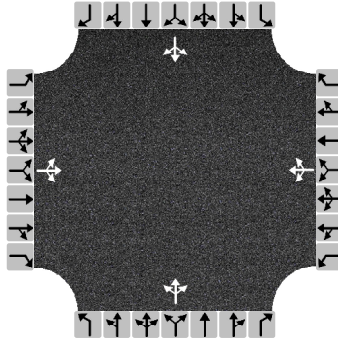
General Information

Analyst	Brett Louk
Agency/Co.	SMH Consultants
Date Performed	5/23/2022
Analysis Year	2022
Analysis Time Period (hrs)	1.00
Time Analyzed	4:30-5:30 pm Exist + Dev
Project Description	Timber Creek Subdivision

Site Information

Intersection	W. Braun St. & Edgerton R
Jurisdiction	Edgerton, KS
East/West Street	W. Braun St.
North/South Street	Edgerton Rd.
Peak Hour Factor	0.83

Lanes



Vehicle Volume and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume	37	30	2	35	73	48	2	18	16	24	27	54
% Thrus in Shared Lane												
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	83			188			43			127		
Percent Heavy Vehicles	2			2			2			2		

Departure Headway and Service Time

Initial Departure Headway, hd (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.074			0.167			0.039			0.112		
Final Departure Headway, hd (s)	4.62			4.28			4.45			4.34		
Final Degree of Utilization, x	0.107			0.224			0.054			0.153		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, ts (s)	2.62			2.28			2.45			2.34		

Capacity, Delay and Level of Service

Flow Rate, v (veh/h)	83			188			43			127		
Capacity	779			840			809			829		
95% Queue Length, Q ₉₅ (veh)	0.4			0.9			0.2			0.5		
Control Delay (s/veh)	8.2			8.5			7.7			8.1		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh)	8.2			8.5			7.7			8.1		
Approach LOS	A			A			A			A		
Intersection Delay, s/veh LOS	8.3						A					

PART I -- Chapter 4: TRANSPORTATION PLAN

The recommended plan provides a system comprised of two-lane roadways with paved shoulders, four-lane arterials, and boulevards/parkways. Roadways would be improved subject to the prioritization

through the “triggers” review process (described in a following section) and subject to available funding.

The CARNP map is illustrated on page 4-7.

TABLE 1: CORRIDOR DEVELOPMENT CATEGORIES

Item	Roadway Type			
	Type I – Low	Type II – Medium	Type III – High	Type IV – Major ¹
Functional Classification	Minor Arterial	Major Arterial	Parkway	Highway
Example Urban	143 rd at Mur-Len	Antioch/Blackbob	135 th /Northgate	K-7 North of K-10
Example Rural	143 rd West of Clare	175 th I-35 to US-169	None	K-7 North of K-10
Lanes – Urban	3-4	4-6	4-6	4
Lanes – Rural	2	2	2-4	2-4
Urban Speed Limit	35	45	45	60
Rural Speed Limit	45	50	55	65
Traffic volumes Urban ADT	7,500 - 20,000	9,150 - 40,000	9,150 - 50,000	18,300 - 70,000
Traffic volumes Rural ADT	2,000 - 7,500	2,000 – 10,000	7,500 - 30,000	18,300 - 50,000
Turn lanes	As required	All intersections	All intersections	N/A
Median breaks/street spacing (minimum)	1,000 ft.	1/4 mile	1/2 mile	N/A
Intersection Type	Stop/Signal	Signal	Signal/Grade separation	Interchange
Median breaks/street spacing (recommended)	1/4 mile	1/3 Mile	1/2 mile	At interchanges
Driveway corner clearance from centerline (min.) ²	600 ft.	600 ft.	600 ft.	N/A
Frontage - Driveway spacing ³	400 ft.	660 ft.	1000 ft.	N/A
R/W – Rural	80-120 ft.	120 ft.	150-200 ft.	200-300 ft
R/W – Urban ⁴	120 ft.	120 ft.	150-200 ft.	200-300 ft.
Bike lanes/paths	Planned routes	Planned routes	Planned routes	Planned routes

¹ No roads of Type IV are included in this plan.

² Corner lots with less frontage than indicated are restricted to access along minor route.

