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**PROJECT NUMBER / TITLE: FDP-20-03 Final Development Plan and FP-20-03 for Prairie Trace Estates First Plat**

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**PROCESS INFORMATION**

**Type of Request:** Final Development Plan and Final Plat  
**Date Received:** March 13, 2020

**APPLICATION INFORMATION**

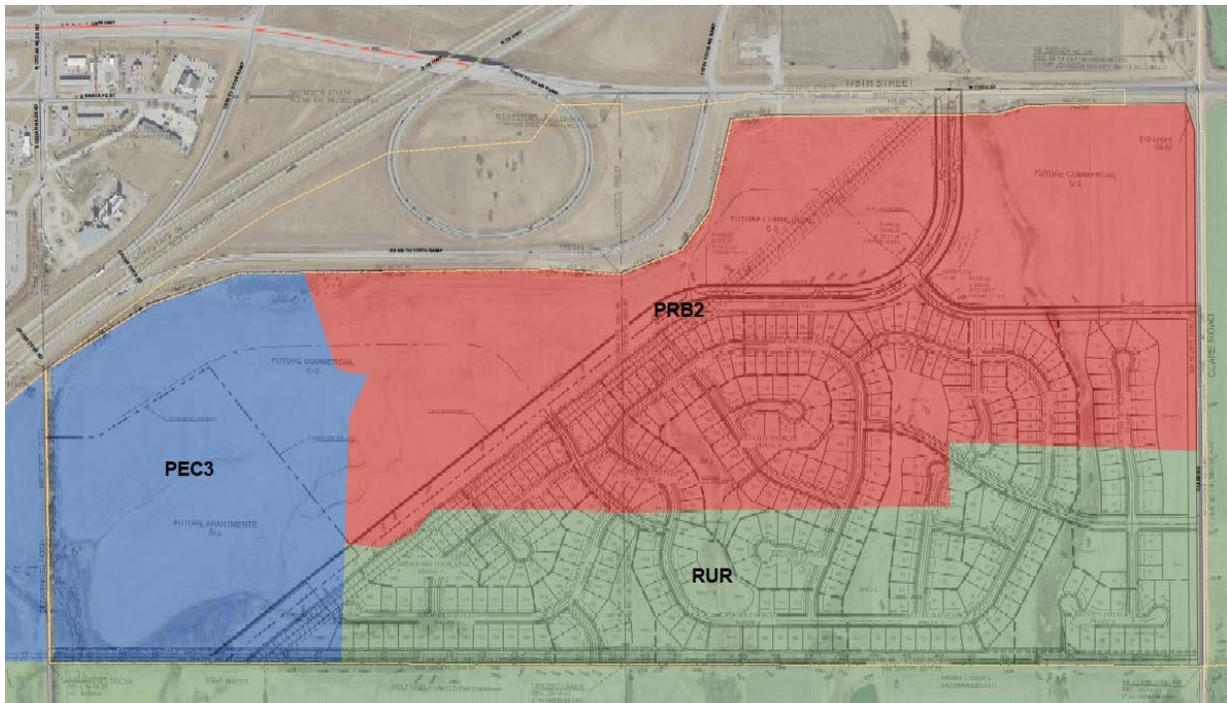
**Applicant:** Schlagel & Associates, P.A., Mark Breuer, PE  
**Owner:** Day3, LLC (Grata Development)  
**Parcel ID:** CF231429-3002 & CF231429-1001  
**Location:** Southeast corner of the intersection of Interstate 35 and 175<sup>th</sup> Street

**REQUESTED ACTION**

The applicant is requesting approval of the final development plan and final plat for Prairie Trace Estates First Plat. The first plat includes 27 single-family residential lots.

**EXISTING ZONING AND LAND USE**

Currently the properties are zoned County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts. The properties are currently cultivated for row crops. The rezoning for the Meadows and Estates portion of the development is in the rezoning process to the RP-2 District.



**SURROUNDING ZONING AND LAND USE**

Zoning	Use(s)
<b>North of subject property</b>	
M-1 (Restricted Industrial) District	Vacant
CP-2 (Planned General Commercial) District	Row crops
C-3 (Heavy Commercial) District [northwest]	I-35 ROW, Hotel, retail, restaurant uses
<b>East of subject property</b>	
County RUR (Rural, Agriculture) District	Row crops, homestead
<b>South of subject property</b>	
County RUR (Rural, Agriculture) District	Row crops
<b>West of subject property</b>	
County PEC3 (Planned Light Industrial) District	Row crops
CP-2 (Planned General Commercial) District [northwest]	Retail

**EXISTING CONDITIONS**

These properties were annexed into the City on September 3, 2019 per Ordinance 2622. The properties are two parcels located along Interstate 35, at the southeast corner of the I-35 and 175<sup>th</sup> Street Interchange with city limits bordering to the north and northwest sides of the property. Currently the property is unplatted and farmed with row crops and zoned with County RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts. The site also contains two small creeks/wetlands that drain to the south. Currently no utilities serve this site however there is a large Southern Star gas pipeline (yellow line on map) that bisects the property which includes a 66' easement around the pipeline. Also along the southern boundary, Evergy has electric transmission lines (red lines on map) with a 70' easement surrounding the lines. These two areas are no build areas.

