

**PLANNING COMMISSION STAFF REPORT      NEW BUSINESS ITEM No. 1A & 1B**  
**MEETING DATE: MARCH 24, 2020**  
**PREPARED BY: KELLY DRAKE WOODWARD, AICP, CHIEF PLANNER**

**PROJECT NUMBER / TITLE: Z-20-04 Rezoning and PP-20-03 Breckenwood Creek**

**PROCESS INFORMATION**

**Type of Request:** Zoning Map Amendment (Rezoning) and Preliminary Plat  
**Date Received:** February 7, 2020

**APPLICATION INFORMATION**

**Applicant:** Payne & Brockway, P.A.  
**Owner:** Breckenwood Creek, LLC  
**Parcel ID:** Tax Id CF221422-2007  
**Location:** Approximately 0.4 miles north of 175<sup>th</sup> Street along Kill Creek Road, adjacent to St. John's Highlands II plat.

**REQUESTED ACTIONS**

Hold a public hearing on and consider a request to rezone 38.6 acres from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District; consider approval of a Preliminary Plat for Breckenwood Creek.

**EXISTING ZONING AND LAND USE**

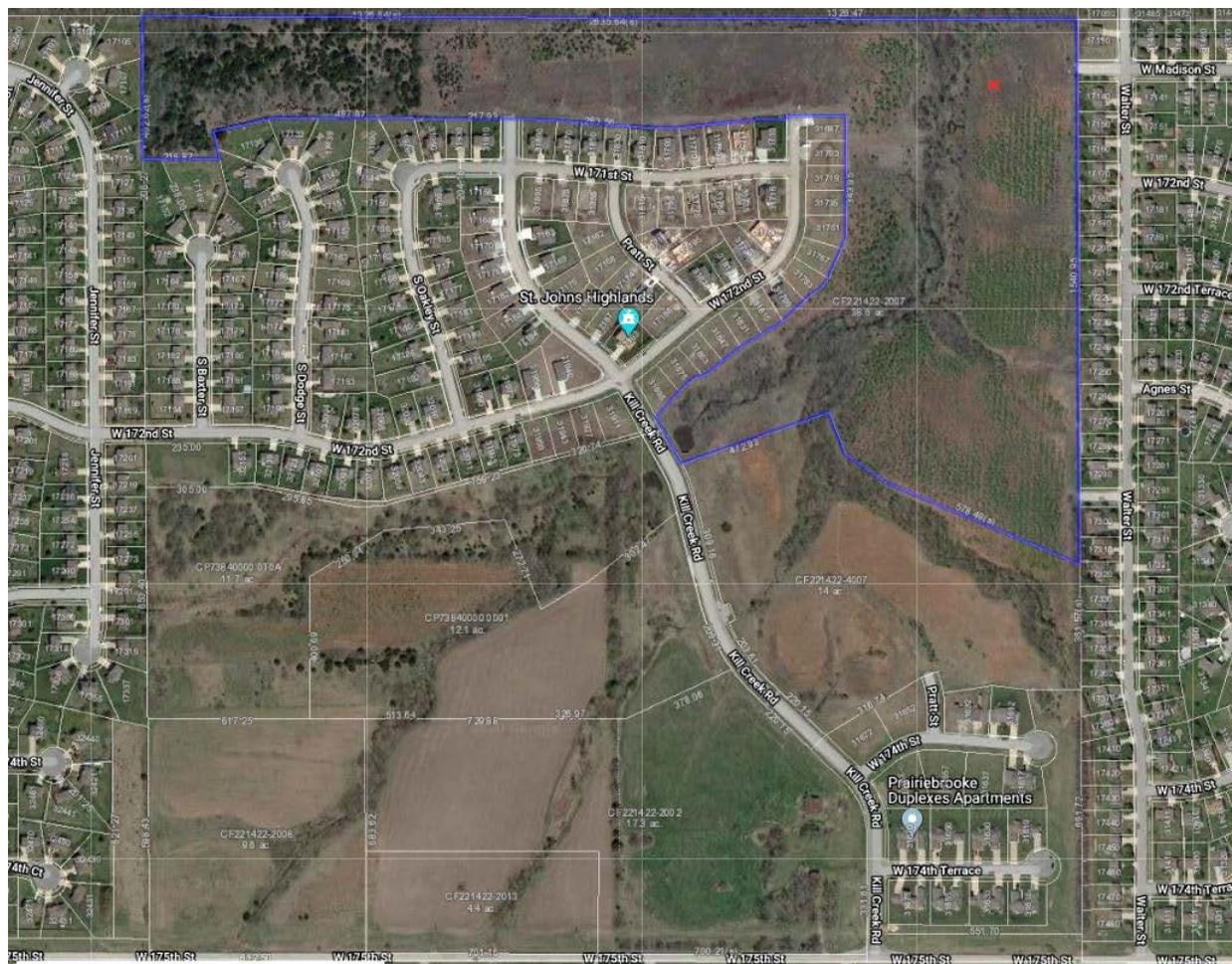
The site is currently zoned R-1 (Single-Family Residential) District, and is undeveloped, with developed properties to the east, west, and a portion of the south boundaries. Areas north of this property remain undeveloped at this time.

**SURROUNDING ZONING AND LAND USE**

<b>Zoning</b>	<b>Use(s)</b>
<b>North of subject property</b>	
County RUR (Rural) District	Undeveloped, agricultural
R-1 (Single-Family Residential) District	Undeveloped, agricultural
<b>East of subject property</b>	
R-1 (Single-Family Residential) District	Single family homes in Double Gate subdivision
<b>South of subject property</b>	
RP-2 (Planned Two-Family Residential) District	Unimproved agriculture use
<b>West of subject property</b>	
R-1 (Single-Family Residential) District	Single family homes in St. John's Highlands and St. John's Trace subdivisions

## **EXISTING CONDITIONS**

The property is currently not platted and is unimproved. This infill development provides for four road connections to existing adjacent development, including connections to Madison Street and Kill Creek Road, which are collector streets. The Madison Street connection will provide a vital second access point for many residents should access via W. 175<sup>th</sup> Street be disrupted, and a direct connection to the High School benefitting this neighborhood and other future residential development parcels.



## **BACKGROUND / HISTORY**

The property was annexed on September 5, 2000 per Ordinance 1961. The property was rezoned (Z-01-03) (Ord. 1990) from A (Agriculture) District to PUD (Planned Urban Development) District on June 18, 2001, along with an approved preliminary development plan (PUD-01-02) and preliminary plat for Prairie Brooke (PP-01-02). This included 140.9 acres of residential single-family detached homes, row houses, and multi-family homes along with other non-residential uses (by separate application for nearby parcels). The preliminary plat was subsequently revised (PP-03-09) in a layout substantially similar to what is proposed by the applicant for single-family, duplex, and garden apartment uses. There were several conditions of approval for the revised preliminary plat, including approval of rezonings Z-03-24 (R-1 Single Family Residential District), Z-04-03 (C-O Office Building District), Z-04-04 (RP-3 Planned Garden Apartment District) and Z-04-05 (RP-2 Planned Two Family Residential District) for the



- promote infill residential development within incomplete subdivisions;
- ensure new residential developments are sited within close proximity and access to schools and parks.

The parcel is indicated for Low Density Residential future land use on the Future Land Use plan of the Comprehensive Plan. Low Density Residential 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. Housing is typically arranged on a local street grid, or as part of a subdivision, and may include local amenities such as small community or civic buildings, playgrounds or gardens that serve residents.” Table 5-1 of the *Gardner Land Development Code* (LDC) translates Low Density Residential future land use into the RE (Residential Estates), R-1 (Single-Family Residential) and R-2 (Two-Family Residential) Districts to develop more walkable neighborhoods with a mix of housing types and connection to walkable community centers.

This parcel is located in the New Growth Area of the Residential Areas Plan of the Comprehensive Plan, which is intended to provide the opportunity to:

- contribute to and enforce the City’s existing character and identity;
- ensure new development meets the requirements in the *Gardner Land Development Code*, providing flexibility where necessary to accommodate a variety of housing types and intensities;
- ensure the character of new residential areas are compatible with existing neighborhoods and reflect the intended character of Gardner in terms of block size and configuration, housing scale and architecture, and design of the public realm;
- work closely with residential developers to encourage local development patterns that provide a variety of housing types and allow aging residents to “downsize” and stay in the neighborhood or subdivision.

The associated preliminary plat provides for the extension of Madison Street which is consistent with the new streets plan of the Comprehensive Plan. It also includes a trail which is 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. It also preserves 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.

The preliminary plat is designed to implement a new single-family detached housing type of the LDC (Detached House – Neighborhood building type). This infill development is located a little over ½ mile from the Gardner Edgerton High School. The single-family detached homes are planned to be situated on lots that are one-third smaller than those in typical existing subdivisions (6,000 s.f. instead of 8,000 s.f.). As a trade-off for this increased density, the development, as intended by the Code, has proposed design features that support a more walkable, pedestrian-oriented neighborhood pattern, including less prominent garages (side access or setback from the front building line) and driveways (shared driveways, narrow access). The smaller lots that require less yard maintenance may attract young professionals and seniors who may not prioritize yard maintenance.

