
PROJECT NUMBER / TITLE: Z-20-02 Rezoning Prairie Trace Multi-Family

PROCESS INFORMATION

Type of Request: Zoning Map Amendment (Rezoning)
Date Received: January 10, 2020

APPLICATION INFORMATION

Applicant: Schlagel & Associates, PA
Owner: Grata Development
Parcel ID: Portions of Tax Id 2F231429-1001
Location: Southwest of the intersection of 175th Street and S. Clare Road

REQUESTED ACTION

Hold a public hearing on and consider a rezoning of 31.9 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner District R-3 (Garden Apartment) District.

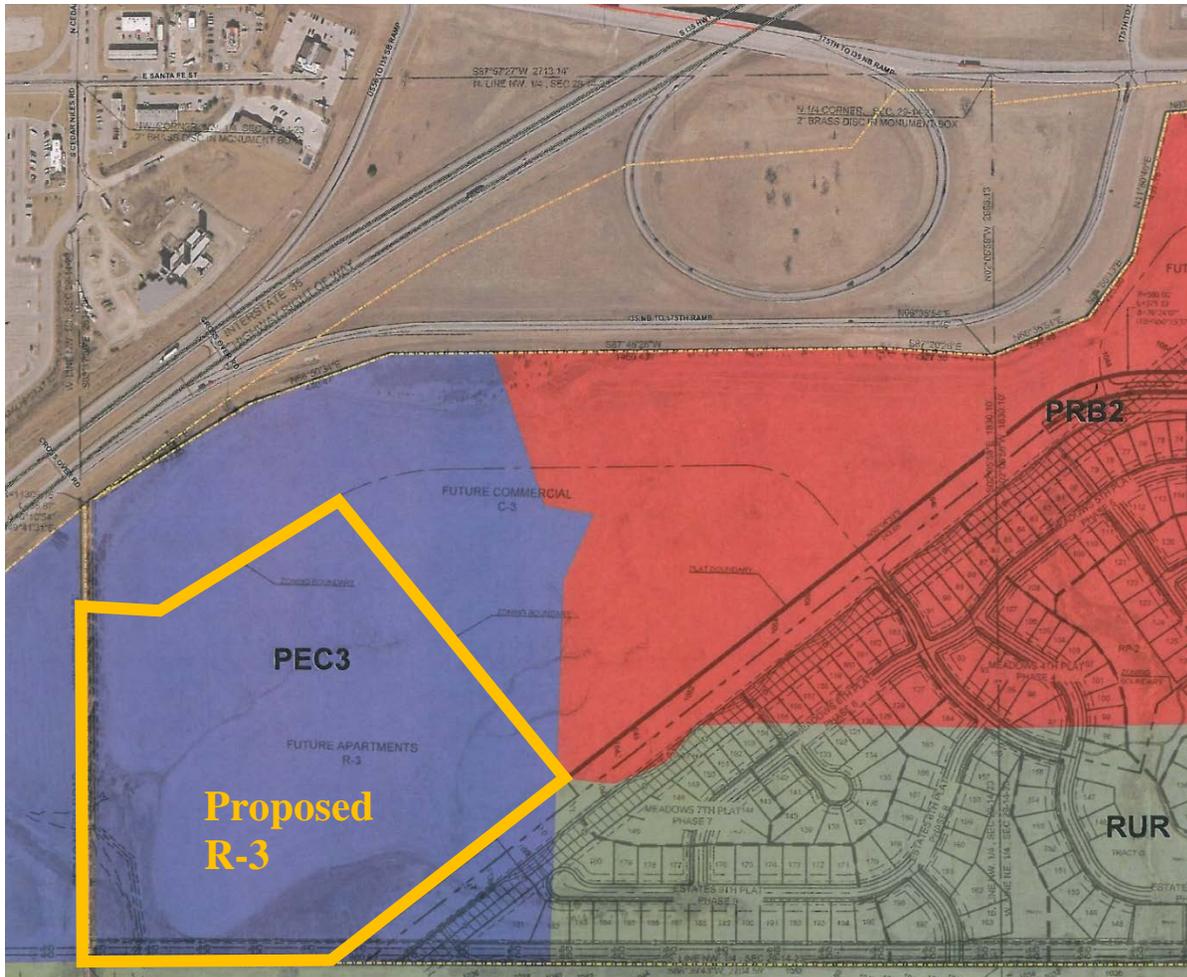
EXISTING ZONING AND LAND USE

Although the property was annexed on September 3, 2019 per Ordinance 2622, it retains the County zoning designations of County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District. The site is currently an unimproved agricultural use. It is located just southeast of the I-35 and W. 175th Street interchange, with other unimproved agricultural uses currently surrounding the area.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
KDOT right-of-way	Interstate 35
C-3 (Heavy Commercial) District	Hotels, restaurant and vacant
East of subject property	
County PRB2 (Planned Residential Neighborhood Retail Business), PEC3 (Planned Light Industrial Park) and RUR (Rural) Districts	Unimproved agriculture use
South of subject property	
County RUR (Rural) District	Unimproved agriculture use
West of subject property	
County PEC3 (Planned Light Industrial Park) District	Unimproved agriculture use
KDOT right-of-way	Interstate 35

This graphic shows the approximate location of the County zoning designations in comparison to requested zoning amendment. The roads and lots shown in the image are draft plans associated with the single-family portion of the Prairie Trace development (reference only).

