In an effort to follow social distancing guidelines during the COVID-19 pandemic, the City of Gardner Planning Commission meeting on May 26, 2020 will be held remotely. We continue to encourage public participation in the planning process and offer the following options for citizen involvement.

LIVE ONLINE STREAMING

Watch this meeting live, without participation, on the City's YouTube channel at https://www.youtube.com/user/CityofGardnerKS

PUBLIC COMMENT

- If you wish to provide written public comment regarding any items on the agenda by email, please provide them by noon on May 26, 2020 to mleininger@gardnerkansas.gov. All comments will be made part of the public record and shared with the Planning Commission.

- To participate via Zoom, email Michelle Leininger at mleininger@gardnerkansas.gov with you name, address, and the public hearing item case you wish to speak on no later than 4 pm, April 28, 2020. If you are unable to notify the Planning Department prior to 4 pm, then during the public hearing for that case that you want to speak on you will need to use the "raise your hand" function in the Zoom app to notify the Planning Division you wish to speak. Individuals will be given the opportunity to speak in the order the request was received.

ZOOM MEETING

Join from most electronic devices

Join Zoom Meeting
https://us02web.zoom.us/j/81631115451?pwd=c2VnOVIxOFJ0VG9ISmxXcDFYeUlXZz09

Meeting ID: 816 3111 5451
Password: 020274

Dial by your location
+1 312 626 6799 US
Find your local number: https://us02web.zoom.us/u/kcvLJeqPwq

QUESTIONS

Larry Powell, Business & Economic Development Director
lpowell@gardnerkansas.gov
913-856-0919

AGENDA

Planning Commission Meeting
Tuesday, May 26, 2020
7:00 pm
Via Zoom

CALL TO ORDER

ROLL CALL

CONSENT AGENDA

All matters listed within the Consent Agenda have been distributed to each member of the Planning Commission for study. These items are considered to be routine and will be enacted upon by one motion with no separate discussion. If separate discussion is desired on an item, from either the Planning Commission or from the floor, that item may be removed from the Consent Agenda and placed on the Regular Agenda.

1. Standing approval of the minutes as written for the meeting on April 28, 2020.

REGULAR AGENDA

1. **HILLTOP RIDGE**
   FP-20-06: Consider a final plat for approximately 17 acres for Hilltop Ridge 1st Plat for 32 single-family lots located just west and south of the intersection of 167th Street and Kill Creek Road.

2. **PRAIRIE TRACE MEADOWS - DEFERRED TO JUNE 23, 2020**
   Located southeast corner of W 175th Street and Interstate 35
   a. **FDP-20-02**: Consider a final development plan for 27 single-family lots, phase 1 of Prairie Trace Meadows.
   b. **FP-20-02**: Consider a final plat for 12.76 acre Prairies Trace Meadows, First Plat.

3. **PRAIRIE TRACE ESTATES - DEFERRED TO JUNE 23, 2020**
   Located southeast corner of W 175th Street and Interstate 35
   a. **FDP-20-03**: Consider a final development plan for 27 single-family lots, phase 1 of Prairie Trace Estates.
   b. **FP-20-03**: Consider a final plat for 17.93 acre Prairie Trace Estates, First Plat.

DISCUSSION ITEMS

NONE

ADJOURNMENT

PLANNING COMMISSION MEETING
City of Gardner, Kansas
Tuesday, April 28, 2020
7 p.m.
Remotely via Zoom

CALL TO ORDER

The meeting of the Gardner Planning Commission was called to order using Zoom at 7:00 p.m. on Tuesday, April 28, 2020, by Chairman Scott Boden.

ROLL CALL

Commissioners present:
Chairman Boden
Commissioner Deaton
Commissioner Ford
Commissioner Hansen
Commissioner McNeer
Commissioner Meder
Commissioner Simmons-Lee

Staff members present:
Larry Powell, Director, Business & Economic Development
Kelly Drake Woodward, Chief Planner
Michelle Leininger, Principal Planner
Robert Case, Planner
Ryan Denk, City Attorney

The applicants of the cases and members of the public who submitted their request to speak in advance of the meeting were present via Zoom.

CONSENT AGENDA

1. **Approval of the minutes as written for the meeting on March 24, 2020.**

   Motion made by McNeer and seconded by Ford.

   Motion passed 7-0.

REGULAR AGENDA

1. **PRAIRIEBROOKE DUPLEXES - WITHDRAWN**
   Located northwest and south of the intersection of Pratt Street and 174th St.
   Z-20-05: Hold a public hearing and consider a rezoning for five lots, Lots 9, 10, 11. 15 and 16 in Prairiebrooke Subdivision from RP-2 District to R-2 District.

DRAFT

2. **PRAIRIE TRACE MEADOWS**
   Located southeast corner of W 175th Street and Interstate 35
   a. **FDP-20-02**: Consider a final development plan for 27 single-family lots, Phase I of Prairie Trace Meadows.
   b. **FP-20-02**: Consider a final plat for 12.76 acre Prairie Trace Meadows, First Plat.

Ms. Michelle Leininger, Principal Planner, began the presentation of the final development plan with a description of the properties. The properties are currently zoned County RUR, (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts. The rezoning for the Meadows portion of the development is in process to the RP-2 District. The Meadows includes the smaller, minimum 50' wide lots and phase one includes 27 lots, a portion of New Trails Parkway, 177th Street and Houston Street which is the main street through this phase. She presented a landscape plan showing the general building footprints and the proposed street trees. The facades will be stucco and stone veneer with architectural details such as columns and curved doorways and windows. Staff has found this plan generally in compliance with the preliminary development plan and is consistent with various policies in the Comprehensive Plan. The proposed arrangement of buildings and open space is consistent with good planning and engineering practices and principles while the architecture and building design uses quality materials and context appropriate style. The project is within one mile of New Century AirCenter and requires County review.

The three deviation requests are as follows:

1. **Section 17.08.030(A) Planting Requirements – Table 8-1; Other Open Areas Generally**
   Standard: 1 tree per 10,000 sf
   Proposed: None
2. **Section 17.08.030(A) Planting Requirements – Table 8-1; Other Open Areas Generally**
   Standard: 1 shrub per 5,000 sf
   Proposed: None
3. **Section 17.07.050(c) Frontage Design; Design Standards; Neighborhood Yard; Design and Performance Standards**
   Standard: One small tree for every 50' of frontage; OR one medium or large tree for every 100' of frontage (in addition to required street trees)
   Proposed: None

The applicant has stated they anticipate creating a Home Owners Association (HOA) to govern these lots for both the Meadows and Estates developments. Within the HOA will be requirements to spend a certain amount of money on landscaping and the applicant feels a need for flexibility from these three standards because of the smaller lots with front loaded driveways. The standards are a minimum for required landscape and the locations for the landscape is only prescriptive for the frontage tree which requires the tree to be in the front yard. The other general requirements for trees and shrubs can be located anywhere on the site. Generally, a lot in this phase would require 1 frontage tree, 1 general tree and 2 shrubs as a minimum. With the City having no control over an HOA, a minimum requirement for landscape is necessary in order to assure landscape on each lot. In an extreme situation, a lot could be developed only containing grass. This does not support the benefits and aesthetics to the community that the landscape requirements are trying to achieve. Landscape provides many benefits to the community and that is what

staff supports with these requirements. Staff is recommending the applicant be required to meet the minimum standard as outlined in the Code. Staff also recommends approval of FDP-20-02 for Prairie Trace Meadows 1st Phase with the conditions outlined in the recommended motion.

Mr. Travis Schram, Grata Development and applicant, said that during his presentation during the preliminary plat process, he wanted to replicate his success in other municipalities in Gardner. He is creating a value proposition that drives more households to this City. The deviations requested are focused on giving the homeowner the most bang for their buck and making the sales process for the homeowner as easy as possible. He stated the builder is his customer and this made it easiest for them, also. He said the landscape requirements per Gardner Code would require them to dictate the species of the trees for street trees and track the trees on individual lots. He mentioned codes of other local municipalities. He explained that at the beginning of the sales process for a development he works up a neighborhood addendum, a standard addition to each lot that will be added to the base price of each home. This allows a builder to advertise a flat price for their homes across a city. He said these regulations were brought up frequently at builder meetings to find ways to appropriately revise the Code to make it more attractive for builders to do business in Gardner. Although he was not trying to change the Code tonight, he was trying to make things easier for his builders. He went on to say he was not discounting the value of landscaping but this phase called for 116 trees and $33,750 in landscaping on 13.2 acres. He believes his proposal facilitates a more transparent sales process and allows the consumer to get the best value for their money. He asked the Commission to approve the plan but strike conditions 7-10 on the recommended motion.

COMMISSION DISCUSSION

Commissioner Deaton said she understood the trees were needed to pass Code and wanted to know if there was any enforcement of the Code by the City on the homeowner to maintain the landscape.

Ms. Leininger replied Code Enforcement would be responsible for that and it was typically brought to the City's attention by a complaint. The City does not count trees looking for violations. When building permit applications are submitted (for new homes), they are required to include the number of trees and shrubs to be planted to meet Code. A Certificate of Occupancy is not granted until all landscape and sod is planted and inspected.

Commissioner Hansen commented he was in favor of the motion in its existing form.

Commissioner McNeer asked if staff could relax the diversity of the specifying of species of trees and the spacing but still maintain the City's intent on street trees.

Ms. Leininger answered staff works with builders when they bring their building plans in. Once all driveways and sidewalks are in, there are times when staff relaxes the street tree requirements when trees will not fit the space available due to objects such as hydrants or light poles. The different genus and species are required because of the potential for disease that could destroy all trees on a street. Staff is flexible when working with developers and builders. The proposed is a standard plan for street trees required by Code and there is the opportunity to deviate from those standards if the Commission wishes.

Commissioner McNeer said he was in agreement with the motion as written but wondered if the Commission could put a deviation together to accommodate some more flexibility in the selection of species.

Ms. Leininger replied the City has an extensive list of recommended street trees and landscape trees both large and small for use in this area. There are many options and species can be swapped out when certain types of trees are unavailable.

Commissioner Meder stated she agreed with staff, the City needs landscape and that is the reason the Code was written as such. She was in full support of the recommended motion and was confident staff would work with developers and there's also an administrative adjustment process that could be worked through.