Although this rezoning would provide for housing in a more compact neighborhood format most nearly resembling medium-density residential future land use, it furthers many of the intended housing goals and objectives for this area. The rezoning would also permit the duplex building type to be developed on the property (albeit with a revised plat), which is consistent with both

the low-density and medium-density residential future land uses. This development also satisfies transportation, recreation, and environmental objectives of the plan.

In January 2018, the Planning Commission initiated a process to determine whether to amend the future land use designations for areas outside the specific area plans based on modifications to future land use descriptions and development trends. This process has not yet been undertaken. This developer-initiated request is evidence of a development trend to accommodate more compact single-family development to address diverse housing needs and allow people options to age in place.

### **STAFF ANALYSIS - ZONING**

This section highlights contents of the application which may merit particular consideration in regard to zoning intent and standards. A full analysis of applicable zoning regulations is available upon request. This request is for a rezoning to a base zoning district, coinciding with a preliminary plat application. The review must consider all potential uses that could occur within the proposed zoning district, although the applicant plans to develop the site with single-family detached homes.

### **ZONING MAP AMENDMENT**

#### **17.03.030 (B) Review Criteria:**

**1. The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;**

*Staff Comment: The underlying design for this infill development is impacted by the existing development patterns, including the need to make connections to four existing roads, and the necessity to design around the environmental features. The development as proposed provides for the continuation of existing residential local and collector streets, and indicates consistent block patterns with existing development. The lots are designed for smaller scale homes than existing homes in the neighborhood, but of substantially similar design. The proposed development pattern will further the Code requirement that all blocks shall be laid out to have two tiers of lots unless dictated by overriding development patterns outside of the control or impact of the project. The layout achieves the Code intent to minimize the number of lots accessing collector streets. Staff finds this criteria has been met.*

**2. The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;**

*Staff Comment: It is anticipated that the undeveloped agriculture properties to the north (zoned County Agriculture and R-1 single-family) will eventually be developed for residential uses of some type. This parcel abuts existing R-1 single-family neighborhoods on three sides. It is likely that more dense residential development will occur to the south (property currently zoned RP-2). Only one additional use (multi-unit household living or duplex) may be permitted in the R-2 District but is not permitted in the R-1 District. Staff finds this criteria has been met.*

**3. The suitability of the subject property for the uses to which it has been restricted;**

**Staff Comment:** *The subject property is suitable as restricted for current uses, but is also suitable for proposed residential uses per the goals of the Comprehensive Plan. This key residential infill development is made viable by the potential for an increase in density.*

**4. The extent to which removal of the restrictions will detrimentally affect nearby property;**

**Staff Comment:** *The current uses (household living) can still be implemented in the proposed zoning district, but the proposed zoning district enables two additional building types (Detached House – Neighborhood and Duplex). However, the Code requires these additional building types to meet additional design standards such as garage limits and less prominent, smaller scale driveways to promote walkable neighborhood design. The enhanced design should enable a favorable impact on nearby property.*

**5. The length of time the subject property has remained vacant as zoned;**

**Staff Comment:** *The property has remained vacant even though plans were developed 19 years ago (2001). It is not an easy parcel to develop because of the expense of constructing two collector road connections (with the limitation on fronting parcels on these roadways) and the necessity of utilizing major infrastructure to construct Madison Street across the floodplain, and the inability to place homes within the stream buffer and floodplain. The development is made viable by the potential for increased density.*

**6. The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by such restrictions upon the property;**

**Staff Comment:** *Development of this parcel is critical for connecting neighborhoods and major roadways such as Kill Creek Road and W. Madison Street in the community, and providing multiple routes to major activity centers and schools. If it is not developed, parcels to the north will not connect with two collector streets including Kill Creek Road and W. Madison Street which leads to Gardner Edgerton High School. The development also provides for looped utility connections that provide more resiliency in infrastructure. Public health and safety will be improved by the ability of public safety services to access this and other existing neighborhoods via another route in case of the closure of W. 175<sup>th</sup> Street.*

**7. The recommendations of professional staff;**

**Staff Comment:** *Staff recommends approval of this rezoning application based on the overall level of public benefit.*

**8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;**

**Staff Comment:** *Per previous discussion, Staff finds this application to be consistent with many goals and objectives of the Comprehensive Plan, in particular the goals of housing diversity, infill development, infrastructure and recreational infrastructure connections, environmental protection and the reflection of intended residential character. The intent of the proposed R-2 zoning district is to provide residential living in a moderate-density residential setting, providing*

*a mix of housing options at strategic locations in relation to complementary uses that support strong residential neighborhoods. It is beneficial to have more compact housing patterns located in close proximity to community services such as schools and recreational amenities such as community trails. The proposed trail will connect with the Kill Creek Trail.*

**9. The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and**

**Staff Comment:** *By providing looped utility systems, the development will improve capacity and safety of utility infrastructure. Similarly, the proposed development will improve road connectivity, safety and capacity by creating two more collector roadway connections to handle traffic. The proposed development provides for passive recreation uses and the retention of a wildlife and hydrologic corridor. Staff finds this criteria is met.*

**10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.**

**Staff Comment:** *Population trends indicate smaller household and family size, so the smaller lot residential may address a development type with pent up demand. It is anticipated that the smaller lot residential uses will also provide a more affordable housing option and improve the ability of residents to live close to the many jobs that are being created in areas west of Gardner. Approval of this application would benefit the community by providing additional housing stock in a more efficient, compact format to accommodate the anticipated population increase.*

## **PRELIMINARY PLAT**

The Subdivision Standards of the LDC provide limits to block and cul-de-sac length. The proposed preliminary plat indicates cul-de-sac lengths consistent with plans approved under the former code, but which are longer than current standards allow. The LDC provides for **exceptions** to block and connectivity standards, stating that blocks abutting or containing important natural features, topographical constraints, or otherwise creating parts of the Civic Space system may be larger provided the proposed street layout preserves these features and integrates them into the overall structure of the community. This allows for an exception for the longer eastern cul-de-sac that preserves the floodplain area and provides a mid-block connection to the trail through the natural area.

The western cul-de-sac does not precisely meet this description for exceptions, but the area is constrained by existing residential development to the south which would not accommodate an additional local road to break up this block. The applicant states that there are four reasons they did not provide a stub street to the north of this cul-de-sac as follows:

1. *Preserving the natural tree line along the north property line from Lot 19 through Lot 35, creating a natural buffer from the rear of the lots to the proposed continuation of the east-west collector Madison Street on the property to the north;*
2. *Concerned that the stub street will encourage unnecessary traffic from the collector onto 170<sup>th</sup> Terrace;*

3. *Eliminating the connection to Madison Street will direct traffic to utilize the other collector, Kill Creek Road, for the north-south movements. This also overlaps with the above concern about unnecessary traffic;*
4. *The cul-de-sac configuration is exactly what was approved with the initial approval.*

Because Madison Street is intended to continue east to west connectivity directly north of this development, and Kill Creek Road is intended to facilitate north to south connectivity in the center of this development, another local road connection on the west cul-de-sac is not feasible or recommended so that traffic will flow to these collector streets. However, the applicant has provided a mid-block pedestrian connection to the north on this cul-de-sac to facilitate easier pedestrian access to Madison Street in the future. Regardless of these exceptions, this proposed preliminary plat meets the intent for street networks to provide for efficient and safe movement of all potential users of the streets, to use streetscape design to call attention to differing contexts and better support development patterns and uses abutting the streets, and to increase connectivity and improve options for access in the community. The Fire District has offered support of these exceptions provided that the cul-de-sac width is increased. This request will be accommodated within the typical right-of-way width by providing pedestrian easements on private property for sidewalks around the cul-de-sacs.

Lot 58 does not meet the minimum lot area requirement of 6,000 SF. The applicant states that it is not being revised on the preliminary plat resubmittal because the stream corridor and the final design of the creek crossing improvements for Madison Street will most likely impact the lots to the east (55-57). The exact impact won't be determined until the time of final platting, and Lot 58 will be revised at that time. This is a recommended condition of approval.

#### **17.03.020 (D1) Review Criteria:**

- a. The application is in accordance with the Comprehensive Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.

**Staff Comment:** *Per previous discussion, Staff finds this application to be consistent with many goals and objectives of the Comprehensive Plan, in particular the goals of housing diversity, infill development, infrastructure and recreational infrastructure connections, environmental protection and the reflection of intended residential character. The previously discussed exceptions to block and connectivity standards pertaining to the longer cul-de-sac lengths are mitigated by preserving natural features and integrating connected trails. The design provides for all feasible road and pedestrian connections, including two collector streets. It meets the intent for street networks to provide for efficient and safe movement of all potential users of the streets, to use streetscape design to call attention to differing contexts and better support development patterns and uses abutting the streets, and to increase connectivity and improve options for access in the community. The Fire District indicates support of the longer cul-de-sac length since the width is increased to better accommodate fire truck access.*

- b. Compliance with the requirements of this Land Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.

**Staff Comment:** *As indicated in the development prototypes, the blocks and lots provided are capable of meeting all development and site design standards, including the design intent to*

*provide less prominent garages and decreased front pavement areas by utilizing shared driveways and side-access or setback garages.*

- c. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.