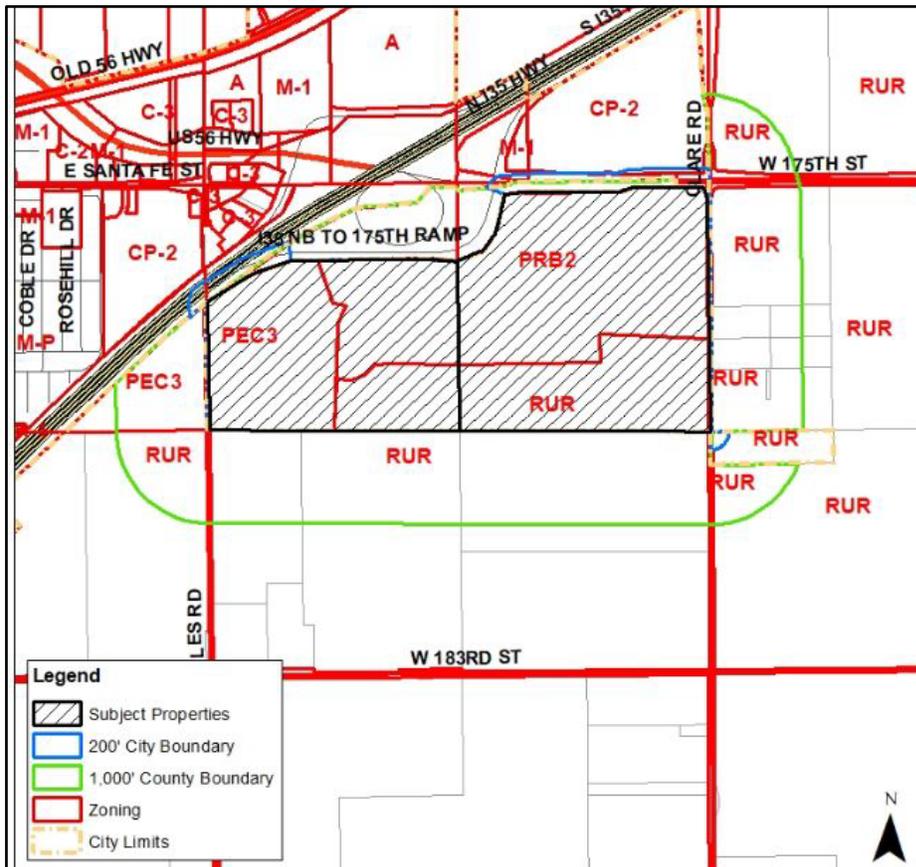
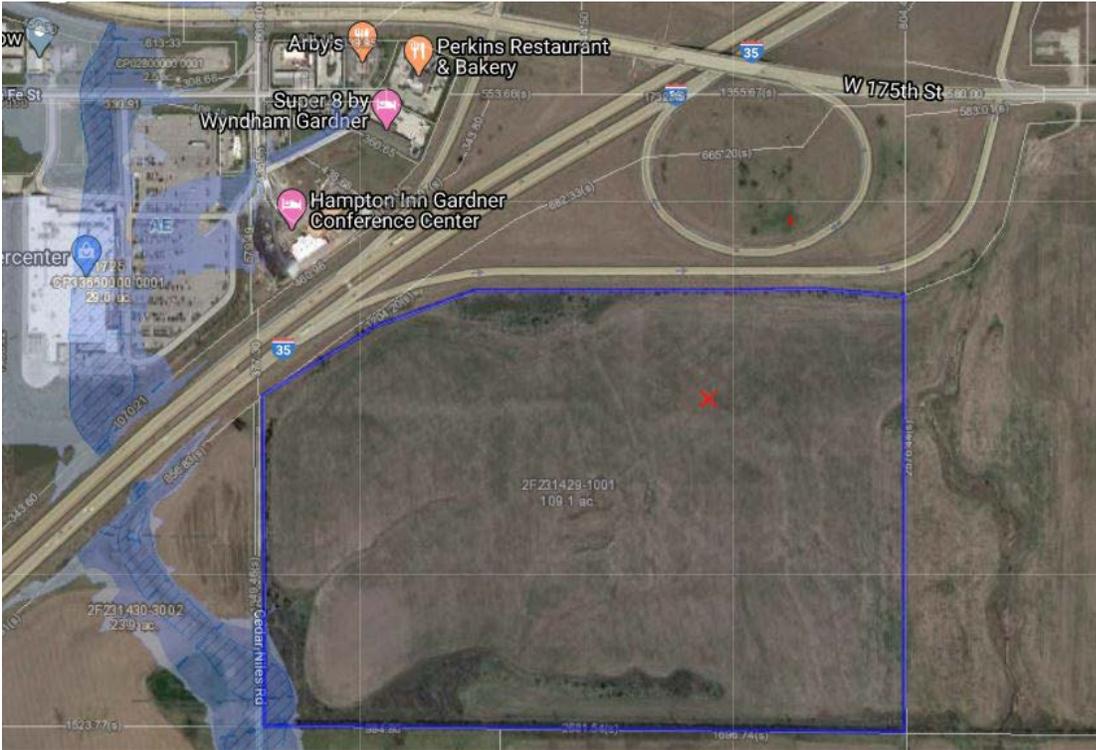


EXISTING CONDITIONS

The property is currently not platted and is unimproved. See first satellite image next page. The floodplain layer is overlaid in blue shading.

BACKGROUND / HISTORY

The property was annexed on September 3, 2019 per Ordinance 2622 without any official City action to rezone the property. This application is to rezone the property to a City zoning district. See second image next page for the notification boundaries of 200' in the city (blue line) and 1,000' in the County (green line) for this public hearing.



The subject property is located within one mile of the New Century AirCenter, and is therefore subject to review by the Airport Commission and Johnson County Board of County Commissioners in accordance with applicable State Statute and Section 17.06.030 Industrial Airport Overlay District of the LDC. The intent is to ensure that the height of buildings, structures, or trees, the location of certain land uses, and other development issues near the Johnson County industrial airport do not present a hazard to people or property, or interfere with the safe operation of the Airport. Per K.S.A. 3-307e, the airport commission shall make zoning recommendations for the airport and surrounding areas within one mile except where such areas have already been zoned by city action. Any changes in existing City zoning must have the approval of the Board of County Commissioners.

Please see Attachment V for full comment by County Planning staff, including helpful maps (note the eastern-most flight corridor has been abandoned so the applicable flight corridor is “C” in the vicinity of Cedar Niles Road). The subject property is within the Airport Interest Area, and the western 125 feet of the subject property is impacted by a flight corridor. The two primary concerns for compatibility of uses within the Airport Interest Area are noise impacts of airport operations and protecting the public with operationally safe approaches. The flight corridors are intended to be reserved for open space areas or compatible nonresidential land uses (commercial and industrial uses without concentrations of people, such as parking lots, storage areas, etc).

The future land use map of the New Century AirCenter (NCAC) Comprehensive Compatibility Plan (which was adopted in 1996) serves as a recommendation for compatible uses and land use restrictions within the Airport Interest Area. The plan has not been revised in many years. Future land uses for the subject property include Airport Industrial Park for the majority of the parcel and General Commercial on the northeast portion. These are described as low intensity office or warehouse uses (no meeting places or auditoriums).

Johnson County Planning staff and Airport staff have done a preliminary review of this application and submitted comments which may or may not reflect official views or comments of the Board of County Commissioners. The County typically wants to review preliminary development plans or conceptual plans with rezoning applications to determine the location, density and type of development and open space area to ensure compliance with the NCAC Comprehensive Compatibility Plan. However, because this is not a rezoning to a planned district, these types of plans are not required to be submitted with the rezoning application according to City regulations, and thus have not been formally submitted. Any plans for these areas are only conceptual at this point. Until such plans and applications are submitted to the County, the applicant cannot be assured of zoning approval. However, County staff has suggested that they could support the rezoning application with some conditions of approval. Again, this does not necessarily reflect final action by the County Commission.