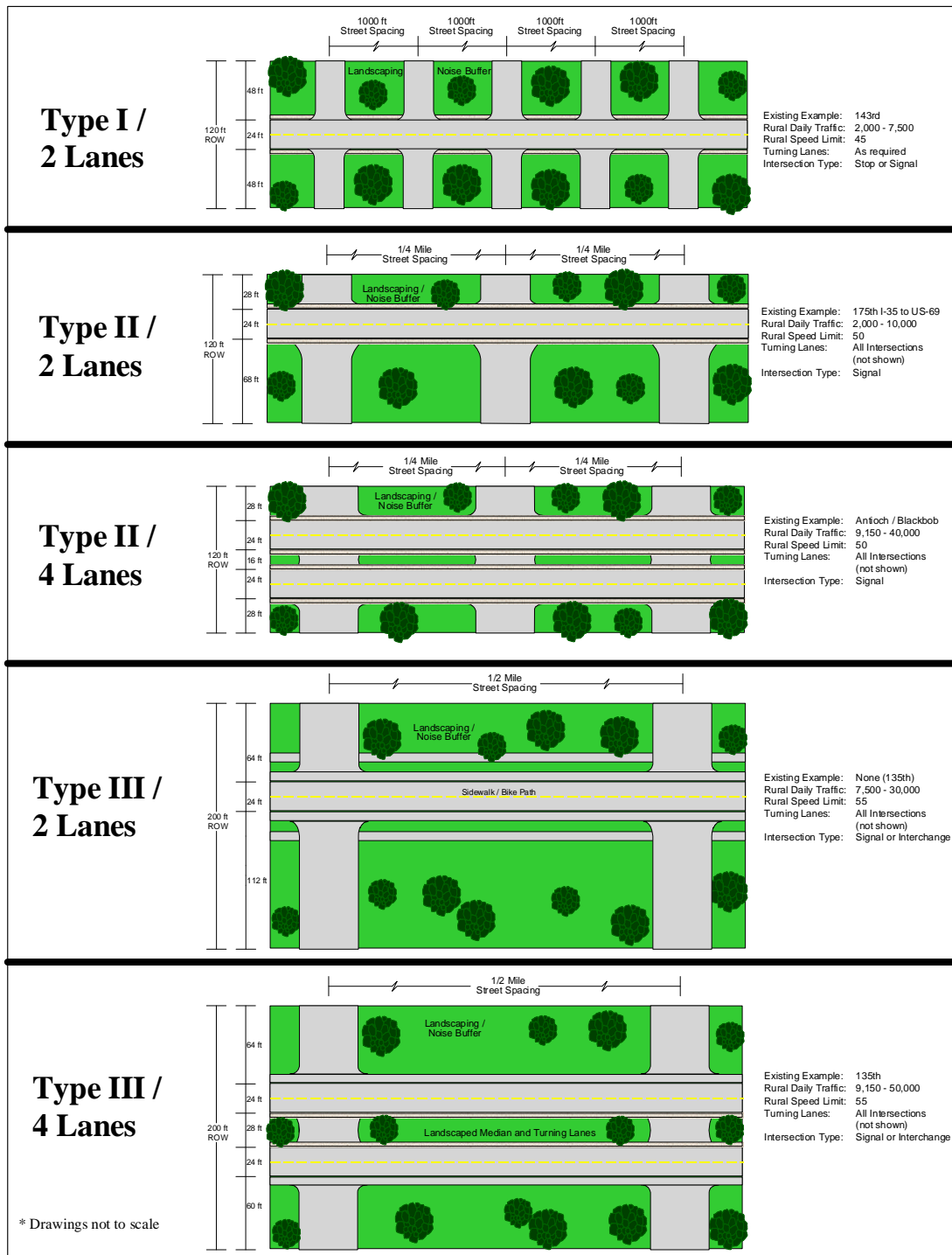
³ Frontage required for each driveway.

⁴ Urban roads are not now in the study area, but are included here to show compatibility with rural requirements.

Source: Johnson County Public Works, BWR Corp, Cities of Lenexa, Overland Park and Olathe

PART I -- Chapter 4: TRANSPORTATION PLAN

FIGURE 1: CONCEPTUAL SCHEMATICS OF ROADWAY TYPES



DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR _____ (Subdivision Name),
A SUBDIVISION TO THE CITY OF _____, KANSAS

KNOW ALL MEN BY THESE PRESENTS:

That _____ ("Declarant/Developer"), a Kansas limited liability company, being the owner and developer of the following-described property located in the City of _____, _____ County, Kansas, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO (the "Property")

said Property having been duly platted as Lots # _____ - _____, _____ (name of platted subdivision/addition), an addition to the City of _____, _____ County, Kansas, a copy of said Plat being attached hereto as Exhibit "B", and hereinafter referred to as "_____ (subdivision name) _____" ("the Subdivision"), this Declaration of Covenants, Conditions and Restrictions ("Declaration" or "Covenants") being for the benefit of Declarant and each successive owner of any Lot within the Property, and to provide for the efficient preservation and maintenance of the Property and Common Property contained therein, the Declarant desires to impose upon the Property the covenants, conditions, restrictions, easements, and charges contained in this Declaration and, further, shall create the _____ (subdivision name) _____ Property Owners Association, Inc., a Kansas non-profit corporation ("Association") to which will be delegated and assigned the power and obligation of maintaining the Property and Common Property and other Association business in accordance with the terms of this Declaration.