Chairman Boden stated he did not mind the proposal of the developer of $1,500 landscaping plus one tree because it somewhat hits the intent of the LDC but he did have an issue with the proposed HOA. HOAs can be absolved and some are run better than others. He supported the motion as written.

Motion made after review of application FDP-20-02 a final development plan for Prairie Trace Meadows, on a portion of tax ID CF231429-3002 and final development plan dated April 17, 2020, and staff report dated April 28, 2020, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. **Remove the proposed lot entrances into adjacent properties off New Trails Parkway.**
2. **Revise the landscape plan, in the data summary, removed the details regarding Tract A.**
3. **Revise the landscape plan, section for building standards, update the Allocation of Landscape Space Required to reflect what was approved on the PDP.**
4. **Revise the landscape plan, update the information regarding 177th Street to be a Collector-Standard Street and tree spacing to be 40'-60' on center.**
5. **Revise the landscape plan, remove the note regarding trees in the sight triangle.**
6. **Revise the landscaping plan to show street trees out of the sight triangles, or if they are proposed within the sight triangle, they shall be located no closer than 30' to the intersecting right-of-way and that they do not have any foliage, limbs, or other obstructions between two and eight feet.**
7. **Revise the summary on the landscape plan to require to meet the Other Open Areas Generally standard of 1 tree per 10,000 sf of lot area.**
8. **Revise the summary on the landscape plan to require to meet the Other Open Areas Generally standard of 1 shrub per 5,000 sf of lot area.**
9. **Revise the summary on the landscape plan to require to meet the Neighborhood Yard frontage type requirement of 1 small tree for every 50' feet of frontage; OR one medium or large tree for every 100' of frontage (in addition to required street trees).**
10. **Add a note stating that each lot shall meet the applicable Code landscaping standards to be reviewed at the building permit stage.**

11. **Applications Z-20-01, PDP-20-01 and PP-20-01 shall be approved/published and all conditions met prior to the release of any building permits for this application.**
12. **Correct the alignment of Houston Street to the south as it shows offset across 178th Street.**
13. **Provide a written agreement that Southern Star has reviewed the plans and agrees to the proposed street crossings and 10' concrete trail and associated easements to be located within their 66' gas pipeline easement.**
14. **The applications shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.**

Motion made by Meder and seconded by McNeer.

Motion passed 7-0.

Mr. Schram stated he wished to withdraw the application of FDP-20-02 or continue it to a date uncertain.

Ms. Leininger asked which he wanted.

Mr. Schram stated he wanted to continue it to a date uncertain.

Mr. Ryan Denk, City Attorney, explained the options for reconsidering the vote on the previous item.

Motion made to reconsider the previous action by McNeer and seconded by Deaton.

Meder asked for clarification of what they were getting ready to vote on. She asked if it was because the developer raised his hand to speak prior to the previous vote but his hand signal was not seen by Chairman Boden. She asked if an applicant would be allowed to speak again if all participants were present in a normal setting.

Chairman Boden replied it was because the applicant had his hand raised prior to the motion being read.

Commissioner Meder said that typically a decision to continue an application to a later date would be made during discussion, prior to a vote on it.

Mr. Denk said Commissioner Meder was correct if the continuance was at the request of the developer. It should have been done before action was taken.

Chairman Boden said the issue here was the applicant's raised hand prior to the vote could have been to continue the plan but he did not see it.

Mr. Denk reiterated the options for reconsidering the vote on the previous item.

Motion approved 6-1.

FDP-20-02 was back for reconsideration. Mr. Schram was asked to speak.

Mr. Schram said Ms. Leininger talked about these requirements being the baseline of what was required by the City. He understood that but later she mentioned the ability to swap landscape materials out to avoid streetlights and driveways or swap out species if things were not available. He viewed that as grey area. He said he made a commitment to Gardner per the development agreement to pull 30 building permits per year. When he reviewed these regulations he thought about what could stop him from crossing that finish line. He said by definition, a street tree in the middle of a driveway could stop him from crossing it. It is a legal document so it is important and this was the baseline. This was not about the number of trees or shrubs and there would be landscape allotments for them. It was about grey areas because he would pay $15M if he missed this. He said he heard staff would help take care of things at the building permit stage but that was a lot of trust and faith to wait for when there was something in writing that was the law. He was not comfortable with what he perceived as grey area to get him across the finish line. He felt the additional tree and requiring a certain level of landscape through the HOA might not be the right mechanism so maybe he would find the right one. The mechanism Gardner currently has in place requires grey area to get building permits in a subdivision and he is not comfortable with it. He said he was following the same guidelines he used in Olathe, Basehor and Spring Hill. A continuance might help them find something that all can be comfortable with.

Ms. Woodward wanted to clarify the “grey area” to which Mr. Schram was referring. She said if the deviations were not approved as shown, the developer would have to follow the process all of the other developers have followed. This means when they submit their building permit applications they also submit a plot plan on which is required there be a landscape table. The table includes the required number of frontage trees and provided number of frontage trees; this is also done for the street trees, interior trees (that can be located anywhere on the lot) and shrubs. Locations and species of trees and shrubs are not shown on the plot plan. There is a note on the plot plan that reads the developer will meet the City Code regarding species diversity. This is done for each individual house at the building permit phase. Staff works with developers, especially on cul-de-sacs, and would not require a tree in the middle of a driveway.

Commissioner Meder commented she sees it as flexibility and not a grey area. She complimented staff on the staff report that explained what was required. She continued to say this was not Spring Hill, Basehor nor Olathe but Gardner and Gardner is going to be different. Tons of hours were put into the Land Development Code for this reason. She said staff does a great job of being flexible and working with developers and she hoped that would calm some of the concern of Mr. Schram.

Commissioner McNeer said he would like to help the builders who want to build in this community and make sure the City is listening to their concerns and needs to make them comfortable and invest in Gardner. He said sometimes the needs of the market may change and to advance this community and be good business partners with developers the City may need to be open to what they want to do.

Commissioner Deaton commented she understands the developer is not comfortable with this and did not want to move forward with something he feels is a grey area. She felt it a disservice if the Commission voted on something he did not want. The City offers flexibility so should lay those flexible options out so everyone feels comfortable moving forward.

Commissioner Meder said she views the role of the Planning Commission is to live by the Code, make adjustments, and abide by the principles of planning. She does not see money as part of the PC duties while the Governing Body would have a different perspective.

Chairman Boden stated Commissioner Meder was correct about the Code but the Commission also made deviation rulings and this one was within their ability on deviations.

Ms. Woodward said the Commission's job is to understand and enforce the Code's intent and flexibility can be offered if it meets the intent of the Code. Staff's job is to support the Commission in doing that. The only reason staff has concerns about this is because the City has no mechanisms in place to enforce HOA regulations regarding landscaping.

Ms. Leininger wanted to make it clear that the deviation requests were for the landscaping that is required on the lots, and the focus of discussion had been mainly about street trees which are located in the street right-of-way. Those are what staff typically flexes with at the building permit phase. The development plan shows a layout of trees based on the best information available now, however the City flexes on street trees once all of the information is known such as locations of driveways, sidewalks and light poles. She said she wanted to make sure the Commission was viewing the street tree issue and the lot landscaping as separate issues regarding deviation requests (the deviation requests pertain to individual lot landscaping).

Motion to table Item 2a, FDP-20-02 until the next Planning Commission meeting made by McNeer and seconded by Ford.

Motion passed 7-0.

Mr. Schram requested to table Item 2b as well as Items 3a and 3b.

Motion to table Item 2b, FP-20-02 until the next Planning Commission meeting made by Ford and seconded by McNeer.

Motion passed 7-0.

3. **PRAIRIE TRACE ESTATES**
   Located southeast corner of W 175th Street and Interstate 35
   a. **FDP-20-03**: Consider a final development plan for 27 single-family lots, Phase I of Prairie Trace Estates.
   b. **FP-20-03**: Consider a final plat for 17.93 acre Prairie Trace Estates, First Plat.

Motion to table Item 3a, FDP-20-03 until the next Planning Commission meeting made by McNeer and seconded by Hansen.

Motion passed 7-0.

Motion to table Item 3b, FP-20-03 until the next Planning Commission meeting made by Ford and seconded by McNeer.

Motion passed 7-0.

4. **QUIKTRIP**
Located at the southwest corner of W 188th Street and S Gardner Road.
a. **PP-20-04**: Consider a preliminary plat for an 8.9 acre, 2-lot commercial subdivision.
b. **FP-20-05**: Consider a final plat for a 2-lot commercial subdivision.

Mr. Bob Case, Planner, presented the preliminary plat that shows two lots being re-subdivided from lots 5-8 of Shean's Crossing 2nd Plat subdivision. The total area of this property is approximately 9 acres, with the QuikTrip site consisting of approximately 6.4 acres. The site plan is for a gas station/convenience store. The City has been working with KDOT engineers on proposed road improvements to 188th Street/Locust Road along with their intersection with Gardner Road. These road improvements are scheduled to coincide with the construction of the QuikTrip. Access to Lot 1 is off of Gardner Road and 188th/Locust Road and Lot 2 will have access onto Gardner Road through an internal road within the site. All utilities are available to the parcel. The architecture and building design uses quality materials and style is consistent with the context. The entire building is faced with brick as the main material, with aluminum and painted metal accents. The truck fueling stations will be located at the back of the site and 16 vehicle fueling stations at the front.

Staff has found this plat consistent with the *I-35 & Gardner Road Interchange Subarea Plan* and it meets the requirements of the Land Development Code. All technical reviews have been submitted and accepted and with all utilities available to the site, no extensions are proposed. Staff recommends approval of this preliminary plat.

Mr. Eric Eckhart, developer and applicant, was available by phone for questions.

COMMISSION DISCUSSION

No discussion ensued.

Motion made after review of Application PP-20-04, a preliminary plat for QuikTrip Store No. 0294 Plat, located at the southwest intersection of Gardner Road and 188th Street, (Tax Ids CP78470000 0005, CP78470000 0006, CP78470000 0007 and CP78470000 0008) and preliminary plat dated March 5, 2020, and staff report dated April 28, 2020, the Planning Commission approves the application as proposed.

Motion made by McNeer and seconded by Meder.

Motion passed 7-0.