**Staff Comment:** *The City has been in discussion with the developer to incentivize the construction of the Madison Street connection as early in the project phasing as possible as this is so important to the safety and resilience of the surrounding neighborhoods. This will also accommodate earlier construction of looped utility systems. The new road connections will benefit existing neighborhoods, and catalyze development on adjacent property.*

- d. Any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.

**Staff Comment:** *The final stormwater management plan and floodplain study may indicate the loss of a few buildable lots along the waterway. This will be determined with the final plat application.*

- e. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.

**Staff Comment:** *This infill development will actually promote future development on adjacent property, and will benefit existing development with new roadway, trail, pedestrian and utility connections that provide more direct access to the High School, spreading the traffic load along multiple routes.*

- f. The design does not impede the construction of anticipated or planned future public infrastructure within the area.

**Staff Comment:** *The design enhances the construction of planned future public utility and roadway connections.*

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

**Staff Comment:** *Staff recommends approval of the preliminary plat finding all requirements have been met.*

## **STAFF ANALYSIS – INFRASTRUCTURE / OTHER**

**Utilities** – A sanitary sewer line traverses the site just south of the waterway on the eastern portion of the site. Existing stormwater infrastructure also extends from the existing subdivision to the edge of the waterway. Electric service runs along all but the northern boundary. Water service is available throughout the adjacent subdivisions and along Kill Creek Road. Customary utility easements are being provided with this plat, except that the utility easement will be in front of lots 19-54. This allows the preservation of the natural tree line and creates a natural buffer from the rear of the lots to the proposed continuation of the east-west collector Madison Street. Additionally, a creative solution has resulted in a larger diameter for the cul-de-sacs within the

same amount of right-of-way. Sidewalk easements will be created around the cul-de-sac so that the usual street amenities will still be provided.

**Environmental conditions** – The site is in the Kill Creek watershed and contains streams that cross from south to north in the eastern portion of the site. A floodplain surrounds these waterways. Soils are generally silt loam with 1 to 3 percent slopes on prime farmland that is somewhat poorly drained, except for the silt loam or silty clay loam areas near the stream which are moderately well drained.

### **ATTACHMENTS**

- I. Legal Description
- II. Preliminary Plat dated February 07, 2020 (including revisions as received March 16, 2020)
- III. Zoning and Notice Map
- IV. Application Z-20-04
- V. Application PP-20-03

### **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**

Zoning Map Amendment (Rezoning) – Amendments to the official zoning map (rezoning) shall be approved by the Governing Body in the form of an ordinance. Approved changes shall be indicated on the official zoning map by the Director within 30 days following such action.

Preliminary Plat – The approval of the preliminary plat does not constitute an acceptance of the subdivision, but authorizes preparation of the final plat. If the Planning Commission tables a plat, the applicant shall have 60 days to submit information sufficient for approval or the application shall be deemed denied. The applicant may request that a denied preliminary plat be submitted to the Governing Body and the Planning Commission shall submit all information to the Governing Body, which can make a determination consistent with these regulations. The approval of the preliminary plat shall be effective for 18 months, except that any approval of a final plat for any phase specifically indicated on a preliminary plat shall renew the 18-month period. The Planning Commission may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

### **REZONING RECOMMENDATION**

Staff recommends approval of the rezoning from R-1 (Single-family Residential) District to R-2 (Two-family Residential) District as proposed based on the findings in this staff report.

#### **Rezoning Recommended Motion:**

After review of Application Z-20-04, a Zoning Map Amendment for parcel CF221422-2007 located approximately 0.4 miles north of 175<sup>th</sup> Street along Kill Creek Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the request to rezone 38.6 acres from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District.

### **PRELIMINARY PLAT RECOMMENDATION**

Staff recommends approval of Preliminary Plat PP-20-03 for Breckenwood Creek as proposed finding all requirements have been met.

#### **Preliminary Plat Recommended Motion:**

After review of Application PP-20-03, a Preliminary Plat for parcel CF221422-2007 located approximately 0.4 miles north of 175<sup>th</sup> Street along Kill Creek Road, and Preliminary Plat dated February 7, 2020 (per revisions received March 16, 2020), and staff report dated March 24, 2020, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Rezoning Z-20-04 is approved by the Governing Body;
2. Lot 58 will be revised on the final plat to meet the minimum lot area requirement;
3. Approval of the required Level 2 Transportation Impact Study by the City of Gardner Public Works Department.

LEGAL DESCRIPTION  
FOR  
BRECKENWOOD CREEK  
Rezoning and Preliminary Plat

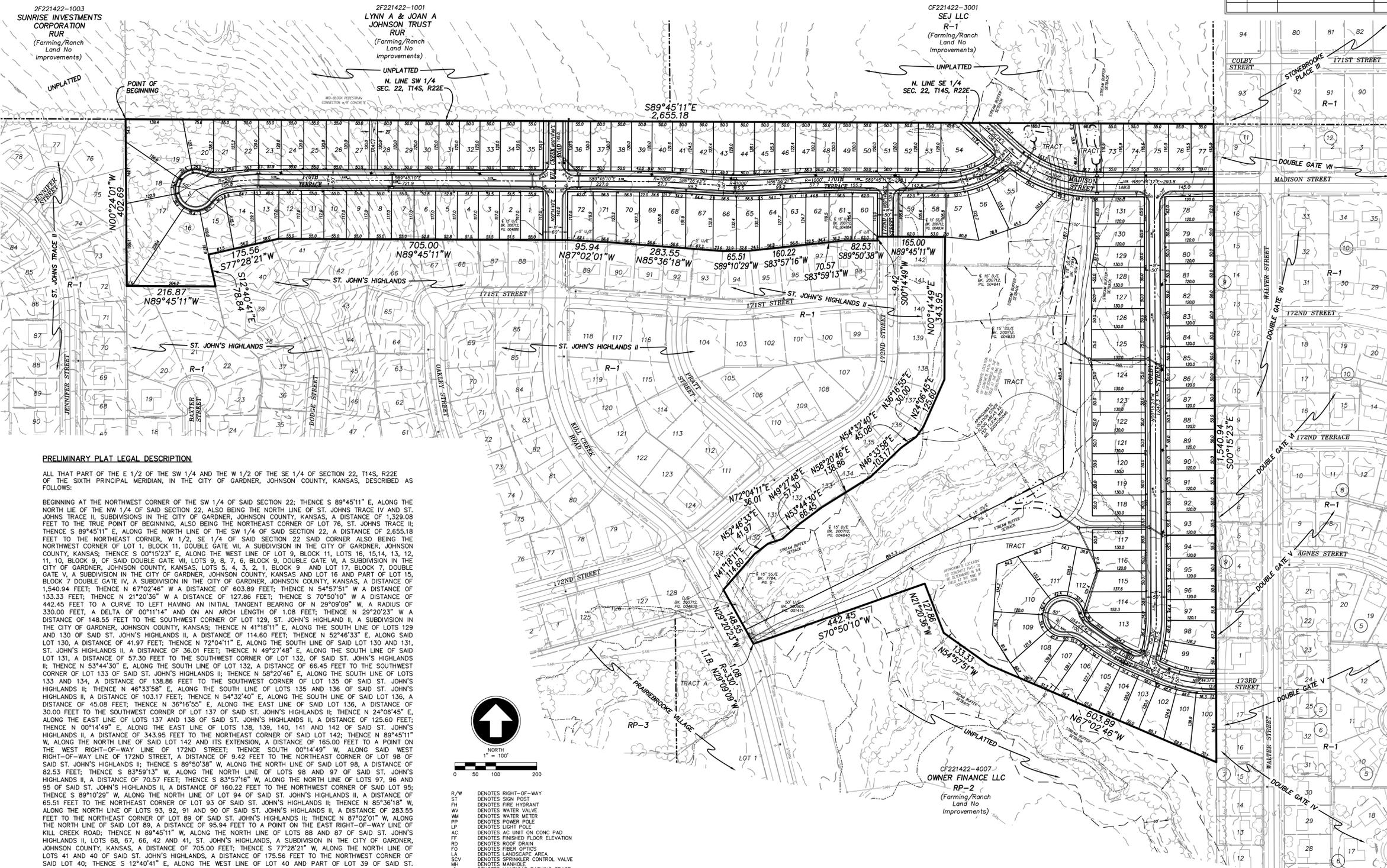
All that part of the E $\frac{1}{2}$  of the SW $\frac{1}{4}$  and the W $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 22, T14S, R22E of the Sixth Principal Meridian, in the City of Gardner, Johnson County, Kansas, described as follows:

Beginning at the Northwest corner of the SW $\frac{1}{4}$  of said Section 22; thence S 89°45'11" E, along the North line of the NW $\frac{1}{4}$  of said Section 22, also being the North line of St. Johns Trace IV and St. Johns Trace II, subdivisions in the City of Gardner, Johnson County, Kansas, a distance of 1,329.08 feet to the TRUE POINT OF BEGINNING, also being the Northeast corner of Lot 76, St. Johns Trace II; thence S 89°45'11" E, along the North line of the SW $\frac{1}{4}$  of said Section 22, a distance of 2,655.18 feet to the Northeast corner, W $\frac{1}{2}$ , SE $\frac{1}{4}$  of said Section 22 said corner also being the Northwest corner of Lot 9, Block 11, Double Gate VII, a subdivision in the City of Gardner, Johnson County, Kansas; thence S 00°15'23" E, along the West line of Lot 1, Block 11, Lots 16, 15, 14, 13, 12, 11, 10, Block 9, of said Double Gate VII, Lots 9, 8, 7, 6, Block 9, Double Gate VI, a subdivision in the City of Gardner, Johnson County, Kansas, Lots 5, 4, 3, 2, 1, Block 9 and Lot 17, Block 7, Double Gate V, a subdivision in the City of Gardner, Johnson County, Kansas and lot 16 and part of Lot 15, Block 7 Double Gate IV, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 1,540.94 feet; thence N 67°02'46" W a distance of 603.89 feet; thence N 54°57'51" W a distance of 133.33 feet; thence N 21°20'36" W a distance of 127.86 feet; thence S 70°50'10" W a distance of 442.45 feet to a curve to left having an initial tangent bearing of N 29°09'09" W, a radius of 330.00 feet, a delta of 00°11'14" and on an arch length of 1.08 feet; thence N 29°20'23" W a distance of 148.55 feet to the Southwest corner of Lot 129, St. John's Highland II, a subdivision in the City of Gardner, Johnson County, Kansas; thence N 41°18'11" E, along the South line of Lots 129 and 130 of said St. John's Highlands II, a distance of 114.60 feet; thence N 52°46'33" E, along said Lot 130, a distance of 41.97 feet; thence N 72°04'11" E, along the South line of said Lot 130 and 131, St. John's Highlands II, a distance of 36.01 feet; thence N 49°27'48" E, along the South line of said Lot 131, a distance of 57.30 feet to the Southwest corner of Lot 132, of said St. John's Highlands II; thence N 53°44'30" E, along the South line of Lot 132, a distance of 66.45 feet to the Southwest corner of Lot 133 of said St. John's Highlands II; thence N 58°20'46" E, along the South line of Lots 133 and 134, a distance of 138.86 feet to the Southwest corner of Lot 135 of said St. John's Highlands II; thence N 46°33'58" E, along the South line of Lots 135 and 136 of said St. John's Highlands II, a distance of 103.17 feet; thence N 54°32'40" E, along the South line of said Lot 136, a distance of 45.08 feet; thence N 36°16'55" E, along the East line of said Lot 136, a distance of 30.00 feet to the Southwest corner of Lot 137 of said St. John's Highlands II; thence N 24°06'45" E, along the East line of Lots 137 and 138 of said St. John's Highlands II, a distance of 125.60 feet; thence N 00°14'49" E, along the East line of Lots 138, 139, 140, 141 and 142 of said St. John's Highlands II, a distance of 343.95 feet to the Northeast corner of said Lot 142; thence N 89°45'11" W, along the North line of said Lot 142 and its extension, a distance of 165.00 feet to a point on the West right-of-way line of 172<sup>nd</sup> Street; thence South 00°14'49" W, along said West right-of-way line of 172<sup>nd</sup> Street, a distance of 9.42 feet to the Northeast corner of Lot 98 of said St. John's Highlands II; thence S 89°50'38" W, along the North line of said Lot 98, a distance of 82.53 feet; thence S 83°59'13" W, along the North line of Lots 98 and 97 of said St. John's Highlands II, a distance

of 70.57 feet; thence S 83°57'16" W, along the North line of Lots 97, 96 and 95 of said St. John's Highlands II, a distance of 160.22 feet to the Northwest corner of said Lot 95; thence S 89°10'29" W, along the North line of Lot 94 of said St. John's Highlands II, a distance of 65.51 feet to the Northeast corner of Lot 93 of said St. John's Highlands II; thence N 85°36'18" W, along the North line of Lots 93, 92, 91 and 90 of said St. John's Highlands II, a distance of 283.55 feet to the Northeast corner of lot 89 of said St. John's Highlands II; thence N 87°02'01" W, along the North line of said Lot 89, a distance of 95.94 feet to a point on the East right-of-way line of Kill Creek Road; thence N 89°45'11" W, along the North line of Lots 88 and 87 of said St. John's Highlands II, Lots 68, 67, 66, 42 and 41, St. John's Highlands, a subdivision in the City of Gardner, Johnson County, Kansas, a distance of 705.00 feet; thence S 77°28'21" W, along the North line of Lots 41 and 40 of said St. John's Highlands, a distance of 175.56 feet to the Northwest corner of said Lot 40; thence S 12°40'41" E, along the West line of Lot 40 and part of Lot 39 of said St. John's Highlands, a distance of 78.84 feet to the Northeast corner of Lot 21 of said St. John's Highlands; thence N 89°45'11" W, along the North line of Lots 21 and 20 of said St. John's Highlands, a distance of 216.87 feet to the Northwest corner of said Lot 20 and also being on the East line of Lot 70, St. John's Trace II, a subdivision in the City of Gardner, Johnson County, Kansas; thence 00°24'01" W, along the East line of Lots 72, 73, 74, 75 and 76, of said St. John's Trace II, a distance of 402.69 feet to the TRUE POINT OF BEGINNING, containing 38.60 acres, more or less, subject to that part in roads or easements.

