PLANNING COMMISSION STAFF REPORT — REGULAR AGENDA ITEM NO. 5A
MEETING DATE: APRIL 28, 2020
PREPARED BY: KELLY DRAKE WOODWARD, AICP, CHIEF PLANNER

PROJECT NUMBER / TITLE: Z-20-06 Rezoning, PDP-20-02 Preliminary Development Plan for Prairiebrooke Villas

PROCESS INFORMATION

Type of Request: Zoning Map Amendment and Preliminary Development Plan
Date Received: March 13, 2020

APPLICATION INFORMATION

Applicant: OIKOS Development Corporation (Michael Snodgrass)
Owner: Owner Finance LLC (Tim Gates)
Parcel ID: CF221422-4007
Location: North of W 174th Street along the east side of Kill Creek Rd.

REQUESTED ACTION

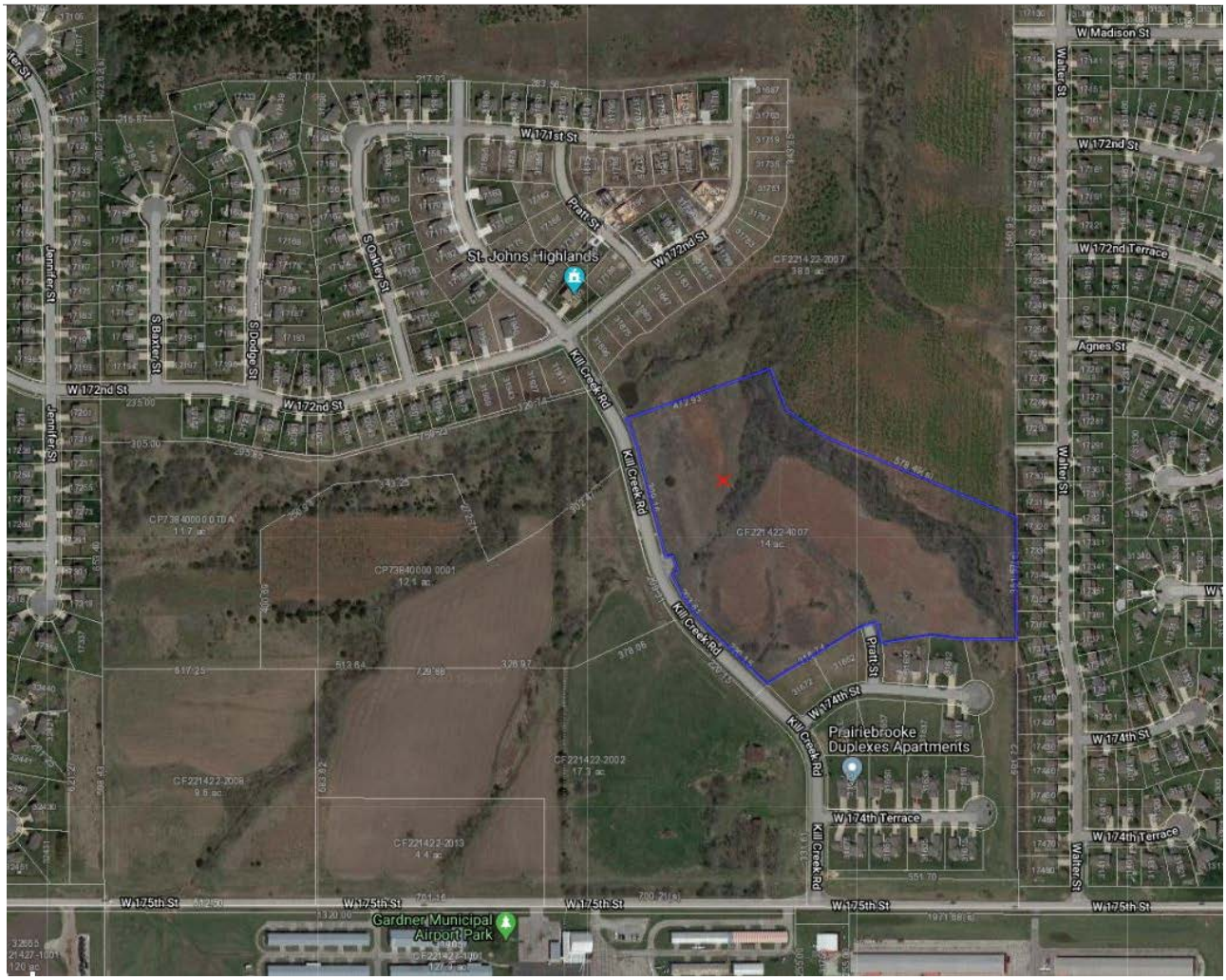
Hold a public hearing on and consider a request to rezone 14 acres from RP-2 (Planning Two-Family Residential) to RP-3 (Planned Garden Apartment) District; and consider approval of the associated Preliminary Development Plan containing 76 dwelling units including eighteen 4-unit Row Houses and two Duplexes.

EXISTING ZONING AND LAND USE

The site is currently zoned RP-2 (Planned Two-Family Residential) District, and is undeveloped land in agricultural use.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
RP-2 (Planned Two-Family Residential)	Single-family homes in future Breckenwood Creek subdivision
East of subject property	
R-1 (Single-Family Residential) District	Single family homes in Double Gate IV subdivision
South of subject property	
RP-2 (Planned Two-Family Residential)	Duplexes in Prairiebrooke subdivision
West of subject property	
RP-3 (Planned Garden Apartment) District	Undeveloped farming/ranch land
C-O (Office) District	Undeveloped farming/ranch land



EXISTING CONDITIONS

The property is currently not platted and is unimproved. The development will be accessed from an existing collector street (Kill Creek Road), and extension of a local street (Pratt St). An existing 8" sanitary sewer main bisects the subject parcel. Underground electric exists near the south and east boundaries. Eight inch water mains exist along 173rd St, Pratt St, and Kill Creek Rd. There is an existing fire hydrant at the intersection of the subject parcel with Kill Creek Rd. Stormwater infrastructure exists along Kill Creek Rd. The subject parcel contains an existing stream and floodplain (see image next page).

BACKGROUND / HISTORY

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

04-05 (RP-2 Planned Two Family Residential District) for the entire planned development property; floodplain and riparian protection, and dedication of ROW for W. 175th Street. This property was rezoned (Z-04-05) from PUD to RP-2 (Planned Two Family Residential) District by Ordinance No. 2102 on April 19, 2004 and has remained vacant.

DEVELOPMENT PLAN HIGHLIGHTS

The development plan includes 20 lots totaling 7.34 acres, 2.22 acres of right-of-way, and 4.46 acres of open space for a total of 14.02 acres. There are a total of 76 dwelling units (18 4-unit townhomes and 2 2-unit duplexes). Lots 8 and 10 are designed for the Duplex building type, and all other lots are designed for the Row House building type. The street type is Local – Neighborhood, and the Open and Civic Space type is Trail/Greenway. The proposed frontage type is Buffer Edge.

CONSISTENCY WITH COMPREHENSIVE PLAN

The parcel is indicated for Low Density Residential future land use on the Future Land Use plan of the Comprehensive Plan. The Future Land Use plan has recently been updated for portions of the community, such as the Main Street Corridor and areas around the highway interchanges, but the area of the subject property has not been updated since the adoption of the plan in 2014.

The Planning Commission has initiated a potential amendment to the Future Land Use plan for areas not addressed in other recent plans.

Low Density Residential future land use as described "primarily consists of detached single family homes, but may also include duplexes or triplexes arranged in a low density format on larger lots, with buildings in character with typical single family homes. Housing is typically arranged on a local street grid, or as part of a subdivision, and may include local amenities such as small community or civic buildings, playgrounds or gardens that serve residents." Table 5-1 of the *Gardner Land Development Code* (LDC) translates Low Density Residential future land use into the RE (Residential Estates), R-1 (Single-Family Residential) and R-2 (Two-Family Residential) Districts or application of planned districts to these and other residential districts to promote open space and rural preservation; OR to develop more walkable neighborhoods with a mix of housing types and connection to walkable neighborhood centers.

Although the proposed Row House buildings contain more dwelling units, the building footprint, at 2,568 sf, is comparable to a duplex or triplex. The existing duplexes in the Prairiebrooke subdivision to the south have a comparable building footprint and scale, and comparable lot size. The average lot size in the proposed development is 15,984 sf; six of the Row House lots exceed the upper range for lot area, contributing to a lower density format.

Although the proposed zoning district is not consistent with the Low Density Residential future land use description, this planned development meets other Comprehensive Plan goals, and is supported by data in other plans, as follows:

1. One of the core themes of the Comprehensive Plan is Housing Variety to support on-going investment in housing and attract new residents. The Housing Variety goal is intended to ensure that the housing stock responds to a variety of users, including young professionals, new families, empty-nesters and seniors in need of assistance. Providing a range of options allows support for all income levels to move toward home ownership. Specifically the housing objectives that are addressed by this development include:
   - encourage the development of housing and support services to allow seniors to age in place;
   - promote infill residential development within incomplete subdivisions;
   - ensure new residential developments are sited within close proximity and access to schools and parks.

2. This parcel is located in the New Growth Area of the Residential Areas Plan of the Comprehensive Plan, which is intended to provide the opportunity to:
   - ensure new development meets the requirements in the *Gardner Land Development Code*, providing flexibility where necessary to accommodate a variety of housing types and intensities;
   - work closely with residential developers to encourage local development patterns that provide a variety of housing types and allow aging residents to "downsize" and stay in the neighborhood or subdivision.

3. The *Gardner Main Street Corridor Plan Market Analysis* includes the following information that shows how the proposed development can meet identified needs:
   - Much of Gardner's growth since 2000 has been driven by young families looking for more affordable housing options.
   - Since the Great Recession of 2008, a higher percentage of households and families are renting rather than purchasing their homes. From 2010 to 2015, the number of owner-occupied housing units dropped from a high of 72 percent to 64 percent and,

as a corollary, the number of renter-occupied units increased from 21 percent to 30 percent.

- Demand for renter-occupied housing has overwhelmingly been driven by households with an income range between $35,000 and $50,000. This housing demand could continue into the foreseeable future as this income range corresponds with estimates of the income earning potential of workers at LPKC and the New Century AirCenter. Moreover, households with this income range are largely priced-out of the homeownership market in Gardner.
- Low Income Housing Tax Credits (LIHTC) financing is one promising potential source of gap financing for housing. Importantly, the income ranges of households showing the highest demand for renter-occupied housing fall between 50 percent and 80 percent of the U.S. Housing and Urban Development (HUD) defined area median income, and thus, these households would qualify for the program.
- At a rent level of $1,150 per month, a household would need to earn approximately $3,800 per month or $45,600 a year in order to only pay 30 percent of their income in housing costs – a number that most housing advocates generally consider as affordable for most households.

The associated preliminary development plan includes dedication of land for a trail as consistent with the future trails shown on the Bike & Pedestrian Plan of the Comprehensive Plan, which indicates the requirement for trail connections through residential areas and floodplains as a component of new neighborhood development. It also preserves the greenway corridor that follows Kill Creek and serves as natural flood mitigation infrastructure and ecological corridors as provided in the Environmental Features Plan of the Comprehensive Plan.

STAFF ANALYSIS – ZONING MAP AMENDMENT

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 application is for a planned zoning district, and applicable applications include a rezoning with associated preliminary development plan. A preliminary plat has also been submitted. The planned development process is intended for development concepts that require a higher degree of specific planning based on the complexity of the project, the relationship of the site to the context, and the ability to meet or exceed the purpose, intent and objectives of this Code through more flexible application of the standards. A planned development application is a type of zoning map amendment, and must meet all of the procedures and requirements of that process, but it also accommodates specific master development plan. Following are the review criteria for the rezoning application and also the preliminary development plan.