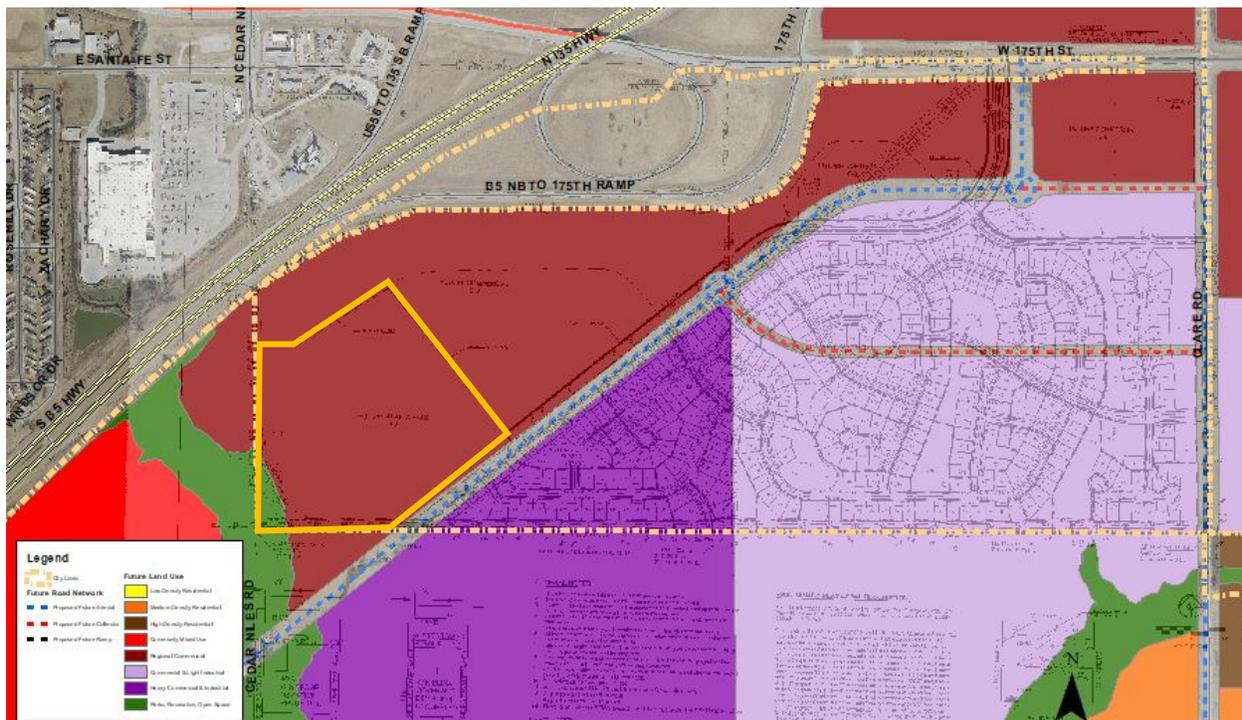
With regard to the subject property, the County is concerned with the following:

- A preference to have low-density commercial and industrial uses adjacent to and within the primary flight corridor.
- Having no buildings within the primary flight corridor (western 125' of the property), and locating other buildings as far from the primary flight corridor as possible.
- Maximizing open space adjacent to the primary flight corridor.
- Having no permanent water features or drainage areas in proximity to the primary flight corridor.
- Density of residential development.

- No uses that attract large crowds or concentrates people who have limited ability to respond to emergency situations.
- Impacts of lighting on airport operations.
- Noise-proofing of development located in the Airport Interest Area.

CONSISTENCY WITH COMPREHENSIVE PLAN

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as “Southeast Quadrant Market Determined Growth Area” with Regional Commercial future land uses identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two subarea plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan in June 2018. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was utilized to guide the future land use for that area in the plan. The property is shown for Regional Commercial (red), Commercial and Light Industrial (lavender), Heavy Commercial and Industrial (dark purple) and Parks/Recreation/Open Space (green) future land uses. The subject parcel (yellow outline) is identified for Regional Commercial and Parks/Recreation/Open Space future land uses.



Regional Commercial is described as follows:

- *The intent of the Regional Commercial land use designation is to allow for retail and service uses located near I-35 interchanges. A regional commercial area provides goods and services aimed toward those traveling by an auto and capitalizes on*

accessibility from areas beyond Gardner. This designation may also include light industrial and utility uses.

- *Intensity: Medium-High*
- *Zoning Districts: C-2 General Business District, CP-2 – Planned General Business District, C-3 Heavy Commercial District, CP-3 Planned Heavy Commercial District; M-1 Restricted Industrial District, MP-1 Planned Restricted Industrial District.*
- *Building Types: Small Commercial – Storefront, Small Commercial/Pad Site, Mixed-Use, General Commercial, Large Commercial, Prominent Civic, Small Civic, Small Industrial/Workshop, General Industrial*
- *Primary Uses: Assembly, cultural and public service, school, open/civic space, residential care, retail, grocery, outdoor sales, convenience store/fuel station, animal care, food and beverage, health care, lodging, office, personal services, recreation/entertainment, vehicle/equipment service and repair, manufacturing – limited/artisan, light, and general, commercial storage, animal care, freight and distribution – light, vehicle equipment service repair – limited, general, and heavy, public utility facility – minor*

Since the adoption of the plan, the property owner's concept has changed to include commercial on the north and northwest, multi-family on the west subject parcel, and single-family on the east and south. The idea is for the residential development to support the development of the commercial uses, and to satisfy a market demand for housing in the area close to jobs. Specifically, the developer states that, with respect to the anticipated relationship of proposed zoning to economic development or public health, safety and welfare – "The proposed multi-family project is designed to bring much needed quality workforce housing to the area. There is a significant need for workforce housing in the area and a project of this scale would be significant in reducing the current shortage. Highway visibility as well as accessibility make this an ideal location for attracting new residents to the area."

Although this request is not consistent with the future land use map of the Comprehensive Plan, it does provide opportunity to support some housing goals of the Comprehensive Plan such as promoting housing diversity to support the housing needs of various residents.

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, and thus is not accompanied by a development plan or a plat at this time. The review must consider all potential uses that could occur within the proposed zoning district, although the applicant plans to develop the site with an apartment development.

County staff has indicated that if preliminary development plans are not submitted to the BOCC for review at the time of the rezoning request, staff will recommend that the Board grant conditional zoning approval subject to subsequent compliance with a number of conditions (as indicated in the County's letter). One of their recommended conditions is that the maximum density of multi-family residential shall be **12.5** units per acre of gross land area for the R-3

zoning. Per the Gardner Land Development Code, and the anticipated building type of Garden Apartment, minimum lot size is 1,500 sf per dwelling unit. This means **29** dwelling units could be developed on one gross acre (provided the units are stacked appropriately to meet the 40% building coverage maximum footprint, and to provide for parking and access). This is a significant difference in development rights conferred by City and County recommendations/regulations. The reduced density may/may not meet the needs or expectations of the developer.

The land use restrictions referenced in the County comments generally refer to external land use impacts such as electrical/electronic interference, negative impacts from lighting, impacts to visibility or movement of aircraft, promoting concentrations of birds, discharging smoke, and single land uses which attract crowds in excess of 500 persons at any one time or concentrate persons with limited mobility (such as children, elderly, or handicapped).

The recommended County conditions of approval that may be appropriate for the City to include as conditions of approval in solidarity with these other jurisdictional entities, as apply to this rezoning application, may include:

1. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.
2. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.
3. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.
4. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.

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 character of the neighborhood is rural at present but this is a key development area for the Gardner community. The proposed streets that will serve this parcel meet the general configuration as conceptualized in the applicable subarea plan. Civic and open space plans will be reviewed with a site or development plan. The proposed use contributes to housing diversity goals of the community. This general location near a major highway interchange is well-situated to serve the needs of people who want to live and work in the region. It is anticipated that the County will address concerns regarding the operation and uses of land and buildings after the City process is complete regarding this rezoning application.