Mr. Case continued his presentation with FP-20-05, a final plat for QuikTrip. The plat showed the lot layout and the new road alignment for 188th/Locust Road on the northwest side of the proposed subdivision. Lot 1 is the location for the new QuikTrip Store while Lot 2, located on the southeast side of the subdivision, and is set aside for future commercial development. Staff found this plat consistent with the preliminary plat. Any public improvement plans would be submitted and approved prior to the release of the final plat for recording and no excise tax would be levied.

COMMISSION DISCUSSION

No discussion ensued.

Motion made after review of application FP-20-05, a final plat for QuikTrip No. 0294 Plat, located at the southwest intersection of Gardner Road and 188th Street, (Tax Ids CP78470000 0005, CP78470000 0006, CP78470000 0007 and CP78470000 0008) and final plat dated March 5, 2020, and staff report dated April 28, 2020, the Planning Commission approves the application as proposed, provided the following condition is met:

1. **Public improvement plans shall be submitted and approved prior to the release of the final plat for recording at the County.**

and recommends the Governing Body accept dedication of right-of-way and easements.

Motion made by Ford and seconded by McNeer.

Motion passed 7-0.

5. **PRAIRIEBROOKE VILLAS**
Located north of the intersection of Pratt Street and 174th Street, east of Kill Creek Rd.
   a. **Z-20-06**: **(PDP-20-02)** Hold a public hearing and consider rezoning of approximately 14 acres from RP-2 District to RP-3 District and the associated preliminary development plan for Prairiebrooke Villas.
   b. **PP-20-05**: Consider a preliminary plat for a 20-lot multi-family subdivision.

Chairman Boden asked if any of the commissioners had any ex parte contact with the public on this item. Both Ford and Meder said their neighborhood Facebook pages had comments about this rezoning but neither participated in the postings.

Kelly Drake Woodward, Chief Planner, presented this request to rezone 14 acres from RP-2 (Planned Two-Family Residential) District to RP-3 (Planned Garden Apartment) District. The property includes 14 acres of land located less than a ¼ mile north of W 175th Street along Kill Creek Road, north of the Gardner Municipal Airport. It has been rezoned for a mix of single-family, multi-family and office uses several times, but has remained undeveloped. North of the subject property there is a parcel that was recently approved for rezoning from R-1 to R-2 for Breckenwood Creek Subdivision. Abutting the eastern boundary of the property, across the vegetated stream corridor, are five single-family

residences in the Double Gate IV Subdivision. Abutting the southern boundary of the property are four duplex lots in Prairiebrooke Subdivision that have a similar size footprint and scale to the proposed townhomes. West of the subject property, across Kill Creek Road, are multiple parcels with RP-3 zoning for planned apartments. The property, in agricultural use, is currently not platted. The development will be accessed from existing Kill Creek Road and the extension of Pratt Street. All utilities are located along the boundaries or through the site. The parcel also contains an existing stream and floodplain. It is indicated for Low Density Residential future land use on the Future Land Use plan of the Comprehensive Plan, adopted in 2014. The Planning Commission has initiated a potential amendment to the Future Land Use plan for areas that were not addressed in other recent plans. Low Density Residential as defined here is consistent with single-family, duplex, and triplex uses arranged in a low density format on larger lots with buildings in character with typical single family homes.

The development plan includes 20 lots on 7.34 acres, 2.22 acres of right-of-way, and 4.46 acres of open space for a total of 14.02 acres. There are a total of 76 dwelling units in 18 4-unit townhomes and 2 2-unit duplexes. The street type is Local – Neighborhood, and the Open and Civic Space type is Trail/Greenway. The proposed frontage type is Buffer Edge. As proposed, the development presents a lower-density pattern by exceeding minimum required lot area, supporting a substantially lower building coverage percent than the maximum allowed. For the 4-unit Row Houses, the minimum lot area is 8,000 sf, but the average proposed lot size is more than double that at 16,437 sf. Similarly, the Row Houses are permitted a maximum building coverage of 70%, but proposed building coverage is only 21.5%. Although the proposed row house buildings contain more dwelling units, the building footprint, at 2,568 sf, is comparable to a duplex or triplex. Elevations of the 2- and 3-bedroom row houses that each have a single-car garage were shown.

The housing goals of the Comprehensive Plan that are supported by this plan are as follows:

- Support on-going investment in housing and attract new residents.
- Ensure that the housing stock responds to a variety of users, including young professionals, new families, empty-nesters and seniors in need of assistance.
- Provide a range of options allows support for all income levels to move toward home ownership.
- Encourage the development of housing and support services to allow seniors to age in place.
- Promote infill residential development within incomplete subdivisions.
- Ensure new residential developments are sited within close proximity and with access to schools and parks.
- Provide flexibility where necessary to accommodate a variety of housing types and intensities.

The associated preliminary development plan supports the Civic and Environment goals of the Comprehensive Plan by:

- Including dedication of land for a trail as consistent with the future trails shown on the Bike & Pedestrian Plan of the Comprehensive Plan, which indicates the requirement for trail connections through residential areas and floodplains as a component of new neighborhood development; and

- Preserving the greenway corridor that follows Kill Creek and serves as natural flood mitigation infrastructure and ecological corridors as provided in the Environmental Features Plan of the Comprehensive Plan.

Staff also considered findings from a market analysis done for the Main Street Corridor Plan that supports this development. For example, the City's growth since 2000 was driven by young families seeking affordable homes, increased demand for rental housing, and a continued, probable housing demand for households with incomes of $35K-$50K.

The Staff findings for this project are as follows:

- Within this planned context the proposed multi-family buildings are comparable in size and scale to existing adjacent duplexes, and are separated from existing single-family uses by a large vegetated stream buffer. The overall pattern is a lower density format based on larger lot sizes that is consistent with the character of the neighborhood.
- The plan addresses the changing housing needs and demand as presented in the *Gardner Main Street Corridor Plan Market Analysis* of 2018.
- This infill lot has long remained undeveloped and offers some limitations – flood plain and stream setback, existing road connections, existing infrastructure.
- The smaller blocks support greater walkability. The larger lots support greater open space and a feeling of lower density which is more consistent with existing land use patterns.
- This developer is attempting to bring much needed workforce housing to the City of Gardner. This kind of housing is in demand in almost every community, but will be especially consistent with the needs of people working in nearby job centers.
- The applicant has requested flexibility in the standards to accommodate a housing type that will meet the affordability guidelines associated with various funding sources that are being leveraged to provide workforce housing.
- Increasing the supply of affordable housing supports the long-term security, health, safety and welfare of the community.

There were 12 deviations requested by the applicant as follows:

<u>Duplex Deviation Requests</u>

Deviation 12: Duplex
Section 17.07.030 Building Design Standards, (B.2.a) Primary Entry Features, Residential buildings
Standard: An unenclosed stoop that is at least eight feet by eight feet and includes ornamental features to accent the door, such as a canopy, transom windows, enhanced trim and molding or other similar accents.
Proposed: The two Duplexes are designed with a 5' x 4' dedicated "stoop" in front of the entry doors to each duplex living unit which is bordered by the side wall of the garages and then another 4' x 4' sidewalk connection to the drive from the 'stoop' area beyond the garage side wall.

The applicant requested this to meet regulations for state funding to install zero threshold doors for ADA compliance. Staff supports this deviation request.

Deviation 4: Duplex
Section 17.07.040 Specific Building Type Standards, Duplex building type
Standard: Garage Limits = 25% of facade if front-loaded; up to 45% if set back 15'+ from front building line; no limits if side, rear or detached.

Proposed: Garage Limits = 63% front loaded and not setback (56% as measured by staff using just the garage door width).

Applicant wanted to provide an accessible garage size for parking vehicles inside so the percentage of façade needed to be increased. The Code intent is to limit front-loaded garage access where there is a close relationship of building to the street and/or narrow lots with frequent repetition along the block. Based on the input of developers, staff acknowledges that the alternative solution of side or rear-access garages may increase development costs due to more paved surfaces or larger lot sizes, which may not be consistent with the goal of providing long-term housing affordability. The Code allows Administrative Adjustments for building design standards when an equal or better alternative is provided. The applicant is using larger lot sizes and reduced building coverage instead of narrow lots. While there is frequent repetition along the block, the buildings will be setback further, reducing the impact of the front garages. Finally, the Duplexes are designed to meet ADA accessibility standards, thus providing a different, but much needed, community benefit. Staff supports this deviation.

Deviation 6: Duplex
Section 17.07.040 Specific Building Type Standards, Frontage type for the Duplex building type
Standard: The Duplex building type built on a Local – Neighborhood street type would be required to use the Neighborhood Yard frontage type.
Proposed: Buffer Edge frontage type.

Applicant requested this so the frontage type will provide consistency across the entire development. Staff supports this deviation.

Deviation 5: Duplex
Section 17.07.050 Frontage Design Access Width Limits
Standard:

- Neighborhood Yard frontage type - access width limits of **15%** of the lot width, up to a **20'** maximum per access point.
- Buffer Edge frontage type – access width limits of **25%** of lot width, up to **36'** maximum for any single access point.

Proposed: Lot 8 Duplex = **32%** access width (**26'** wide); and Lot 10 Duplex = **28%** access width (**26**' wide).

The intent of the standard is to create aesthetics that support compact and walkable development, such as less concrete and fewer driveway crossings for pedestrians on the sidewalks. Based on the reasoning in support of the increase in the front-loaded garage widths in deviation 4 above, and further provided that the Planning Commission approves deviation 4, staff is also supportive of this corresponding deviation request to increase driveway width. Because these units are intended for people with mobility challenges, staff supports this deviation to allow these driveways for easy, convenient access.

<u>Row House Deviation Requests</u>

Deviation 3: Row House
Section 17.07.030 Building Design Standards, (B.2.a) Primary Entry Features, Residential buildings

Standard: An unenclosed stoop that is at least eight feet by eight feet and includes ornamental features to accent the door, such as a canopy, transom windows, enhanced trim and molding or other similar accents.
Proposed: Row Houses – Interior 2-bedroom units will have a 7' wide x 3' deep unenclosed covered walk space (7' x 4'6" walk space including uncovered space) separated from the 3-bedroom units; the 3-bedroom units will have a 7' x 1'6: unenclosed walk space separated from the 2-bedroom units.

The applicant has proposed different dimensions for a stoop related to fire separation design and accommodating natural lighting. Finding that the alternate design offers community benefits by supporting workforce housing, and finding no anticipated incompatibilities, staff supports this deviation request.