# BRECKENWOOD CREEK

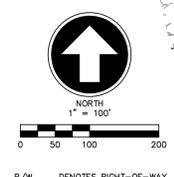
NO.	DATE	DESCRIPTION	BY
1	3/05/20	CITY COMMENTS	CTA
2	3/16/20	CITY COMMENTS	CTA



### PRELIMINARY PLAT LEGAL DESCRIPTION

ALL THAT PART OF THE E 1/2 OF THE SW 1/4 AND THE W 1/2 OF THE SE 1/4 OF SECTION 22, T14S, R22E OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 22; THENCE S 89°45'11" E, ALONG THE NORTH LINE OF THE NW 1/4 OF SAID SECTION 22, ALSO BEING THE NORTH LINE OF ST. JOHN'S TRACE IV AND ST. JOHN'S TRACE II, SUBDIVISIONS IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS, A DISTANCE OF 1,329.08 FEET TO THE TRUE POINT OF BEGINNING, ALSO BEING THE NORTHEAST CORNER OF LOT 76, ST. JOHN'S TRACE II; THENCE S 89°45'11" E, ALONG THE NORTH LINE OF THE SW 1/4 OF SAID SECTION 22, A DISTANCE OF 2,655.18 FEET TO THE NORTHEAST CORNER, W 1/2, SE 1/4 OF SAID SECTION 22 SAID CORNER ALSO BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 11, DOUBLE GATE VII, A SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS; THENCE S 00°15'23" E, ALONG THE WEST LINE OF LOT 9, BLOCK 11, LOTS 16, 15, 14, 13, 12, 11, 10, BLOCK 9, OF SAID DOUBLE GATE VII, LOTS 9, 8, 7, 6, BLOCK 9, DOUBLE GATE V, A SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS; LOTS 5, 4, 3, 2, 1, BLOCK 9, AND LOT 17, BLOCK 7, DOUBLE GATE V, A SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS AND LOT 16 AND PART OF LOT 15, BLOCK 7 DOUBLE GATE IV, A SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS, A DISTANCE OF 1,540.94 FEET; THENCE N 67°24'46" W A DISTANCE OF 603.89 FEET; THENCE N 54°57'51" W A DISTANCE OF 133.33 FEET; THENCE N 21°20'38" W A DISTANCE OF 127.86 FEET; THENCE S 70°50'10" W A DISTANCE OF 442.45 FEET TO A CURVE TO LEFT HAVING AN INITIAL TANGENT BEARING OF N 29°09'09" W, A RADIUS OF 330.00 FEET, A DELTA OF 00°11'14" AND ON AN ARCH LENGTH OF 1.08 FEET; THENCE N 29°20'23" W A DISTANCE OF 148.55 FEET TO THE SOUTHWEST CORNER OF LOT 129, ST. JOHN'S HIGHLAND II, A SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS; THENCE N 41°18'11" E, ALONG THE SOUTH LINE OF LOTS 129 AND 130 OF SAID ST. JOHN'S HIGHLANDS II, A DISTANCE OF 114.60 FEET; THENCE N 52°46'33" E, ALONG SAID LOT 130, A DISTANCE OF 41.97 FEET; THENCE N 72°04'11" E, ALONG THE SOUTH LINE OF SAID LOT 130 AND 131, ST. JOHN'S HIGHLANDS II, A DISTANCE OF 36.01 FEET; THENCE N 49°27'48" E, ALONG THE SOUTH LINE OF SAID LOT 131, A DISTANCE OF 57.30 FEET TO THE SOUTHWEST CORNER OF LOT 132, OF SAID ST. JOHN'S HIGHLANDS II; THENCE N 53°44'30" E, ALONG THE SOUTH LINE OF LOT 132, A DISTANCE OF 66.45 FEET TO THE SOUTHWEST CORNER OF LOT 133 OF SAID ST. JOHN'S HIGHLANDS II; THENCE N 58°20'46" E, ALONG THE SOUTH LINE OF LOTS 133 AND 134, A DISTANCE OF 138.88 FEET TO THE SOUTHWEST CORNER OF LOT 135 OF SAID ST. JOHN'S HIGHLANDS II; THENCE N 46°33'58" E, ALONG THE SOUTH LINE OF LOTS 135 AND 136 OF SAID ST. JOHN'S HIGHLANDS II, A DISTANCE OF 103.17 FEET; THENCE N 54°32'40" E, ALONG THE SOUTH LINE OF SAID LOT 136, A DISTANCE OF 45.08 FEET; THENCE N 36°16'55" E, ALONG THE EAST LINE OF SAID LOT 136, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF LOT 137 OF SAID ST. JOHN'S HIGHLANDS II; THENCE N 24°08'45" E, ALONG THE EAST LINE OF LOTS 137 AND 138 OF SAID ST. JOHN'S HIGHLANDS II, A DISTANCE OF 125.60 FEET; THENCE N 00°14'49" E, ALONG THE EAST LINE OF LOTS 138, 139, 140, 141 AND 142 OF SAID ST. JOHN'S HIGHLANDS II, A DISTANCE OF 343.95 FEET TO THE NORTHEAST CORNER OF SAID LOT 142; THENCE N 89°45'11" W, ALONG THE NORTH LINE OF SAID LOT 142 AND ITS EXTENSION, A DISTANCE OF 165.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 172ND STREET; THENCE SOUTH 00°14'49" W, ALONG SAID WEST RIGHT-OF-WAY LINE OF 172ND STREET, A DISTANCE OF 9.42 FEET TO THE NORTHEAST CORNER OF LOT 98 OF SAID ST. JOHN'S HIGHLANDS II; THENCE S 89°50'38" W, ALONG THE NORTH LINE OF SAID LOT 98, A DISTANCE OF 82.53 FEET; THENCE S 83°59'13" W, ALONG THE NORTH LINE OF LOTS 98 AND 97 OF SAID ST. JOHN'S HIGHLANDS II, A DISTANCE OF 70.57 FEET; THENCE S 83°57'16" W, ALONG THE NORTH LINE OF LOTS 97, 96 AND 95 OF SAID ST. JOHN'S HIGHLANDS II, A DISTANCE OF 160.22 FEET TO THE NORTHEAST CORNER OF SAID LOT 95; THENCE S 80°10'29" W, ALONG THE NORTH LINE OF LOT 94 OF SAID ST. JOHN'S HIGHLANDS II, A DISTANCE OF 65.51 FEET TO THE NORTHEAST CORNER OF LOT 93 OF SAID ST. JOHN'S HIGHLANDS II; THENCE N 85°36'18" W, ALONG THE NORTH LINE OF LOTS 93, 92, 91 AND 90 OF SAID ST. JOHN'S HIGHLANDS II, A DISTANCE OF 283.55 FEET TO THE NORTHEAST CORNER OF LOT 89 OF SAID ST. JOHN'S HIGHLANDS II; THENCE N 87°02'01" W, ALONG THE NORTH LINE OF LOTS 89, 88, 87, 86, 85, 84, 83, 82, 81, 80 OF SAID ST. JOHN'S HIGHLANDS II, LOTS 88, 87, 86, 85, 84, 83, 82, 81, ST. JOHN'S HIGHLANDS II, A DISTANCE OF 705.00 FEET; THENCE S 77°28'21" W, ALONG THE NORTH LINE OF LOTS 41 AND 40 OF SAID ST. JOHN'S HIGHLANDS II, A DISTANCE OF 175.56 FEET TO THE NORTHEAST CORNER OF SAID LOT 40; THENCE S 12°40'41" E, ALONG THE WEST LINE OF LOT 40 AND PART OF LOT 39 OF SAID ST. JOHN'S HIGHLANDS II, A DISTANCE OF 78.84 FEET TO THE NORTHEAST CORNER OF LOT 21 OF SAID ST. JOHN'S HIGHLANDS II; THENCE N 89°45'11" W, ALONG THE NORTH LINE OF LOTS 21 AND 20 OF SAID ST. JOHN'S HIGHLANDS II, A DISTANCE OF 216.87 FEET TO THE NORTHEAST CORNER OF SAID LOT 20 AND ALSO BEING ON THE EAST LINE OF LOT 70, ST. JOHN'S TRACE II, A SUBDIVISION IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS; THENCE 00°24'01" W, ALONG THE EAST LINE OF LOTS 72, 73, 74, 75 AND 76, OF SAID ST. JOHN'S TRACE II, A DISTANCE OF 402.69 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 38.60 ACRES, MORE OR LESS.



- R/W DENOTES RIGHT-OF-WAY
- ST DENOTES SIGN POST
- FW DENOTES FIRE HYDRANT
- WM DENOTES WATER VALVE
- WM DENOTES WATER METER
- AC DENOTES AC UNIT ON CONC PAD
- LP DENOTES LIGHT POLE
- FF DENOTES FINISHED FLOOR ELEVATION
- RD DENOTES ROOF DRAIN
- FO DENOTES FIBER OPTICS
- LA DENOTES LANDSCAPE AREA
- SCV DENOTES SPRINKLER CONTROL VALVE
- MH DENOTES MANHOLE
- SP DENOTES HANDICAP PARKING SPACE
- W DENOTES WATER LINE
- S DENOTES SANITARY SEWER LINE
- UOE DENOTES UNDERGROUND POWER LINE
- OP DENOTES OVERHEAD POWER LINE
- UL DENOTES UNDERGROUND TELEPHONE LINE
- G DENOTES UNDERGROUND GAS LINE
- SL DENOTES UNDERGROUND STREET LIGHT LINE
- EX DENOTES EXISTING CONTOURS
- BL DENOTES EXISTING BUILDING LINE
- OH DENOTES OVERHANG

### PROJECT NOTES:

THIS PLAT IS BEING SUBMITTED TO GAIN APPROVAL TO CONSTRUCT A SINGLE-FAMILY DEVELOPMENT ON THE SUBJECT PROPERTY.

THE TOPOGRAPHY WAS SUPPLIED BY PAYNE AND BROCKWAY FIELD DATA/RECORDS AND JOHNSON COUNTY AIMS (AUTOMATED INFORMATION MAPPING SYSTEM) BASED ON KANSAS STATE PLANE NORTH/USGS DATUM NAD83 AND NAVD83.

ALL APPROPRIATE PUBLIC UTILITIES SHALL BE PROVIDED TO EACH LOT WITHIN THE SUBJECT PROPERTY, IN ACCORDANCE WITH CITY OF GARDNER REQUIREMENTS AND STANDARDS.

ALL APPROPRIATE EASEMENTS WILL BE PROVIDED FOR ALL PUBLIC UTILITIES AND ALONG RIGHTS-OF-WAY IN ACCORDANCE WITH CITY OF GARDNER REQUIRED WIDTHS. THE EASEMENTS WILL BE DEFINED AT TIME OF FINAL PLATTING.

LOTS 19 THROUGH 54 WILL HAVE FRONT YARD UTILITIES, WHICH WILL BE SCREENED IN ACCORDANCE WITH CITY OF GARDNER STANDARDS.

ALL SIDEWALKS WITHIN PUBLIC STREET RIGHTS-OF-WAY WILL BE 5 FT IN WIDTH.

ALL SIDEWALKS WILL BE CONCRETE, EXCEPT HAS DEFINED OTHERWISE.

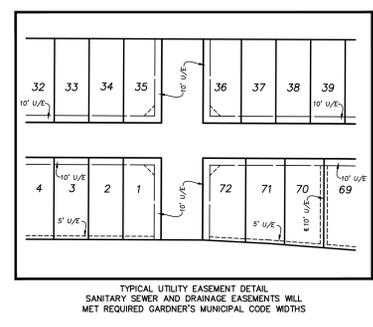
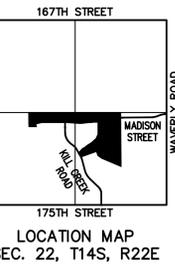
ACCORDING TO F.I.R.M. MAP NO. 2009101046 JOHNSON COUNTY, KANSAS, DATED AUGUST 3, 2009, A PORTION OF THE SITE IS DETERMINED TO BE INSIDE OTHER FLOOD AREAS, ZONE X, FUTURE BASE FLOOD (AREAS OF 1% ANNUAL CHANCE FLOOD BASED ON FUTURE CONDITIONS HYDROLOGY. NO BASE FLOOD ELEVATIONS DETERMINED).