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 neighborhood is currently a mix of single-family and duplex uses in a traditional suburban pattern but is zoned for more intense residential uses across Kill Creek Road. This development follows the typical traditional suburban pattern with a street network as first envisioned in plans almost 17 years ago. Because of this, the lots are larger than envisioned for the Row House development type (row house lots range from 12,734 sf to 22,948 sf with an average of 16,437 sf). Average building coverage percent (all lots) is only 21.7% (the maximum*

for duplexes is 30% and for Row Houses is 70%). This planned additional open space will help integrate the attached single-family residential development more closely with nearby detached single-family development. The small four-plex Row Houses have a comparable building footprint with the existing duplexes to the south. This development supports infill residential uses. The development also preserves the continuation of the stream corridor and trail that connects multiple developments in the area between 175th Street and Madison Street.

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

Staff Comment: *The development proposes to utilize the same zoning district as the property directly across Kill Creek Rd. It is separated from the single-family development to the north and east by a large, vegetated stream corridor and planned walking trail. The buildings are of similar size and scale as the duplexes to the south. The only potential uses in the RP-3 district that are not permitted in the R-1 or RP-2 districts are Group Care Home (9-14 residents), Congregate Living, and Residential Care – Limited, however this planned development utilizes tax credits that support a particular housing type.*

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

Staff Comment: *The property is also suited for the uses to which it has been restricted, however, this development addresses the changing housing needs and demand as presented in the* Gardner Main Street Corridor Plan Market Analysis *of 2018.*

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

Staff Comment: *The change in zoning from RP-2 to RP-3 has minimal impact, especially considering information as previously presented.*

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

Staff Comment: *The property has remained vacant even though plans were developed 19 years ago (2001). It is not an easy parcel to develop because of the inability to place homes within the stream buffer and floodplain.*

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: *This property has long remained undeveloped, and this developer is attempting to bring much needed workforce housing to the City of Gardner. This kind of housing is in demand in almost every community, but will be especially consistent with the needs of people working in nearby job centers.*

7. The recommendations of professional staff;

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

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

Staff Comment: *The proposed change is not consistent with the future land use map designation, however the proposal supports various housing goals and policies of the Comprehensive Plan, and addresses conditions as presented in the Market Analysis, as stated previously. The intent statement 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. This infill residential development near the High School, with available public utilities, supports the intent of this district and the Comprehensive Plan housing goals. The plans for this area have long included a mix of housing types and densities.*

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: *The proposed development will provide the necessary utilities and road infrastructure to serve the development. The proposed development provides for passive recreation uses and the retention of a wildlife and hydrologic corridor. Staff finds this criteria is met provided that the stormwater management plan and traffic study are approved. This will be condition of approval.*

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

Staff Comment: *Population trends indicate smaller household and family size and a demand for rental properties, so the planned housing types and ownership structure supporting long-term affordability may help address the needs of diverse residents. It is anticipated that this development will provide a more affordable housing option and improve the ability of residents to live close to the many jobs that are being created in areas west of Gardner. Approval of this application would benefit the community by providing a diverse housing option to accommodate the anticipated population increase.*

STAFF ANALYSIS – PRELIMINARY DEVELOPMENT PLAN

This application is for a planned zoning district. Departures from the standards associated with all zoning districts may be considered through planned zoning, and approved provided they are based upon a comprehensive and well-integrated development plan for the area. These departures shall not be justified for simply wanting flexibility or deviations from standards based upon a site plan. The development standards for planned zoning shall be those of the most comparable base zoning district (R-3 in this case), except as specifically modified and noted on a development plan accompanying a planned zoning proposal. Departures from standards may specifically propose standards that differ from this Code (such as performance standards, building types, frontage types, site design and landscape, parking quantity and design). Following the review criteria, the proposed deviations are presented, including applicant and staff comment, for Planning Commission consideration.

17.03.040 (C) Review Criteria:

1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the goals of the Comprehensive Plan, and based upon generally accepted planning and design practice.

Staff Comment: *The existing infrastructure, including sewer and road connections, along with the location of the stream and floodplain, limit the formation of blocks in a typical grid pattern, thus*

the deviation request for smaller blocks. The smaller blocks support greater walkability. These factors also influence the deviation request to exceed the range of lot width and lot area for some of the row houses. The larger lots do support greater open space and a feeling of lower density which is more consistent with existing land use patterns. The applicant was encouraged to use a greater front setback to accommodate longer driveways to reduce the number of cars that may need to be parked along the street, especially for Lots 2-6 along Valley Springs Court where the 4-unit townhomes surround the entire cul-de-sac. The other deviation requests result from the strict limits for affordability imposed on the project by the funding programs that are being leveraged to provide workforce housing.

2. The benefits from any flexibility in the standards proposed in the plan promote the general public health, safety and welfare of the community, and in particular of the areas immediately near or within the proposed project, and are not strictly to benefit the applicant.

Staff Comment: *The applicant has requested flexibility in the standards to accommodate a housing type that will meet the affordability guidelines associated with various funding sources that are being leveraged to provide workforce housing. Increasing the supply of affordable housing supports the long-term security, health, safety and welfare of the community.*

3. The benefits from any flexibility in the standards proposed in the plan allow the project to better meet or exceed the intent statements of the base zoning district(s) and the standards proposed to be modified when applied to the specific project or site.

Staff Comment: *The intent statement 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. This location offers a high level of accessibility by being adjacent to a collector roadway in close proximity to the high school and other activity centers in west Gardner, and having utilities immediately available. By utilizing an attached single-family housing type of modest size, the applicant has achieved greater density while maintaining customary open space amenities and preserving affordability for tenants.*

4. The plan reflects generally accepted and sound planning and urban design principles with respect to applying the Comprehensive Plan and any specific plans to the area;

Staff Comment: *Absent a more up-to-date future land use plan that takes into consideration the information in the* Main Street Corridor Plan Market Analysis*, staff finds other considerations of the Comprehensive Plan to be compelling. Specifically, within this planned context the proposed multi-family buildings are comparable in size and scale to existing adjacent duplexes, and are separated from existing single-family uses by a large vegetated stream buffer. The overall pattern is a lower density format based on larger lot sizes. The plan achieves housing diversity goals of the Comprehensive Plan, and provides for infill residential development in close proximity to schools and trails. The flexibility accommodates the desired variety of housing types and intensities and serves families looking for more affordable housing options including options to rent. This will support the development of suitable housing meeting the needs of workers living near existing job centers.*

5. The plan meets all of the review criteria for a zoning map amendment.

Staff Comment: *As previously presented, staff finds this criteria has been met.*

DEVIATION REQUESTS

For greater clarity, deviation requests are grouped by topic below, but retaining the original deviation numbering as shown on the Preliminary Development Plan. Therefore deviation numbering will not be sequential as shown below, but will match the plan with the exception of Deviation #12, which is not shown on the plan and should be added to the plan if approved.

General Deviation Requests

1. **Chapter 17.04 SUBDIVISION STANDARDS, Section 17.04.010 Street Networks and Street Design, Table 4-1: Block Sizes and Connectivity, Suburban Planning Context**

   Standard: Block length – 500' minimum.

   Proposed: All blocks less than 500' in length.

   Applicant Comment: This site is an infill site with many constraints based on floodplain and existing street network/development. Therefore, the layout produces smaller block lengths, but the result is that the blocks are even more walkable.

   Staff Comment: Staff agrees with applicant's statement and is supportive of this deviation request. The Gardner Land Development Code (LDC) provides for exceptions for larger blocks in Section 17.04.010 (B) Table 4-1: Block Sizes and Connectivity, but does not speak to exceptions for smaller blocks. However, in Section 17.04.030, Blocks and Lots, (A) Intent, the Code states the intent is to arrange development in a manner that is least disruptive to existing topography and capitalizes on inherent characteristics of the land as defining features, to ensure that all lots are buildable according to the code, and to provide that all tracts serve an urban design or planning function in relation to the overall development pattern. This is what the designer is trying to do by arranging the lot patterns to respect the vegetated stream corridor and providing for a public amenity around this natural feature. In that same section, under (B) Block arrangement, the Code provides for a particular block layout "unless dictated by overriding development patterns outside the control or impact of the project" (such as exiting road patterns), and under (C) Lot arrangement, calls for consideration of topography or other natural features or constraints of the specific property.

2. **Chapter 17.04 SUBDIVISION STANDARDS, Section 17.04.010 Street Networks and Street Design, Table 4-1: Block Sizes and Connectivity, Suburban Planning Context**

   Standard: Block area – 5 acre minimum.

   Proposed: All blocks less than 5 acres.

   Applicant Comment: This site is an infill site with many constraints based on floodplain and existing street network/development. Therefore the layout produces smaller blocks.

   Staff Comment: Staff agrees with applicant's statement and is supportive of this deviation request. See further discussion in Deviation #2 which is also applicable to this deviation.

11. Chapter 17.07 ACCESS AND PARKING STANDARDS, Section 17.09.030 Required Parking, E. Bicycle Parking

Standard: Multi-family residential uses within 1,000' of a designated bicycle route or trail shall provide 1 bicycle parking space per dwelling unit.

Proposed: No bicycle parking.

Applicant Comment: Due to budget constraints to provide affordable workforce housing at reasonable rents, the developer/builder is required to construct all living units rated under Energy Star. This adds significant cost, but saves the residents on overall operation and maintenance costs. As such, the developer/builder needs to focus budgetary costs towards saving the consumer and cannot include added items such as bicycle racks.

Staff Comment: As every dwelling unit has an attached garage, it will be possible for bicycles for tenants to be stored in the garage. It may be beneficial to provide some bicycle parking adjacent to the trail access points so that visitor's bicycles will be secure. Staff suggests that the Planning Commission discuss this deviation request.

<u>Deviation Requests – Duplex building type</u>

12. Chapter 17.07 BUILDING DESIGN STANDARDS, Section 17.07.030 Building Design Standards, (B.2.a) Primary Entry Features, Residential buildings

Standard: Residential buildings should have one of the following single-story front entry features on the front façade (required for the Duplex and Row House building types):

(1) An unenclosed porch at least eight feet deep and covering at least 50 percent of the front facade.
(2) **An unenclosed stoop that is at least eight feet by eight feet and includes ornamental features to accent the door, such as a canopy, transom windows, enhanced trim and molding or other similar accents.**
(3) An enclosed portico that is integrated with the materials and architecture of the building, but no more than 100 square feet. An unenclosed stoop that is at least 8' x 8' and includes ornamental features to accent the door, such as a canopy, transom windows, enhanced trim and molding or other similar accents.

Proposed: The two Duplexes are designed with a 5' x 4' dedicated "stoop" in front of the entry doors to each duplex living unit which is bordered by the side wall of the garages and then another 4' x 4' sidewalk connection to the drive from the 'stoop' area beyond the garage side wall.

Applicant Comment: These are slab construction buildings, and to meet Kansas regulations for funding we install zero threshold doors with sloped concrete sidewalk away from the doors for the transition from front doors to driveways (this will be the same for the fourplexes also). Thus, to meet these slope requirements we don't have a traditional stoop. It's sidewalk sloped concrete to the driveways.

Staff Comment: The intent of the standard is to create a human-scale relationship of buildings to the street, provide opportunities for subtle variations in design on the streetscape, and help create compatible relationships between buildings of different size. Staff acknowledges the benefits to the community of designing the duplex units to meet

ADA standards. There will be no incompatibilities based on buildings of different size. Staff acknowledges the over-riding intent is to meet and maintain affordability standards and in this case to also provide housing options for residents with mobility challenges. Staff supports this deviation request, but it will need to be added to the list of deviations acknowledged on the plan if approved by the Planning Commission.