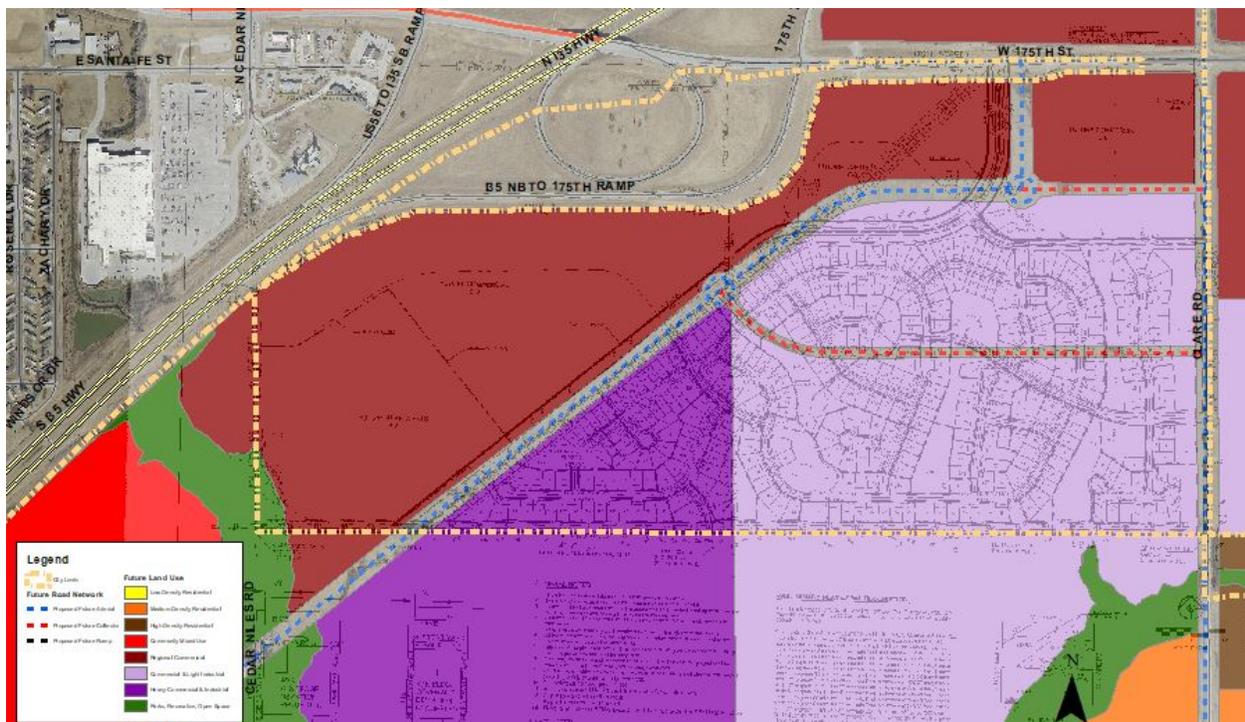


## **BACKGROUND / HISTORY**

The properties were zoned RUR (Rural), PRB2 (Planned Residential Neighborhood Retail Business), and PEC3 (Planned Light Industrial Park) Districts in the County and annexed into the City as such in September 2019. The subject properties are part of a larger development project that includes the single-family planned district, multi-family residential and commercial which is currently in the process for a rezoning (Z-20-01) and preliminary development plan (PDP-20-01) and preliminary plat (PP-20-01) for Prairie Trace. The Planning Commission recommended approval of the rezoning and PDP at their March 24, 2020 meeting and the Governing Body at their April 20, 2020 meeting approved the rezoning and associated preliminary development. These application require review and approval by the Johnson County Airport Commission and Johnson County Board of County Commissioners before complete.

## **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 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 area plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175<sup>th</sup> 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 for the future land use in that area in the plan. The property is shown for Regional Commercial (red), Commercial and Light Industrial (lavender), and Heavy Commercial and Industrial (dark purple) future land uses on the picture below. The portion of the properties subject to this rezoning and preliminary development plan are identified for Commercial and Light Industrial and Heavy Commercial and Industrial.



Since the adoption of the Plan, the property owner's concept has changed to include Regional Commercial on the north and northwest, multi-family on the west and single-family within the subject area. This is due to market demand for the industrial warehouse and the need for residential development changing. Industrial warehouse is tending to locate near other existing similar uses further south along I-35. The residential will help to support the commercial development by providing goods and services to the area. While the Future Land Use map is not consistent with the proposed project, there are policies within the Plan that support residential development related to the proposed development.

In the *I-35 & 175<sup>th</sup> Street Interchange Subarea Plan*, the following Goals support the proposed project:

- *Goal 5: Protect and respect the natural systems currently in place and expand the natural and recreational facilities with development.*

The subject properties contain 2 designated stream/wetlands areas and the applicant is providing detention and open space in the majority of the areas around these stream/wetlands.

Additionally the following Policies support the proposed project:

- *General*
  - *Pedestrian friendly connectivity between land uses and properties should be incorporated.*

The applicant has provided pedestrian trails and sidewalks around and through the development which extend to the outside for future continuation to adjacent properties.

- *Residential Land Uses*

While the property is not identified for residential land use, the application proposes residential land use and therefore the following apply:

  - *Residential uses shall maintain a "back-to-back" relationship to more intense uses.*

The proposal provides for residential lots to back to the proposed arterial with the more intensive land uses on the other side.

- *Residential streets shall be extended to undeveloped property and shall use a grid or modified grid pattern.*

The proposal provides for future street connections to the south.

- *Public Facility/Parks, Recreation, Open Space Land Uses*
  - *Open space areas should be provided and/or acquired along major thoroughfares and along drainage ways for development of pedestrian and bicycle trails.*

The proposal provides for trails along New Trails Parkway, within the electric easement along the southern property line, and along a drainage way.

- *Trail facilities shall be expanded and connected through all uses in the planning area.*

As noted above, the proposal is providing for this and will be required to be expanded to remainder of the development in the future.

Additionally the project meets policies within the New Residential Growth Areas. While this area is not identified for residential growth, it meets the following policies:

- *Connectivity:*
  - *Require pedestrian connections to adjacent streets and neighborhoods at the terminus of all new cul-de-sacs.*
- *Open Space Preservation & Conservation Design*
  - *Integrate stormwater detention areas and corridors in order to effectively mitigate the impacts of flooding.*
  - *Require trails, useful open spaces, and parks throughout new development areas through dedications and easements set aside as part of the development review process.*
  - *Utilize environmental features, topography, and natural areas, to guide development, and shape the potential development area of residential sites.*

### **STAFF ANALYSIS - FINAL DEVELOPMENT PLAN**

This phase is the first phase of the Estates development portion of Prairie Trace. The Estates includes standard suburban lots including a tract for a pool and clubhouse. Phase one includes 27 lots, 4 tracts, a portion of 178<sup>th</sup> Street, Greeley Street north of 178<sup>th</sup> Street and a portion of Greeley Street south of 178<sup>th</sup> Street.

#### **17.03.040 (F) Review Criteria:**

1. In general, any final development plan in compliance with all requirements of this Code shall be approved.

**Staff Comment:** *The applicant is requesting three deviations from landscaping standards. These are discussed at the end of this section.*

2. In making a determination of compliance, or for final development plans accompanying any discretionary review or administrative relief, the review body shall consider whether:
  - a. The site is capable of accommodating the buildings, proposed use, access and other site design elements required by the Code and will not negatively impact the function and design of rights-of-way or adjacent property.

**Staff Comment:** *The sites are capable of accommodating the buildings with approved deviations on the preliminary development plan. The proposal is capable of accommodating other site design elements required without negatively impacting adjacent property.*

- b. The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices.

**Staff Comment:** *The design and arrangement of buildings and open spaces are consistent with good principles and practices. The applicant is proposing deviations from required frontage landscaping, and general landscaping. Paired with the approved deviation to increase the frontage area hardscape, this can have a negative impact on the site and the public realm. The landscaping helps to create a softening of building and pavements within the public realm and creates a place where people to interact. It also provides areas for stormwater infiltration and management and shade for cooling of yards and homes. A pedestrian amenity is proposed at the entry of the development along 178<sup>th</sup> Street and Clare Road, a trail will connect the end of Greeley Street to the future sidewalk along future 177<sup>th</sup> Street and a pool and clubhouse will be constructed on Tract B during this phase. A final development plan for this tract will be submitted at a later date. Generally the proposal is consistent with good planning and site engineering principles and practices.*

- c. The architecture and building design uses quality materials and the style is appropriate for the context considering the proportion, massing, and scale of different elements of the building.