Deviation 7: Row House
Section 17.07.040 Specific Building Type Standards, Row House Lot Width
Standard: The Row House building type lot width range is 18' – 36' per unit. For a 4plex, this would be a range of 72' – 144'.
Proposed: Lot 1 (approx. 152' wide) and Lot 2 (approx. 150' wide) exceed the 144' maximum lot width.

Applicant requested this due to the constrained alignment of Pratt Street causing excess lot frontage assigned to Lots 1 and 2. Lot 1 is 8 ' longer than required and Lot 2 is an irregular shaped corner lot (150' approximately at front building line as measured by staff). This is an infill site with pre-existing design constraints. Staff supports this minimal deviation request.

Deviation 8: Row House
Section 17.07.040 Specific Building Type Standards, Row House Lot Area
Standard: The Row House building type lot area range is 2,000 sf – 4500 sf per unit. For a 4-plex, this would be a range of 8,000 sf – 18,000 sf.
Proposed: Lot 2 **(19,786 sf)**, Lot 3 **(18,856 sf)**, Lot 6 **(22,948 sf)**, Lot 9 **(18,019 sf)**, Lot 18 **(18,512 sf)**, and Lot 19 **(21,658 sf)** exceed the upper range for lot area.

Applicant requested this, similar to Deviation 7. Because of the area of the developable part of the parcel and the constrained alignment of Pratt Street, various lots have excess area. This is an infill site with pre-existing design constraints. Staff agrees with applicant's statement and is supportive of this deviation request.

Deviation 9: Row House
Section 17.07.040 Specific Building Type Standards, Row House Front Setback
Standard: The Row House building type front setback range is 10' – 25'.
Proposed: Nineteen of twenty lots exceed the 25' maximum setback. (Staff has calculated the deviations to be an Average of 35.79' and a Mean of 35.42').

Applicant requested that moving the buildings back allows for greater off-street parking opportunities which will assist with drivability and emergency crew access to the development. Staff suggested that the applicant propose a greater front setback to help accommodate more off-street parking and reduce on-street parking. Two cul-de-sacs have availability for on-street parking but the row houses along Pratt Street and on Valley Spring Court have limited opportunity for on-street parking. Staff supports this deviation request.

Deviation 10: Row House
Section 17.07.050 Frontage Design, Buffer Edge frontage type, Access Width Limits
Standard: The Buffer Edge frontage type Access Width Limit is **25%** of lot width up to a maximum of **36'** for any single access point.
Proposed: All lots exceed the 25% maximum of Lot width **(29-48%)** for access but none exceed the maximum for any single access point. Staff has calculated the average access width to be almost 40% of lot width total, with a mean of 39%. In summary, the deviation is to exceed the maximum percentage access width limit on all Row House lots up to 48%, with no single access > **22'** wide.

Applicant requested this deviation because due to the longer drives and slightly higher percentage of lot width, there will be an increase in parking in front of the buildings and less on-street parking. Staff concluded there is no numerical garage limit for front-loaded garages in the R-3 district. Since front-loaded garages are not restricted in this district, it makes sense that access width, as a percentage of total lot width, would be exceeded when accommodating multiple front driveways. However, the Row House driveways are configured to narrow at the right-of-way (except for the two middle units which have a combined driveway, hence the 22' wide driveway) so they have minimized this deviation request. Staff supports this deviation request within this context.

<u>General Deviation Requests</u>

Deviation 1: Street Network and Design
Section 17.04.010 Street Networks and Street Design, Table 4-1: Block Sizes and Connectivity, Suburban Planning Context
Standard: Block length – 500' minimum.
Proposed: All blocks less than 500' in length.

Staff supports this deviation – while the Code does not provide for shorter blocks, the development meets other block intent by arranging the development to be least disruptive to existing topography and preserving the natural features. The Code calls for a particular block layout unless dictated by overriding development patterns outside the control or impact of the project, as in this case

Deviation 2: Street Network and Design
Section 17.04.010 Street Networks and Street Design, Table 4-1: Block Sizes and Connectivity, Suburban Planning Context
Standard: Block area – 5 acre minimum.
Proposed: All blocks less than 5 acres.

Based on the limitations of this infill site, all blocks are less than 5 acres. Staff supports this deviation for the same reasons as Deviation 1.

Deviation 11: Access and Parking
Section 17.09.030 Required Parking, E. Bicycle Parking
Standard: Multi-family residential uses within 1,000' of a designated bicycle route or trail shall provide 1 bicycle parking space per dwelling unit.
Proposed: No bicycle parking.

Staff has recommended the Planning Commission discuss this deviation request. Code requires 1 bicycle parking space per dwelling unit. As every dwelling unit has

an attached garage, it will be possible for bicycles for tenants to be stored in the garage. It may be beneficial to provide some bicycle parking adjacent to the trail access points so that visitor's bicycles will be secure.

Ms. Woodward continued that although staff support, the use of the Buffer Edge frontage type for the entire development, it is likely that the impact of this frontage type will not be realized when utilized on lots with multiple driveways. As configured for this district, the buffer would exist on the front 8' of the lot adjacent to the sidewalk, with 1 tree per 50 linear feet and 1 shrub per 10 linear feet. Staff recommends implementation of the Buffer Edge along Kill Creek Road and Pratt Street rather than on the cul-de-sacs. There are too many driveways to include anything other than the required Street Trees along the cul-de-sacs, and Staff believes the perimeter buffer will be more effective in this context. Staff recommends this be clarified as a condition of approval.

Commissioner Meder was interested in knowing why there were only 2 lots for duplexes yet a goal was to allow seniors to age in place. She said she would like the developer to address it.

PUBLIC HEARING

Mr. Colin Bonebrake, 31850 W 171st St, stated he is a police officer in Johnson County, a resident of Gardner and had concerns on the different housing types. He does not think this development fits well with the Comprehensive Plan and cited several pages in support, such as the plan is not consistent with low-density. He felt the subdivision behind this one would satisfy the different housing types and that character and quality of housing (as defining attributes of the City) are not represented in this proposed development. He said that affordable housing is currently available within the City with plenty of single family homes and rental properties. He said low income housing did not fit in the area with the average homes being $180K - 220K. The project was targeted to first responders and young professionals of which he was both yet he could afford to live there with no issue. His experience with crime daily is tied to different housing types from single-family homes having the fewest problems followed by multi-family and apartments and low income homes having the most crime. He stated crime statistics from Nottingham Village apartments for 2019. He compared that to crime in St. Johns Highlands, a single-family subdivision and Prairiebrooke Duplexes, within the same time frame. He stated the more people who live in a geographic area the more problems and crime occurs. His final concern was with traffic and parking and the fact that there are more people per rental units than other units. He felt there could be 2-3 cars per unit for this development. With the driveways being short, buildings built on a slab with no basements, garages would be used for storage resulting in more parked cars on streets. Potentially, this could be a concern for fire apparatus, police and ambulances. Other traffic concerns are at 175th and Kill Creek, Waverly and the stop sign at Santa Fe St and US 56. He said the additional cars in the area from the 76 units would mean more crashes and safety concerns for the many children who play there. He did not feel there was a benefit to the subdivision for this new development, rather more calls to police, diminished appeal to the area and influx in traffic.

Mr. Michael Snodgrass, OIKOS Development and applicant, said he is working with tax laws to provide funding for different types of housing. In response to the question about

the low number of ADA units, he decided to focus on workforce housing and wanted to make sure they met housing needs of all different demographics including seniors or anyone with disabilities. This housing was to be for those in the $30K - $50K income level for first time buyers. It is difficult to build homes for working families below that range as many are priced out when trying to buy a house. He stated they took a mixed income approach on trying to fit as many working families into different categories as they could. The rent would not be more than 30% of their income. The development is different in that it is not an apartment complex. Townhomes were intentionally chosen for a different atmosphere so each unit has its own space with no common corridors.

Motion to close the Public Hearing made by McNeer and seconded by Ford.

Motion passed 7-0.

COMMISSION DISCUSSION

Commissioner Ford asked if the need for bicycle parking was part of there being a proposed trail in the area or if it was because of the number of homes being close together.

Ms. Woodward replied it was both because it was a multi-family development within 1,000 feet of a designated bicycle route or trail.

Commissioner Meder asked if the best planning approach was to include only two duplexes for the City's ADA community. She wanted to know it that fit best with the plan or due to the financials.

Mr. Snodgrass answered he had spoken with the County and worked on whether to make this all senior and ADA or nothing. They discussed the loss of affordable housing within the County and it was a choice of senior or workforce. Due to the location, it was decided to build workforce and his experience has shown that ADA options with workforce were not as utilized as one would expect. He said they did want to do some ADA and going forward if they see the need for senior or ADA, it could be an option.

Commissioner Meder said she liked the plan and the option for future flexibility. She then inquired if a local company would manage these rentals.

Mr. Snodgrass replied there were a couple of local property management companies he was looking into to make sure they had the right fit. There would be no clubhouse onsite so his goal was to make renters feel like this was their own home and not a rental. A pool and clubhouse would give more of an apartment feel.

Chairman Boden spoke in response to Mr. Bonebrake's comments. He said this property was already zoned as RP-2 which was duplexes and was proposed to change to RP-3. The row homes proposed would not take any more space than the duplexes that would have been built there under RP-2. He appreciated the crime statistics presented but noted some of the places used as examples were higher-density than this proposal. The Planning Commission was looking at zoning and development codes for certain items so if the City says a traffic study is positive then the Commission is satisfied with the traffic issue. He felt that many homes being built as starter homes were more like mid-level homes and that these were needed in Gardner.

There were comments made by several of the commissioners and it was agreed that no designated bicycle parking was necessary. The suggested motion was revised to eliminate the staff recommended condition (number 3) regarding bicycle parking.

Motion made after review of applications Z-20-06, a rezoning of 14.02 acres located north of the intersection of Kill Creek Rd and W 174th Street, parcel ID CF221422-4007, from RP-2 (Planned Two-Family Residential) District to RP-3 (Planned Garden Apartment) District, and preliminary development plan PDP-20-02 for Prairiebrooke Villas dated April 17, 2020, and staff report dated April 28, 2020, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

1. **The stormwater plan and traffic study shall be approved prior to approval of any final development plan/final plat.**
2. **Because of the unique context and access configuration of this development which limits the provision of contiguous green space in the frontage area, the Buffer Edge frontage type will be implemented along Kill Creek Road and Pratt Street rather than on the cul-de-sacs to better meet Code intent.**
3. **Revise the deviation requests on Sheet 2 of the plan to reflect what has been approved, including the addition of Deviation #12 regarding the Front Entry Feature for the Duplex building type.**

Motion made by McNeer and seconded by Ford.