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

Staff Comment: This area of the community has been in agricultural use for many years. Because of its proximity to a major highway interchange, however, this area is slated for growth opportunity. Regional commercial and medium-density residential land uses have evolved near the airport on the other side of this highway interchange with no known incompatibilities with airport operations. This application represents only a portion of the future development for this area, which is to include commercial, multi-family, and single-family land uses. This

development is arranged in a transitional pattern with higher-intensity uses adjacent to the major roadways and less intense uses adjacent to remaining agriculture and very low-density residential uses. The R-3 (Garden Apartment) District would accommodate single-family, duplex, row house, garden apartment, and small civic building types. Garden apartments are the least dense of the apartment building types based on a 40% maximum building coverage limit and 40% minimum open space requirement with a 3-story height limit. With accommodation of concerns related to the flight corridor, it is anticipated that this zoning district can be compatible with nearby properties.

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

Staff Comment: While under County zoning jurisdiction, the subject property was zoned for PRB2 (Planned Residential Neighborhood Retail Business) District which includes opportunity for limited neighborhood retail sales/service and personal service business uses; and PEC3 (Planned Light Industrial Park) District which provides opportunity for research and development, light fabrication/assembly, limited industrial/manufacturing, and warehousing uses. These are suitable land uses based on County plans. In the County, lands could be zoned to a planned district without any plan actually existing, unlike the City. So there are no applicable development plans for the subject parcel. This property has now transitioned into the City's zoning jurisdiction, and is thus subject to City plans. This application proposes to accommodate the transition from County to City zoning district.

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

Staff Comment: As the overall development is arranged to locate more intense uses close to major roadways and away from existing rural uses, it is anticipated that the removal of the restrictions will not detrimentally affect nearby property as long as issues pertaining to development near the primary flight corridor can be resolved.

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

Staff Comment: The subject property has always been in agricultural use.

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: As zoned within the County, the subject property has remained undeveloped for many years. This application provides an opportunity for the development of housing to meet the needs of workers as employment opportunities continue to grow in the area. When housing is located near jobs, it increases the economic welfare of workers by reducing transportation costs and supporting better quality of life. These opportunities promote better engagement of citizens in the community where they live and work. These factors would indicate that there would be a net gain in favor of economic development and public health, safety and welfare with consideration of this application.

7. The recommendations of professional staff;

Staff Comment: Staff recommends approval of this rezoning application subject to some basic conditions to acknowledge some of the major concerns of the County pertaining to operations of the nearby airport.

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: *The intent of the R-3 (Garden Apartment) District is to provide residential living in a high-density pattern as a transition between neighborhoods and more intense uses, where a high level of accessibility, public amenity and support services are immediately available. The City has committed to providing infrastructure to this new growth area of the community. The subject parcel will be linked to major highway corridors with a new arterial roadway, providing convenient access to regional jobs and amenities. The location of the R-3 District would provide a transition between lower-density residential uses to the east and the I-35 corridor. This application supports housing diversity goals of the Comprehensive Plan.*

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: *Per a development agreement, the City is committed to providing the necessary infrastructure to serve the subject property and adjacent properties. These actions will positively impact the capacity and safety of utilities and other infrastructure to serve not only this development, but other developments in this area in the future.*

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

Staff Comment: *The City of Gardner Strategic Plan indicates an opportunity for the city to annex adjacent land areas that could be developed into commercial and industrial properties that would diversify the tax base. The overall development project of which this application is a part provides for commercial land uses supported by adjacent multi-family and single-family residential land uses of various densities. Adjacent jurisdictions are capturing industrial development opportunity, providing an opportunity for Gardner to support the development of housing and commercial opportunities to compliment those job sources. This application supports economic opportunity and the diversification of the tax base, and provides quality of life through diverse housing opportunity. It increases private investment in the community.*

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

Utilities – A City of Gardner gas line runs along the west property boundary. Evergy overhead electric transmission lines run along the entire south property boundary and a portion of the north boundary. Electric overhead primary lines are on the adjacent parcel to the west. There is also a Southern Star Central Gas Pipeline adjacent to the proposed parcel on the east.

Environmental conditions – The site is in the Little Bull Creek watershed. A small portion of floodway and floodplain exist on the southwest corner of the site. Most of the site is characterized by silt loam soils with 1-3% slopes, constituting prime farmland somewhat poorly drained. A portion in the southwest corner is silty clay loam moderately well drained. Rated as very limited soils for dwellings with basements and septic tanks.

Staff Comment: *Pertaining to the anticipated impact of zoning/use on existing public infrastructure, the developer states that “sanitary sewer, water, and electric service are being brought to the property by the city as contemplated in the Development Agreement. The City*

has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brought to the site by the applicant. The extension of these utilities will set the table for future development in the area by bringing utilities from both the east (water and gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable.” The developer will provide necessary road improvements to serve the development.

ATTACHMENTS

- I. Application
- II. Legal Description
- III. Zoning Exhibit
- IV. Zoning and Notice Map
- V. Johnson County staff comments

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.

RECOMMENDATION

Staff recommends approval of the rezoning application per information presented in the March 24, 2020 staff report, with conditions of approval to address County concerns regarding the nearby New Century AirCenter operations.

Recommended Motion:

After review of Application Z-20-02, a Zoning Map Amendment for a portion of parcel 2F231429-1001 located southwest of the intersection of 175th Street and S. Clare Road, and staff report dated March 24, 2020, the Planning Commission recommends the Governing Body approve the application as proposed, provided the following conditions are met/actions are taken:

1. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.

2. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.
3. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.
4. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.



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

ZONING MAP AMENDMENT (REZONING APPLICATION)

Pre-App Date	
Fee	\$750.00 ✓
File No.	Z-20-02

OWNER INFORMATION

Name(s) Grata Development
 Contact Travis Schram
 Address 6300 W. 143rd Street, Suite 200
 City Overland Park State KS Zip 66223
 Phone 913-732-4778 Email travis@grata.land

APPLICANT/AGENT INFORMATION

Name(s) Schlagel & Associates, PA
 Contact Daniel G Foster, PLA
 Address 14920 W. 107th Street
 City Lenexa State KS Zip 66215
 Phone 913-492-5158 Email DF@schlagelassociates.com

SITE INFORMATION

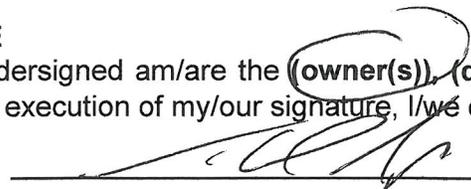
Property Address/Location: I-35 Hwy and 175th Street
 Legal Description (Attach If Necessary) see the attached legal description
 Total Site Area 31.96
 Present Zoning M-1 Proposed Zoning R-3
 Present Land Use vacant Proposed Land Use multi-family
 Proposed Building Type(s) multi-family

Please indicate a reason for the request:

see attached narrative.

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 12/27/19
 _____ 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 type="checkbox"/> | <input type="checkbox"/> | 4. Sign posting affidavit |
| <input type="checkbox"/> | <input 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:
 see attached narrative.

Anticipated impact of proposed zoning/use on existing public infrastructure:
 see attached narrative.

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.