### PROJECT SUMMARY:

- EXISTING ZONING R-1
- PROPOSED ZONING R-2
- AREA 38.6 ACRES
- LOTS 131
- DENSITY 3.39 LOTS PER ACRE
- TRACTS 5
- OPEN SPACE AREA 11.5 ACRES
- FRONT SETBACKS 10'
- SIDE SETBACKS 10'
- SEYARD SETBACKS 5' MINIMUM
- REARYARD SETBACKS 25' MINIMUM
- STREET TYPES
  - KILL CREEK ROAD COLLECTOR - NEIGHBORHOOD
  - MADISON STREET COLLECTOR - NEIGHBORHOOD
  - COLBY STREET LOCAL - NEIGHBORHOOD
  - 170TH TERRACE LOCAL - NEIGHBORHOOD
  - 173RD TERRACE LOCAL - NEIGHBORHOOD
- BUILDING TYPE DETACHED HOUSE - NEIGHBORHOOD TERRACE
- FRONTAGE TYPE TRAIL/GREENWAY
- OPEN AND CIVIC SPACE TYPE

- DENOTES PROPOSED CURB
- DENOTES PROPOSED 5' SIDEWALK
- DENOTES PROPOSED STORM
- DENOTES PROPOSED SANITARY
- DENOTES PROPOSED WATERLINE
- DENOTES PROPOSED FIRE HYDRANT
- DENOTES PROPOSED LIGHT POLE
- DENOTES STORMWATER BMP BOUNDARY
- DENOTES EXISTING CURB
- DENOTES EXISTING SIDEWALK
- DENOTES EXISTING STORM
- DENOTES EXISTING SANITARY
- DENOTES EXISTING WATERLINE
- DENOTES EXISTING FIRE HYDRANT
- DENOTES EXISTING LIGHT POLE

LOT#	AREA	LOT#	AREA	LOT#	AREA	LOT#	AREA	LOT#	AREA	LOT#	AREA
1	6,435 Sq.Ft.	24	6,600 Sq.Ft.	47	6,056 Sq.Ft.	70	7,076 Sq.Ft.	93	6,655 Sq.Ft.	116	6,250 Sq.Ft.
2	6,026 Sq.Ft.	25	6,600 Sq.Ft.	48	6,001 Sq.Ft.	71	6,859 Sq.Ft.	94	6,655 Sq.Ft.	117	6,500 Sq.Ft.
3	6,026 Sq.Ft.	26	6,600 Sq.Ft.	49	6,000 Sq.Ft.	72	7,345 Sq.Ft.	95	6,000 Sq.Ft.	118	6,500 Sq.Ft.
4	6,026 Sq.Ft.	27	6,000 Sq.Ft.	50	6,000 Sq.Ft.	73	6,445 Sq.Ft.	96	6,000 Sq.Ft.	119	6,500 Sq.Ft.
5	6,172 Sq.Ft.	28	6,000 Sq.Ft.	51	6,000 Sq.Ft.	74	6,418 Sq.Ft.	97	6,100 Sq.Ft.	120	6,500 Sq.Ft.
6	6,172 Sq.Ft.	29	6,000 Sq.Ft.	52	6,000 Sq.Ft.	75	6,392 Sq.Ft.	98	7,055 Sq.Ft.	121	6,500 Sq.Ft.
7	6,435 Sq.Ft.	30	6,000 Sq.Ft.	53	6,600 Sq.Ft.	76	6,365 Sq.Ft.	99	8,151 Sq.Ft.	122	6,500 Sq.Ft.
8	6,435 Sq.Ft.	31	6,000 Sq.Ft.	54	10,811 Sq.Ft.	77	6,339 Sq.Ft.	100	8,688 Sq.Ft.	123	6,500 Sq.Ft.
9	6,435 Sq.Ft.	32	6,000 Sq.Ft.	55	12,856 Sq.Ft.	78	7,440 Sq.Ft.	101	7,665 Sq.Ft.	124	9,750 Sq.Ft.
10	6,435 Sq.Ft.	33	6,000 Sq.Ft.	56	7,878 Sq.Ft.	79	6,000 Sq.Ft.	102	6,968 Sq.Ft.	125	9,750 Sq.Ft.
11	6,435 Sq.Ft.	34	6,000 Sq.Ft.	57	7,411 Sq.Ft.	80	6,000 Sq.Ft.	103	6,000 Sq.Ft.	126	6,500 Sq.Ft.
12	6,435 Sq.Ft.	35	6,600 Sq.Ft.	58	5,807 Sq.Ft.	81	6,000 Sq.Ft.	104	6,375 Sq.Ft.	127	6,500 Sq.Ft.
13	7,222 Sq.Ft.	36	6,600 Sq.Ft.	59	6,546 Sq.Ft.	82	6,000 Sq.Ft.	105	6,800 Sq.Ft.	128	6,500 Sq.Ft.
14	8,555 Sq.Ft.	37	6,000 Sq.Ft.	60	7,144 Sq.Ft.	83	6,000 Sq.Ft.	106	7,148 Sq.Ft.	129	6,250 Sq.Ft.
15	7,822 Sq.Ft.	38	6,000 Sq.Ft.	61	6,600 Sq.Ft.	84	6,000 Sq.Ft.	107	7,120 Sq.Ft.	130	6,600 Sq.Ft.
16	22,622 Sq.Ft.	39	6,000 Sq.Ft.	62	6,913 Sq.Ft.	85	6,000 Sq.Ft.	108	8,109 Sq.Ft.	131	7,800 Sq.Ft.
17	17,409 Sq.Ft.	40	6,032 Sq.Ft.	63	7,133 Sq.Ft.	86	6,000 Sq.Ft.	109	10,754 Sq.Ft.	132	6,500 Sq.Ft.
18	11,685 Sq.Ft.	41	6,154 Sq.Ft.	64	7,301 Sq.Ft.	87	6,000 Sq.Ft.	110	13,364 Sq.Ft.	133	6,500 Sq.Ft.
19	15,496 Sq.Ft.	42	6,299 Sq.Ft.	65	7,454 Sq.Ft.	88	6,000 Sq.Ft.	111	11,946 Sq.Ft.	134	6,500 Sq.Ft.
20	7,873 Sq.Ft.	43	6,422 Sq.Ft.	66	7,514 Sq.Ft.	89	6,000 Sq.Ft.	112	6,684 Sq.Ft.	135	6,500 Sq.Ft.
21	6,962 Sq.Ft.	44	6,439 Sq.Ft.	67	8,877 Sq.Ft.	90	6,000 Sq.Ft.	113	9,227 Sq.Ft.	136	6,500 Sq.Ft.
22	6,662 Sq.Ft.	45	6,336 Sq.Ft.	68	7,424 Sq.Ft.	91	6,000 Sq.Ft.	114	7,312 Sq.Ft.	137	6,500 Sq.Ft.
23	6,600 Sq.Ft.	46	6,191 Sq.Ft.	69	7,301 Sq.Ft.	92	6,000 Sq.Ft.	115	6,439 Sq.Ft.	138	6,500 Sq.Ft.



Prepared By: Payne & Brockway Engineers, P.A.  
P. O. Box 128  
Olathe, Kansas 66051  
913-782-4800

Prepared For: Breckenwood Creek LLC  
c/o Craig Schaffer  
6709 W. 119th Street, #211,  
Overland Park, Kansas 66209  
913-209-9024