**Staff Comment:** *The applicant is proposing architecture and building design using quality materials such as stucco and stone veneer. Additional details such as columns, window details and roof details are provided on the homes.*

- d. The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features or site design elements.

**Staff Comment:** *The overall design is compatible with the relationship to other proposed buildings in the Meadows to the east.*

- e. Whether any additional site-specific conditions are necessary to meet the intent and design objectives of any of the applicable development standards.

**Staff Comment:** *No additional conditions are necessary for this site.*

3. The application meets the criteria for all other reviews needed to build the project as proposed.

**Staff Comment:** *The application will need to be reviewed by the County because of the relation of the property to New Century AirCenter. Additionally public improvement plans will need to be reviewed and approved by the City, WaterOne and KDOT. After utilities and streets are installed, building permits for each structure will need to be obtained.*

4. The recommendations of professional staff.

**Staff Comment:** *Staff recommends approval with the conditions recommended in the recommendations section of the staff report.*

5. The final development plan is in substantial compliance with the approved preliminary development plan.

**Staff Comment:** *The final development plan is in substantial compliance with the preliminary development plan in relation to the number of lots and the lot layout and street layout.*

## DEVIATIONS

The standards outlined below are standards from the Land Development Code that are not met. The planned district allows for departures from the standards associated with all zoning districts provided they are based upon a comprehensive and well-integrated development plan for the area. Below are the standards not met and the applicant's justification for such deviation.

### 1. Section 17.08.030(A) Planting Requirements – Table 8-1; Other Open Areas Generally

Standard: 1 tree per 10,000 sf

Proposed: None

**Applicant Response:** *Due to the unique nature of our development allowing for the smaller lots with front loaded driveways, we are requesting variations from the prescriptive landscape code. This deviation request will allow for flexibility of placement and plant selection, while encouraging landscaping designs that incorporate the design of the buildings, placement of driveways and topography. This deviations requests allows for a landscaping policy that is nearly identical to the neighborhoods we are producing in other neighboring municipalities. Given the narrow nature of the Meadows lots, and the variety of different housing styles*

*requiring various driveway placements, achieving this consistent spacing is extremely difficult. What we are proposing achieves the same visual effect while making the placement easier for the builders who will be installing them. To offset the removal of this standard we will be requiring each home site to include at least \$1500 spent on landscaping including 1 large tree and excluding landscape walls and irrigation.*

**Staff Comment:** *This standard is a general requirement carried over into the LDC from the previous code. It is a general requirement for additional tree(s) on a site, separate from the frontage and street trees. This tree can be located anywhere on the site as it does not have a location requirement. Typically it has been located in the rear of single-family home properties where there is not a planting requirement. All of the proposed lots in this phase are under 10,000 sf which would require one tree to comply with this standard with the exception of Lot 27 which is 11,003 sf and would require two trees to meet this standard. Trees have long shown benefits such as aesthetics, reduction in cooling costs in the summer, reduction in stormwater runoff and an increase in property value.*

*The applicant states that a certain amount of money will be required to be spent on landscaping for each lot through the HOA. The City has no review or input into the covenants and restrictions and therefore there is no way to assure this requirement gets incorporated into the covenants. Also the covenants are a private legal document and the City has no authority to enforce such documents. Without the Code standards as a minimum, based on what the applicant is requesting for deviations for the project as a whole, there is the potential that no landscaping would be included on the lots with the exception of turf. The street trees are placed within the right-of-way and off the property. To assure the minimum amount of landscaping on each lot (a lot between 5,000 sf - 10,000 sf would require one frontage tree, one general tree and two general shrubs), staff recommends compliance with this standard and it will be a recommended condition of approval.*

## 2. **Section 17.08.030(A) Planting Requirements – Table 8-1; Other Open Areas Generally**

Standard: 1 shrub per 5,000 sf

Proposed: None

**Applicant Response:** *Due to the unique nature of our development allowing for the smaller lots with front loaded driveways, we are requesting variations from the prescriptive landscape code. This deviation request will allow for flexibility of placement and plant selection, while encouraging landscaping designs that incorporate the design of the buildings, placement of driveways and topography. This deviations requests allows for a landscaping policy that is nearly identical to the neighborhoods we are producing in other neighboring municipalities. Given the narrow nature of the Meadows lots, and the variety of different housing styles requiring various driveway placements, achieving this consistent spacing is extremely difficult. What we are proposing achieves the same visual effect while making the placement easier for the builders who will be installing them. To offset the removal of this standard we will be requiring each home site to include at least \$1500 spent on landscaping including 1 large tree and excluding landscape walls and irrigation. The result of this requirement will be more variety and more plant materials.*

**Staff Comment:** *This standard is a general requirement carried over into the LDC from the previous code. This requirement are the only required shrubs on a lot and the shrubs can be located anywhere on the site as this is a general requirement. Shrubs help aesthetics of the property as they are typically planed along the foundation of a house and they can also help with foundation insulation in the colder times of the year. They can also be used to screen*

*the air conditioning units as required. All of the proposed lots in this phase are under 10,000 sf which would require two shrubs to comply with this standard with the exception of Lot 27 which is 11,003 sf and would require three shrubs to meet this standard.*

*The applicant states that a certain amount of money will be required to be spent on landscaping for each lot through the HOA. The City has no review or input into the covenants and restrictions and therefore there is no way to assure this requirement gets incorporated into the covenants. Also the covenants are a private legal document and the City has no authority to enforce such documents. Without the Code standards as a minimum, based on what the applicant is requesting for deviations for the project as a whole, there is the potential that no landscaping would be included on the lots with the exception of turf. The street trees are placed within the right-of-way and off the property. To assure the minimum amount of landscaping on each lot (a lot between 5,000 sf - 10,000 sf would require one frontage tree, one general tree and two general shrubs), staff recommends compliance with this standard and it will be a recommended condition of approval.*

**3. Section 17.07.050(c) Frontage Design; Design Standards; Neighborhood Yard; Design and Performance Standards**

Standard: One small tree for every 50' of frontage; OR one medium or large tree for every 100' of frontage (in addition to required street trees)

Proposed: None

**Applicant Response:** *The nature of this requirement disproportionately burdens some lots over others by requiring plantings based on the position along the street frontage rather than per lot. Our landscaping plan is designed to distribute the cost of the landscaping to each lot individually while encouraging a cohesive approach. This deviation request will allow for flexibility of placement and plant selection, while encouraging landscaping designs that incorporate the design of the buildings, placement of driveways and topography. This deviations requests allows for a landscaping policy that is nearly identical to the neighborhoods we are producing in other neighboring municipalities. Given the narrow nature of the Meadows lots, and the variety of different housing styles requiring various driveway placements, achieving this consistent spacing is extremely difficult. What we are proposing achieves the same visual effect while making the placement easier for the builders who will be installing them. To offset the removal of this standard we will be requiring each home site to include at least \$1500 spent on landscaping including 1 large tree and excluding landscape walls and irrigation.*