4. Chapter 17.07 BUILDING DESIGN STANDARDS, Section 17.07.040 Specific Building Type Standards, Duplex building type

Standard: Garage Limits = 25% of facade if front-loaded; up to 45% if set back 15'+ from front building line; no limits if side, rear or detached.

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

Applicant Comment: To provide an accessible garage size for parking vehicles inside the percentage of façade needed to be increased.

Staff Comment: The applicant's comment does not specifically address the Code intent which is to limit front-loaded garage access for certain building types that have a close relationship to the streetscape and/or narrow lots with frequent repetition along the block. The Code intends that when front-loaded garages cannot work within these standards, side, rear, or rear-access garages should be used. However, based on the input of other developers since the Code was adopted, staff acknowledges that accommodating side or rear-access garages may have the effect of increasing development costs due to the increase in impervious surfaces or increase in lot sizes, which may not be consistent with the goal of providing long-term housing affordability. The Code allows Administrative Adjustments for building design standards when an equal or better alternative is provided. The applicant is using larger lot sizes and reduced building coverage instead of narrow lots. While there is frequent repetition along the block, the buildings will be setback further, reducing the impact of the front garages. Finally, the Duplexes are designed to meet ADA accessibility standards, thus providing a different, but much needed, community benefit. Staff supports this deviation request.

6. Chapter 17.07 BUILDING DESIGN STANDARDS, Section 17.07.040 Specific Building Type Standards, Frontage type for the Duplex building type

Standard: The Duplex building type built on a Local – Neighborhood street type would be required to use the Neighborhood Yard frontage type.

Proposed: Buffer Edge frontage type.

Applicant Comment: This frontage type will provide consistency across the entire development.

Staff Comment: The Buffer Edge frontage type is enabled for the Row House building type, which is the majority of this development (18 of 20 buildings), and the applicant is seeking to use one consistent frontage type for the entire development. Staff supports this deviation request as it is impractical to apply different frontage types along one cul-de-sac. See also Recommended Condition of Approval #2 in the Recommended Motion for further implications.

5. **Chapter 17.07 BUILDING DESIGN STANDARDS, Section 17.07.050 Frontage Design, Access Width Limits**

Standard:

- Based on the required Neighborhood Yard frontage type (if the Planning Commission does not approve Deviation #6 above) – the Duplex building type built on a Local – Neighborhood street type would be required to use the Neighborhood Yard frontage type, which has access width limits of **15%** of the lot width, up to a **20'** maximum per access point.
- Based on the proposed Buffer Edge frontage type (if the Planning Commission approves Deviation #6 above) – the Buffer Edge frontage type access width limit is **25%** of lot width, up to **36'** maximum for any single access point.

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

Applicant Comment: Due to lot width constraints and reasonable access width for the proposed duplex, limit percentage is slightly higher than allowed.

Staff Comment: The intent of the standard is to "enhance the image of the City by coordinating streetscape investment with private lot and building investment and promote higher design amenities in areas intended for more compact and walkable development", such as less concrete in the front yards. Additionally, limiting the access width also creates more space for street trees, and provides for fewer driveway crossings for pedestrians on the sidewalks. Based on the reasoning in support of the increase in the front-loaded garage widths in deviation #4 above, and further provided that the Planning Commission approves deviation #4, staff is also supportive of this corresponding deviation request to increase driveway width. Because these units are intended for people with mobility challenges, it makes sense to design these driveways with as convenient and easy access as possible.

<u>Deviation Requests – Row House building type</u>

3. **Chapter 17.07 BUILDING DESIGN STANDARDS, Section 17.07.030 Building Design Standards, (B.2.a) Primary Entry Features, Residential buildings**

Standard: Residential buildings should have one of the following single-story front entry features on the front façade (required for the Duplex and Row House building types):

(1) An unenclosed porch at least eight feet deep and covering at least 50 percent of the front facade.

(2) **An unenclosed stoop that is at least eight feet by eight feet and includes ornamental features to accent the door, such as a canopy, transom windows, enhanced trim and molding or other similar accents.**

(3) An enclosed portico that is integrated with the materials and architecture of the building, but no more than 100 square feet. An unenclosed stoop that is at least 8' x 8' and includes ornamental features to accent the door, such as a canopy, transom windows, enhanced trim and molding or other similar accents.

Proposed: Row Houses – Interior 2-bedroom units will have a 7' wide x 3' deep unenclosed covered walk space (7' x 4'6" walk space including uncovered space)

separated from the 3-bedroom units; the 3-bedroom units will have a 7’ x 1’6: unenclosed walk space separated from the 2-bedroom units.

Applicant Comment: Front entry doors are located side by side in two locations on the Row House buildings. Current building codes require either A) a 2-hour fire separation extending at least 4' on both sides of these common walls, B) for the 2-hour fire separation to extend at least 18" past the common wall, or C) for a fire suppression (sprinkler) system to be installed. To keep the living units affordable for workforce housing, the living units have been designed compact in nature. As such option A will not work. To maintain affordability, option C will not work. As such, the buildings are being designed to meet option B requirements. Since front entry doors are located side by side, to extend a front stoop with any type of cover extending overhead, this would create a design in which full cover was extended overhead from one door to the next and thereby rule out the developer/builder's only viable affordable option of maintaining fire separation in option B. However, option B has presented some unique design opportunities which will create some separation between front entry points and provide attractive architectural curb appeal value simultaneously. Additionally, as all buildings will be constructed slab on grade the 'front stoop' in the traditional sense will instead be an extending walk path between driveways to front doors for each of the proposed living units. Last, due to the compact design of the proposed living units, natural daylight through the front entry point is very important to light the extended interior main level hallways to the living rooms & kitchens. The proposed plans will include side light windows by the front doors to take advantage of these natural daylight opportunities. Any type of extended cover over the front entries (even of a pergola type) would reduce the natural daylight into the otherwise long and darker hallways.

Staff Comment: The intent of the standard is to create a human-scale relationship of buildings to the street, provide opportunities for subtle variations in design on the streetscape, and help create compatible relationships between buildings of different size. Staff acknowledges the difficulties and opportunities expressed by the applicant, and is supportive of this deviation request based on the overall benefit of the project in providing workforce housing. There will be no incompatibilities based on buildings of different size. Staff acknowledges that the planned development does not provide for much variation in design as the over-riding intent is to meet and maintain affordability standards while rents and debt levels are limited based on program requirements.

7. Chapter 17.07 BUILDING DESIGN STANDARDS, Section 17.07.040 Specific Building Type Standards, Row House Lot Width

Standard: The Row House building type lot width range is 18’ – 36’ per unit. For a 4plex, this would be a range of 72’ – 144’.

Proposed: Lot 1 (approx. 152’ wide) and Lot 2 (approx. 150’ wide) exceed the 144’ maximum lot width.

Applicant Comment: Due to the constrained alignment of Pratt Street, excess lot frontage was assigned to Lots 1 and 2. Lot 1 is 8 ' longer than required and Lot 2 is an irregular shaped corner lot (150’ approximately at front building line as measured by staff). This is an infill site with pre-existing design constraints.

Staff Comment: The intent behind a lot width maximum is not clear, however, if utilized in a grid block pattern, the maximum lot width would support greater walkability. However the utility of this provision is less clear when the development pattern involves curvilinear streets and irregular shaped lots. Staff supports this minimal deviation request.

8. **Chapter 17.07 BUILDING DESIGN STANDARDS, Section 17.07.040 Specific Building Type Standards, Row House Lot Area**

   Standard: The Row House building type lot area range is 2,000 sf – 4,500 sf per unit. For a 4-plex, this would be a range of 8,000 sf – **18,000** sf.

   Proposed: Lot 2 **(19,786 sf)**, Lot 3 **(18,856 sf)**, Lot 6 **(22,948 sf)**, Lot 9 **(18,019 sf)**, Lot 18 **(18,512 sf)**, and Lot 19 **(21,658 sf)** exceed the upper range for lot area.

   Applicant Comment: Because of the area of the developable part of the parcel and the constrained alignment of Pratt Street, various lots have excess area. This is an infill site with pre-existing design constraints.

   Staff Comment: Staff agrees with applicant's statement and is supportive of this deviation request.

9. **Chapter 17.07 BUILDING DESIGN STANDARDS, Section 17.07.040 Specific Building Type Standards, Row House Front Setback**

   Standard: The Row House building type front setback range is 10' – 25'.

   Proposed: Nineteen of twenty lots exceed the 25' maximum setback. (Staff has calculated the deviations to be an Average of 35.79' and a Mean of 35.42').

   Applicant Comment: Moving the buildings back allows for greater off-street parking opportunities which will assist with drivability and emergency crew access to the development.

   Staff Comment: Staff suggested that the applicant propose a greater front setback to help accommodate more off-street parking and reduced on-street parking. Two of the cul-de-sacs do not have homes on the end of the cul-de-sac, leaving an area without driveway openings to accommodate on-street parking. However, the Row Houses along Pratt Street and on Valley Spring Court have limited opportunity for on-street parking. Staff supports this deviation request.

10. **Chapter 17.07 BUILDING DESIGN STANDARDS, Section 17.07.050 Frontage Design, Buffer Edge frontage type, Access Width Limits**

    Standard: The Buffer Edge frontage type Access Width Limit is **25%** of lot width up to a maximum of **36'** for any single access point.

    Proposed: All lots exceed the 25% maximum of Lot width **(29-48%)** for access but none exceed the maximum for any single access point. Staff has calculated the average access width to be almost 40% of lot width total, with a mean of 39%. In summary, the deviation is to exceed the maximum percentage access width limit on all Row House lots up to 48%, with no single access > **22'** wide.

Applicant Comment: With the longer drives and slightly higher percentage of lot width, there will be an increase in parking in front of the buildings and less on-street parking.

Staff Comment: The intent of the standard is to "enhance the image of the City by coordinating streetscape investment with private lot and building investment and promote higher design amenities in areas intended for more compact and walkable development", such as less concrete in the front yards. Additionally, limiting the access width also creates more space for street trees, and provides for fewer driveway crossings for pedestrians on the sidewalks. However, there is no numerical garage limit for front-loaded garages in the R-3 district. Since front-loaded garages are not restricted in this district, it makes sense that access width, as a percentage of total lot width, would be exceeded when accommodating multiple front driveways. However, the Row House driveways are configured to narrow at the right-of-way (except for the two middle units which have a combined driveway, hence the 22' wide driveway) so they have minimized this deviation request. Staff supports this deviation request within this context.

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

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

VEHICULAR AND PEDESTRIAN ACCESS

Roadway network – The applicant is planning to extend Pratt Street (local street) to connect Kill Creek Rd (collector street) with W. 174th Street (local street), and will construct three cul-de-sacs. These cul-de-sacs are consistent with the new requirements of the Johnson County Fire District to accommodate their equipment, with 48' radius indicated (diameter of cul-de-sac is 96'). The traffic study is still under review and will be a condition of approval.

Sidewalks and Trail – The Local – Neighborhood street requires a 5' sidewalk on both sides of all streets while maintaining a 6' planting bed between the curb and sidewalk for street trees. These requirements are met with the sidewalk to be installed adjacent to the front property/ROW line. The applicant proposes to meet the Open and Civic Space requirement by dedicating Tracts A & B to the City. Although a 10' concrete trail is shown, the applicants indicate they do not have the funds to construct the trail as part of this project, therefore the project may involve a dedication of open space as well as park fees, as determined by the Governing Body.

UTILITIES

The building code requires that the final utility connections will allow for individual service lines to each dwelling unit, based on the "assumed" common property line between attached units. This was communicated to the applicant and reviewed by them, however, this will need to be ensured at time of final development plan/final plat approval.

Electric – Electric is currently installed in the subdivisions to the east and the south and is to be extended into the project. Electric easements have been provided as requested.