Motion passed 7-0.

Mr. Case presented PP-20-05, a preliminary plat for Prairiebrooke Villas Subdivision. The property includes approximately 14 acres of land located north of 174th Street along the east side of Kill Creek Road. It is undeveloped and has never had final platting although it went through the preliminary plat process in the past. This proposed preliminary plat consists of 20 lots and two tracts. There are two points of access into the proposed subdivision, one from an existing curb-cut off of Kill Creek Road and another access off of the Pratt Street road extension from the development to the south. Because this development was part of a larger planned development, most of the infrastructure was previously designed and constructed. All utilities are located either within or adjacent to the site. It is in compliance with the Comprehensive Plan as it promotes infill residential development within incomplete subdivisions, provides and range of housing options to meet the needs of all income levels and bridges development gaps between established growth areas. It meets the LDC design guidelines and creates an extension of the trail network.

Staff has found that while the preliminary plat is not consistent with the Comprehensive Plan, with the larger lot layout the overall density is comparable to the adjacent development to the south. And, with the deviation approvals on block length and area, the proposed does meet the intent of the Plan. The Stormwater Management Plan and the Traffic Impact Study are currently under review. Staff recommends approval of PP-20-05.

COMMISSION DISCUSSION

No discussion ensued.

Motion made after review of Application PP-20-05, a preliminary plat for Prairiebrooke Villas, located north of W 174th Street along the east side of Kill Creek Rd., (Tax Id CF221422-4007) and preliminary plat dated April 17, 2020 and staff report dated April 28, 2020, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Approval of the final Traffic Impact Study and Stormwater Management Plan.

Motion made by Hansen and seconded by Meder.

Motion passed 7-0.

6. **PROJECT BOURGMONT - WITHDRAWN**
Located northeast corner of Four Corners Road and US Hwy 56.
   a. **Z-20-07**: **(PDP-20-03)** Hold a public hearing and consider a rezoning for 123 acres from County RUR District to City MP-1 District and the associated preliminary development plan for Project Bourgmont.
   b. **PP-20-06**: Consider a preliminary plat for a single-lot industrial subdivision.

DISCUSSION ITEMS

No items discussed.

ADJOURNMENT

Motion to adjourn made by Ford and seconded by McNeer.

Motion passed 7-0.

Meeting adjourned at 9:40 pm

PLANNING COMMISSION STAFF REPORT **NEW BUSINESS ITEM NO.1**
MEETING DATE: MAY 26, 2020
PREPARED BY: ROBERT CASE, PLANNER

PROJECT NUMBER / TITLE: FP-20-06: Final Plat for Hilltop Ridge 1st Plat

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PROCESS INFORMATION

Type of Request: Final Plat
Date Received: April 15, 2020

APPLICATION INFORMATION

Applicant: Renaissance Infrastructure Consulting, Brett Cox, P.E.
Owner: Sunrise Investment Corporation, Dennis Pugh
Parcel ID: CF221422-1003
Location: Part of the West Half of the Northwest Quarter of Section 22, Township 14 South, Range 22 East; containing approximately 17.081 acres on the south side of 167th Street approximately 170' west of Kill Creek Road.

REQUESTED ACTION

The applicant requests approval of a final plat for a 32 lot, single-family residential project containing 17.081 acres.

EXISTING ZONING AND LAND USE

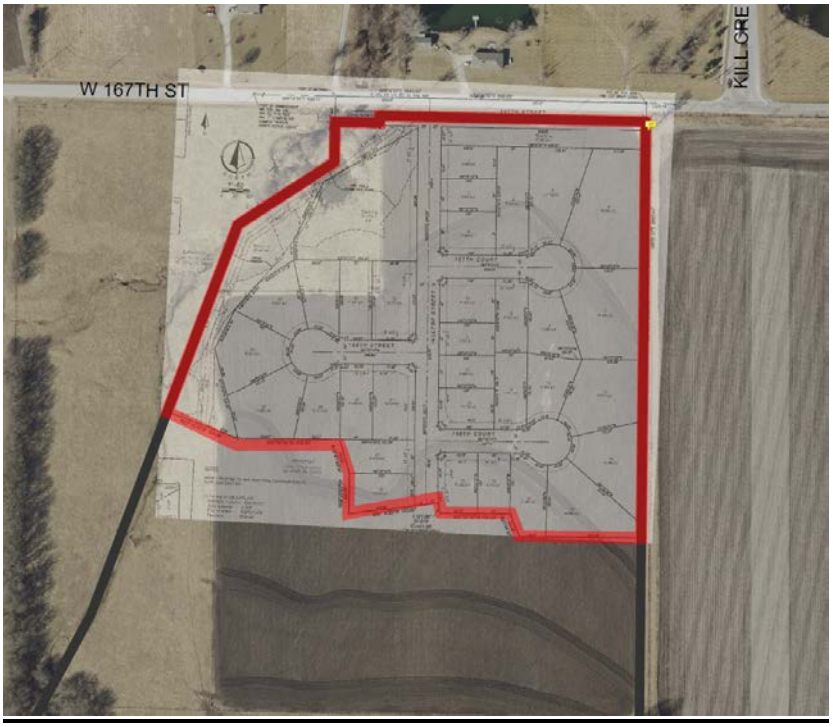
Currently, the subject property is zoned R-1 (Single-Family Residential) District and current land use is a vacant parcel.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
R-1 (Single-Family Residential) District, RP-3 (Planned Garden Apartment) District, and County RUR (Rural, Agricultural uses and Single-Family dwellings) District	Farmsteads and Single-Family Residences
East of subject property	
County RUR (Rural, Agricultural uses and Single-Family dwellings) District	Vacant property
South of subject property	
R-1 (Single-Family Residential) District	Single-Family residences
West of subject property	
County RUR (Rural, Agricultural uses and Single-Family dwellings) District	Vacant

EXISTING CONDITIONS

Currently the subject property is vacant agricultural land. The property is bound on the north by 167th Street and on the south by St. Johns Trace Subdivision. Properties located directly to the east and west are vacant agricultural uses.



BACKGROUND / HISTORY

The site for the proposed development was annexed into the City of Gardner in December 2019 (Ordinance No. 2631). Currently, the property is not in use. At the time the property was annexed into the City, it had a County zoning designation as RUR (Rural, Agricultural uses and Single-Family dwellings).

CONSISTENCY WITH COMPREHENSIVE PLAN

The *City of Gardner 2014 Comprehensive Plan* identifies this parcel for low-density residential future land use, described as "areas primarily consist of detached single family homes, but may also include duplexes or triplexes arranged in a low density format on larger lots, with buildings in character with typical single family homes. These "New Residential Growth Areas" include undeveloped land that provides a "clean slate" for future residential development. The Comprehensive Plan addresses these growth areas as having three major components that help to ensure the community's goals of providing high quality neighborhoods that satisfy demand for a broad type of housing. These goals are; neighborhood character, connectivity, and open space preservation & conservation design. The design and layout the applicant is proposing is consistent with the goals of the Comprehensive Plan.

STAFF ANALYSIS – FINAL PLAT

17.03.020 (E1) Review Criteria:

a. The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.

Staff Comment: *The plat meets the site design standards regarding lot size minimum, block length, cul-de-sac length and easements. The plan complies with the requirements of the Gardner Land Development Code in that the blocks and lots proposed can meet all development and site design standards. The development is proposed to be a Detached House - Suburban building type for single-family residential, with a Suburban Yard frontage design type. While this development is within the service area of Celebration Park, they are still dedicating approximately 10% of the space to open and civic space which is private open space. A street tree plan has been submitted and is generally in compliance. A few changes remain to be made to move proposed trees further from intersections. This will be a condition of approval.*

b. The construction plans for any utilities, infrastructure or public facilities shall have been found to meet all technical specifications, or final plat approval shall be conditioned on such plans meeting all technical specifications, before the recording of the final plat.

Staff Comment: *Public improvement plans have been submitted but not formally approved. All public improvement plans shall be approved prior to the release of the final plat for recording at the County (this is a recommended condition of approval). The City is the provider for sanitary sewer, water, and electric facilities in this area.*

c. The phasing and timing of public improvements ensures construction and performance guarantees.

Staff Comment*: This is the first of five phases for the Hilltop Ridge Subdivision. The next phase will require an additional exit out of the subdivision. The Traffic Impact Study, Stormwater Management Plan and Public Improvement Plans have been submitted but not approved. All Public Improvement Plans shall be submitted and approved prior to the release of the final plat for recording and issuance of building permits to ensure all improvements are in place.*

d. Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.

Staff Comment*: There are no deviations being requested on the final plat.*

e. The recommendations of professional staff, or any other public entity asked to officially review the plat.

Staff Comment: *Staff recommends the Planning Commission approve the final plat with the conditions outlined below, and forward a recommendation to the Governing Body to accept the dedication of any rights-of-way and easements.*

EXCISE TAX

Excise tax is levied with the act of platting the portion of the property in the city. Any of the subject property that has never been a part of a final plat before is therefore subject to paying the excise tax. This tax is based on the square footage of the plat property, excluding any arterial type right-of-way dedication for streets (40,080 s.f. for 167th Street arterial road right-of-way dedication) and parkland dedication (132,325 s.f. for a neighborhood open space and trail system).

The current tax rate is $0.20 per square foot of land area platted. This plat includes 17.081 acres (744,048.36 s.f.) eligible for excise tax collection. Therefore, the excise tax shall be **$114,328.67** (744,048.36-172,405=571,643.36*.20) and shall be paid prior to the release of the final plat for recording.

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

WATER, SANITARY SEWER, STORMWATER, ELECTRIC, GAS –

Water and electric utilities are located adjacent to the site and sanitary sewers are located to the north of this development.

ROADWAY NETWORK, VEHICULAR ACCESS –

There is one new proposed future through street and three cul-de-sacs proposed with this plat. Gardner follows the Johnson County Addressing Standards on areas outside the central core of the city. Two streets on this plat shall be updated so that the names reflect these naming standards. The Hilltop Street which shall be updated to be Scott Street and 168th Street shall be updated to be 168th Place. These will be a condition of approval.