**Staff Comment:** *The description of the Neighborhood Yard Frontage type states in part that landscape designs and primary entrance features of buildings establish the relationship and transitions to the streetscape. The standard is for one small tree for every 50' of frontage; OR one medium or large tree for every 100' of frontage. This standard just establishes the number of trees required, not the exact location or spacing. The trees can be anywhere within the frontage area. A small tree is one that once mature will be shorter, more decorative in nature and many of the recommended small trees for landscape are flowering trees. While the small trees may not have all of the similar positive impacts as the larger trees used for street trees, they do offer aesthetics, reduce stormwater runoff, soften hard features, and add value to the property. Because of the opportunity for the utilization of a small tree, they are less likely to interfere with street trees and can potentially be planted closer to the house, depending on the species. Staff recommends compliance with this standard and it will be a condition of approval.*

*The applicant states that a certain amount of money will be required to be spent on landscaping for each lot through the HOA. The City has no review or input into the covenants and restrictions and therefore there is no way to assure this requirement gets incorporated into the covenants. Also the covenants are a private legal document and the City has no authority to enforce such documents. Without the Code standards as a minimum, based on what the applicant is requesting for deviations for the project as a whole, there is the potential that no landscaping would be included on the lots with the exception of turf. The street trees are placed within the right-of-way and off the property. To assure the minimum amount of landscaping on each lot (a lot between 5,000 sf - 10,000 sf would require one frontage tree, one general tree and two general shrubs), staff recommends compliance with this standard and it will be a recommended condition of approval.*

### **STAFF ANALYSIS - FINAL PLAT**

#### **17.03.020 (E1) Review Criteria:**

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

**Staff Comment:** *The final plat is in substantial compliance with the preliminary plat considering the number of lots, block layout, street designs and access.*

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

**Staff Comment:** *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording at the County. The applicant and City are currently working to locate the proposed sanitary sewer lift station along the southern property area of the overall larger development.*

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

**Staff Comment:** *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording and issuance of building permits to ensure all improvements are in place. Public improvements are to be complete prior to the issuance of a building permit.*

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

**Staff Comment:** *No deviations are requested on this final plat.*

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

**Staff Comment:** *Planning staff recommends approval of the final plat with the conditions outlined in the Recommended Motion below.*

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

### **ELECTRIC –**

Electric utilities will be provided to the property by the City. The City will extend the utilities across the interstate and to the development. Easements have been provided to the acceptance of the Electric Division.

### **WATER –**

Water is to be provided by WaterOne. The applicant will work with the appropriate water district for approval and installation.

### **SANITARY SEWER –**

Sanitary sewer will be provided by the City of Gardner. The utilities will be extended across the interstate and a new lift station will need to be installed generally located along the southern portion of the project in its entirety and located outside of all detention and stream setback areas. The sanitary sewer line locations will be further defined with the public improvement plans. After the location of the lift station is determined, staff will need to work with the applicant to provide easements for the lift station itself, any lines and access drives.

### **STORM SEWER –**

Storm sewer improvements are provided for with the proposed storm water detention and drainage areas. A final storm water study has been submitted and comments are being addressed with the Public Works Department. The final study will need to be approved prior to the release of the plat for recording.

### **ROADWAY NETWORK & VEHICULAR ACCESS –**

The applicant is constructing local streets within the residential development which with this phase includes part of 178<sup>th</sup> Street from Clare Road past the first stream/drainage area, Greely Street north of 178<sup>th</sup> Street and part of Greeley Street south of 178<sup>th</sup> Street.

### **SIDEWALKS –**

The Neighborhood Local street design requires a 5' sidewalk along both sides of the street. A deviation to allow for all lots either to be adjacent to a trail or to have a sidewalk has been approved. There are no trail amenities located in either of the drainage tracts, so sidewalks will be required along that street.

### **NEW CENTURY AIRCENTER –**

The subject property is within the New Century AirCenter Airport Interest Area and within 1 mile of airport owned property. The Johnson County Airport Board and Johnson County Board of County Commissioners will have to review and take action on these applications because of the proximity of the property to the airport.

### **EXCISE TAX**

Excise tax is levied with the act of platting the portion of the property in the city. Any of the subject property that has never been a part of a final plat before is therefore subject to paying the excise tax. This tax is based on the square footage of the plat property, excluding any arterial type right-of-way dedication for streets and parkland dedication. The applicant is paying for and constructing the new arterial street, New Trails Parkway which is what the excise tax is earmarked for. The exemption states, "The reasonable cost for construction to City standards of a major street abutting and serving land included in the plat, required by the City and accepted as a condition for approval of a plat. Reasonableness of costs shall be determined by the City Engineer based on information presented to the City." The City is working with the applicant on this.

### **ATTACHMENTS**

- I. Final development plan document
- II. Final plat document
- III. Applications

### **ACTIONS**

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

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

### **EFFECT OF DECISION**

Final Development Plan – Approval of a final development plan shall authorize the applicant to apply for a building permit and other applicable permits. The Director may approve minor amendments to approved final development plans without the refiling of a new application, but in no event shall the Director approve any change that does not qualify for an administrative site plan, or any change that is different from any condition of approval of the final development plan.

Final Plat – If the Planning Commission approves or conditionally approves the final plat, the plat shall be forwarded to the Governing Body with a recommendation that they accept dedication of land for public purposes such as easements, rights-of-way and public facilities. The approval of the final plat; acceptance of the dedication of land for public purposes; finding that the construction plans for any utilities, infrastructure or public facilities meet all City technical specifications; and payment of the excise tax if applicable, authorizes the filing of the plat with the Johnson County Records and Tax Administration. Any approval with conditions or exceptions to the rules shall be clearly stated on the plat. Any plat not recorded within two years from the date of acceptance of

land by the Governing Body shall be null and void. Upon approval of the final plat, dedications, and construction plans and recording of the plat, the applicant may proceed with the construction of required improvements. No building permit shall be authorized until the completion, inspection and acceptance of all required improvements.

### **RECOMMENDATION – FINAL DEVELOPMENT PLAN**

Staff recommends approval of the final development plan for Prairie Trace Estates 1<sup>st</sup> Phase with the conditions outlined in the Recommended Motion below.