Water – City water will be provided from extensions of existing lines along Kill Creek Rd and Pratt Street. Water lines will be provided within front yard utility easements.

Sanitary Sewer – There are existing sanitary sewer lines on the property which will be modified to be located in front yard utility easements.

Storm Sewer – The stormwater management plan indicates underground infrastructure and overland routing with drainage into three outfall locations. This plan is still under review and more information may be needed for final determination. This is a condition of approval.

Environmental – The subject parcel contains an existing stream and floodplain and is in the Kill Creek watershed of the Kansas River basin. Soils are a type of silt loam with 1 to 3 percent slopes that are somewhat poorly drained and very limited for dwellings with basements. The area is classified as prime farmland.

ATTACHMENTS

I. Zoning Exhibit
II. Preliminary Development Plan PDP-20-02
III. Duplex building elevations and example photo
IV. Row House building elevations (3 different)
V. Applicant communications
VI. Application
VII. Zoning and Notice Map

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

EFFECT OF DECISION

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

Preliminary Development Plan – Approval of a preliminary development plan shall constitute acceptance of the overall planning concepts and development parameters. In reviewing and approving a preliminary development plan, the Planning Commission may recommend or the Governing Body may require conditions that must be met before an applicant submits a final development plan. An approved preliminary development plan shall lapse and be of no further force and effect if a final development plan (or a final development plan for a designated phase of the preliminary development plan) has not been approved within two years of the date of approval of the preliminary development plan.

RECOMMENDATION

Staff recommends approval of the rezoning and associated preliminary development plan with the conditions outlined below. Please note that if the condition reads "Potential deviation", the Planning Commission has been directed to discuss the potential deviation request. If, after discussion, the Planning Commission does not support the deviation as proposed by the applicant, then the Planning Commission would format some kind of condition of approval related to that deviation, either that the application must meet the code standard or some other amended deviation.

Recommended Motion:

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

1. The stormwater plan and traffic study shall be approved prior to approval of any final development plan/final plat.
2. Because of the unique context and access configuration of this development which limits the provision of contiguous green space in the frontage area, the Buffer Edge frontage type will be implemented along Kill Creek Road and Pratt Street rather than on the cul-de-sacs to better meet Code intent.
3. Potential condition regarding Deviation #11, Chapter 17.07 ACCESS AND PARKING STANDARDS, Section 17.09.030 Required Parking, E. Bicycle Parking.
4. Revise the deviation requests on Sheet 2 of the plan to reflect what has been approved, including the addition of Deviation #12 regarding the Front Entry Feature for the Duplex building type.

Legal Description:

All that part of the West Half of the Southeast Quarter of Section 22, Township 14 South, Range 22 East of the 6th Principal Meridian now in the City of Gardner, Johnson County, Kansas and being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said Section 22; thence North 88°12'50" East along the South line of said Southeast Quarter a distance of 1310.47 feet to the Southeast corner of the West Half of the Southeast Quarter of said Section 22; thence along the East line of said West Half, said East line also being the East line of PRAIRIEBROOKE and the West line of DOUBLE GATE IV both being subdivisions of land in said City, County and State, North 02°13'55" West a distance of 771.73 feet to the Northeast corner of said PRAIRIEBROOKE and the POINT OF BEGINNING of the herein described tract of land; thence along the North line of said PRAIRIEBROOKE the following six (6) courses; thence South 87°46'04" West a distance of 153.26 feet; thence North 85°11'51" West a distance of 100.00 feet; thence South 79°05'00" West a distance of 139.93 feet; thence Northwesterly along a curve to the left whose initial tangent bears North 10°55'00" West with a central angle of 09°34'20" a radius of 375.00 feet and an arc length of 62.65 feet; thence South 69°30'42" West a distance of 50.00 feet; thence South 57°08'17" West a distance of 316.75 feet to the Northwest corner of Lot 16 of said PRAIRIEBROOKE and the Easterly right-of-way line of Kill Creek Road as now established by PRAIRIEBROOKE VILLAGE a subdivision of land in said City, County and State; thence along the Easterly right-of-way line of said Kill Creek Road the following eight (8) courses; thence North 48°16'16" West a distance of 220.15 feet; thence along a curve to the right with a central angle of 23°19'55" a radius of 500.00 feet and an arc length of 203.61 feet; thence North 67°55'37" East a distance of 19.39 feet; thence North 22°04'23" West a distance of 50.00 feet; thence South 67°55'37" West a distance of 19.39 feet; thence along a curve to the right whose initial tangent bears North 19°12'25" West with a central of 02°45'21" a radius of 500.00 feet and an arc length of 24.05 feet; thence North 16°27'06" West a distance of 309.16 feet; thence along a curve to the left with a central angle of 14°40'35" a radius of 330.00 feet and an arc length of 84.53 feet; thence departing said right-of-way line North 68°52'21" East a distance of 442.44 feet; thence South 23°21'30" East a distance of 127.78 feet; thence South 56°55'36" East a distance of 133.37 feet; thence South 69°00'43" East a distance of 603.85 feet to the East line of the West Half of said Southeast Quarter and the West line of said DOUBLE GATE IV; thence South 02°13'55" East along said lines a distance of 351.86 feet to the POINT OF BEGINNING.

Containing 610,857 square feet or 14.0233 acres, more or less.

REZONED: FROM RP-2 TO RP-3

610,857 S.F. / 14.0233 ACRES

OWNER: BRECKENWOOD CREEK, LLC
ZONED: R-1 SINGLE FAMILY
USE: AGRICULTURE / HORTICULTURE VACANT LAND

OWNER: AMERICA FIRST MULTIFAMILY INVESTORS
ZONED: RP-3 PLANNED GARDEN APARTMENT
USE: AGRICULTURE / HORTICULTURE VACANT LAND

OWNER: PRAIRIEBROOKE DEVELOPMENT
ZONED: RP-3 PLANNED GARDEN APARTMENT
USE: AGRICULTURE / HORTICULTURE VACANT LAND

OWNER: RC ST. JOHNS HIGHLANDS LLC ZONED: R-1 31875 W 172ND ST.

OWNER: RC ST. JOHNS HIGHLANDS LLC ZONED: R-1 31895 W 172ND ST.

OWNER: RC ST. JOHNS HIGHLANDS LLC ZONED: R-1 31911 W 172ND ST.

OWNER: SOETAERT ZONED: R-1 17290 S. WALTER ST.

OWNER: SHAFFER ZONED: R-1 17300 S. WALTER ST.

OWNER: LONG ZONED: R-1 17310 S. WALTER ST.

OWNER: GREEN ZONED: R-1 17320 S. WALTER ST.

OWNER: OLIVER ZONED: R-1 17330 S. WALTER ST.

OWNER: NICHOLS ZONED: R-1 17340 S. WALTER ST

OWNER: DW2 LLC ZONED: R-1 17350 S. WALTER ST.

OWNER: KONRADE ZONED: R-1 17360 S. WALTER ST.

OWNER: MILFORD ZONED: R-1 17370 S. WALTER ST.

OWNER: HUNT ZONED: R-1 17380 S. WALTER ST.

OWNER: TAYLOR ZONED: R-1 17410 S. WALTER ST.

OWNER: MCCRACKEN ZONED: R-1 17301 S. WALTER ST.

OWNER: HICKEY ZONED: R-1 17311 S. WALTER ST.

OWNER: LISS ZONED: R-1 17321 S. WALTER ST.

OWNER: STREETER ZONED: R-1 17331 S. WALTER ST.

OWNER: WHITE ZONED: R-1 17341 S. WALTER ST.

OWNER: SNYDER ZONED: R-1 17351 S. WALTER ST.

OWNER: PENN ZONED: R-1 17361 S. WALTER ST.

OWNER: AYLAN ZONED: R-1 17371 S. WALTER ST.

OWNER: KI & KYI ZONED: R-1 17381 S. WALTER ST.

OWNER: QUICKEL ZONED: R-1 17411 S. WALTER ST.

OWNER: MURCIA ZONED: R-1 17421 S. WALTER ST.

OWNER: CALICO HOMES, LLC ZONED: RP-2 PLANNED TWO FAMILY USE: MULTI-FAMILY

OWNER: CALICO HOMES, LLC ZONED: RP-2 PLANNED TWO FAMILY USE: VACANT LOT

OWNER: PRAIRIEBROOKE DEVELOPMENT COMPANY, L.P. ZONED: RP-2 PLANNED TWO FAMILY USE: MULTI-FAMILY

OWNER: PRAIRIEBROOKE DEVELOPMENT COMPANY, L.P. ZONED: RP-2 PLANNED TWO FAMILY USE: OPEN SPACE

OWNER: CALICO HOMES, LLC ZONED: RP-2 PLANNED TWO FAMILY USE: VACANT LOT

OWNER: CALICO HOMES, LLC ZONED: RP-2 PLANNED TWO FAMILY USE: VACANT LOT

UNPLATTED

W 1/2, SE 1/4, SECTION 22-T14S-R22E

E Line, W 1/2, SE 1/4, Section 22-T14S-R22E

WALTER STREET

W. 173RD STREET

W. 174TH STREET

PRAIRIEBROOKE

PRATT

℄ KILL CREEK ROAD

TRACT A

DOUBLE GATE V

DOUBLE GATE IV

POINT OF BEGINNING

POINT OF COMMENCING
SW CORNER SE 1/4
SECTION 22-14-22

SOUTH LINE SE 1/4

N88°12'50"E 1310.47'

N02°13'55"W 771.73'

EAST LINE W 1/2 SE 1/4

200'

C1
R=375.00'
L=62.65'
Δ=09°34'20"
ITB=N10°55'00"W
(ITB=N08°56'27"W Deed)
(ITB=S18°30'45"E Plat)

C2
R=500.00'
L=24.05'
Δ=02°45'21"
ITB=N19°12'25"W
(ITB=N17°13'52"W Deed)

L1
N67°55'37"E, 19.39'
(N69°54'10"E Deed)

L2
N22°04'23"W, 50.00'
(N20°05'50"W Deed)

L3
S67°55'37"W, 19.39'
(S69°54'10"W Deed)

R=330.00'
L=84.53'
Δ=14°40'35"

R=500.00'
L=203.61'
Δ=23°19'55"

N68°52'21"E 442.44'
(N70°50'10"E, 442.45' Deed)

S23°21'30"E 127.78'
(S22°20'35"E, 127.86' Deed)

S56°55'36"E 133.37'
(S54°57'51"E, 133.33' Deed)

S69°00'43"E 603.85'
(S67°02'46"E, 603.89' Deed)

S02°13'55"E 351.86'
(S00°13'52"E Plat)
(S00°13'52"E Deed)

N48°16'16"W 220.15'
(N46°17'43"W Deed)

N16°27'06"W 309.16'
(N14°28'33"W Deed)

S57°08'17"W 316.75
(S59°06'55"W Deed)
(N59°06'55"E Plat)

S69°30'42"W 50.00'
(S71°29'15"W Deed)
(N71°29'15"E Plat)

139.93'
S79°05'00"W
(S81°03'33"W Deed)
(N81°03'33"E Plat)

100.00'
N85°11'51"W
(N83°13'18"W Deed)
(S83°13'18"E Plat)

S87°46'04"W 153.26'
(S89°44'37"W Deed) (153.25' Deed)
(N89°44'37"E Plat)

N 0 50' 75' 100' SCALE IN FEET

DATE	REVISION	NO.	BY	CK/APP

IF THIS IS NOT A BLUE INC SEAL AND THE SIGNATURE IN BLUE INC, THE PLAN IS A COPY AND MAY CONTAIN UNAUTHORIZED ALTERATIONS. THE CERTIFICATION CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES

R. KEVIN STERRETT, KS E-21889
March 13, 2020

Consult Inc engineers planners
11010 Haskell Street, Suite 210, Kansas City, Kansas 66109
CORPORATE LICENSE No. E2010000573 (MO.) / E-1738 (KS.)