And the said Declarant, as owner and developer of said Property and Subdivision, does hereby state that these Covenants shall establish covenants running with the land for the period of time hereinafter set forth, as provided by law, and shall be binding upon all purchasers and owners of Lots within the Subdivision, and upon such owners' heirs, personal representatives, successors and assigns, and upon all persons claiming under them.

1. Definitions.

The following words, when used in these Covenants or any amendments or supplements hereto shall have the respective concepts and meanings set forth below:

"Addition" or **"Subdivision"** shall mean and refer to the Property described above.

"Association" shall mean and refer to "_____ (subdivision name) _____ Property Owners Association, Inc." established with or after the filing of this Declaration.

"Board" or **"Board of Directors"** shall mean and refer to the Board of Directors of the Association elected in accordance with the provisions of the ByLaws of the Association.

"Builder" shall mean a residential builder licensed under Kansas law.

"Common Property/Properties" shall mean and refer to the areas of mutual enjoyment and benefit within the Subdivision as identified on the Plat and to any and all other areas which service the Subdivision and Property or which is intended for or devoted to the common use, service and enjoyment of the Members of the Association, including but not limited to recreational facilities, trails, all sidewalks, easements, perimeter fencing, entry-ways and drainage retention/detention ponds. The Association shall hold such title to the Common Property as shall be consistent with the objectives envisioned herein and subject to the easement rights herein of the Members to use and enjoy the Common Properties or receive the benefits therefrom. The Declarant reserves the right to affect minor redesigns or reconfigurations of the Common Property and execute any open space declarations applicable to the Common Property.

"Declarant" and **"Developer"** shall mean and refer to _____ a Kansas limited liability company, and its successors and assigns.

"Lot" or **"Lots"** shall mean and refer to any plot or tract of land which is properly identified or designated as a lot on the Plat, but also may include lots within additional property upon and after the date which they are properly annexed or added to the Subdivision (as the context may require).

"Member" or **"Members"** shall mean and refer to each owner of a Lot.

"Owner(s)" shall mean the owner of a Lot and refer to each and every person or business entity who or which is a record owner or subsequently becomes a record owner of a fee or undivided fee interest in any Lot subject to these Covenants.

"Plat" shall refer to the plat of _____, filed of record in _____ County, on _____, Book _____, Page _____, and as attached as Exhibit "B".

2. Membership and Voting Rights in the Association; Additions.

(a) Membership. Every Owner of a Lot shall automatically be a member of the Association. In the event the Owner of a Lot is a corporation or partnership, a partner or corporate officer shall be designated to cast the vote on behalf of the partnership or corporation.

(b) Voting Rights. The Association shall have one (1) class of membership for purposes of voting. Owners shall be entitled to one (1) vote for each Lot owned by the Owner. Notwithstanding, the Declarant shall have four (4) votes per Lot on all matters until Declarant has conveyed 99% of the Lots to other Owners (at which time the Declarant shall have one (1) vote per Lot still owned).

(c) Election of Board of Directors. In addition to all other rights and privileges granted to the Declarant under this Declaration, and notwithstanding any provisions of the Bylaws to the contrary, the Declarant shall be entitled to appoint all of the initial Members of the

Board of Directors of the Association. This right shall continue until the sooner of when (1) the Declarant formally turns over control to the Association, which may be accomplished by the Declarant appointing replacement Directors consisting of Lot Owners other than Declarant or (2) the Declarant (or an affiliated successor thereof) no longer has any ownership interest in any Lots.

(d) Quorum, Notice and Voting Requirements. The quorum, notice and voting requirements of and pertaining to the Association are set forth within the Bylaws of the Association as the same may be amended from time to time. Subject to the provisions of Section (b) above and any other provision to the contrary set out in these Covenants or the Bylaws, any action by or on behalf of the Association, except for actions allowed to be taken by the Board of Directors alone, may be taken with the assent given in writing and signed by Members who collectively hold or control a majority of the outstanding votes of the Association.