#### **Recommended Motion:**

After review of application FDP-20-03 a final development plan for Prairie Trace Estates, on a portion of tax ID CF231429-3002 and final development plan dated April 17, 2020, landscape plan dated April 21, 2020, and staff report dated April 28, 2020, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Provide details regarding the pedestrian amenities in Tract A and Tract B such as width of trail, materials, amenities, etc.
2. Revise the plan to show a 10' utility easement along the rear property line of Lot 27.
3. Revise the plan to show 10' utility easements on Tract D along the shared lot lines of Lot 27, the southwest property line and along the east side of the eastern stream corridor boundary.
4. Revise the landscape plan to show all sidewalks.
5. Revise the landscape plan, section for building standards, to update the Allocation of Landscape Space Required to reflect what was approved on the PDP.
6. Revise the landscape plan to update the information regarding Clare Road to be an Arterial-Standard Street and tree spacing to be 40'-60' on center.
7. Revise the landscape plan to show the street trees on Clare Road to be approximately 30' from future overhead electric, spaced 40'-60' on center, and use small street tree species as recommended in the Land Development Code Appendix C.
8. Revise the landscaping plan to show street trees out of the sight triangles, or if they are proposed within the sight triangle, they shall be located no closer than 30' to the intersecting right-of-way and that they do not have any foliage, limbs, or other obstructions between two and eight feet.
9. Revise the landscape plan to remove the note regarding trees in the sight triangle.
10. Revise the landscape plan to Notes, update #5 to be readable.
11. Revise the summary on the landscape plan to require plot plans to meet the Other Open Areas Generally standard of 1 tree per 10,000 sf of lot area.
12. Revise the summary on the landscape plan to require plot plans to meet the Other Open Areas Generally standard of 1 shrub per 5,000 sf of lot area.
13. Revise the summary on the landscape plan to require plot plans to meet the Neighborhood Yard frontage type requirement of 1 small tree for every 50' feet of frontage; OR one medium or large tree for every 100' of frontage (in addition to required street trees).
14. Provide a truck turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.
15. Any pedestrian or other amenities shown in the current phase shall be completed prior to issuing building permits for the next phase.
16. Address the location of the sanitary sewer pump station with the Utilities Department and record and provide any necessary utility or access easement needed.

17. Applications Z-20-01, PDP-20-02 and PP-20-01 shall be approved/published and all conditions met prior to the release of any building permits for this application.
18. Correct the alignment of Houston Street to the south as it shows offset across 178<sup>th</sup> Street.
19. Provide a written agreement that Southern Star has reviewed the plans and agrees to the proposed street crossings and 10' concrete trail and associated easements to be located within their 66' gas pipeline easement.
20. The applications shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.

### **RECOMMENDATION – FINAL PLAT**

Staff recommends approval of the final plat for Prairie Trace Estates, First Phase with the conditions outlined in the Recommended Motion below.

#### **Recommended Motion:**

After review of application FP-20-03, a final plat for Prairie Trace Estates, First Plat, a portion of tax ID CF231429-3002, and final plat dated April 17, 2020, and staff report dated April 28, 2020, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Revise the plat to show a 10' utility easement along the rear property line of Lot 27
2. Revise the plat to show 10' utility easements on Tract D along the shared lot lines of Lot 27, the southwest property line and along the east side of the eastern stream corridor boundary.
3. Provide a truck turning template with the Johnson County Fire District #1's largest truck on it to show that the islands will not impede fire truck movement.
4. The applications shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the publication of an Ordinance by the City of Gardner Governing Body.
5. Applications Z-20-01, PDP-20-02 and PP-20-01 shall be approved/published and all conditions met prior to the release of any building permits for this application.
6. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.
7. Prior to the release of the final plat for recording, the applicant shall provide a final stormwater management plan and obtain approval from the Public Works Department.

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







**THE AZALEA**  
BY ROESER HOMES



**THE EMERY**  
BY JAMES ENGLE CUSTOM HOMES



**THE LANDON REVISED**  
BY NEW MARK HOMES

PREPARED BY:

SCHLAGEL & ASSOCIATES, P.A.

PRAIRIE TRACE ESTATES  
FINAL DEVELOPMENT PLAN  
175TH ST & I-35 GARDNER, KS

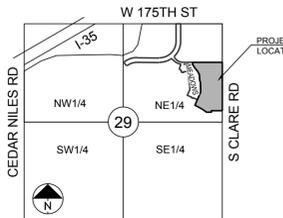
REVISION DATE	DESCRIPTION
DATE	DESCRIPTION 1
1	
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8	

TYPICAL HOUSE ELEVATIONS

SHEET  
**A1.0**

# FINAL PLAT OF PRAIRIE TRACE ESTATES, FIRST PLAT

PART OF THE NORTHEAST 1/4 OF SEC. 29-14-23  
IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS



SECTION 29-14-23  
LOCATION MAP  
SCALE 1" = 2000'

### DEDICATIONS:

The undersigned proprietor of the described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereafter be known as "PRAIRIE TRACE ESTATES, FIRST PLAT".

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

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of sidewalks, upon and over those areas outlined and designated on this plat as "Sidewalk Easement" or "SWE" is hereby granted to the City of Gardner, Kansas. No above ground facilities associated with the uses herein permitted shall be constructed, located, or maintained in any area of the "SWE" that crosses or intersects with a "SWE".

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

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

### CONSENT TO LEVY:

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

The use of all lots, units and properties in this subdivision shall hereafter be subject to the Declarations, which instruments are to be recorded in the Office of the Register of Deeds of Johnson County, Kansas, as provided above, and which shall hereby become a part of the dedication of this plat as though set forth herein.

### EXECUTION:

IN TESTIMONY WHEREOF, TRAVIS SCHRAM, Manager of DAY3, LLC, a Missouri limited liability company, by the authority of its Manager, has caused this instrument to be executed, this \_\_\_ day of \_\_\_\_\_, 2020.

DAY3, LLC,

By: TRAVIS SCHRAM, Manager

ACKNOWLEDGMENT:

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

BE IT REMEMBERED that on this \_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said County and State, came TRAVIS SCHRAM, Manager of DAY3, LLC, a Missouri Limited Liability Company, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said company, and such duly acknowledged the execution of the same to be the act and deed of same.

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

Notary Public \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

Print Name \_\_\_\_\_

### APPROVALS:

PLANNING COMMISSION:

APPROVED BY, the Planning Commission of the City of Gardner, Johnson County, Kansas this \_\_\_ day of \_\_\_\_\_, 2020.

Scott Boden, Chair

MAYOR: ACCEPTANCE OF DEDICATIONS AND EASEMENTS BY, the Governing Body of the City of Gardner, Johnson County, Kansas this \_\_\_ day of \_\_\_\_\_, 2020.