REZONING EXHIBIT

PRAIRIEBROOKE RP-3 ON KILL CREEK DRIVE
GARDNER - JOHNSON COUNTY - KANSAS

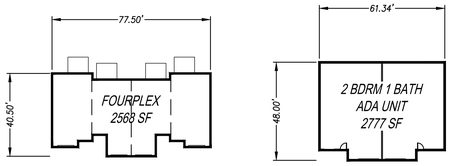
X-REF NO. 20-004 Base
DRAWING NO. 20-004 Rezoning Exhibit
DATE March 13, 2020
JOB NO. 20-004
SHEET 1 OF 1

PRELIMINARY PLAT Z-20-05 / PRELIMINARY DEVELOPMENT PLAN PDP-20-02

"PRAIRIEBROOKE VILLAS"

LOTS 1 THRU 20, TRACTS A & B

PART OF THE W½, SE ¼, SECTION 22-T14S-R22E,
IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS



PROPOSED BUILDING FLOOR PLAN
Scale: 1" = 30'

NOTES:

1. Tracts "A" and "B" are intended for open space and shall be dedicated to the City of Gardner, Kansas. The City of Gardner shall be responsible for all maintenance.
2. All utility easements will be dedicated to the City of Gardner with the Final Plat. The City of Gardner shall be responsible for all utility repair and maintenance.
3. All streets shall be paved per City of Gardner, Kansas city standards.
4. All sidewalks shall be constructed with Portland cement concrete.
5. All trees in Lot areas to be removed.

Deviation No.	Item to be deviated from	Requirement	Proposed
1	Block Length	500 feet Minimum	Less than 500 feet
2	Block Area	5 acres	Less than five acres
3	Front Entry Feature	Front Entry Feature-8'x8 Stoop-Unenclosed	Interior 2-Bedroom units will have a 7' wide X 3' unenclosed covered walk space (7' X 4'6" walk space including uncovered space) separated from the 3-Bedroom units; the 3-Bedroom units will have a 7' X 1'6" unenclosed walk space separated from the 2-Bedroom units
4	Garage Limits-Duplex Building Type	25% of Façade for front loaded garage	63%
5	Access Width Limit-Duplex Type	25% of Lot Width up to 36' Max per access point	32%- 26' Lot 8, 28%-26' Lot 10
6	Frontage Type	Neighborhood Yard	Buffer Edge
7	Lot width Range for Row Houses	Range width of 72'-144'	Lots 1 and 2 exceed the 144'
8	Lot area range for Row Houses	8000 sf- 18000 sf	Lots 2,3,6,9,18 and 19 exceed 18,000 sf
9	Front Setback Range for Row Houses	10'-25'	Several lots exceed the 25' maximum setback
10	Access Width Limits-Buffer Edge Frontage Type	25% of Lot Width up to 36' Max per access point	Several lots exceed the 25% maximum of Lot width for access with smaller width drives (29-48%)
11	Bicycle Parking for Multi-Family Uses	One bike space per unit	None

LEGEND

Existing Section Line	Proposed Right-of-Way
Existing Right-of-Way Line	Proposed Property Line
Existing Lot Line	Proposed Lot Line
Existing Easement Line	Proposed Easement
Existing Curb & Gutter	Proposed Curb & Gutter
Existing Sidewalk	Proposed Sidewalk
Existing Storm Sewer	Proposed Storm Sewer
Existing Storm Structure	Proposed Storm Structure
Existing Waterline	Proposed Fire Hydrant
Existing Gas Main	Proposed Waterline
Existing Sanitary Sewer	Proposed Sanitary Sewer
Existing Sanitary Manhole	Proposed Sanitary Manhole
Existing Contour Major	Proposed Contour Major
Existing Contour Minor	Proposed Contour Minor
	Future Curb & Gutter

PROJECT SUMMARY:

EXISTING ZONING: "RP-2" PLANNED TWO-FAMILY RESIDENTIAL DISTRICT
PROPOSED ZONING: "RP-3" PLANNED GARDEN APARTMENT DISTRICT
STREET TYPE: LOCAL - NEIGHBORHOOD STREET
BUILDING TYPES: DUPLEX AND ROW HOUSE
FRONTAGE TYPE: BUFFER EDGE
OPEN & CIVIC SPACE : TRAIL / GREENWAY
AREA - LOTS: 20 (319,662 S.F. / 7.34 ACRES)
AREA - OPEN & CIVIC SPACE: 2 TRACTS (194,434 S.F. / 4.46 ACRES)
AREA - RIGHT-OF-WAY: 4 STREETS (96,761 S.F. / 2.22 ACRES)
TOTAL AREA - SUBDIVISION: 610,857 S.F. / 14.02 ACRES
OVERALL PROJECT DENSITY: 5.4 UNITS PER ACRE
BUILDING SUMMARY: 18 - 4PLEX 2 - DUPLEX
UNIT SUMMARY: DUPLEX - 2 UNITS PER 2 LOTS = 4 UNITS
4PLEX - 4 UNITS PER 18 LOTS = 72 UNITS
TOTAL = 76 UNITS
REQUIRED SIDEWALK: 5' WIDE SIDEWALK BOTH SIDES OF STREET

LOT AREAS

LOT NO.	SQUARE FEET	ACRES	BUILDING COVERAGE %	LOT NO.	SQUARE FEET	ACRES	BUILDING COVERAGE %
1	16,523	0.38	21	12	14,946	0.34	23
2	19,768	0.45	17	13	13,005	0.30	26
3	18,856	0.43	18	14	12,780	0.29	27
4	17,689	0.41	19	15	15,952	0.37	21
5	17,047	0.39	20	16	13,395	0.31	26
6	22,948	0.53	15	17	12,913	0.30	26
7	12,734	0.29	27	18	18,512	0.42	18
8	12,578	0.29	22	19	21,658	0.50	16
9	18,019	0.41	19	20	15,894	0.36	22
10	11,234	0.26	25	TRACT A	158,249	3.63	N/A
11	13,230	0.30	26	TRACT B	36,185	0.83	N/A

0 50' 75' 100'
SCALE IN FEET

DEVELOPER
OIKOS DEVELPMENT CORP.
1712 MAIN STREET, SUITE 206
KANSAS CITY, MO 64108
(816) 352-4258
CONTACT - MICHAEL SNODGRASS

ENGINEER
Hg CONSULT, INC.
CONTACT - KEVIN STERRETT
(816) 703-7098

Prepared: March 13, 2020

NO.	BY	CK.BY
2	SPW	RKS
1	SPW	RKS

DATE	REVISION
04/17/20	REVISED PER CITY'S COMMENTS
04/03/20	REVISED PER CITY'S COMMENTS
03/13/20	SUBMITTAL TO CITY

IF THIS IS NOT A BLUE INK SEAL AND THE SIGNATURE IN BLUE INK, THE PLAN IS A COPY AND MAY CONTAIN UNAUTHORIZED ALTERATIONS. THE CERTIFICATION CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES

R. KEVIN STERRETT, KS E-21889
March 13, 2020

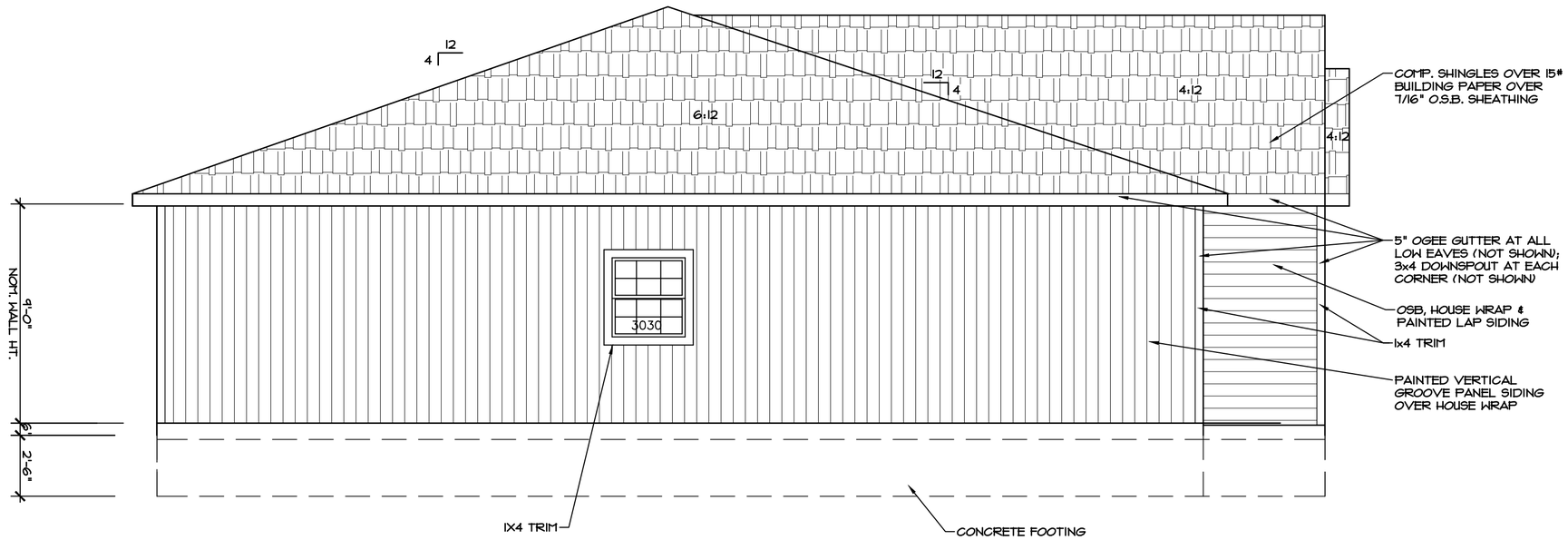
Hg Consult Inc engineers planners
11010 Haskell Street, Suite 210, Kansas City, Kansas 66109
CORPORATE LICENSE No. E2010000573 (MO) / E-1736 (KS)

PRELIMINARY PLAT Z-20-05 / PRELIMINARY DEVELOPMENT PLAN PDP-20-02
BUILDING FLOORPLANS & UTILITIES

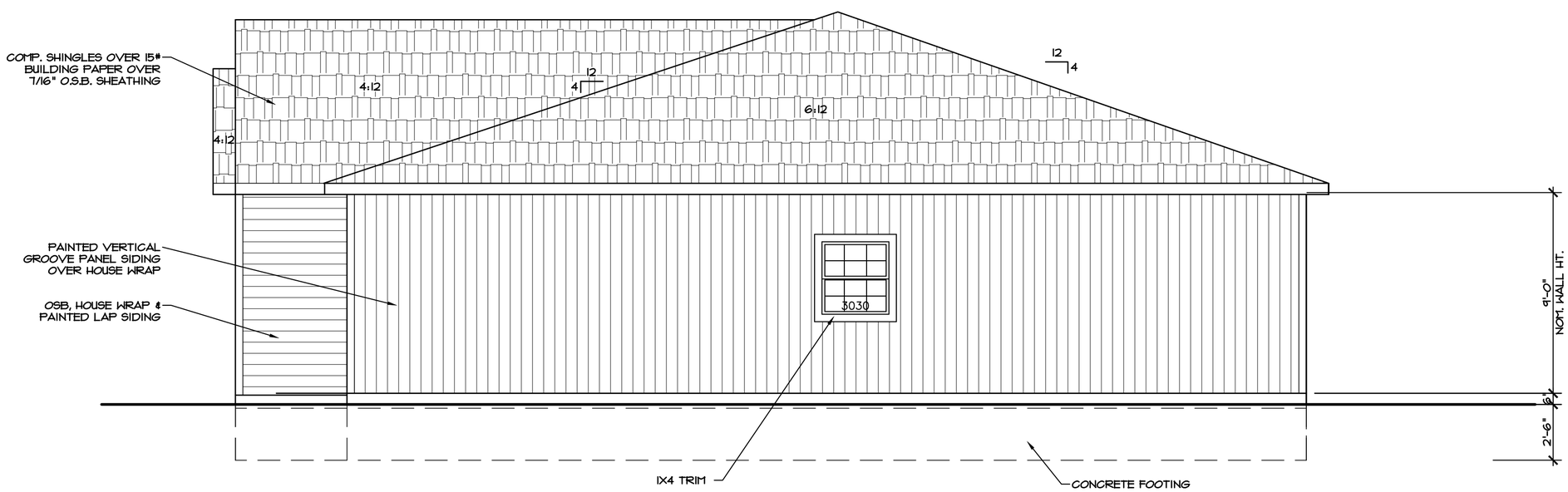
PRAIRIEBROOKE VILLAS
CITY OF GARDNER - JOHNSON COUNTY - KANSAS

X-REF NO. 20-004 BASE
DRAWING NO. 20-004 PRELIMINARY PLAT
DATE April 17, 2020
JOB NO. 20-004
SHEET 2 OF 2

NOTES:
1. REFER TO PHOTO VOLTAIC DESIGN PLANS AND SPECIFICATIONS FOR PV PANEL LAYOUT AND DESIGN LOADS. TRUSS DESIGN TO ACCOMMODATE PV PANEL DEAD AND LIVE LOADS.