(e) Additions to the Property/Subdivision. Additional tracts of land together with the improvements situated thereon may become subject to this Declaration and Covenants and added to the Subdivision if properly approved by procedures set forth in these Covenants or the Bylaws of the Association, or by the annexation of additional property which can be accomplished by Declarant (or an affiliated corporate owner) at any time without the joinder of any other party by recording a Supplemental Declaration hereto or by noting such annexation on a separate instrument/declaration for the additional lands to be annexed hereto. Upon doing so, any additional property subjected to this Declaration and added to the Subdivision shall be included in and deemed a part of the Association, subject to all rights, privileges, and obligations associated therewith pursuant to the terms hereof and the Bylaws

3. Assessments.

(a) Liens. Each Owner, except Declarant (affiliates), of any Lot, by the acceptance of a deed therefore, whether or not it shall be so expressed in such deed, covenants and agrees to pay the Association:

- (i) A one-time Initial Assessment upon receiving a deed for a Lot to supplement Regular Assessments for maintenance, taxes and insurance on Common Properties and other Association expenses.
- (ii) Regular assessments or charges for maintenance, operation, taxes and insurance on Common Properties as herein set forth and as established by the Association;
- (iii) Special assessments for capital or other improvements or acquisitions, which assessments are to be established and collected as hereinafter provided;
- (iv) Special individual assessments which might be levied against individual Lot Owners to reimburse the Association for extra costs for maintenance and repairs caused by the willful or negligent acts of the individual Owner, his family, guests, or invitees and not caused by ordinary wear and tear;
- (v) Individual assessments and fines levied against individual Lot Owners for violation of rules and regulations pertaining to the Association and/or Common Properties; and

The annual and special assessments, together with interest, costs and reasonable attorney's fees required to collect the same, if any, shall be a continuing lien against the Lot owned by the party failing to make the payment as due. Assessments shall be made pursuant to the Bylaws of the Association.

(b) Purpose. The assessments levied by the Board on behalf of the Association shall be used to enhance the natural environment, appearance and beauty of the Subdivision, promote the health, recreation, safety, and general welfare of the residents, and support the operation and maintenance, repair and improvement the Common Properties.

(c) Deposit of Assessments. All sums from assessments or related payments shall be collected and held by the Association and shall be used for the purposes set forth in these Covenants and the Bylaws of the Association.

(d) Initial Assessment. Upon the conveyance and/or closing of any Lot (and for all closings or conveyances of the same Lot thereafter), the new Owner shall pay a one-time Initial Assessment in the amount of \$_____ (no proration). This Initial Assessment shall be collected at closing by the closing company/agent or shall be paid by the new Owner upon conveyance and/or closing, without additional notice required from the Association. The Board may waive or suspend this requirement but such a decision shall not affect the applicability and validity of future Initial Assessments.

(e) Regular Assessments. The initial annual assessment per Lot shall be \$_____. Thereafter, the assessment rate shall be set by a vote of the Board of Directors of the Association and may be adjusted annually as the Board determines is necessary. The Board shall give notice to all Members at least thirty (30) days in advance of the date all regular or special assessments are due. All regular assessments shall be collected in advance and shall be due on or before January 1 for the year it is due or whatever other date as amended by the Board. The Board of Directors may not increase the annual assessments by more than twenty-five percent (25%) over the previous year's assessment without the approval of a majority of the Lot Owners to raise their assessments.

(f) Special Assessments. In addition to the regular assessments authorized above, the Board may levy in any assessment year a special assessment applicable to that year only for the purpose of defraying in whole or in part the cost of any construction, reconstruction, repair or replacement of any of the Common Property capital improvements or easements within the Subdivision. The decision to make the special assessment and the amount of the special assessment shall be made in accordance with the Bylaws of the Association.

(g) Effect of Nonpayment. If any assessment or fine or any part thereof is not paid on the dates when due, then the unpaid amount of such assessment shall be considered delinquent and shall, together with any late charge and interest thereon at the maximum rate allowed under applicable law, and costs of collection thereof, thereupon becoming a continuing debt secured by a self-executing lien on the Lot of the non-paying Owner which shall bind such Lot in the hands of the Owner and Owner's heirs, executors, administrators, devisees, personal representatives, successors and assigns. The Board shall have the right to reject partial payments of an unpaid assessment and demand the full payment thereof. The lien for unpaid assessments shall be unaffected by any sale or assignment of a Lot and shall continue in full force and effect. No Owner may waive or otherwise escape liability for any assessment provided herein by non-use of the Common Properties or abandonment of the Lot or House.

(h) Collection. No set-off shall be allowed to any Lot Owner for repairs or improvements, or for services contracted for by any Lot Owner without the express written authorization of the Board. The Board shall be entitled to collect from the Lot Owner all legal costs, including a reasonable attorney's fee incurred by the Association in connection with or incidental to the collection of such assessment, or in connection with the enforcement of the lien resulting therefrom. The lien of the assessments shall be subordinate to the lien of any bona fide first mortgage upon a Lot.