There is a total of one new exterior point of access being proposed for this site. The main access into this subdivision is off of 167th Street by way of Scott Street. However, for any future phases, a secondary access will be required to connect to Osage Street in the St. Johns Trace subdivision located just south of this development.

OTHER PUBLIC IMPROVEMENTS –

A 10' trail will be constructed along the south side of 167th Street Road across the entire north side of the development and 5' sidewalks will be extended throughout the development along all roadways.

ATTACHMENTS

I. Final plat document
II. Street Tree Plan
III. Application

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Final Plat – If the Planning Commission approves or conditionally approves the final plat, the plat shall be forwarded to the Governing Body with a recommendation that they accept dedication of land for public purposes such as easements, rights-of-way and public facilities. The approval of the final plat; acceptance of the dedication of land for public purposes; finding that the construction plans for any utilities, infrastructure or public facilities meet all City technical specifications; and payment of the excise tax if applicable, authorizes the filing of the plat with the Johnson County Records and Tax Administration. Any approval with conditions or exceptions to the rules shall be clearly stated on the plat. Any plat not recorded within two years from the date of acceptance of land by the Governing Body shall be null and void. Upon approval of the final plat, dedications, and construction plans and recording of the plat, the applicant may proceed with the construction of required improvements. No building permit shall be authorized until the completion, inspection and acceptance of all required improvements.

RECOMMENDATION

Staff recommends approval of the final plat FP-20-06 for Hilltop Ridge 1st Plat with the conditions outlined in the Recommended Motion section and recommends forwarding the plat to the Governing Body to accept the dedication of right-of-way and easements.

Recommended Motion:

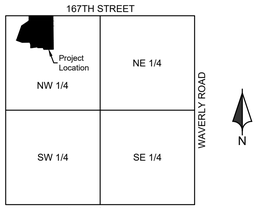
After review of application FP-20-06, a final plat for Hilltop Ridge 1st Plat, located on the south side of 167th Street approximately 170' west of Kill Creek Road, (Tax Id CF221422-1003) and final plat dated April 15, 2020, and staff report dated May 26, 2020, the Planning Commission approves the application as proposed, provided the following condition is met:

1. Public improvement plans shall be submitted and approved prior to the release of the final plat for recording at the County.
2. Revise the plat to show Hilltop Street to be named Scott Street.
3. Revise the plat to show 168th Street to be 168th Place.
4. Provide a revised street tree plan based on staff comments, for approval prior to the release of the plat for recording.
5. Prior to the recording of the final plat, excise tax shall be paid to the City.
6. Correct square footage of the subdivision on the legal description.

and recommends the Governing Body accept dedication of right-of-way and easements.

FINAL PLAT
HILLTOP RIDGE - 1ST PLAT

A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 14 SOUTH, RANGE 22 EAST, IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS

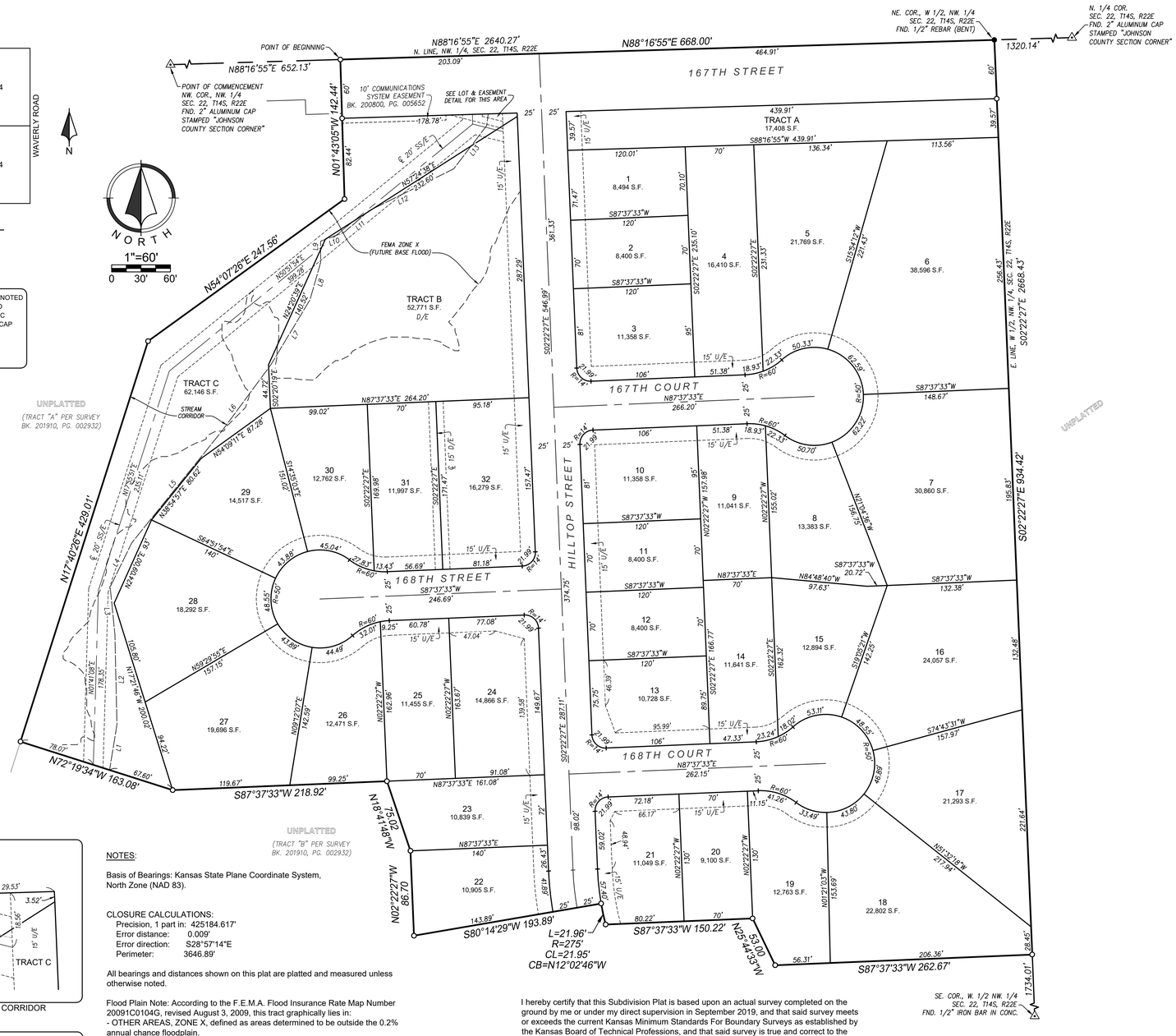


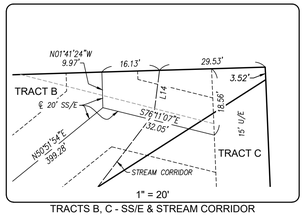
LOCATION MAP
SECTION 22-14-22
Scale 1" = 2000'

LEGEND:

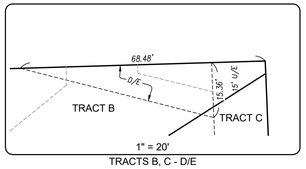
- △ FOUND SECTION CORNER AS NOTED
- ● FOUND MONUMENT AS NOTED
- ○ SET 1/2" X 24" REBAR WITH RIC MOCLS2011003572 KSCLS234 CAP
- B/L BUILDING SETBACK LINE
- D/E DRAINAGE EASEMENT
- SS/E SANITARY SEWER EASEMENT
- U/E UTILITY EASEMENT

Stream Buffer Line Table	
Line #	Brg. & Dist.
L1	S09°11'30"W 47.06'
L2	S01°16'06"E 91.61'
L3	S05°40'09"E 49.06'
L4	S26°01'25"W 50.10'
L5	S38°54'57"W 145.49'
L6	S36°27'26"W 85.80'
L7	S31°00'21"W 76.99'
L8	S15°52'11"W 39.50'
L9	S00°00'00"E 21.75'
L10	S69°33'18"W 25.67'
L11	S48°59'15"W 33.37'
L12	S63°37'45"W 96.82'
L13	S37°19'19"W 55.40'
L14	S07°21'27"W 12.05'





TRACTS B, C - SS/E & STREAM CORRIDOR



TRACTS B, C - D/E

NOTES:

Basis of Bearings: Kansas State Plane Coordinate System, North Zone (NAD 83).

CLOSURE CALCULATIONS:
Precision, 1 part in: 425184.617'
Error distance: 0.009'
Error direction: S28°57'14"E
Perimeter: 3646.89'

All bearings and distances shown on this plat are platted and measured unless otherwise noted.

Flood Plain Note: According to the F.E.M.A. Flood Insurance Rate Map Number 20091C0104G, revised August 3, 2009, this tract graphically lies in:
- OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain.
-OTHER FLOOD AREAS, ZONE X (FUTURE BASE FLOOD), defined as areas of 1% annual chance flood based on future conditions hydrology. No Base Flood Elevations determined.

There will be 5' wide sidewalks along all streets within the subdivision.

This site lies within a protected Stream Corridor, as defined and regulated in the City of Gardner Municipal Code. Restrictions on the use or alteration of the Stream Corridor may apply. This property is also subject to the obligations and requirements of the Stream Corridor Maintenance Agreement approved by the City.

I hereby certify that this Subdivision Plat is based upon an actual survey completed on the ground by me or under my direct supervision in September 2019, and that said survey meets or exceeds the current Kansas Minimum Standards For Boundary Surveys as established by the Kansas Board of Technical Professions, and that said survey is true and correct to the best of my professional knowledge and belief.