1 LEFT ELEVATION
1/4" = 1'-0"



2 RIGHT ELEVATION
1/4" = 1'-0"

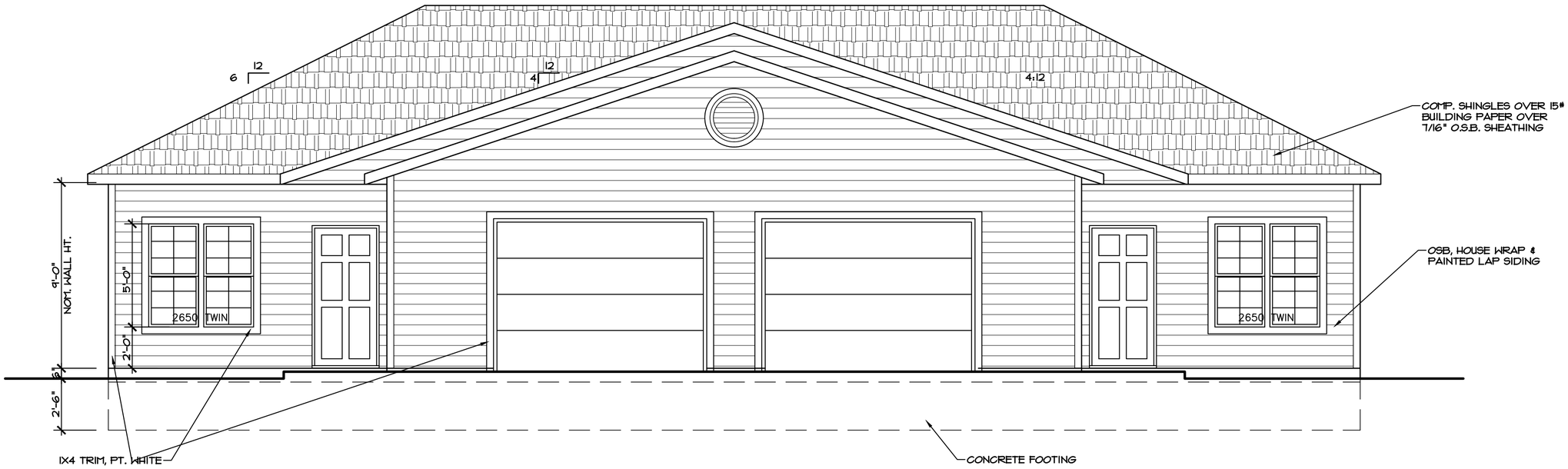
GARDEN CITY DUPLEXES
2 BDRM 1 BATH - ACCESSIBLE UNIT 1,037 S.F.
GARDEN CITY, KANSAS

Hernly
ARCHITECTS
1100 Rhode Island St.
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

REAR ELEVATION
FRONT ELEVATION

Date: 2019/06/07
Drawn by : LCF
Checked by : SCH
Revisions :

A2.0

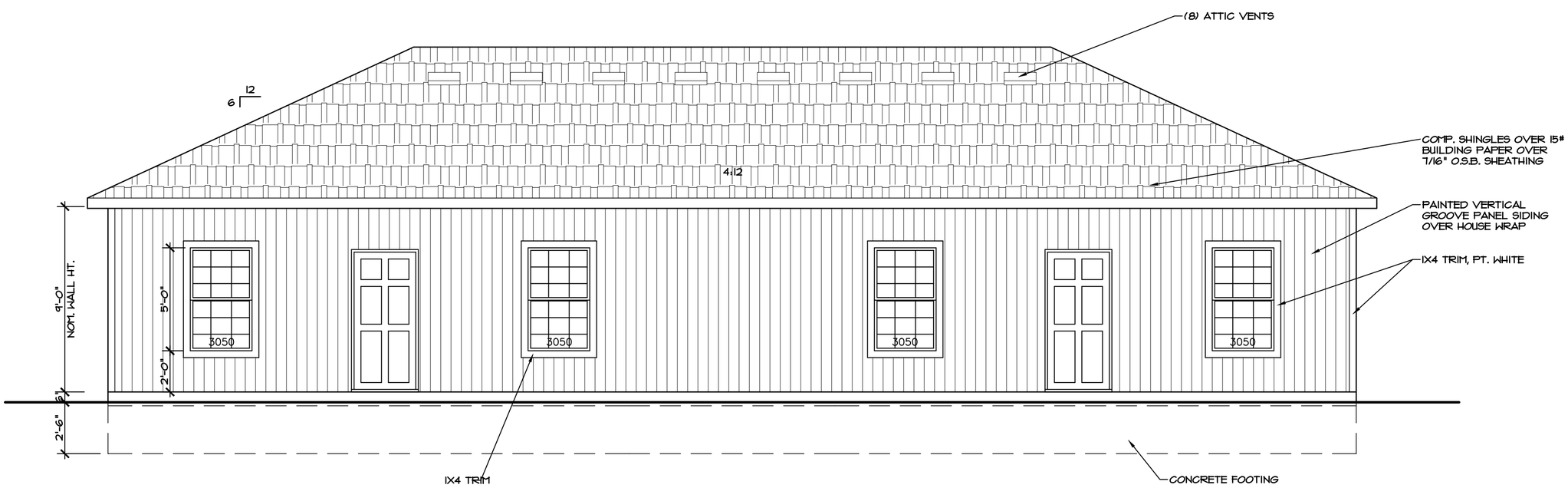


1 FRONT ELEVATION

1/4" = 1'-0"

NOTES:

1. REFER TO PHOTO VOLTAIC DESIGN PLANS AND SPECIFICATIONS FOR PV PANEL LAYOUT AND DESIGN LOADS. TRUSS DESIGN TO ACCOMMODATE PV PANEL DEAD AND LIVE LOADS.



2 REAR ELEVATION

1/4" = 1'-0"

GARDEN CITY DUPLEXES

2 BDRM 1 BATH - ACCESSIBLE UNIT 1,037 S.F.

GARDEN CITY, KANSAS

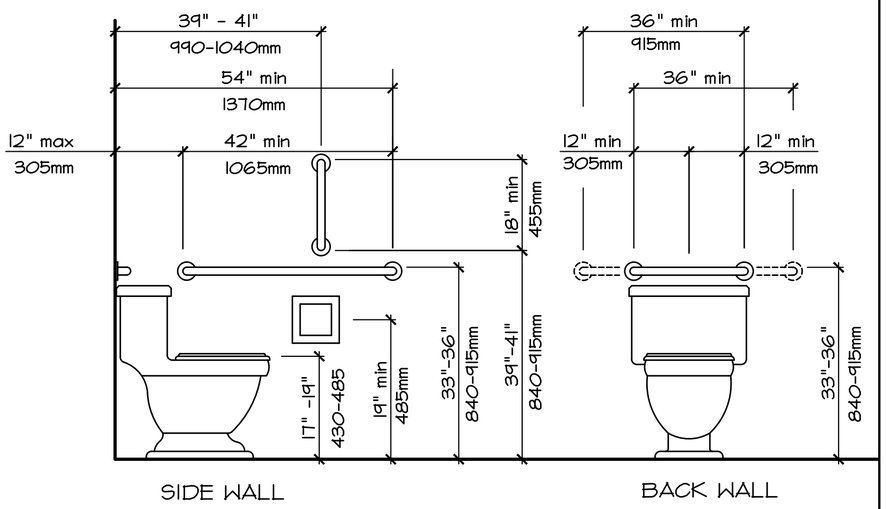
Hernly
ARCHITECTS

1100 Rhode Island St.
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

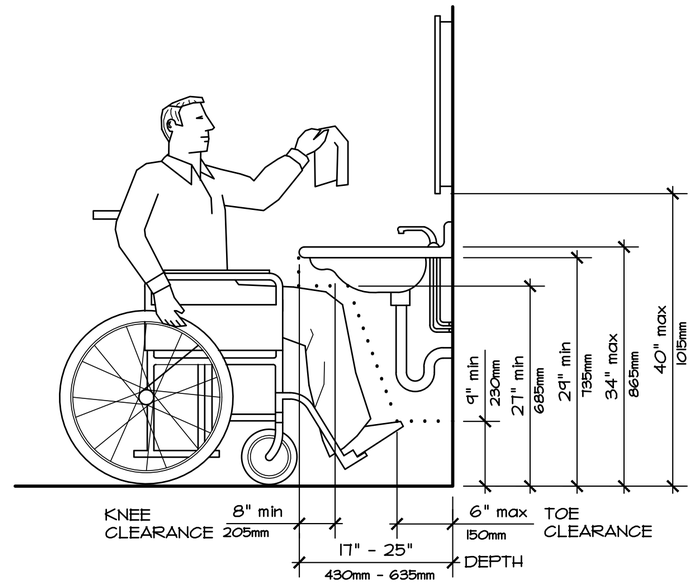
RIGHT ELEVATION
LEFT ELEVATION

Date: 2019/06/07
Drawn by : LCF
Checked by : SCH
Revisions :