Date Prepared: February 7, 2020

### PRELIMINARY PLAT

BRECKENWOOD CREEK  
NW 1/4 SEC. 12 T14S, R22E

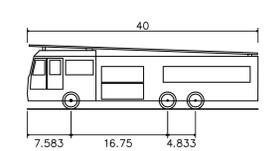
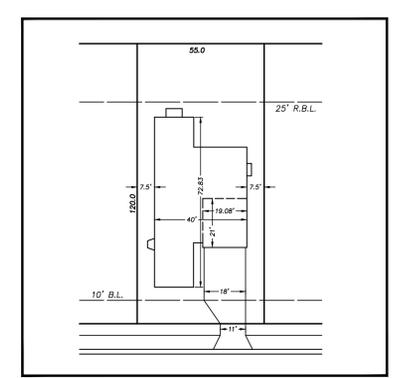
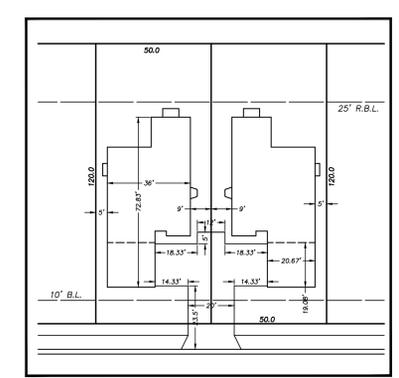
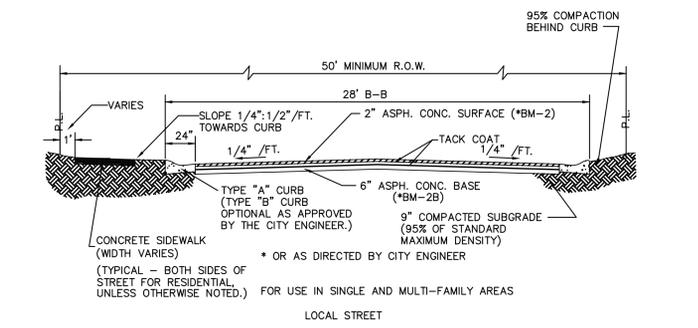
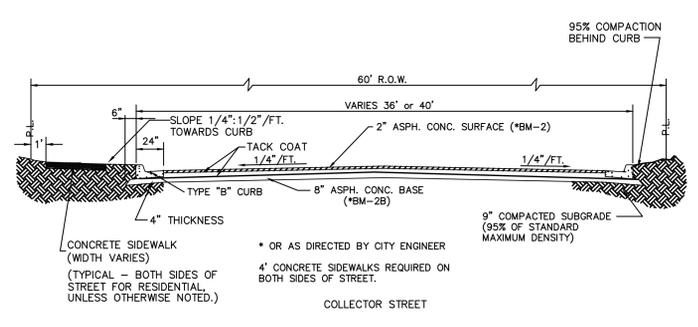
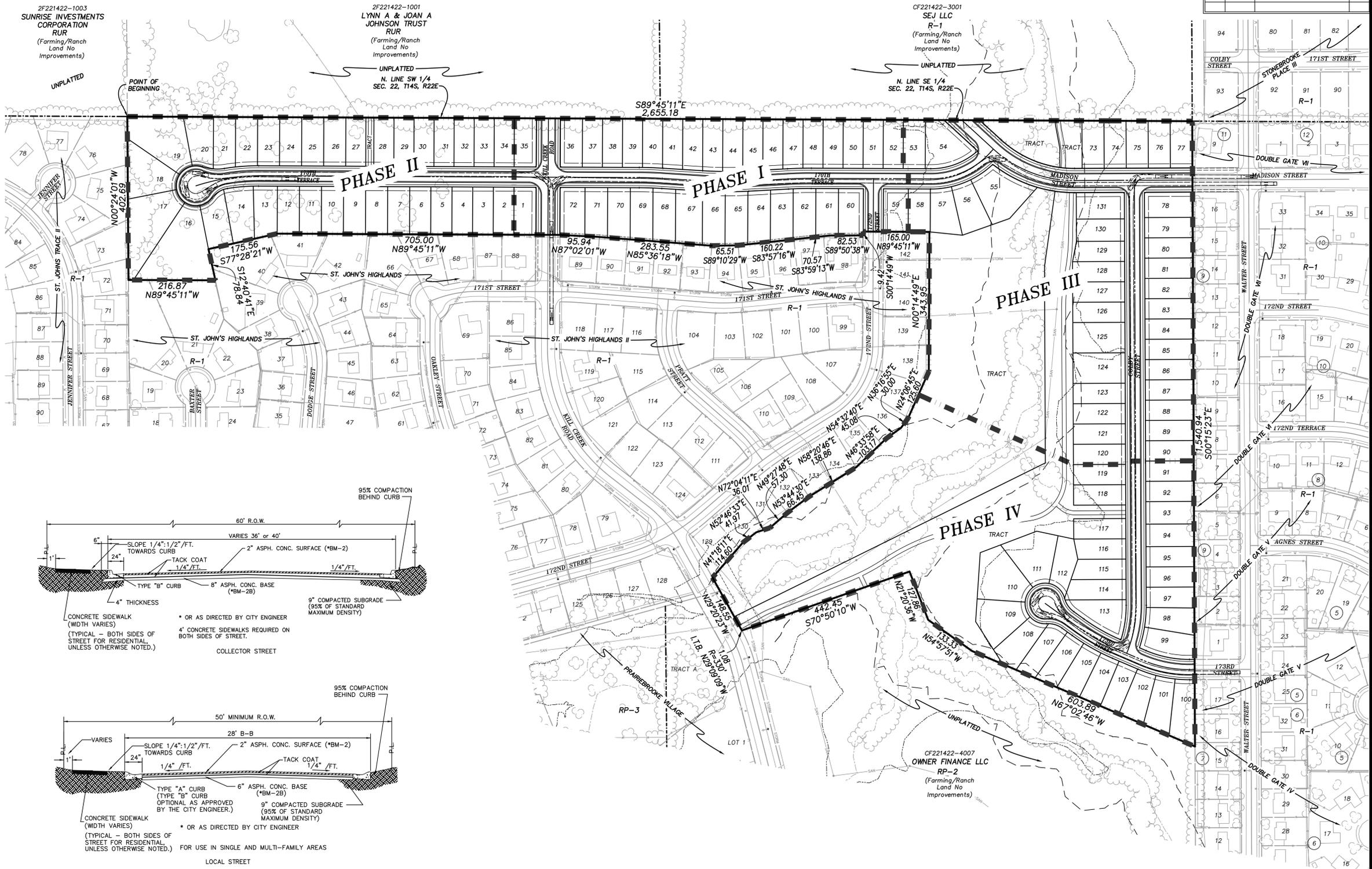
**Payne & Brockway P.A.**  
CIVIL ENGINEERS & LAND SURVEYORS  
425 SOUTH KANSAS AVE., OLAHE, KANSAS 66061  
PH: 913.782.4800 FAX: 913.782.0907  
WWW.PAYNE-BROCKWAY.COM

DATE	SCALE	SHEET	OF
2/07/20	100	1	3



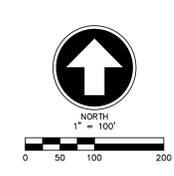
# BRECKENWOOD CREEK

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	3/05/20	CITY COMMENTS	CTA
2	3/16/20	CITY COMMENTS	CTA



E-ONE HP100 Aerial  
Overall Length 40.00ft  
Overall Width 8.333ft  
Overall Body Height 11.000ft  
Min Body Ground Clearance 1.393ft  
Track Width 8.333ft  
Lock-to-lock time 6.00s  
Max Wheel Angle 45.00°

N.T.S.



- R/W DENOTES RIGHT-OF-WAY
- ST DENOTES SIGN POST
- FH DENOTES FIRE HYDRANT
- WV DENOTES WATER VALVE
- WM DENOTES WATER METER
- PP DENOTES POWER POLE
- LP DENOTES LIGHT POLE
- AC DENOTES AC UNIT ON CONC PAD
- FF DENOTES FINISHED FLOOR ELEVATION
- RD DENOTES ROOF DRAIN
- FD DENOTES FIBER OPTICS
- LA DENOTES LANDSCAPE AREA
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- W DENOTES WATER LINE
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- USE DENOTES UNDERGROUND POWER LINE
- OP DENOTES OVERHEAD POWER LINE
- T DENOTES UNDERGROUND TELEPHONE LINE
- G DENOTES UNDERGROUND GAS LINE
- TCL DENOTES UNDERGROUND STREET LIGHT LINE
- DENOTES EXISTING CONTOURS
- DENOTES EXISTING BUILDING LINE
- DENOTES OVERHANG

Prepared By: Payne & Brockway Engineers, P.A.  
P. O. Box 128  
Olathe, Kansas 66051  
913-782-4800

Prepared For: Breckenwood Creek LLC  
c/o Craig Schaffer  
6709 W. 119th Street, #211,  
Overland Park, Kansas 66209  
913-209-9024

Date Prepared: February 7, 2020

## PHASING & VEHICULAR TRACKING PLAN

BRECKENWOOD CREEK  
NW 1/4 SEC. 12 T14S, R22E

**Payne & Brockway P.A.**  
CIVIL ENGINEERS & LAND SURVEYORS  
435 SOUTH KANSAS AVE. OLATHE, KANSAS 66051  
PH: 913.782.4800 FAX: 913.782.0997  
WWW.PAYNEBROCKWAY.COM

DATE	SCALE	SHEET	OF
2/07/20	100	3	3

19-00231/1/166/1/16-0023 RP-002 RP-002/Phase-Vehicular



BUSINESS & ECONOMIC DEVELOPMENT

March 2, 2020

Dear Property Owner:

The Gardner Planning Commission will hold their regular meeting on **Tuesday, March 24, 2020, beginning at 7:00 p.m.**, in the **Gardner City Hall, 120 E Main Street**. The following items may be of interest to you:

**Z-20-04:** Proposed rezoning of approximately 38.6 acres from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District on property located approximately 0.4 miles north of 175<sup>th</sup> Street, along Kill Creek Road (Tax ID CF221422-2007).

Rezoning requests are considered public hearing items and the public will be given the opportunity to make oral comments on such requests at the meeting. Written comments are welcome and encouraged. Please note that the Planning Commission will also consider a plat application subdividing the lots for Detached House – Neighborhood (small single-family) residential use for this property at this meeting.

A complete legal description for this property is available at the City of Gardner Business & Economic Development Department at Gardner City Hall, 120 E. Main Street, Monday - Friday from 8:00 a.m. - 5:00 p.m. If you have questions relating to this matter, please contact me at 913-856-0954.

After the Planning Commission makes a recommendation, property owners within 200' of the subject area, 1,000' in the county, may submit a protest petition against such recommendation. The protest petition must be filed with the City Clerk, within 14 days of the conclusion of the public hearing. For more information, contact the Business & Economic Development Department.

**PLEASE NOTE:** If you have recently transferred ownership of your property in the area of this request, or if such property is under a contract purchase agreement, we ask you to please forward this letter to the new owner or the contract purchaser.

Sincerely,

A handwritten signature in black ink that reads 'Kelly Drake-Woodward'.

Kelly Drake-Woodward, AICP  
Chief Planner

Enclosure





## ZONING MAP AMENDMENT (REZONING) APPLICATION

Pre-App Date	_____
Fee	_____
File No.	_____

### OWNER INFORMATION

Name(s) Breckenwood Creek, LLC  
 Contact Craig J. Schaffer  
 Address 6709 W 119th Street, #211  
 City Overland Park State KS Zip 66029  
 Phone 913-209-9024 Email craig@craigbretthomes.com

### APPLICANT/AGENT INFORMATION

Name(s) Payne & Brockway, P.A.  
 Contact Todd Allenbrand  
 Address 426 S. Kansas Avenue  
 City Olathe State KS Zip 66061  
 Phone 913-782-4800 Email todda@payne-brockway.com

### SITE INFORMATION

Property Address/Location: 171st Street and Kill Creek Road  
 Legal Description (Attach If Necessary) Pt. of the E½, SW¼ & W½, SE¼ of Sec. 22-14-22  
 Total Site Area 38.6  
 Present Zoning R-1 Proposed Zoning R-2  
 Present Land Use Single Family Proposed Land Use Single Family  
 Proposed Building Type(s) Detached House- Neighborhood

### Please indicate a reason for the request:

The rezoning request is to give the developer an option for smaller single-family lots.