Brent E. Thompson, Kansas LS-1277
bthompson@ric-consult.com

DESCRIPTION

All that part of Tract "B", as shown on Survey recorded in Book 201910, Page 002932, in the Office of the Register of Deeds, Johnson County, Kansas, lying in the West Half of the Northwest Quarter of Section 22, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of said Section 22; thence North 88°16'55" East, along the North line of said Northwest Quarter, a distance of 652.13 feet to the Point of Beginning; thence continuing North 88°16'55" East, along said North line, a distance of 668.00 feet to the Northeast corner of the West Half of the Northwest Quarter of said Section 22; thence South 02°22'27" East, along the East line of West Half of the Northwest Quarter of said Section 22, a distance of 934.42 feet; thence departing said East line, South 87°37'33" West a distance of 262.67 feet; thence North 25°44'33" West a distance of 53.00 feet; thence South 87°37'33" West a distance of 150.22 feet; thence northerly along a non-tangent curve to the right having a radius of 275.00 feet, and a chord which bears North 12°02'46" West, 21.95 feet, for an arc length of 21.96 feet; thence South 80°14'29" West a distance of 193.89 feet; thence North 02°22'27" West a distance of 86.70 feet; thence North 18°41'48" West a distance of 75.02 feet; thence South 87°37'33" West a distance of 218.92 feet; thence North 72°19'34" West a distance of 163.08 feet to a point on the East line of Tract "A", as shown on said recorded Survey; thence along said East line, the following three courses: thence North 17°40'26" East a distance of 429.01 feet; thence North 54°07'26" East a distance of 247.56 feet; thence North 01°43'05" West a distance of 142.44 feet to the Point of Beginning, containing 744,036 square feet, or 17.081 acres, more or less.

DEDICATION

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "HILLTOP RIDGE - 1ST PLAT".

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the City from any expense incident to the relocation of any such existing utility installations within said prior easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over and through those areas outlined and designated on this plat as "Drainage Easement" or "D/E" is hereby granted to the City. Drainage easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities.

An easement or license to lay, construct, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "SS/E" on this plat is hereby dedicated to the City of Gardner, Kansas or their assigns.

RESTRICTIONS

Tracts "A" and "C" are intended to be used as Open Space, and shall be owned and maintained by the Hilltop Ridge Home Owners Association.

Tract "B" is intended to be used as Detention and Drainage Easement (D/E), and shall be owned and maintained by the Hilltop Ridge Home Owners Association.

CONSENT TO LEVY

The undersigned proprietor of the above described tract of land hereby consents and agrees that the Board of County Commissioners and the City of Gardner, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall become and remain a lien on this land fronting and abutting on such dedicated public way or thoroughfare.

EXECUTION

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this _____day of _____ 2020.

SUNRISE INVESTMENTS CORPORATION

_____
Patrick B. Miller, Owner

STATE OF _____)
) SS
COUNTY OF _____)

BE IT REMEMBERED, that on this _____ day of _____ 2020, before me a Notary Public in and for said County and State, Patrick B. Miller, Owner of SUNRISE INVESTMENTS CORPORATION, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said corporation, and he duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

_____ My Appointment Expires:_____
Notary Public

APPROVALS

APPROVED by the Planning Commission of the City of Gardner, Johnson County, Kansas, on the _____ day of _____ 2020.

_____
Brad Austin, Planning Commission Chairperson

APPROVED by the Governing Body of the City of Gardner, Johnson County, Kansas, on the _____ day of _____ 2020.

_____ _____
Steve Shute, Mayor Sharon Rose, City Clerk

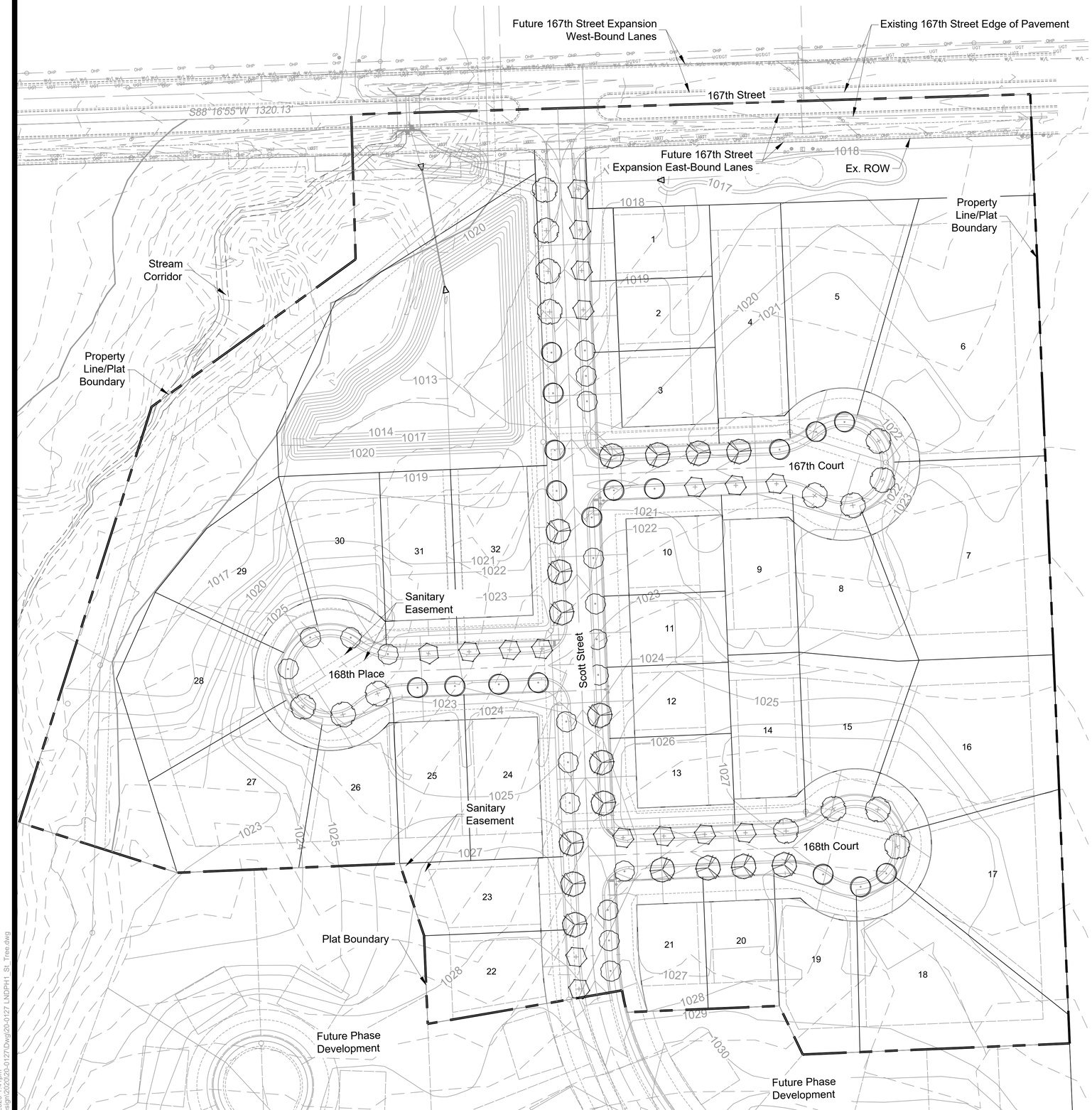
20-0127

HILLTOP RIDGE - 1ST PLAT

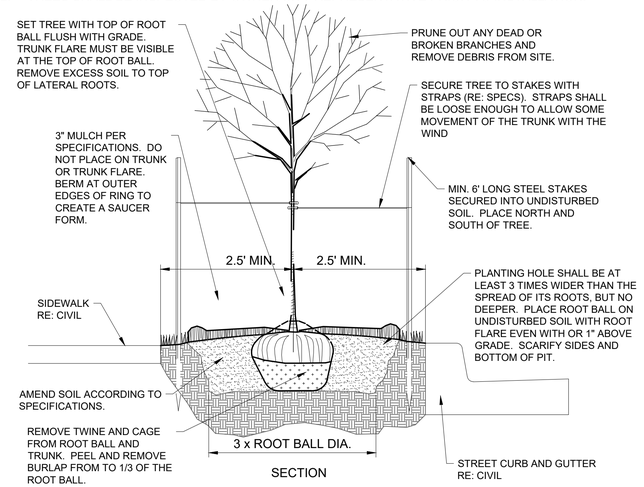
Prepared For:
SUNRISE INVESTMENTS CORPORATION
Patrick B. Miller
P.O. Box 393
Stilwell, KS 66085
913-927-3048

Date of Preparation: April 9, 2020
Revised: May 1, 2020

Renaissance Infrastructure Consulting
132 Abbie Avenue
Kansas City, Kansas 66103
913.317.9500
www.ric-consult.com



NOTES:
1. TREES THAT DO NOT MEET THE SIZE REQUIREMENT WILL BE REJECTED
2. TREES SHALL BE INSPECTED BY OWNER/CITY REPRESENTATIVE PRIOR TO INSTALLATION.



STREET TREE PLANTING DETAIL - NTS

LANDSCAPE NOTES

1. LOCATE UTILITIES PRIOR TO COMMENCING LANDSCAPE OPERATIONS. ALL TREES SHALL BE FIELD POSITIONED AS TO AVOID CONFLICTS WITH EXISTING AND PROPOSED UTILITIES. NOTIFY LANDSCAPE ARCHITECT OF ANY CONFLICTS OR OBSTRUCTIONS.
2. CONTRACTOR SHALL STAKE ALL PLANTING AREAS IN THE FIELD PRIOR TO PLANTING FOR APPROVAL OF THE OWNER OR THEIR REPRESENTATIVE.
3. CONTRACTOR SHALL VERIFY ALL PLANT QUANTITIES PRIOR TO PLANTING. ANY DISCREPANCIES WITH THE PLAN SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT. THE PLAN QUANTITIES SHALL SUPERCEDE SCHEDULED QUANTITIES.
4. ALL PLANT MATERIAL SHALL BE SPECIMEN QUALITY AND SHALL COMPLY WITH RECOMMENDATIONS AND REQUIREMENTS OF ANSI Z60.1 THE 'AMERICAN STANDARD FOR NURSERY STOCK'.
5. ALL PLANTING BEDS & NATIVE GRASS STANDS SHALL BE EDGED AS SHOWN IN PLAN.
6. PREPARE PLANTING BEDS AND INCORPORATE AMENDMENTS ACCORDING TO PLANS.
7. SHREDDED HARDWOOD MULCH, PER SPECIFICATIONS SHALL BE USED AS A THREE INCH (3") TOP DRESSING IN ALL PLANTING BEDS AND AROUND ALL TREES. SINGLE TREES AND SHRUBS SHALL BE MULCHED TO THE OUTSIDE EDGE OF THE SAUCER OR LANDSCAPE ISLAND.
8. ALL TREES SHALL BE STAKED PER DETAIL.
9. ALL PLANT MATERIAL SHALL BE INSTALLED TO ALLOW A ONE FOOT (1') CLEARANCE BETWEEN PLANT AND ADJACENT PAVEMENT.
10. THE LANDSCAPE CONTRACTOR SHALL NOT COMMENCE WORK UNTIL THE SITE IS FREE OF DEBRIS CAUSED BY ON-GOING CONSTRUCTION OPERATIONS. REMOVAL OF DEBRIS SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR. LANDSCAPE WORK SHALL NOT BEGIN UNTIL THE LANDSCAPE ARCHITECT AND OWNER HAVE GIVEN WRITTEN APPROVAL FOR SUCH. THERE SHALL BE NO DELAYS DUE TO LACK OF COORDINATION FOR THIS ACTIVITY.
11. THE LANDSCAPE ARCHITECT AND OWNER SHALL APPROVE GRADES AND CONDITION OF SITE PRIOR TO SODDING/SEEDING OPERATIONS.
12. ALL AREAS DISTURBED DURING CONSTRUCTION AND NOT DESIGNATED FOR OTHER PLANTINGS OR HARDSCAPE SHALL BE SODDED WITH TURF TYPE FESCUE.
13. ALL LANDSCAPE AREAS SHALL BE IRRIGATED. TURF AREAS SHALL BE IRRIGATED BY SPRAY OR ROTOR. PLANT BEDS SHALL BE IRRIGATED BY DRIP IRRIGATION. IRRIGATION SYSTEM SHALL INCLUDE AUTOMATIC RAIN-SENSOR DEVICE. IRRIGATION SHOP DRAWINGS SHALL BE PROVIDED BY THE CONTRACTOR FOR APPROVAL PRIOR TO CONSTRUCTION.