By: Steve Shute, Mayor Attest: Sharon Rose, City Clerk

**OWNER:**  
DAY3 LLC  
ATTN: TRAVIS SCHRAM  
6300 W 143RD ST.  
SUITE 200  
OVERLAND PARK, KS 66223  
913-732-4778

**DEVELOPER:**  
GRATA DEVELOPMENT  
ATTN: TRAVIS SCHRAM  
6300 W 143RD ST.  
SUITE 200  
OVERLAND PARK, KS 66223  
913-732-4778

I HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED ON A FIELD SURVEY PERFORMED ON 12-20-2019. THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



SCALE: 1" = 60'

**BASIS OF BEARINGS:**  
KANSAS STATE PLANE  
COORDINATE SYSTEM  
(NAD)1983, KANSAS,  
NORTH ZONE

Aaron T. Reuter - Land Surveyor  
KS# 14-229

PRELIMINARY

**SCHLAGEL**  
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS  
14920 West 107th Street • Lenexa, Kansas 66215  
Ph: (913) 492-5158 • Fax: (913) 492-8400 • WWW.SCHLAGELASSOCIATES.COM  
Kansas State Certificates of Authority  
#E-296 #A-29 #LS-54

DATE	2-07-2020	FINAL PLAT OF
DRAWN BY	JWT	PRAIRIE TRACE ESTATES
CHECKED BY	AR	FIRST PLAT
PROJ. NO.	20-013	SHEET NO. 1

POINT OF COMMENCING  
NE CORNER, NE 1/4  
SEC. 29-14-23, 2" ALUMINUM DISC  
STAMP JOHNSON COUNTY SECTION CORNER

POINT OF BEGINNING

S01°50'26"E 2700.88'

E LINE, NE 1/4, SEC. 29-14-23

S01°50'26"E 1298.51'

CLARE ROAD

S01°50'26"E 915.51'

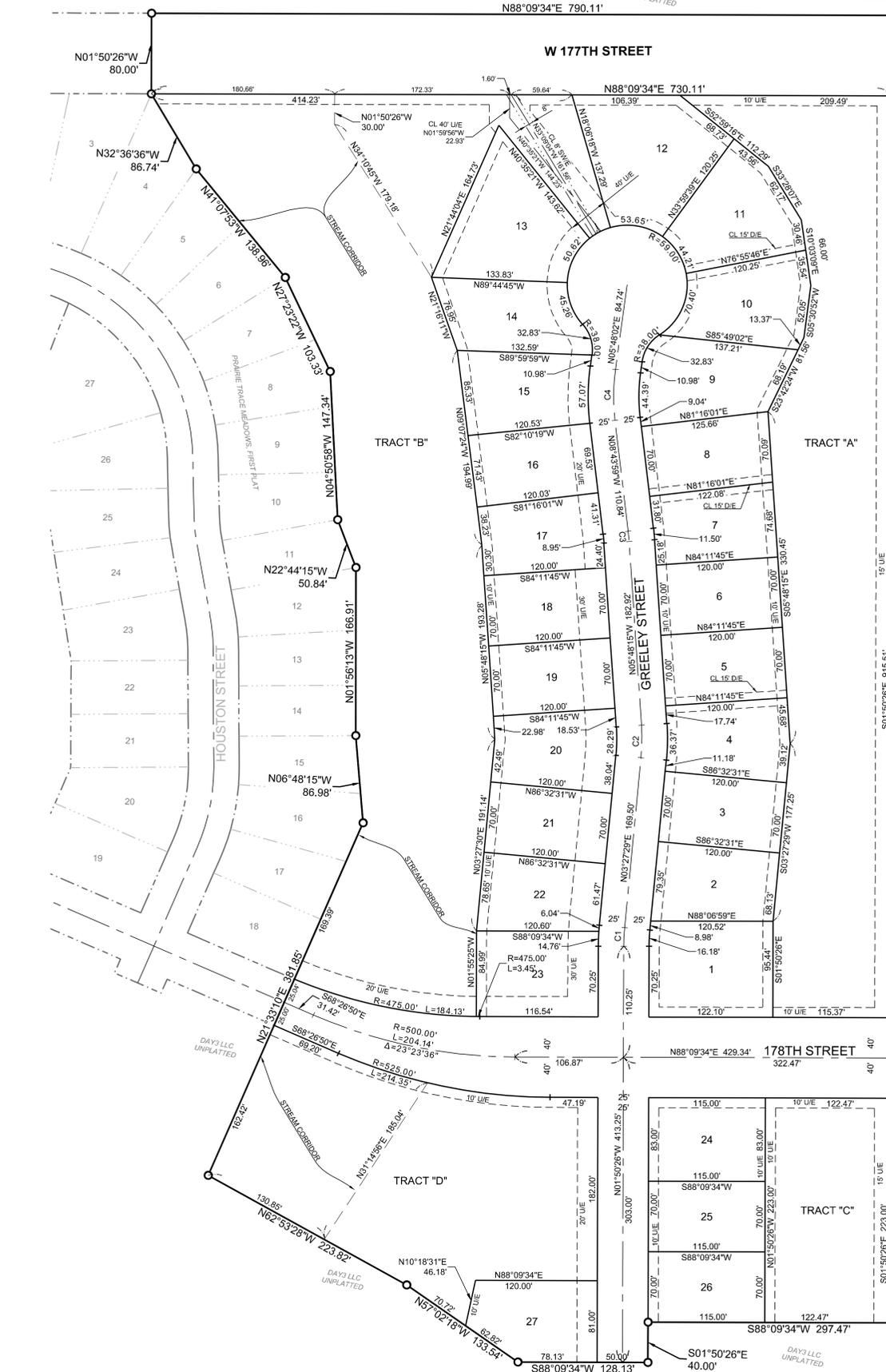
CLARE ROAD

S01°50'26"E 915.51'

CLARE ROAD

S01°50'26"E 915.51'

SE CORNER NE 1/4  
SEC. 29-14-23  
2" ALUMINUM DISC



Curve #	Length	Radius	Delta
C1	18.50	200.00	5.30
C2	32.33	200.00	9.26
C3	10.22	200.00	2.93
C4	50.73	200.00	14.53

LOT #	AREA (SF)	LOT #	AREA (SF)
1	11,632.69	18	8,400.00
2	8,848.82	19	8,400.00
3	8,400.00	20	9,017.59
4	9,019.44	21	8,400.00
5	8,400.00	22	8,770.10
6	8,400.00	23	10,206.69
7	8,629.29	24	9,545.00
8	8,670.84	25	8,050.00
9	10,673.53	26	8,050.00
10	10,125.51	27	9,362.96
11	10,919.38	R/W	238,587.67
12	14,592.98	TRACT "A"	101,110.74
13	13,286.02	TRACT "B"	153,626.24
14	9,486.30	TRACT "C"	27,310.32
15	9,529.37	TRACT "D"	68,127.30
16	8,476.44	TOTAL	844,641.65
17	8,586.40		

TRACTS A, B, C & D SHALL BE OWNED AND MAINTAINED BY THE HOMES ASSOCIATION OR THEIR AUTHORIZED REPRESENTATIVES THEREOF AND ARE TO BE USED FOR DETENTION AND STORMWATER QUALITY FEATURES, OPEN SPACE AND NATURAL AREAS.