(i) Exempt Property. Any Property and/or Lots that are (i) owned by Declarant or (ii) designated as Common Property and owned by the POA shall not be subject to assessments as provided herein.

4. Duties and Powers of Association.

The affairs of the Association shall be conducted by its Board. In addition to the duties and powers of the Association as set forth in the Bylaws, or as hereinabove set forth, and in order to carry out the obligations of the Association, the Board shall have the following rights and powers and may provide for and pay for, out of assessments, the means to exercise the following rights and powers:

(a) Maintain and otherwise manage all the Common Properties and all improvements and landscaping on the Common Properties and at the entrances to the Subdivision, including provision for taxes, insurance and utilities which pertain to Common Properties.

(b) Hire legal and accounting services to serve the Association.

(c) Obtain and maintain such policy or policies of insurance as the Association may deem necessary or desirable in protecting the interest of the Association and its Members.

(d) Authority to employ a manager or other person under contract with independent contractors or managing agents to perform all or any part of the duties and responsibilities of the Association including a yard maintenance service. The manager under contract may be affiliated with the Developer.

(e) Provide materials or other supplies or services which the Board may be required to obtain or pay for pursuant to these Covenants for the benefit of the Association.

(f) To enter into contracts, maintain one (1) or more bank accounts and generally to have all powers necessary or incidental to the operation and management of the Association.

(g) To execute all declarations of ownership for tax assessment purposes as necessary.

(h) To make reasonable rules and regulations for the operation of the Common Properties and to amend these Covenants from time to time.

(i) To request and accept funds from the Developer/Declarant, or an affiliated Builder, to support and subsidize Association matters and expenses, when necessary, and to

reimburse Developer/Declarant, or the affiliated Builder, for such funds upon receipt of written invoice/request.

5. Limitation on Liability.

The Association shall be entitled to all protections afforded under the Kansas General Corporation Act and any other laws providing protection to owner's associations. Neither any Member nor Owner, nor the Directors and Officers of the Association shall be personally liable for debts contracted for or otherwise incurred by the Association or for any torts committed by or on behalf of the Association or otherwise. Neither the Declarant, the Association, its Directors, Officers, Agents or Employees shall be liable for any incidental or consequential damages, for failure to inspect any premises, improvements or portion thereof, or for failure to repair or maintain the same.

6. Property Rights in the Common Properties.

(a) Members' Rights. Every Member and their family members has the non-exclusive right to benefit from, use and enjoy the Common Properties subject to all applicable codes and ordinances, including without limitation the right to benefit from any services, whether utility or otherwise, that the Common Property offers. Such right is an appurtenance to the Property and passes with the title to every Lot; provided, however, it does not give such person (excluding the Declarant) the right to make alterations, additions or improvements to the Common Property.

(b) Title to the Common Properties. The Declarant may convey title to the Common Properties to the Association, or in the case where easements constitute part of the Common Properties, Declarant may assign and transfer such easements to the Association, subject to the lien of taxes and assessments for the current year not yet due and payable, utility easements, pipelines, set-back lines, mineral interests and other restrictions of record. Upon such conveyance, the rights, obligations and liabilities with respect to any such Common Properties shall belong solely to the Association.

(c) Extent of Members' Rights in Common Property. The rights and easements created hereby shall be subject to the following:

- (i) All applicable local, state and federal codes, ordinances and restrictions, with specific regard to construction limitations and maintenance requirements as set forth herein or otherwise.
- (ii) The right of the Board to prescribe or to enact regulations governing the use, operation, and maintenance of the Common Property.
- (iii) The right of the Association in accordance with its Bylaws to borrow money for the purpose of improving, maintaining and servicing Common Property and facilities.
- (iv) The right of the Association as may be provided by its Bylaws to suspend the voting rights of any Member and to suspend the right of any individual to use any of the Common Property, including recreational facilities, for any period during which any assessment against a Lot owned by such Member remains unpaid, or for the misuse or abuse of any Common

Property or rights related thereto, including the right to seek reimbursement or damages from the delinquent Member therefor.

- (v) The right of the Association to dedicate or transfer all or any part of the Common Property to any public agency, authority or utility for such purposes and upon such conditions as the Board of the Association may determine in its sole discretion.