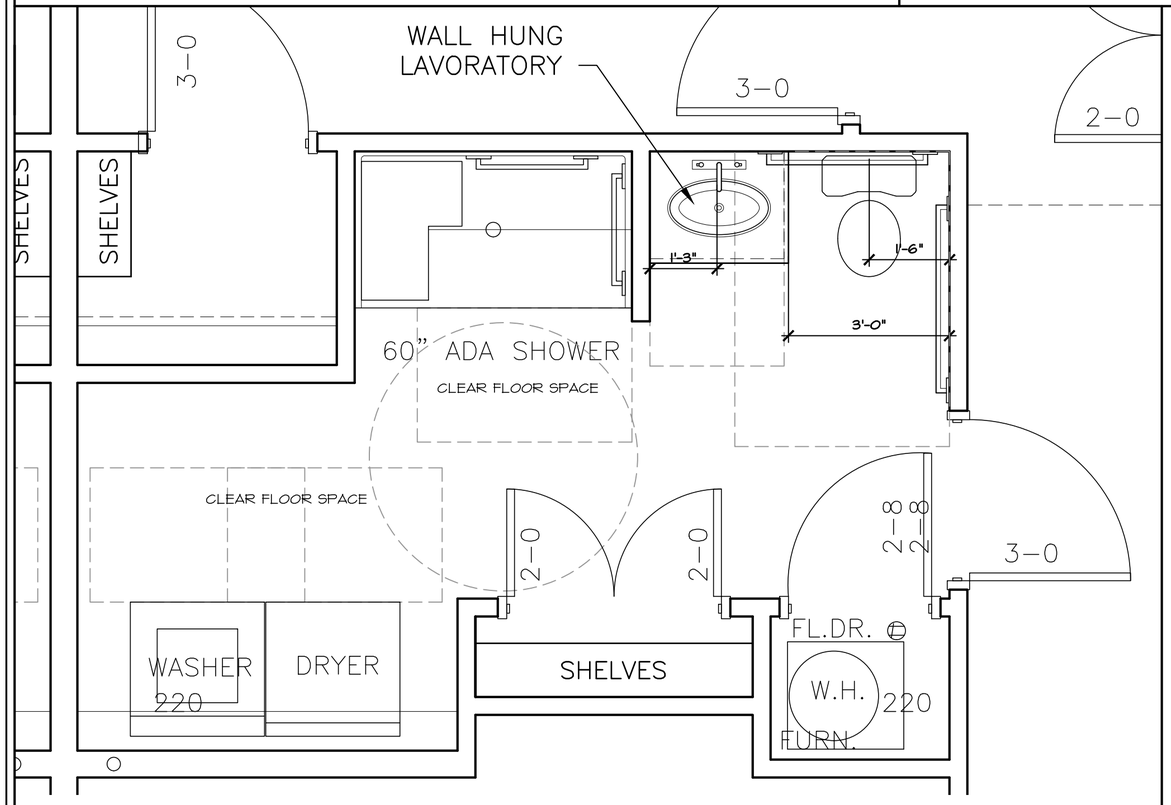
A2.1

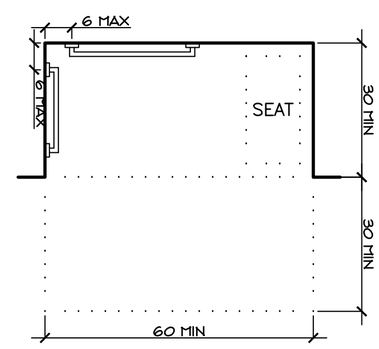


TYP. GRAB BARS

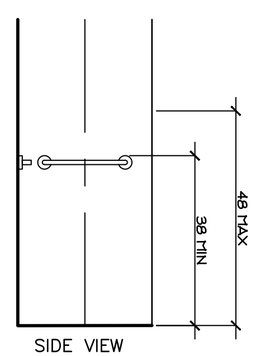


TYP. LAV. CLEARANCE

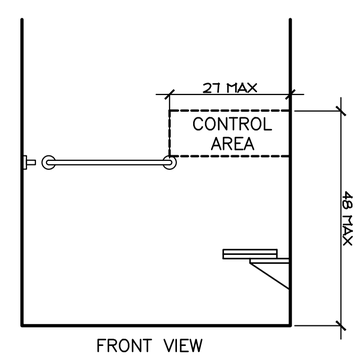




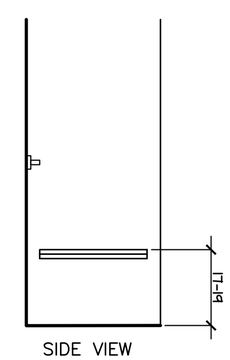
TOP VIEW



SIDE VIEW



FRONT VIEW



SIDE VIEW

1 ADA DETAILS
1/2" = 1'-0"

GARDEN CITY DUPLEXES
2 BDRM 1 BATH - ACCESSIBLE UNIT 1,037 S.F.
GARDEN CITY, KANSAS

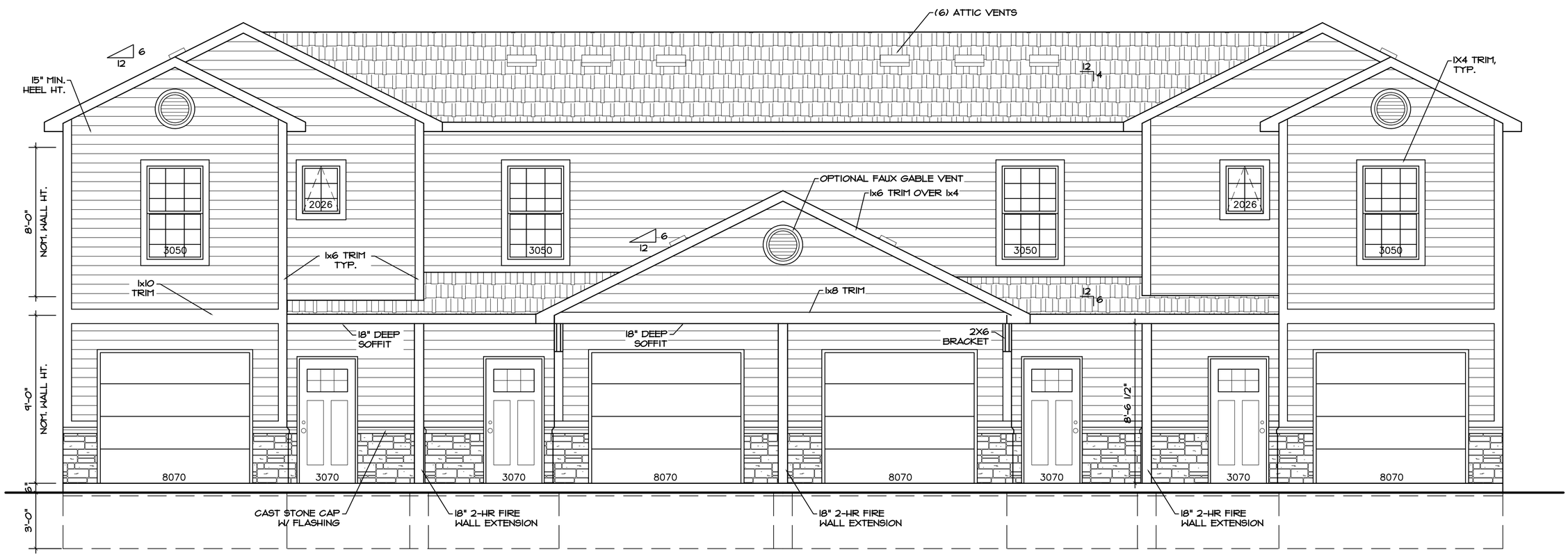
Hernly
ARCHITECTS
1100 Rhode Island St.
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

ADA DETAILS

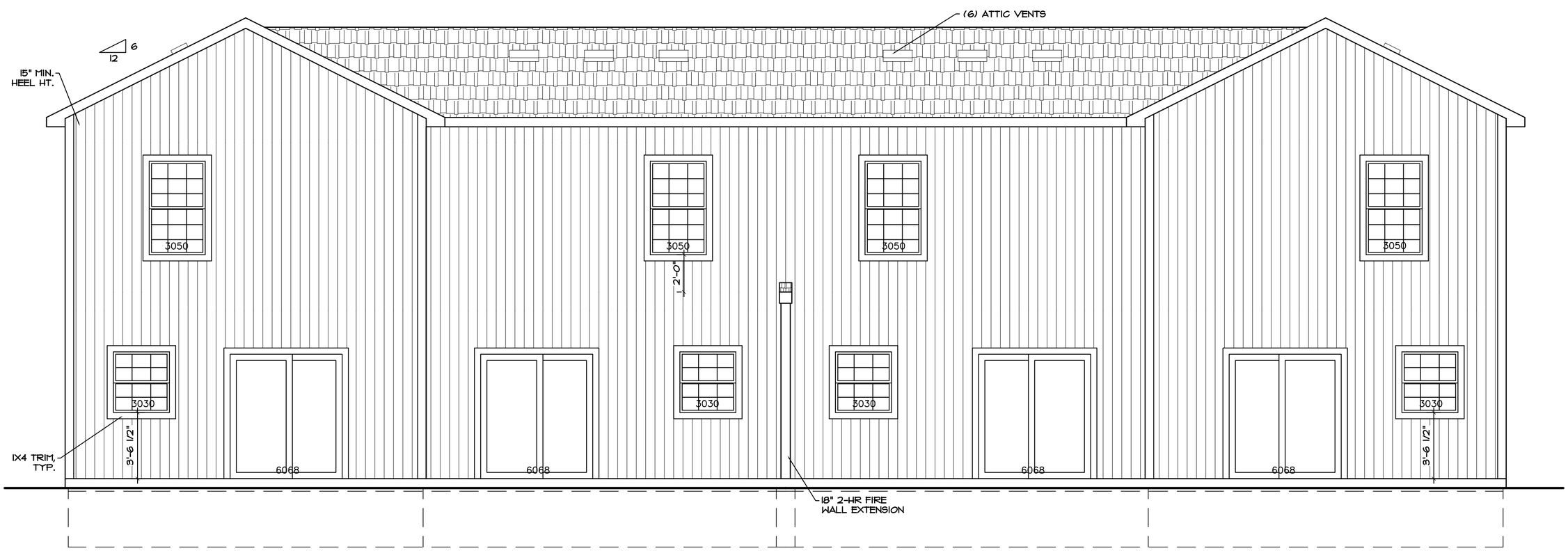
Date: 2019/06/07
Drawn by : LCF
Checked by : SCH
Revisions :

A3.0

310
312



1 FRONT ELEVATION - GABLE
1/4" = 1'-0"



2 REAR ELEVATION - GABLE
1/4" = 1'-0"

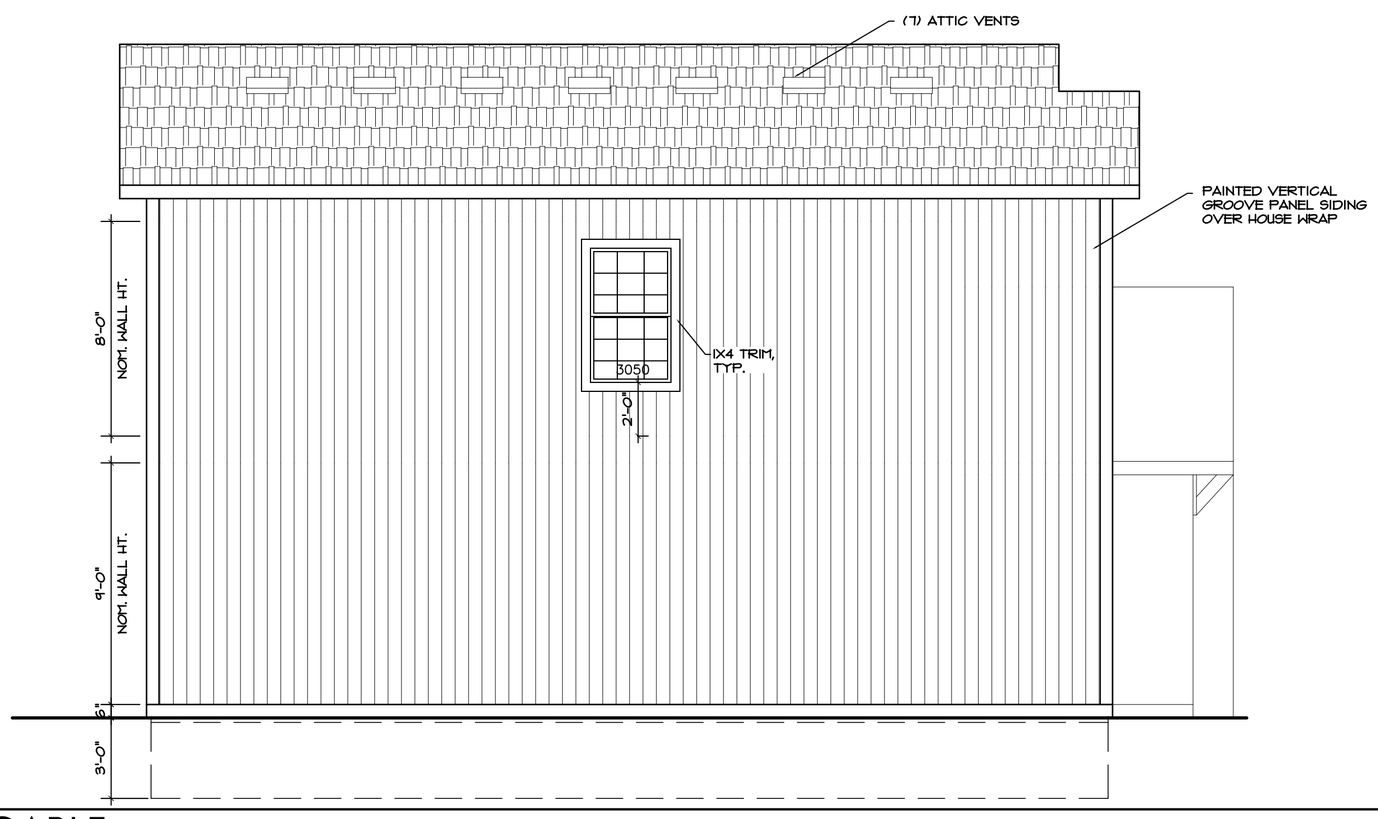
PRAIRIEBROOKE FOUR-PLEX
(2) 3-BEDROOM 2.5-BATH & (2) 2-BEDROOM 1.5-BATH - STANDARD UNITS
GARDNER, KANSAS