 Signature of Applicant

12/27/19

 Date

OWNER AFFIDAVIT

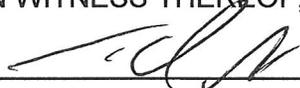
I/WE Grata Development, LLC by Travis Schram, Manager, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 27th day of Dec, 2019, make the following statements to wit:

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 SCHLAGEL & ASSOCIATES, PA (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding property located at 175th St & I-35 (no address) (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.



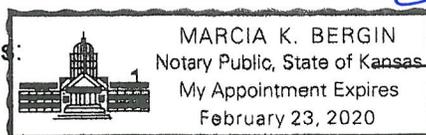
Owner

Owner

STATE OF Johnson Kansas
COUNTY OF Johnson

The foregoing instrument was acknowledged before me on this 27th day of Dec, 2019, by Grata Development, LLC, by Travis Schram, Manager.

My Commission Expires:





Notary Public

R-3 LEGAL DESCRIPTION

Part of the Northeast One-Quarter and the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 246.42 feet; thence North 56 degrees 31 minutes 20 seconds East, a distance of 564.78 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds , a chord bearing of North 58 degrees 45 minutes 06 seconds East, and an arc length of 52.92 feet; thence South 39 degrees 59 minutes 41 seconds East, a distance of 1123.46 feet; thence South 50 degrees 05 minutes 51 seconds West, a distance of 809.68 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 821.65 feet, said point being the Point of Beginning, and containing 31.9556 acres, more or less

From: [Travis Schram](#)
To: [Dan Foster](#); [Kelly Woodward](#)
Cc: [Robert Case](#); [Michelle Leininger](#); [Mark Breuer](#)
Subject: RE: 18-226 RE: Legal Description revisions
Date: Tuesday, March 10, 2020 4:02:42 PM
Attachments: [image001.png](#)
[image003.png](#)

Please see below for our responses to the questions posed. Please let me know if there is any additional information needed.

1. **“Anticipated relationship of proposed zoning to economic development or public health, safety and welfare”**

- a. **Multi-Family:** The proposed Multi-family project is designed to bring much needed quality workforce housing to the area. There is a significant need for workforce housing in the area and a project of this scale would be significant in reducing the current shortage. Highway visibility as well as accessibility make this an ideal location for attracting new residents to the area.
- b. **Commercial:** The interstate accessibility and visibility of the commercial element of this project make it ideal to attract sales and the subsequent tax revenue from non-residents as they travel along I-35. Additionally, this project will bring more options to the current citizens of Gardner. As the other residential elements of the development mature, the area will see additional retail options of increasing quality and variety.

2. **“Anticipated impact of zoning/use on existing public infrastructure”**

- a. **Multi-Family:** Sanitary Sewer, Water, and Electric service are being brought to the property by the city as contemplated in the Development Agreement. The City has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brought to the site by the applicant. The extension of these utilities will set the table for future development in the area by bringing utilities from both the east (water and Gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable.
- b. **Commercial:** Sanitary Sewer, Water, and Electric service are being brought to the property by the city as contemplated in the Development Agreement. The City has already made a commitment to provide the necessary upgrades to serve this development as currently proposed. Gas service will be brought to the site by the applicant. The extension of these utilities will set the table for future development in the area by bringing utilities from both the east (water and Gas) and the west (electric, gas and sanitary sewers) to a central location that will make future extensions significantly more manageable.

Thank you,

Travis Schram

R-3 LEGAL DESCRIPTION

Part of the Northwest One-Quarter of Section 29, Township 14 South, Range 23 East, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of said Northwest One-Quarter of said Section 29; thence North 02 degrees 17 minutes 30 seconds West, a distance of 1052.39 feet; thence North 87 degrees 57 minutes 59 seconds East, a distance of 246.33 feet; thence North 56 degrees 31 minutes 20 seconds East, a distance of 564.78 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 680.00 feet, a central angle of 04 degrees 27 minutes 31 seconds, a chord bearing of North 58 degrees 45 minutes 06 seconds East, and an arc length of 52.92 feet; thence South 39 degrees 59 minutes 41 seconds East, a distance of 1119.42 feet; thence South 50 degrees 04 minutes 56 seconds West, a distance of 814.47 feet; thence South 88 degrees 39 minutes 43 seconds West, a distance of 815.43 feet to the Point of Beginning, and containing 31.8802 acres, more or less.



BUSINESS & ECONOMIC DEVELOPMENT

February 4, 2019

Dear Property Owner:

The Gardner Planning Commission will hold their regular meeting on **Tuesday, February 25, 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-20-01(PDP-20-01): Hold a public hearing on and consider a rezoning of approximately 136.3 acres from County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts to City of Gardner Districts RP-1 (Planned Single-Family Residential) (approximately 88.2 acres) and RP-2 (Planned Two-Family Residential) (approximately 48.1 acres) on property located southwest of the intersection of 175th Street and Clair Road. Portions of Ttax Ids 2F231429-3001& 2F231429-1001.

Z-20-02: Hold a public hearing on and consider a rezoning of approximately 31.9 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) District to City of Gardner District R-3 (Garden Apartment) on property located southwest of the intersection of 175th Street and Clair Road. Portions of Tax Id 2F231429-1001.

Z-20-03: Hold a public hearing on and consider a rezoning of approximately 100.4 acres from County PRB2 (Planned Residential Neighborhood Retail Business) and PEC3 (Planned Light Industrial Park) Districts to City of Gardner District C-3 (Heavy Commercial) on property located southwest of the intersection of 175th Street and Clair Road. Portions of Tax Ids 2F231429-3001& 2F231429-1001.

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.

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 913-856-0909.