(d) Recreational Facilities. The Common Properties may now or hereafter contain certain recreational facilities (pool, clubhouse, playground, etc.) constructed by Declarant, or its affiliate or assignee, for the use and enjoyment of Members. The Declarant may convey any such facilities to the Association as part of the Common Properties and the Association shall be responsible for all aspects thereof. The owner of the recreational facilities, whether the Declarant or the Association, may enact rules and regulations governing the recreational facilities and the use thereof, including setting schedules limiting the time of use, reserving recreational facilities for short periods of time to be used by certain Members, establishing rules for conduct, and any other rules deemed necessary by the Board. The Declarant or the Board may also extend the right to use the recreational facilities to invitees and guests of Member's subject to rules and regulations enacted by the Board. Such rules may include (i) charging a fee to Member's and/or their guests and invitees for use of the recreational facilities, (ii) the right to suspend a Member's right to use the recreational facilities for their conduct or the conduct of their guests or invitees, and (iii) to limit the number of guests and invitees that may use the recreational facilities. Use of the recreational facilities by Member's and their guests and invitees shall be at their own sole risk and all Members expressly assume all risks associated therewith.

7. Maintenance of Common Property.

(a) Association's Responsibility.

- (i) The Association shall maintain and keep in good repair, service, condition and function the Common Properties, including the recreational facilities, sidewalks and entrances. The Association shall also maintain any perimeter and/or screen fencing that may surround the borders of the Subdivision or divide parts of the Subdivision from properties (commercial or otherwise) outside of the Subdivision. The maintenance of the Common Properties shall include, without limitation, maintenance, repair, replacement, planting, sodding, and all other necessary maintenance and repairs of whatsoever nature as may be required by city, state or federal code or ordinance with respect to the Common Property and the facilities related thereto.
- (ii) The cost to the Association of maintaining the Common Property shall be assessed equally among the Members as part of the assessments pursuant to the provisions of these Covenants, except as otherwise stated herein.

8. Easements.

Other than for primary service of the Subdivision and within platted easements, there shall be no above-ground service for utilities except those lines or poles that shall be approved, in writing, by a majority vote of the Board. Each Owner shall be responsible for the protection of

underground utilities located on his or her Lot and shall prevent and be precluded from any alteration of grade or construction activity which may interfere with said utilities.

9. Use and Division of Lots.

No Lot may be divided or split. The Subdivision (and each Lot situated therein) shall be constructed, developed, occupied and used as follows

(a) Residential Lots. All Lots within the Subdivision shall be used, known and described as Residential Lots. Only one single family residential dwelling shall be permitted on each Lot. In addition, only customary and usual necessary structures may be constructed on each Lot as may be permitted by the City. No building or structure intended for or adopted to business purposes shall be erected, placed, permitted or maintained on any Lot. This Covenant shall be construed as prohibiting the engaging in or practice of any commerce, industry, business, trade or profession within the Subdivision and/or within any Lot. The restrictions on use herein contained shall be cumulative of and in addition to such restrictions on usage as may from time to time be applicable under and pursuant to the statutes, rules, regulations and ordinances of the City or any other governmental authority or political subdivision having jurisdiction over the Subdivision.

(b) Residential Purposes. By acquisition of any Lot within the Subdivision, each Owner (excluding bona fide home builders) covenants with and represents to the Declarant and to the Association that the Lot is being specifically acquired for the specific and singular purpose of constructing and using a single family residential dwelling thereon, or as a residence for such owner and/or owner's immediate family members.

(c) Submission of Plans. In order to maintain a beautiful and pleasing setting in the Subdivision two (2) sets of building and site improvement plans and specifications must be submitted to the Architectural Control Committee ("Committee") for its approval prior to the commencement of construction (this requirement shall not be applicable to the Declarant or any affiliates thereof). The Committee shall act to enforce the requirements of these Covenants in a reasonable manner. The Committee has the authority to maintain the architectural conformity of the Subdivision, and in consideration thereof shall determine that the proposed construction shall not detract from the development and shall enhance the purpose of the development to provide a beautiful and pleasing setting in the Subdivision. The Committee shall consider such matters as the proposed square footage, location, materials, exterior style and landscaping, etc. The Committee may adopt rules or bylaws explaining the mechanics of its operation and providing for a twenty-one (21) day maximum time within which plans must be reviewed and approved or disapproved after submission, and if not approved or disapproved in that period, that the same shall be considered as automatically approved. The Board may also exercise the duties of the Committee in the event the Board deems it necessary and efficient to do so.

(d) Minimum Square Footage. The minimum heated and cooled square footage for any single family home construction on the Lot within the Subdivision shall be _____.

(e) Architectural Requirements.

- (i) Each dwelling shall front a dedicated public street.
- (ii) No building shall be located closer to the street than the minimum building or set-back lines shown on the recorded Plat.