TRACT D WILL CONTAIN AN AMENITY AREA WITH A SWIMMING POOL

- LEGEND:**
- FOUND MONUMENT AS NOTED
  - SET 1/2" REBAR W/ S-54 CAP UNLESS OTHERWISE NOTED
  - - - EXISTING PLAT AND R/W LINES
  - - - EXISTING LOT AND PROPERTY LINES
  - BL BUILDING LINE
  - R/W RIGHT-OF-WAY

FLOOD NOTE: This Property lies within Flood Zone X, defined as areas determined to be outside the 0.2% annual chance floodplain as shown on the FIRM Map 20091C0121G, revised August 3, 2009.



**SITE PLAN AND DESIGN REVIEW  
FINAL DEVELOPMENT PLAN  
APPLICATION**

Pre-App Date \_\_\_\_\_  
Fee \_\_\_\_\_  
File No. \_\_\_\_\_

**OWNER INFORMATION**

Name(s) GRATA DEVELOPMENT, LLC  
Contact TRAVIS SCHRAM, MANAGER  
Address 6300 W. 143RD STREET, SUITE 200  
City OVERLAND PARK State KANSAS Zip 66223  
Phone 913-732-4778 Email TRAVIS@GRATA.LAND

**APPLICANT/AGENT INFORMATION**

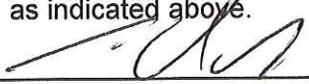
Name(s) SCHLAGEL & ASSOCIATES, P.A.A  
Contact MARK BREUER, PE  
Address 14920 W. 107TH STREET  
City LENEXA State KANSAS Zip 66215  
Phone 913-492-5158 Email MAB@SCHLAGELASSOCIATES.COM

**SITE INFORMATION**

Property Address/Location: S. CLARE ROAD AND 175TH STREET  
Legal Description (Attach If Necessary) SEE THE ATTACHED LEGAL DESCRIPTION  
Number of Existing Lots N/A Number of Proposed Lots \_\_\_\_\_  
Total Site Area \_\_\_\_\_ Present Zoning A.C-2, M-1  
Proposed Use RESIDENTIAL Present Land Use AG  
Proposed Street Design Type(s) & Class SUBURBAN  
Proposed Type(s) Open & Civic Space NATURAL AREA, TRAIL GREENWAY, PARK  
Proposed Frontage Type(s) SUBURBAN NEIGHBORHOOD  
Proposed Building Types(s) DETACHED HOMES-SUBURBAN 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 a site plan and design review or final development plan as indicated above.

Signature(s):  Date 2/7/20  
Date \_\_\_\_\_

## SITE PLAN AND DESIGN REVIEW, AND FINAL DEVELOPMENT PLAN 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. 10 complete sets of full sized plans printed including color elevations, folded   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 4. Digital copies (PDF) of the completed application, plans, and legal description   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 5. Copy of all covenants and restrictions applicable to the development, if applicable.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 6. Sign posting affidavit.   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | 7. Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability of such agency or document dedicating the facilities to the city. |
| <input type="checkbox"/>            | <input type="checkbox"/>            | 8. Deeds of dedication for all rights-of-way or easements required as a result of preliminary development plan approval if conveyance thereof is not to be made by plat or by the filing of the final development plan.                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | 9. Evidence of satisfaction of any conditions of the preliminary development plan approval which were conditions precedent to consideration of the final development plan.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 10. Final Stormwater Management Plan (2 printed and 1 digital copy)  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 11. Final Traffic Impact Study (TIS) as required by the Access Management Code. (2 printed and 1 digital copy)   |

### PLAN REQUIREMENTS

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Vicinity map to scale with north point showing railroads, major streams or rivers, and public streets in the vicinity of the site. (Suggested scale of 1" = 1000'.)   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Boundary lines of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances).   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Scale, legend, and north arrow clearly shown, with orientation at top or left as north (not less than 1"=100' scale).   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Dates of plan preparation and/or plan revisions.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Ownership, zoning, and land use of the site and surrounding properties within 200 feet; both existing and proposed.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Names, addresses, and phone numbers of all companies, firms, or individuals involved in the preparation of the plan (i.e. developer, property owner, architect, landscape architect, planner, engineer, surveyor, etc.) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Setback lines: building and parking with dimensions in feet.  |

- | Yes                                 | No                                  |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 8. <b>Setback lines:</b> building and parking with dimensions in feet.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 9. <b>Lots and tracts identified clearly,</b> 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 and acres.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 10. <b>Note on the plan indicating intended ownership, purpose, and maintenance responsibilities</b> for any parcels labeled as tracts.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 11. <b>Setback lines:</b> building and parking with dimensions in feet.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 12. <b>Location of existing open space, alleys, parks, streams, ponds, vegetation</b> or other similar features within plan area, and whether they are to be retained or removed.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 13. <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"/>            | 14. <b>Proposed street network,</b> including right-of-way, bearings, tangents, dimensions, and horizontal and vertical curvature data along the centerline of each street.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 15. <b>All public streets within the plan conform</b> to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications. Design of crosswalks, on street parking, shoulder, pavement and lane dimensions.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 16. <b>Intersection site distance analysis.</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 17. <b>Driveways, parking lots and stalls, aisles, and loading</b> and service areas and docks and dimensions.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 18. <b>Median breaks and turning lanes,</b> including sizes and radii; both existing and proposed.  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 19. <b>Vehicle maneuvering/turning templates</b> reflecting the site can accommodate a minimum SU-30 class vehicles (for emergency access to all areas of the site), and the appropriate site-design vehicle for any other special areas of the site (such as delivery or dock areas, etc.), as necessary.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 20. <b>Existing and proposed sidewalks</b> and/or trail locations including proposed widths.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 21. <b>Proposed utilities,</b> including approximate location of sanitary sewer, water main, and street lights.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 22. <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"/>            | 23. <b>Any area within a federally designated floodplain.</b> Location, stations, and elevations of the 100-year floodplain within the plan area 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | 24. <b>Stream corridor boundary</b> and dimensions.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 25. <b>Phasing Plan,</b> if applicable.   |