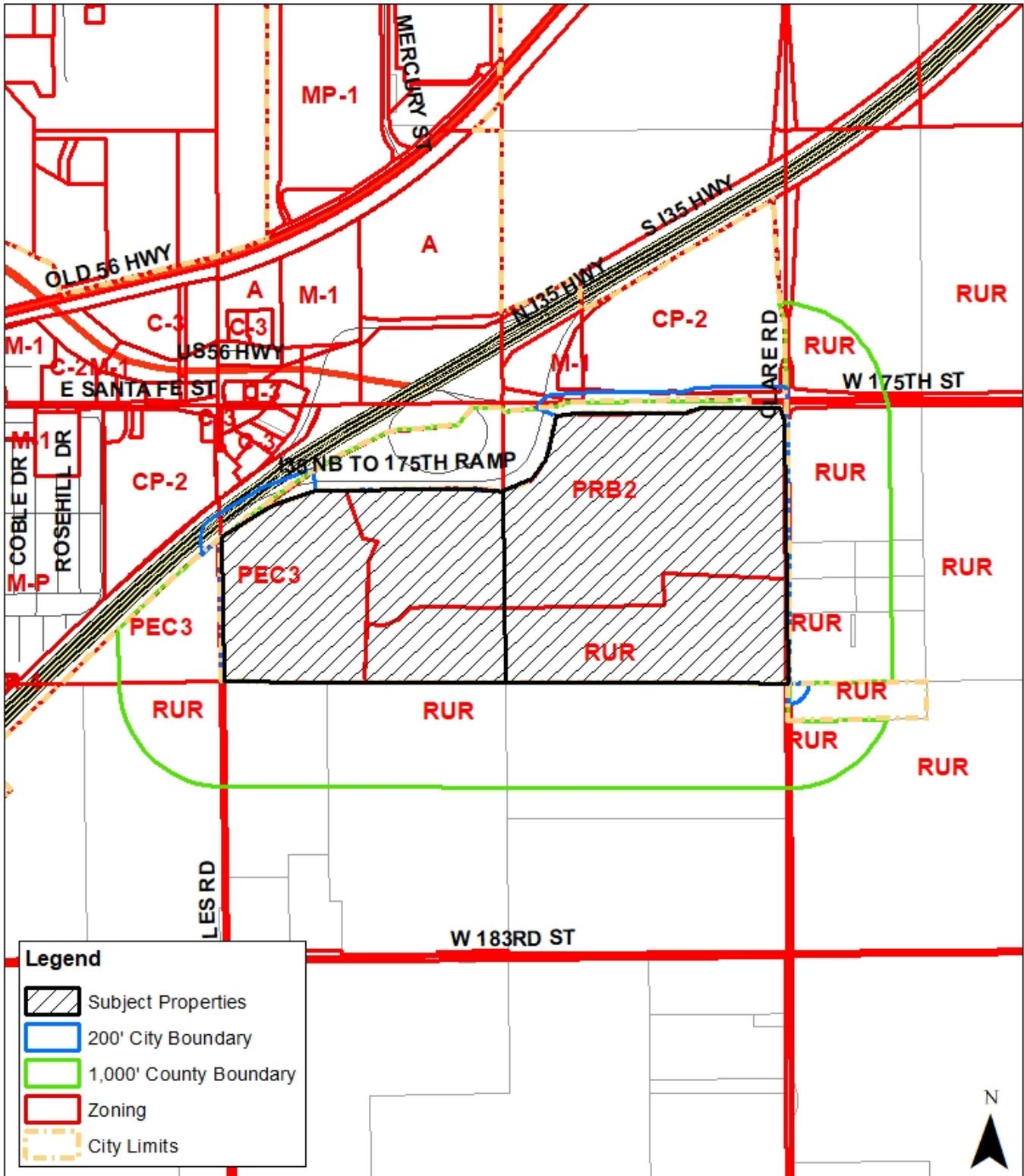
After the Planning Commission makes a recommendation, property owners within 200' of the subject area, 1,000' in the county, may submit a protest petition against such recommendation. The protest petition must be filed with the City Clerk, within 14 days of the conclusion of the public hearing. For more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

Michelle Leininger, AICP
Principal Planner

Enclosure



Gardner Planning Commission
 Z-20-01(PDP-20-01) : County RUR, PRB2 & PEC3 to City RP-1 & RP-2 & PDP for Prairie Trace
 Z-20-02: County PRB2 & PEC3 to City R-3
 Z-20-03: County PRB2 & PEC3 to City C-3
 Meeting Date: February 25, 2020



Planning, Development & Codes

March 6, 2020

To: Michelle Leininger, City of Gardner

From: Sean Pendley, Johnson County Planning Department

Re: **City of Gardner Applications: Z-20-01 (PDP-20-01), Rezoning** approximately 136.3 acres from County RUR, PRB2, and PEC3 Districts to City of Gardner Districts RP-1 (Planned Single Family Residential, approximately 88.2 acres) and RP-2 (Planned Two-Family Residential, approximately 48.1 acres) and associated **Preliminary Development Plan** for Prairie Trace; and **PP-20-01, Preliminary plat** 356 single-family lots for Prairie Trace; and **Z-20-01, Rezoning** approximately 31.9 acres from County PRB2 and PEC-3 to City of Gardner District R-3; and **Z-20-03**, Rezoning approximately 100.4 acres from County PRB2 and PEC-3 to City of Gardner District C-3; on properties are located southwest of 175th Street and Clare Road.

Thank you for forwarding the application information and proposed plans for the above referenced development. The subject properties are located within 1 mile of the New Century AirCenter. Pursuant to K.S.A. 3-307e, any changes in existing city zoning must have the approval of the Board of County Commissioners of Johnson County, Kansas (BOCC), to be valid and effective.

The following are preliminary comments from the Johnson County Planning staff and Airport staff for the subject applications and may not necessarily reflect the official views or comments of the BOCC:

1. Preliminary development plans or conceptual plans should be reviewed and approved with the proposed rezoning applications to determine the location, density and type of development and open space area to ensure compliance with the New Century AirCenter (NCAC) Comprehensive Compatibility Plan. The proposed rezonings for the C-3 and R-3 districts do not include preliminary development plans as typically required for County review of applications within one mile of the airports. Staff supports the proposed rezonings with the appropriate plans and restrictions in accordance with the New Century AirCenter Compatibility Plan.
2. If preliminary development plans are not included with the rezoning applications, staff would recommend that conditions be included in the respective zoning ordinances as noted below in comments #6-20.
3. The New Century AirCenter Future Land Use Map (attached) identifies the following recommended land uses for the subject property:
 - Airport Industrial Park
 - General Commercial
 - Low Density Residential (Maximum 3 dwelling units/acre)
 - Medium Density Residential (5-12.5 units/acre)
4. The proposed R-3 and C-3 zoning and part of the RP-2 zoning represent a change in use according to the NCAC Future Land Use Map since these areas are identified as Airport Industrial Park. This land use category is intended for areas located near the airport and is recommended for low density offices, warehouses or businesses related to airport operations.

5. The western 125 feet of the R-3 and C-3 zoning boundaries are located within the Primary Flight Corridor Subarea C (see attached AIMS maps). Land areas adjacent to and within the Primary Flight Corridor are generally planned for commercial and industrial uses.
6. All commercial and residential buildings shall be located completely out of the Primary Flight Corridor that overlays the western edge of the R-3 and C-3 zoning boundaries.
7. To offset the proposed change from Airport Industrial Park uses to multi-family residential development, careful site design should be considered to maximize open space areas and locate buildings as far as possible from the Primary Flight Corridor and reduce densities of development closest to the Primary Flight Corridor.
8. Open space areas should be provided adjacent to the Primary Flight Corridor for safety purposes with areas at least 75 feet wide, at least ½ acre in size, extended along the entire length of the flight corridor. The open space areas should be free of abrupt elevation changes and objects such structures, overhead lines, large trees and light poles.
9. Permanent water features or drainage areas shall not be located within the R-3 and C-3 properties closest to the primary flight corridor. Any water features in the RP-1 and RP-2 areas should be limited to only those areas necessary for required open stormwater drainage.
10. The maximum density of multi-family residential development shall be 12.5 units per acre of gross land area for the R-3 zoning area.
11. The maximum density of single family residential development shall be 3 dwelling units per acre of gross land area for RP-1 and RP-2 zoning.
12. Commercial land uses should be compatible with airport operations and any use that compromises the efficient and safe operation of the airport shall be prohibited according to the Land Use Restrictions identified in Chapter 3, Section 4, of the NCAC Comprehensive Compatibility Plan.
13. Single land uses that attract crowds in excess of 500 persons at any one time (such as hospitals, schools, theaters, arenas, and the like,) or concentrates persons who are unable to respond to emergency situations (such as day care establishments, nursing homes and elderly care or special care facilities), will need to be evaluated carefully for airport compatibility due to the large concentration of persons at such facilities.
14. Parking, lighting and other improvements shall not conflict with airport/aircraft operations.
15. Required FAA documents, including Form 7460, shall be submitted to and approved by FAA for all aspects of the development.
16. Acknowledgment of Noise Impact area, and noise attenuation/sound proofing construction standards should be considered for all development located within the boundaries of the NCAC Airport Interest Area.
17. Affidavits of Interest regarding the New Century Airport shall be filed in the chain of title of the subject properties and appropriate language for Airport Affidavits shall be included with the final plats.