- (iii) All residences shall have roof shingles that are grey or black in color, preferably Weatherwood. Deviation from this color requires approval from the ARC

(f) Additions to Existing Structures. All additions shall conform to the basic styling and materials of the dwelling on any Lot. All additions shall fall within the building set-backs on said Lot and shall not be placed over any drainage or utility easement. All improvements shall be constructed in accordance to applicable City codes, rules and regulations. Any additions contemplated by the home owner or lot owner must submit plans prior to construction to the Committee for approval. The Committee has complete and sole discretion to approve, modify, deny or change any request for an addition to an existing structure.

(g) Surface Drainage. Each Lot shall receive and drain in an unobstructed manner the storm and surface waters from Lots and drainage areas of higher elevation and from public streets and easements. No Lot Owner shall construct or permit to be constructed any fencing or other obstructions which would impair the drainage of storm and surface waters over and across his Lot. The foregoing covenants set forth in this paragraph shall be enforceable by any affected Lot Owner and by the City.

(h) Garage and Detached Structures and Storage Buildings. No carports are allowed on the side, rear or front yards of any Lots. Each garage shall be fully enclosed and contain a full-length overhead style door. All garage doors are to be kept closed when not entering or exiting the garage. Any detached structure to be built on a Lot, such as a covered entertainment area, guest house, pool house, storage building, or other structure, shall conform to the basic styling and materials of the residential dwelling. Any detached structure contemplated for construction by any home owner or lot owner must, prior to construction, submit acceptable plans to the Committee for approval. The Committee has complete and sole discretion to approve, modify, deny or change any request for an addition to any existing structure.

(i) Temporary Structures. No trailer, mobile home, tent, construction shack, or other outbuilding shall be erected on any Lot in the Subdivision except for temporary use by construction contractors for a reasonable period of time.

(j) Fences. No fence shall be constructed on any said Lot in the area between the front building line of any dwelling and the front lot line of any said Lot. No fence on a corner lot shall be constructed beyond the side set-back line toward the street except for the community entry. Further, the placement/location of any perimeter fencing around the Subdivision as initially installed by the Declarant and/or original developer may not be adjusted, relocated or moved without the prior consent of the Committee and/or the Board. Any privacy fence shall be constructed so that the framing shall be toward the inside of the owner's lot. All fences must be installed by a professional installer and shall be six foot (6') wood privacy fencing with vertical boards (not horizontal) and no chain-link fences, wire, hog wire, or other similar materials shall be permitted. Prior to installation, the fence design and name of the installer must be approved by the Committee.

(k) Mailboxes. All mailboxes shall be approved by the United States Postal Service. The type of construction shall be consistent with the design established by the Developer. Community mailbox is an approved alternative subject to approval of the United States Postal Service.

(l) Signs. No sign of any kind shall be displayed to the public view on any Lot except one professional sign advertising the Property for sale, resale or rent, or signs used by builder or agent to advertise the Property during the construction and sale of a dwelling thereon. In no event shall any such sign stand more than seven (7) feet above ground level, nor be more than five (5) square feet in size, nor be lighted at night. These signage restrictions and requirements shall not apply to Declarant.

(m) Parked Vehicles. All vehicles parked in the front of the front building line must be parked on the driveway. No inoperative vehicles of any nature shall be permitted to remain on any Lot or Lots for a period in excess of one (1) day. It is the intention of the Declarant that, except on special occasions such as holidays or events at an Owner's residence that all parking shall be in driveways and not on a street or on any yard. Accordingly, no vehicle shall be parked on the street for more than two (2) consecutive days and shall not be parked overnight on a street. Any violation of this section may result in a towing of the vehicle at the owner's expense per municipal regulations. No vehicle maintenance shall be performed on the streets or in the front yards or on parking pads of any Lot.

(n) Appearance of Lot. All Owners shall be required to keep their Lot in a clean and sanitary condition whether or not they have constructed a residence on the Lot. All open areas on Lots shall be kept mowed to a height of not more than six (6) inches. No playgrounds, swing sets, trampolines, swimming pools, picnic tables, or other similar equipment is allowed in the front yards of any Lot. The Board and Committee may promulgate rules and regulations regarding the maintenance of Lots and adequate enforcement mechanisms in the event a Lot is not properly maintained.

Upon failure of the Owner to maintain or landscape the grounds of any Lot in accordance with the provisions above, the Association may, upon 15 day's written notice to the Owner, cause the grass, weeds and vegetation to be cut. The cost of any maintenance required under this section and any enforcement costs shall be assessed to the Owner, and shall constitute a lien upon the Lot, and may be collected in accordance with Section 3.

(o) Recreational Vehicles and Accessories. No boats, trailers, recreational vehicles, and vehicles used for recreational purposes are allowed in the subdivision unless they will fit entirely into a private garage.