### 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 rezoning as indicated above.

Signature(s):  Date 2/02/20  
 \_\_\_\_\_ Date \_\_\_\_\_

## ZONING MAP AMENDMENT (REZONING) APPLICATION CHECKLIST

### APPLICATION SUBMITTAL REQUIREMENTS

- | Yes                                 | No                                  |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1. Complete application packet   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 2. Application fee   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 3. Digital copies (PDF) of the completed application and legal description (Word)            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 4. Sign posting affidavit  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 5. Preliminary Development Plan application and plans (if rezoning to a planned development) |

**Please respond to the following statements:**

Anticipated relationship of proposed zoning to economic development or public health, safety and welfare:

We believe the proposed use will create affordable entry level housing, attracting younger families as well as empty nester's and/or retired people looking for smaller single-family homes. The proposed use will have a direct economic benefit for the City as the development proceed. The proposed use will also add another road connection for the existing development to the south as well as a needed water main loop.

Anticipated impact of proposed zoning/use on existing public infrastructure:

We believe there will be no detrimental impact to the public infrastructure. This belief is supported by the fact that the proposed use is utilizing the road network and future utility connections that were approved with the original 2003 preliminary, Prairiebrooke.

I hereby submit all information required for rezoning application 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.

C. J. H. [Signature]  
 Signature of Applicant

2/02/20  
 Date

**OWNER AFFIDAVIT**

I/WE Craig J. Schaffer, Member of Breckenwood Creek LLC, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 6 day of Feb, 2020, make the following statements to wit:

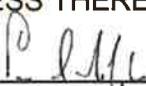
- 1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

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

- 2. I/We the undersigned, have previously authorized and hereby authorize Payne & Brockway P.A. (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding 38.60 Acres at 171st Street & Kill Creek Road (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 or 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.

  
Craig J. Schaffer, Member  
of Breckenwood Creek LLC

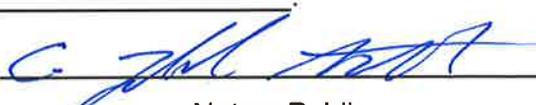
\_\_\_\_\_  
Owner

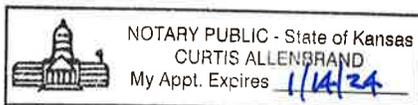
STATE OF KANSAS  
COUNTY OF JOHNSON

The foregoing instrument was acknowledged before me on this 6<sup>th</sup> day of February, 2020, by

Craig J. Schaffer, Member

My Commission Expires:

  
Notary Public





### PRELIMINARY PLAT APPLICATION

Pre-App Date _____
Fee _____
File No. _____

#### OWNER INFORMATION

Name(s) Breckenwood Creek LLC

Contact Craig J. Schaffer

Address 6709 W 119th Street, #211

City Overland Park State KS Zip 66029

Phone 913-209-9024 Email craig@craigbretthomes.com

#### APPLICANT/AGENT INFORMATION

Name(s) Payne & Brockway, P.A.

Contact Todd Allenbrand

Address 426 S. Kansas Avenue

City Olathe State KS Zip 66061

Phone 913-782-4800 Email todda@payne-brockway.com

#### SITE INFORMATION

Property Address/Location 171st Street and Kill Creek Road

Legal Description (Attach If Necessary) Pt. of the E½, SW¼ & W½, SE¼ of Sec. 22-14-22

Number of Existing Lots 0 Number of Proposed Lots 131

Total Site Area 38.6 Present Zoning R-2

Number of Existing Structures 0 Present Land Use Single Family

Proposed Street Design Type(s) & Class Neighborhood

Proposed Type(s) Open & Civic Space Natural Area & Trail/Greenway

Proposed Frontage Type(s) Terrace

Proposed Building Types(s) Detached House- Neighborhood

#### 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 preliminary plat as indicated above.

Signature(s):  Date 2/10/20

\_\_\_\_\_ Date \_\_\_\_\_

## PRELIMINARY PLAT APPLICATION CHECKLIST

### APPLICATION SUBMITTAL REQUIREMENTS

- | Yes                                 | No                                  |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 1. <b>Complete application packet</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 2. <b>Application fee</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 3. <b>10 complete sets of full sized plans printed and folded</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 4. <b>Digital copies (PDF) of the completed application, plans, and legal description</b>  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 5. <b>1 copy of existing covenants and restrictions applicable to the development, if any (reference book and page).</b>   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 6. <b>Letter of intent</b> as to whether a Homeowners Association will be created and if any covenants and restrictions are proposed by the subdivider.  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 7. <b>Preliminary Floodplain modeling</b> 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). |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 8. <b>Preliminary Stormwater Management Plan</b> (2 printed and 1 digital copy)  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 9. <b>Preliminary Traffic Assessment</b> See Access Management Code. (2 printed and 1 digital copy)  |

### PRELIMINARY PLAT REQUIREMENTS

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. <b>Name of subdivision</b> (unique and numerically consistent and the words "PRELIMINARY PLAT," prominently displayed as the title.)  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. <b>Names, addresses, and phone numbers</b> of all companies, firms, or individuals involved in the preparation of the plat (i.e. property owner, engineer, surveyor, etc.).   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. <b>Date of preparation</b> of preliminary plat and/or revisions.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. <b>Vicinity map</b> (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.)                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. <b>A legal boundary description</b> 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. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. <b>Location of monuments</b> , 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.                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. <b>Boundary lines</b> of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances).  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. <b>All public streets</b> within the plat conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. <b>Building setback lines</b> along public and private streets with dimensions in feet.   |

- | Yes                                 | No                                  |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 10. <b>Platted and unplatted land</b> 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 11. <b>Lots and tracts</b> 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.   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 12. <b>Note on plat</b> indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 13. <b>Existing streets, driveways, trails, and sidewalks</b> which abut, touch upon or extend through the subdivision and/or streets located within 400 feet of the plat. The description shall include types and widths of existing surfaces, right-of-way widths, and dimensions of any bridges and culverts, access points and signals.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 14. <b>Location of existing open space, alleys, parks, streams, ponds, vegetation,</b> or other similar features within plat, and whether they are to be retained or removed.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 15. <b>Location of existing buildings</b> and structures within 200 feet of the plat.   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | 16. <b>Existing utilities,</b> including sanitary sewer, force main, water main, gas mains, culverts and storm sewer pipe, street lights, electric conduits, and invert elevations of sewers at points of proposed connection.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 17. <b>Topography</b> of the area contained in the plat and within 20 feet of the plat boundary shown by 2-foot contour intervals and proposed preliminary grading. Contour lines shall be legible but not overpowering.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 18. <b>Proposed street network,</b> including right-of-way, bearings, tangents, and horizontal and vertical curvature data (use of flow direction arrows and percent of grade is permitted at preliminary for vertical curve data, unless otherwise specified/required) along the centerline of each street.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 19. <b>Proposed sidewalks</b> and/or trail locations including proposed widths.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 20. <b>Proposed utilities,</b> including approximate location of sanitary sewer, water main, street lights, storm sewer, detention and treatment facilities.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 21. <b>Existing and proposed easements</b> with dimensions. Existing easements shall be labeled with book and page number.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 22. <b>Any area within a federally designated floodplain.</b> 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).                                      |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 23. <b>Stream corridor boundary</b> and dimensions.   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 24. <b>Intersection site distance analysis.</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 25. <b>Copies of all pertinent exception documents,</b> or a copy of a current American Land Title Association (ALTA) survey, or both.  |



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

5) No covenants and restrictions are established. 6) The developer is in discussion about establishing an HOA or entering into an existing HOA

7) Preliminary floodplain modeling will be supplied at a later date. 8) Preliminary stormwater management plan will be supplied at the time of the

preliminary floodplain modeling. 9) Not applicable. 12) Final platting will address ownership, purpose and maintenance responsibilities of tracts. 23) Stream corridor

will be determined and shown at the stormwater management plan has been completed. 24) Intersection sight distance will be shown on the landscape plan

**I hereby submit all information required for preliminary 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

Date

**OWNER AFFIDAVIT**

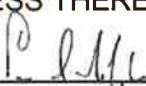
I/WE Craig J. Schaffer, Member of Breckenwood Creek LLC, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 6 day of Feb, 2020, make the following statements to wit:

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 Payne & Brockway P.A. (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding 38.60 Acres at 171st Street & Kill Creek Road (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 or 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.

  
\_\_\_\_\_  
Craig J. Schaffer, Member  
of Breckenwood Creek LLC

\_\_\_\_\_  
Owner

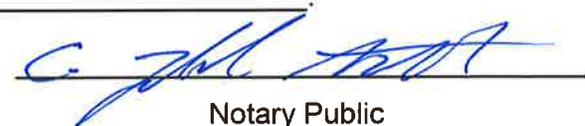
STATE OF KANSAS

COUNTY OF JOHNSON

The foregoing instrument was acknowledged before me on this 6<sup>th</sup> day of February, 2020, by

Craig J. Schaffer, Member  
\_\_\_\_\_

My Commission Expires:

  
\_\_\_\_\_  
Notary Public