- | Yes                                 | No                                  |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 26. <b>Planned amenities</b> , such as fountains, art, outdoor seating, waste receptacles, etc.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 27. <b>Any buildings within the plan area</b> which are existing or proposed, with status indicated including dimensions (i.e. to remain, remodel, new, to be demolished as part of Phase 2, etc.).  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 28. <b>Distances between all buildings</b> , between buildings and property lines, and between parking areas and property lines.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 29. <b>Existing Topography and Proposed Grading</b> of the area contained in the plan area and within 20 feet of the boundary shown by 2-foot contour intervals. Contour lines shall be legible but not overpowering.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 30. <b>Building elevations</b> depicting the architectural style, size, exterior construction materials, and colors for each type of building proposed, and dimensions. If an architectural theme is planned, elaboration on the intent and extent of the scheme and details shall be provided. Elevations shall provide sufficient information to determine relationships between various elements, building height, proportion, bedroom counts, approximate square footage, etc. Rooftop and ground-mounted mechanical equipment shall be shown on elevations. |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 31. <b>Screen walls, fences, trash enclosures, and mail kiosks</b> (existing and proposed), including location, height, and materials.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 32. <b>Table indicating lots, land areas, buildings, number of stories, building coverage, and all other quantities relative</b> to the submitted plan that are required to determine compliance with City codes. For commercial buildings, indicate service floor areas and number of tenant spaces, if applicable. For residential buildings, indicate dwelling units; if multiple building types, provide an additional table indicating dwelling units by building type.   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 33. <b>Table indicating required and proposed parking spaces.</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 34. <b>Landscaping plan and table</b> indicating all proposed landscaping, noting common and botanical names, numbers, and planting sizes. Note all other areas to be sodded.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 35. <b>All exterior sign locations.</b> Include elevations and details.  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 36. <b>All outside lighting facilities:</b> Location, height, wattage, and type including shielding, for buildings, parking lots and outdoor storage areas.  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 37. <b>Outdoor storage areas</b> , including location, dimensions and design.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 38. <b>Planned amenities</b> , such as fountains, art, outdoor seating, waste receptacles, etc.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 39. <b>Preliminary design and location of all proposed storm drainage</b> conveyance, detention and treatment facilities and locations of existing drainage facilities.  |

I hereby submit all information required for a site plan and design review, or final development plan 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

2/07/20  
 Date

**OWNER AFFIDAVIT**

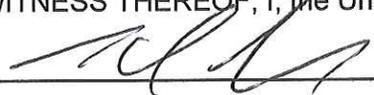
I/WE GRATA DEVELOPMENT, LLC, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 7<sup>th</sup> day of February, 2020, make the following statements to wit:

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 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 PRAIRIE TRACE ESTATES (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 Kansas  
COUNTY OF Johnson

The foregoing instrument was acknowledged before me on this 7<sup>th</sup> day of February, 2020, by Grata Development, Travis Schram, Manager.

My Commission Expires:

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





### FINAL PLAT APPLICATION

Pre-App Date	_____
Fee	_____
File No.	_____

#### OWNER INFORMATION

Name(s) GRATA DEVELOPMENT, LLC  
 Contact TRAVIS SCHRAM, MANAGER  
 Address 6300 W. 143RD STREET, SUITE 200  
 City OVERLAND PARK State KANSAS Zip 66223  
 Phone 913-732-4778 Email TRAVIS@GRATA.LAND

#### APPLICANT/AGENT INFORMATION

Name(s) SCHLAGEL & ASSOCIATES, P.A.  
 Contact MARK BREUER, PE  
 Address 14920 W. 107TH STREET  
 City LENEXA State KANSAS Zip 66215  
 Phone 913-492-5158 Email MAB@SCHLAGELASSOCIATES.COM

#### SITE INFORMATION

Property Address/Location S. CLARE ROAD AND 175TH STREET  
 Legal Description (Attach If Necessary) SEE THE ATTACHED LEGAL DESCRIPTION  
 Number of Existing Lots N/A Number of Proposed Lots 27  
 Total Site Area \_\_\_\_\_ Present Zoning A-C-2, M-1  
 Number of Existing Structures N/A Present Land Use VACANT/AGRICULTURE  
 Proposed Street Design Type(s) & Class SUBURBAN  
 Proposed Type(s) Open & Civic Space NATURAL AREA, TRAIL GREENWAY, PARK (POOL)  
 Proposed Frontage Type(s) SUBURBAN NEIGHBORHOOD  
 Proposed Building Types(s) DETACHED HOMES - SUBURBAN 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 final plat as indicated above.

Signature(s):  Date 2/7/20  
 \_\_\_\_\_ Date \_\_\_\_\_

## FINAL 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 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</b> applicable to the development, if any (reference book and page).   |
| <input checked="" type="checkbox"/> | <input 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, if not submitted with the Preliminary Plat. Covenants and restrictions, as well as evidence of the establishment of the agency for the ownership and maintenance of any common space, shall be submitted to the City for review and approval prior to recording of the plat. |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 7. <b>Final 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | 8. <b>Final Stormwater Management Plan</b> (2 printed and 1 digital copy)  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 9. <b>Final Traffic Impact Study (TIS)</b> as required by the Access Management Code. (2 printed and 1 digital copy)   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 10. <b>Development Agreement</b> , if required   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 11. <b>Street tree plan</b>  |

### FINAL PLAT DOCUMENT REQUIREMENTS

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. <b>Name of subdivision</b> (unique and numerically consistent and the words "FINAL 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> 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. |

- | Yes                                 | No                                  |   |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 6. <b>Provide the following sentence after the Legal Description</b> "The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the accompanying plat, which subdivision and plat shall hereafter be known as "Plat Name".  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 7. <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"/>            | 8. <b>Boundary lines</b> of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances).   |
|                                     |                                     | 9. <b>Accurate dimensions for all lines, angles, and curves</b> , used to describe boundaries, streets, easements and areas to be reserved for public use. Data for all curves shall include radius, arc length, chord length, and central angle.   |
| <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>Blocks, 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 checked="" type="checkbox"/> | <input 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 and proposed easements</b> with dimensions. Existing easements shall be labeled with book and page number.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 14. <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"/> | 15. <b>Stream corridor boundary</b> and dimensions.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 16. <b>Proposed street right-of-way with dimensions</b> which conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 17. <b>Endorsement of the Planning Commission</b> as evidenced by the signature of its Chairperson. Endorsement line shall contain the printed name of the Chairperson and their title.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 18. <b>Acceptance of Dedication by the Governing Body</b> , as indicated by the signature of the Mayor and attested by the City Clerk. The Endorsement Line shall contain the printed name and title of the person signing.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 19. <b>Signature of Owner</b> , properly attested.  |

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

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

Application Submittal Requirements No. 5 -  
Developer is currently drafting Covenants + Restrictions.  
No. 7 - NO Floodplain  
Final Plat Document Requirements No. 15 -  
No Stream Corridor

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



Signature of Applicant

2/7/20

Date

**OWNER AFFIDAVIT**

I/WE GRATA DEVELOPMENT, LLC, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 7<sup>th</sup> day of February, 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 SCHLAGEL & ASSOCIATES, 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 PRAIRIE TRACE ESTATES (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 Kansas  
COUNTY OF Johnson

The foregoing instrument was acknowledged before me on this 7<sup>th</sup> day of February, 2020, by Grata Development, Travis Schram, Manager

My Commission Expires:

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