(p) Storage and Construction Materials. Construction materials may only be stored on a Lot for thirty (30) days prior to the commencement of construction. Thereafter, construction is to be completed within a reasonable period of time. The Declarant shall be allowed to store materials on a Lot in an orderly fashion as long as may be reasonably necessary.

(q) Garbage/Dumping. Dumping is prohibited in the Subdivision. All trash, garbage or other waste shall be kept in sanitary containers that shall be located at the rear of each residential unit or enclosed garages and must be out of sight from the street. All Lots shall be maintained in a neat and orderly condition at all times.

(r) Model Home and Construction Facilities. Model homes for the purposes of home sales are permitted by the Declarant. The garage of model homes may be used as sales offices. One trailer or temporary building may be located on a residential lot by the Declarant and used as a construction office until the Subdivision reaches one-hundred percent (100%) occupancy.

10. Nuisances.

No noxious or offensive activity shall be carried on in, upon, or around any residence or Lot or in or upon any Common Property or easement areas, nor shall anything be done thereon which may be or may become an annoyance or a nuisance to the remaining Owners or their tenants or licensees or any of them, which shall in any way interfere with the quiet enjoyment of such of the Owners, tenants, or licensees of his respective residence of Lot or which shall in any way increase the rate of insurance for the Property.

11. Regulations.

Reasonable regulations concerning the use of the Property, including Common Property and all other areas which the Association maintains, regardless of fee ownership, may be made and amended from time to time by the Association.

12. Enforcement of Obligations; Miscellaneous.

(a) Each Owner shall be governed by and shall comply with the terms of these Covenants and the Bylaws of the Association. Upon failure of an Owner to so comply, the Declarant, the Association, any mortgagees having a first lien, or other Owners shall have the right to institute legal proceedings, and the prevailing party shall be entitled to recover its or his legal costs, including reasonable attorney's fees. The failure of any of the foregoing named entities or persons to enforce any right, requirement, restriction, covenant, or other provision of the hereinabove named documents, shall not be deemed to be a waiver of the right to seek judicial redress against subsequent noncompliance therewith.

(b) Fines. The Association may levy reasonable charges, as an Individual Assessment, against an Owner and his Lot if the Owner or Resident, or the Owner or Resident's family, guests, employees, agents, or contractors violate a provision of the Documents. Fines may be levied for each act of violation or for each day a violation continues, and do not constitute a waiver or discharge of the Owners obligations under the Documents.

(c) Any and all of the provisions contained in these Covenants may be changed or amended at any time by a written instrument signed and acknowledged by the Declarant during such period that the Declarant (or an affiliated successor thereof) is the record owner of at least one (1) Lot, or alternatively these Covenants may be amended or terminated at any time by a written instrument signed and acknowledged by the Owners of sixty percent (60%) of the Lots. In the event of any conflict between an amendment or termination properly executed by the Declarant (during its ownership of at least one (1) Lot) and any amendment or termination properly executed by the Owners of sixty percent (60%) of the Lots, the instrument executed by the Declarant shall prevail during the time of the Declarant's ownership of at least one (1) Lot. The provisions of any instrument amending or terminating these Covenants shall be effective from and after the date it is properly recorded.

(d) Notice. Any notice required to be given to any Member or Owner shall deemed to have been properly delivered when deposited in the United States mail, postage pre-paid, addressed to the last-known address of the person who appears as the Member or Owner on the records of the county at the time of such mailing.

(e) Disputes. Matters of dispute or disagreement between Owners with respect to interpretation or application of the provisions of these Covenants shall be determined by the Declarant. These determinations (absent arbitrary and capricious conduct or gross negligence) shall be final and binding upon all Owners.

(f) Subject to the amendment provisions above, these Covenants shall run with the land and shall be binding on all parties and all persons claiming under the land and the Property for a period of twenty (20) years from the date this instrument is recorded, after which time said Covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then-Owners of the Lots has been recorded agreeing to change said Covenants in whole or in part.

(g) If any provision of this Declaration or any section, clause, phrase, work or application thereof in any circumstance is held to be invalid, the validity of the remainder of these Covenants and of the application of the remaining provisions shall not be affected thereby.

IN WITNESS WHEREOF, _____, a Kansas limited liability company, has authority to cause these presents to be duly executed by the undersigned on this _____ day of _____, 20____.

_____(Declarant Name)_____

By_____

Title:_____

ACKNOWLEDGMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

On the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the _____ of _____ and whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal this _____ day of _____, 20____.

Notary Public
Filing No. _____

My Commission Expires:

(Seal)

EXHIBIT A

EXHIBIT B
Plat