Planning, Development & Codes

18. Preliminary and final site development plans must be reviewed and approved by the BOCC for all subject properties in accordance with the NCAC Comprehensive Compatibility Plan.
19. Final plats must be reviewed and approved by the BOCC prior to filing the final plats.
20. Any city ordinances approving the rezonings should include a provision indicating that the rezonings shall not be effective unless and until approved by the Board of County Commissioners.

At the conclusion of the city's actions on these applications, all relevant information and documents which were considered by the city regarding the applications, should be forwarded to the BOCC, in care of Sean Pendley, Johnson County Planning Department, 111 S. Cherry, Suite 2000, Olathe, Kansas, 66061. Thereafter, the Airport Commission will consider the applications and provide a recommendation to the BOCC. Finally, the BOCC will review the proposed requests and all information submitted for the record and render its decision on the applications.

Please note, if preliminary development plans are not submitted to the BOCC for review at the time of the rezoning request, then county staff anticipates recommending that the Board grant conditional zoning approval, made subject to subsequent compliance with the above-referenced conditions.

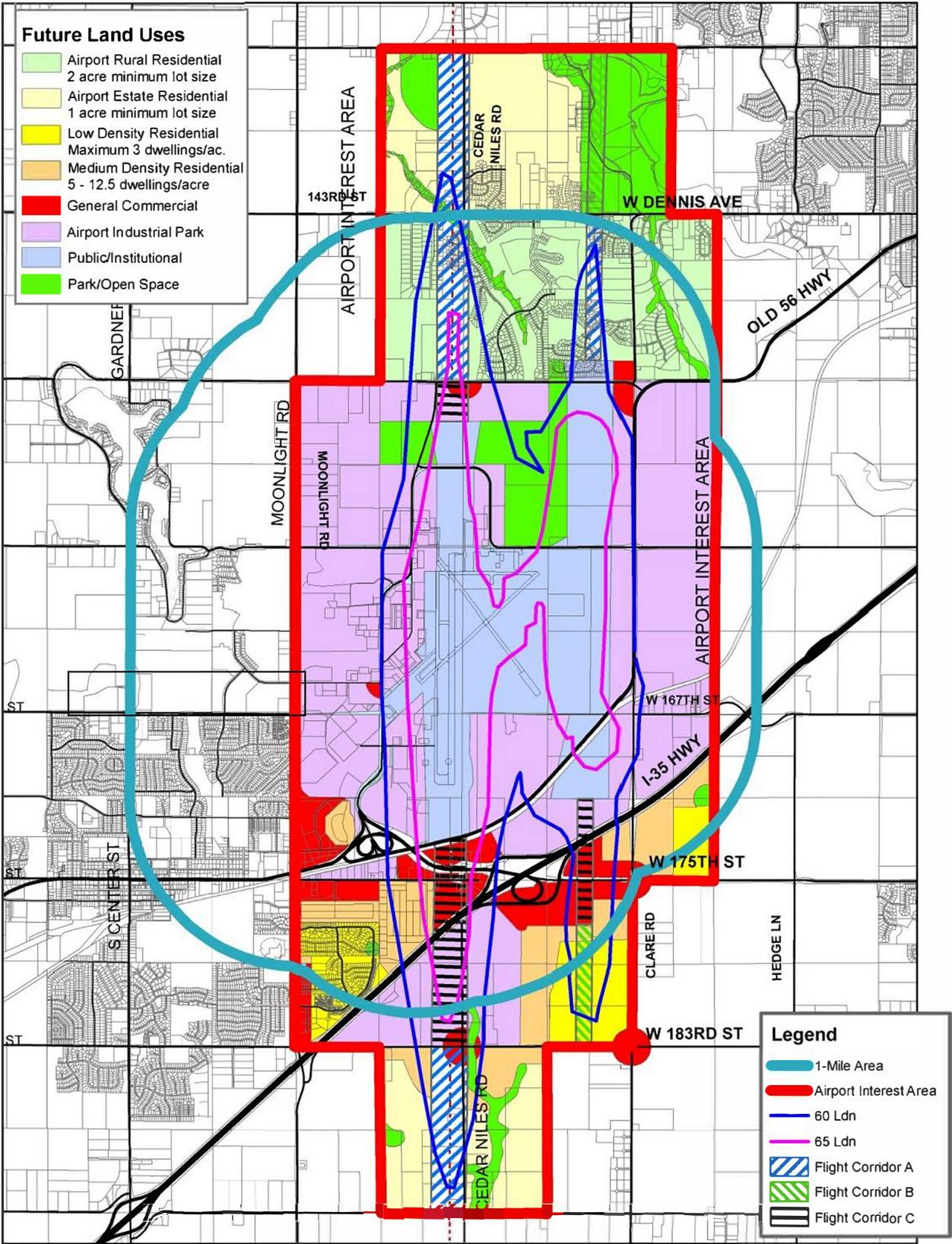
If you have any questions concerning these comments, please contact me at (913) 715-2205. Thank you for your cooperation in this matter.

Respectfully,

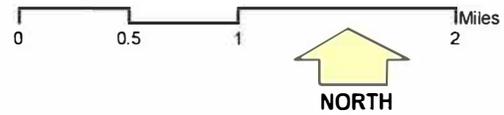


Sean Pendley, AICP
Deputy Director of Planning

Cc: Aaron Otto, Johnson County Airport Commission
Larry Peet, Johnson County Airport Commission
Jay Leipzig, Johnson County Planning
Richard Lind, Johnson County Legal