PLANT SCHEDULE

DECIDUOUS TREES	BOTANICAL / COMMON NAME	CONT	CAL	QTY
	Acer rubrum `October Glory` TM / October Glory Maple	B&B	2.5" Cal.	15
	Gleditsia triacanthos `Skyline` / Skyline Honey Locust	B&B	2.5" Cal.	17
	Quercus shumardii / Shumard Red Oak	B&B	2.5" Cal.	18
	Ulmus americana `Valley Forge` / American Elm	B&B	2.5" Cal.	17
	Zelkova serrata `City Sprite` TM / City Sprite Zelkova	B&B	2.5" Cal.	17

NORTH
1"=50'
0 25' 50'

Street and Storm Plans

20-0127
Hilltop Ridge
First Plat

Street Tree Plan

NO.	BY	CKD	DATE	REVISION
	JMM	AG	04/10/20	ORIGINAL SUBMITTAL

Renaissance Infrastructure Consulting
5015 NW Canal Street, Suite 100
Riverside, Missouri 64150
816.800.0950
www.ric-consult.com

Apr 10, 2020-1:41pm
Z:\RIC Design\2020\20-0127\Dwg\20-0127 LNDPH1_St_Tree.dwg

GARDNER

Business & Economic Development
Planning Division
120 E. Main St. Gardner, KS 66030
P: 913.856.0913 | F: 913.856.4562
www.gardnerkansas.gov

FINAL PLAT APPLICATION

Pre-App Date _____
Fee _____
File No. _____

OWNER INFORMATION

Name(s) Sunrise Investment Corp
Contact Patrick B Miller
Address PO Box 393
City Stilwell State Ks Zip 66085
Phone (913) 927-3048 Email dennispugh2@gmail.com

APPLICANT/AGENT INFORMATION

Name(s) Renaissance Infrastructure Consulting
Contact Brett Cox
Address 5015 NW Canal St, #100
City Riverside State Mo Zip 64150
Phone (816) 800-0953 Email bcox@ric-consult.com

SITE INFORMATION

Property Address/Location 167th St, West of Kill Creek Rd
Legal Description (Attach If Necessary) see attached
Number of Existing Lots 0 Number of Proposed Lots 32
Total Site Area 17,081 Present Zoning R-1
Number of Existing Structures _____ Present Land Use Ag
Proposed Street Design Type(s) & Class Residential local
Proposed Type(s) Open & Civic Space Private Open Space/ Stormwater Mgmt
Proposed Frontage Type(s) N/A
Proposed Building Types(s) Single Family

SIGNATURE

I/We, the undersigned am/are the **(owner(s)), (duly authorized agent), (Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for final plat as indicated above.

Signature(s): Patrick B Miller Date 4-10-20

_____ Date _____

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FINAL PLAT
APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

Yes	No	
✓		1. **Complete application packet**
✓		2. **Application fee**
✓		3. **10 full sized plans printed and folded**
✓		4. **Digital copies (PDF) of the completed application, plans, and legal description** emailed
	✓	5. **1 copy of existing covenants and restrictions** applicable to the development, if any (reference book and page).
✓		6. **Letter of intent** as to whether a Homeowners Association will be created and if any covenants and restrictions are proposed by the subdivider, if not submitted with the Preliminary Plat. Covenants and restrictions, as well as evidence of the establishment of the agency for the ownership and maintenance of any common space, shall be submitted to the City for review and approval prior to recording of the plat.
	✓	7. **Final Floodplain modeling** using HEC-RAS model provided by the City if encroachment is proposed within a FEMA or Shaded Zone X 100-year floodplain. (Contact City Engineer to obtain model and requirements).
✓		8. **Final Stormwater Management Plan** (2 printed and 1 digital copy)
	✓	9. **Final Traffic Impact Study** (TIS) as required by the Access Management Code. (2 printed and 1 digital copy)
	✓	10. **Development Agreement,** if required
✓		11. **Street tree plan**

FINAL PLAT DOCUMENT REQUIREMENTS

✓		1. **Name of subdivision** (unique and numerically consistent and the words "FINAL PLAT," prominently displayed as the title.)
✓		2. **Names, addresses, and phone numbers** of all companies, firms, or individuals involved in the preparation of the plat (i.e. property owner, engineer, surveyor, etc.).
✓		3. **Date of preparation** and/or revisions.
✓		4. **Vicinity map** (drawn at a scale of 1"=2,000', locating the proposed subdivision in relation to the section of land, including township and range, section street names, and a north arrow.)
✓		5. **A legal boundary description** with angular bearings and linear distances, referenced to section or quarter-section corners, Point of Commencing and/or Point of Beginning, and the overall area of the plat in acres.

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Yes	No	
☑	☐	6. **Provide the following sentence after the Legal Description** "The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the accompanying plat, which subdivision and plat shall hereafter be known as "Plat Name".
☑	☐	7. **Location of monuments,** shown in reference to existing official monuments or the nearest established ¼ section corner, including the bearings and distances to such reference points or monuments.
☑	☐	8. **Boundary lines** of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances).
		9. **Accurate dimensions for all lines, angles, and curves**, used to describe boundaries, streets, easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle.
☑	☐	10. **Platted and unplatted land** adjacent to the plat boundary. Include identification of adjacent platted subdivisions and unplatted tracts with external bearings and distances of adjacent plats and property owners for a distance of not less than 400 feet. Include original plat names if replatted. Exterior dimensions shall coincide with adjoining plats unless differences are noted
☑	☐	11. **Blocks, lots and tracts** identified clearly, with blocks numbered or lettered boldly and clearly in the center of the block, and lot dimensions with bearings and distances, and area in square feet.
☑	☐	12. **Note on plat** indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts.
☑	☐	13. **Existing and proposed easements** with dimensions. Existing easements shall be labeled with book and page number.
☑	☐	14. **Any area within a federally designated floodplain.** Location, stations, and elevations of the 100-year floodplain within the plat and 100-year elevations at rear lot corners adjacent to FEMA and Shaded Zone X floodplains. The source of the floodplain information shall be clearly labeled (example: FIRM, Map #20091C0041D, September 27, 1991).
☑	☐	15. **Stream corridor boundary** and dimensions.
☑	☐	16. **Proposed street right-of-way with dimensions** which conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications.
☑	☐	17. **Endorsement of the Planning Commission** as evidenced by the signature of its Chairperson. Endorsement line shall contain the printed name of the Chairperson and their title.
☑	☐	18. **Acceptance of Dedication by the Governing Body**, as indicated by the signature of the Mayor and attested by the City Clerk. The Endorsement Line shall contain the printed name and title of the person signing.
☑	☐	19. **Signature of Owner**, properly attested.

Yes	No	
☑	☐	20. **A dated signature and seal of the licensed Land Surveyor responsible for the survey and a note** stating: "This survey conforms to the Kansas Minimum Standards for Boundary Surveys."
☑	☐	21. **Copies of all pertinent exception documents**, or a copy of a current American Land Title Association (ALTA) survey, or both.
☑	☐	22. **Calculation documents** containing the following data: coordinates of the plat boundary and the unadjusted error of closure of the field traverse that established the plat.
☑	☐	23. **A statement on the plat concerning prior easement rights** as follows: The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the City from any expense incident to the relocation of any such existing utility installations within said prior easement.
☑	☐	24. **A statement on the plat concerning utility easements** as follows: An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. Utility easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of public utilities located within the easement.
☑	☐	25. **A statement on the plat concerning drainage easements** as follows: An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over and through those areas outlined and designated on this plat as "Drainage Easement" or "D/E" is hereby granted to the City. Drainage easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities.
☑	☐	26. **Certification of dedication of all streets, highways and other rights-of-way or parcels for public park or other public use**, signed by the owners and all other parties who have a mortgage or lien interest in the property.

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Written explanations for any items not checked or checked "No" (attach additional sheets, if necessary):

_____

_____

_____

_____

_____

_____

I hereby submit all information required for final plat review. I understand that failure to provide the required information may result in a postponement of my request for review until all information has been submitted. By signing this application, I acknowledge that all public streets and public infrastructure within the plat shall conform to the applicable minimum design standards set forth in the Gardner Municipal Code and the Technical Specifications.

Signature of Applicant

4/10/20
Date

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OWNER AFFIDAVIT

I/WE Simpse Investment Corp, hereby referred to as the "Undersigned", being of lawful age, do hereby on this _____ day of _____, 20___, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

   See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize Renaissance Infrastructure Consulting (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding Hilltop Ridge 1st Plat (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation of partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Owner _____ Owner _____

STATE OF Kansas
COUNTY OF Johnson

The foregoing instrument was acknowledged before me on this 10th day of April, 20 20, by Brian Miller.

My Commission Expires: 2/21

Notary Public

Notary Public-State of Kansas
Marjorie Minnich
My Appointment Expires 2/21