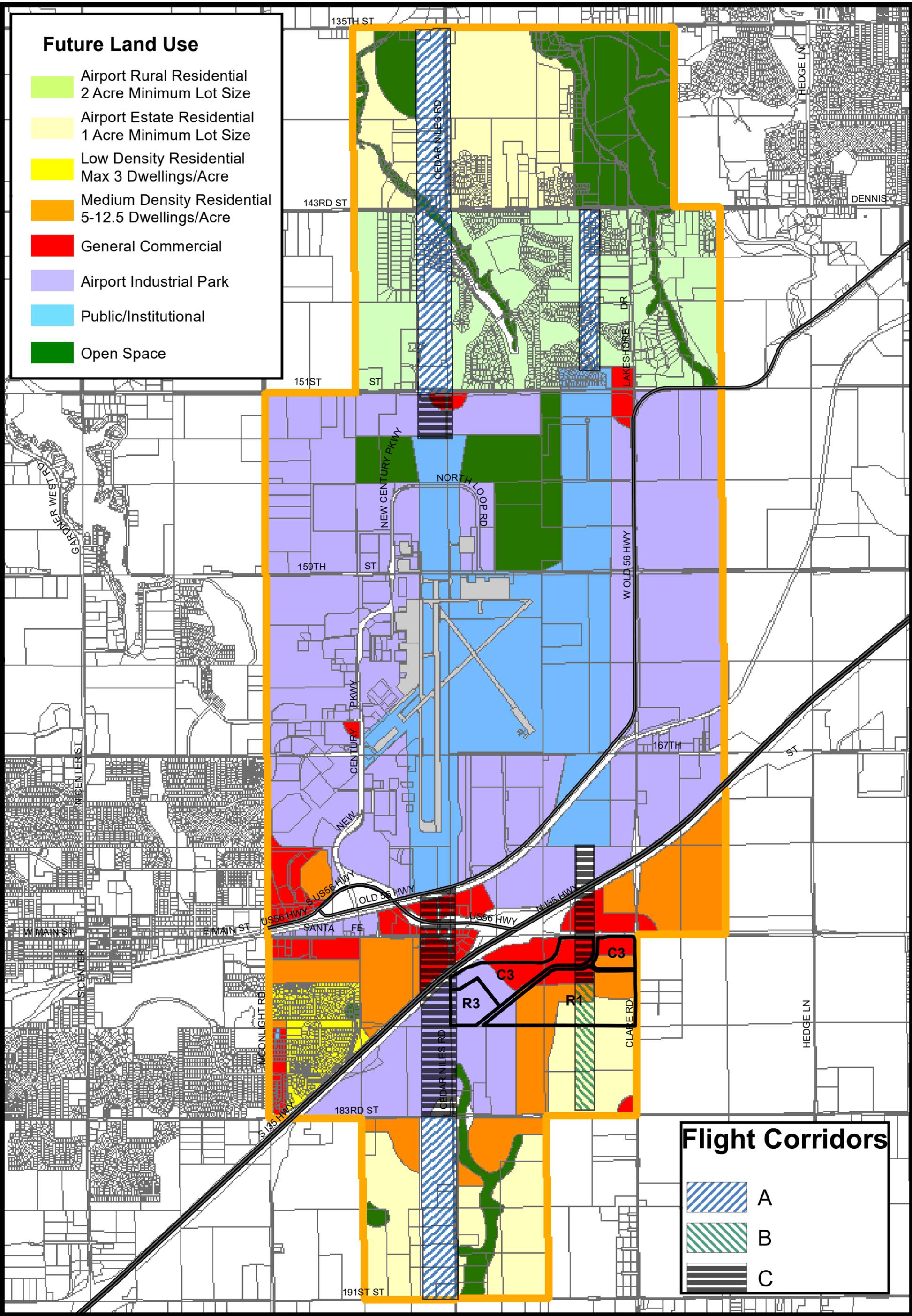
REPLICA OF NCAC FUTURE LAND USE MAP



New Century Airport

Future Land Use

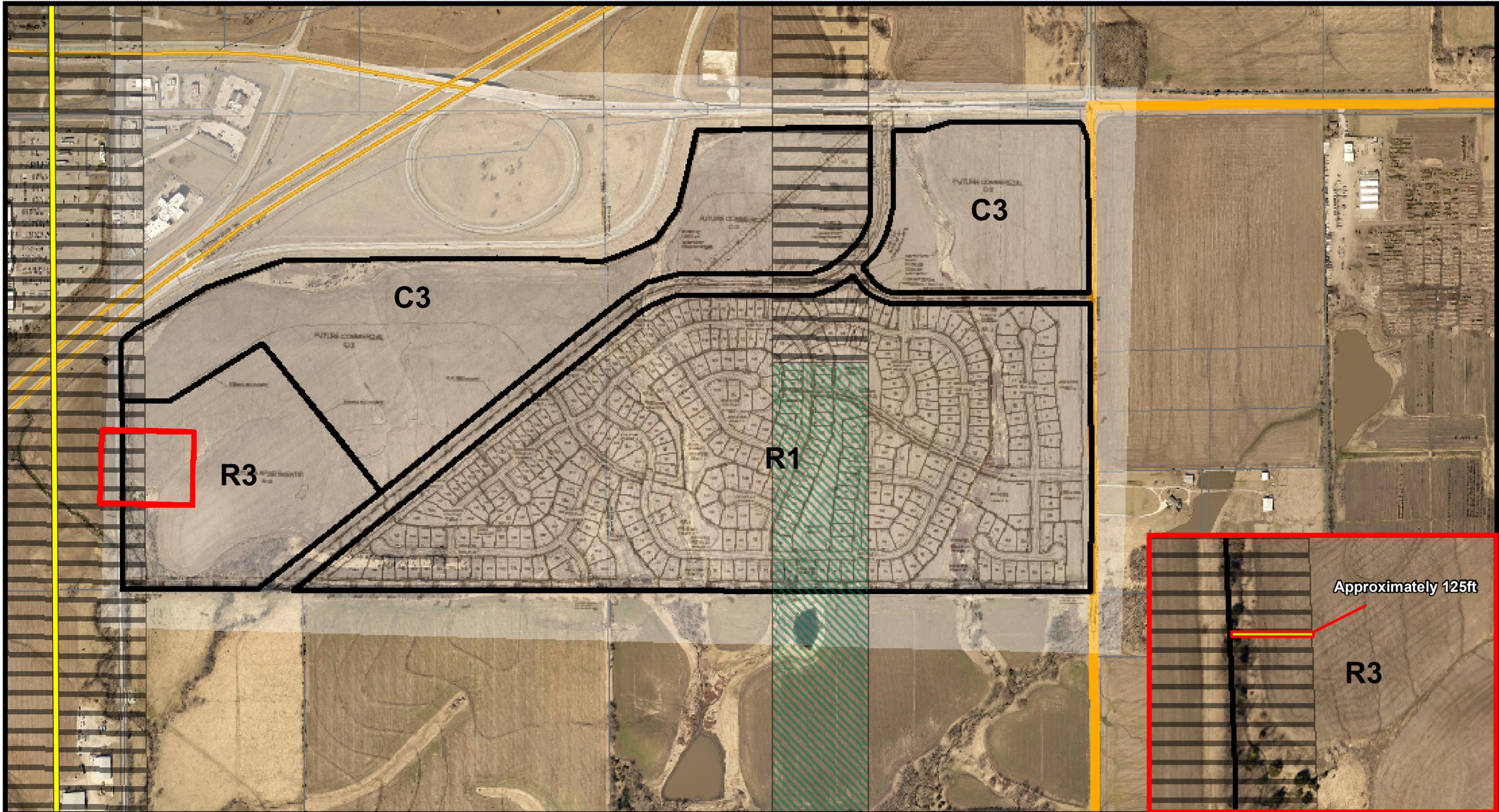
- Airport Rural Residential
2 Acre Minimum Lot Size
- Airport Estate Residential
1 Acre Minimum Lot Size
- Low Density Residential
Max 3 Dwellings/Acre
- Medium Density Residential
5-12.5 Dwellings/Acre
- General Commercial
- Airport Industrial Park
- Public/Institutional
- Open Space



Flight Corridors

- A
- B
- C

Prarie Trace (Proposed)



NCAC Centerline