Hernly
ARCHITECTS
1100 Rhode Island St.
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

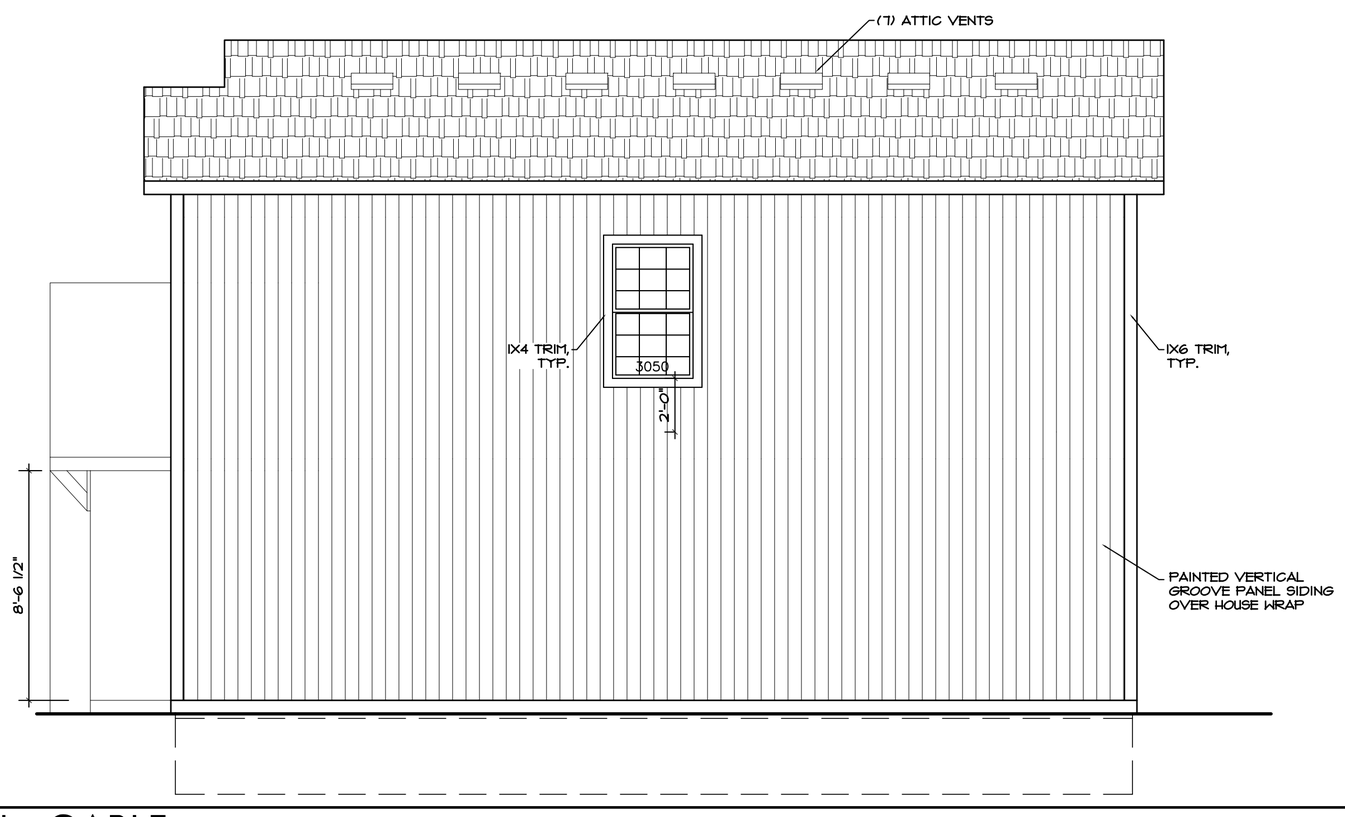
ELEVATIONS

Date: 2020/04/22
Drawn by : SCH SJB
Checked by :
Revisions :

A2.0



1 LEFT ELEVATION - GABLE
1/4" = 1'-0"



2 RIGHT ELEVATION - GABLE
1/4" = 1'-0"

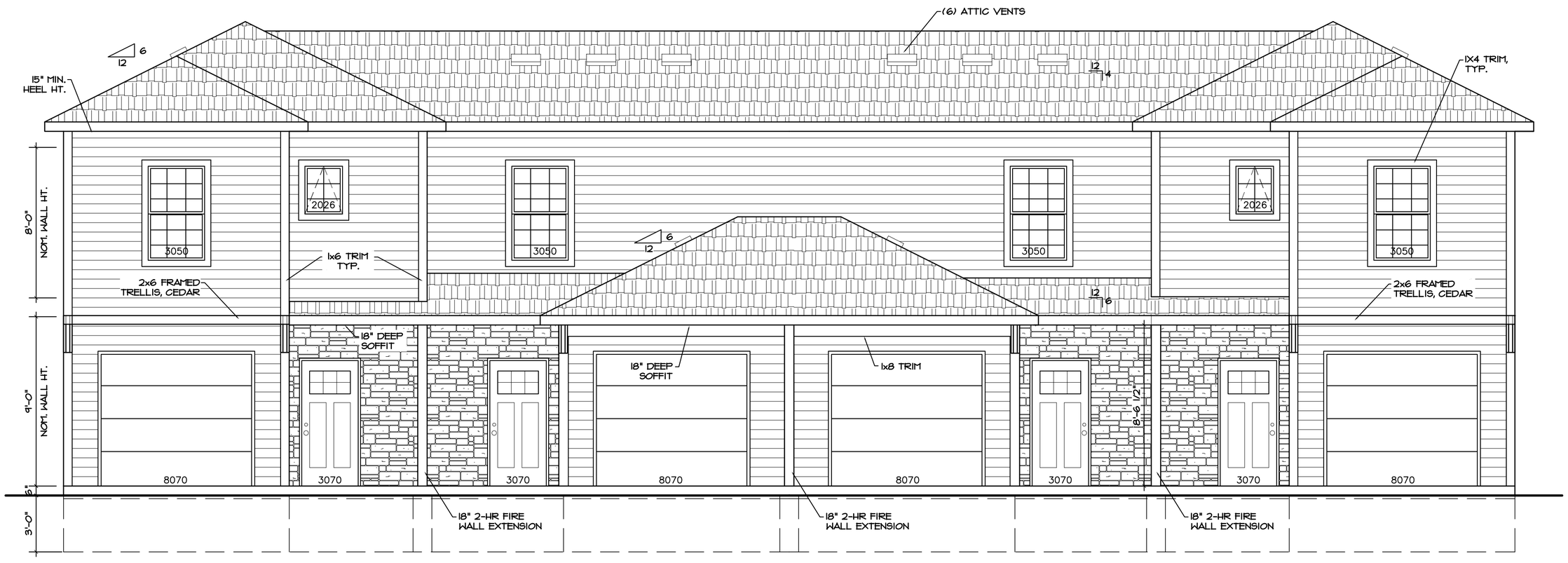
PRAIRIEBROOKE FOUR-PLEX
(2) 3-BEDROOM 2.5-BATH & (2) 2-BEDROOM 1.5-BATH - STANDARD UNITS
GARDNER, KANSAS

Hernly
ARCHITECTS
1100 Rhode Island St.
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

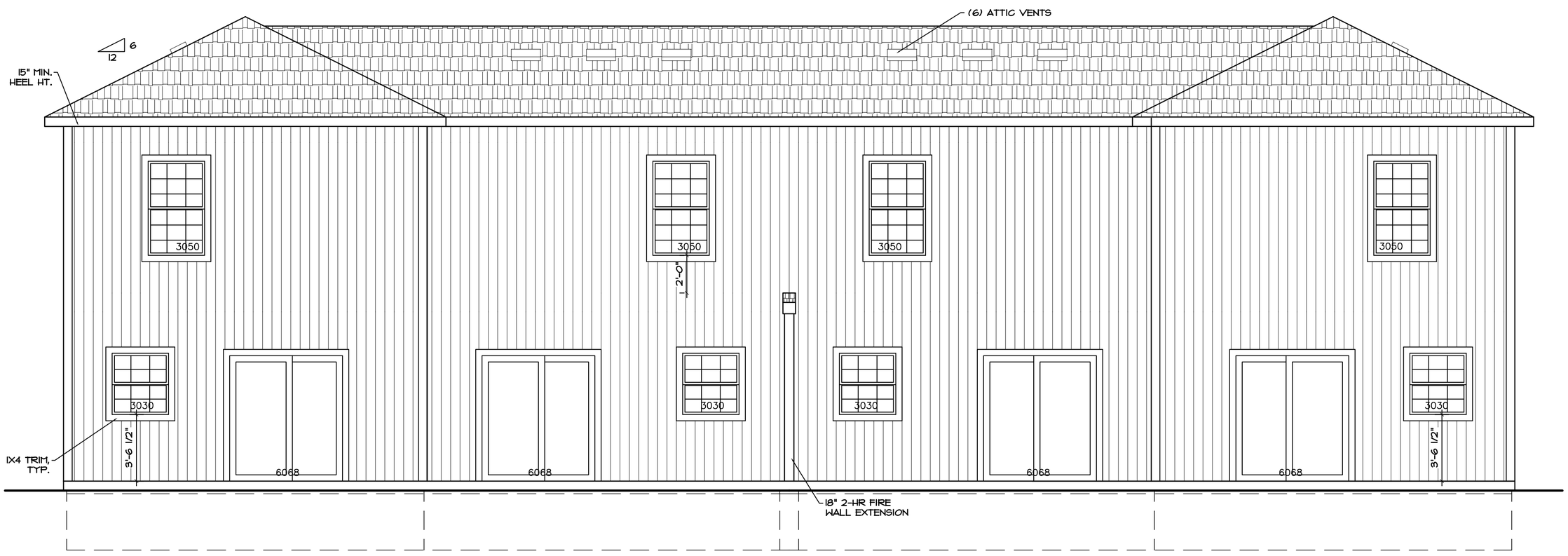
ELEVATIONS

Date: 2020/04/22
Drawn by : SCH SJB
Checked by :
Revisions :

A2.1



1 FRONT ELEVATION - HIP
1/4" = 1'-0"



2 REAR ELEVATION - HIP
1/4" = 1'-0"

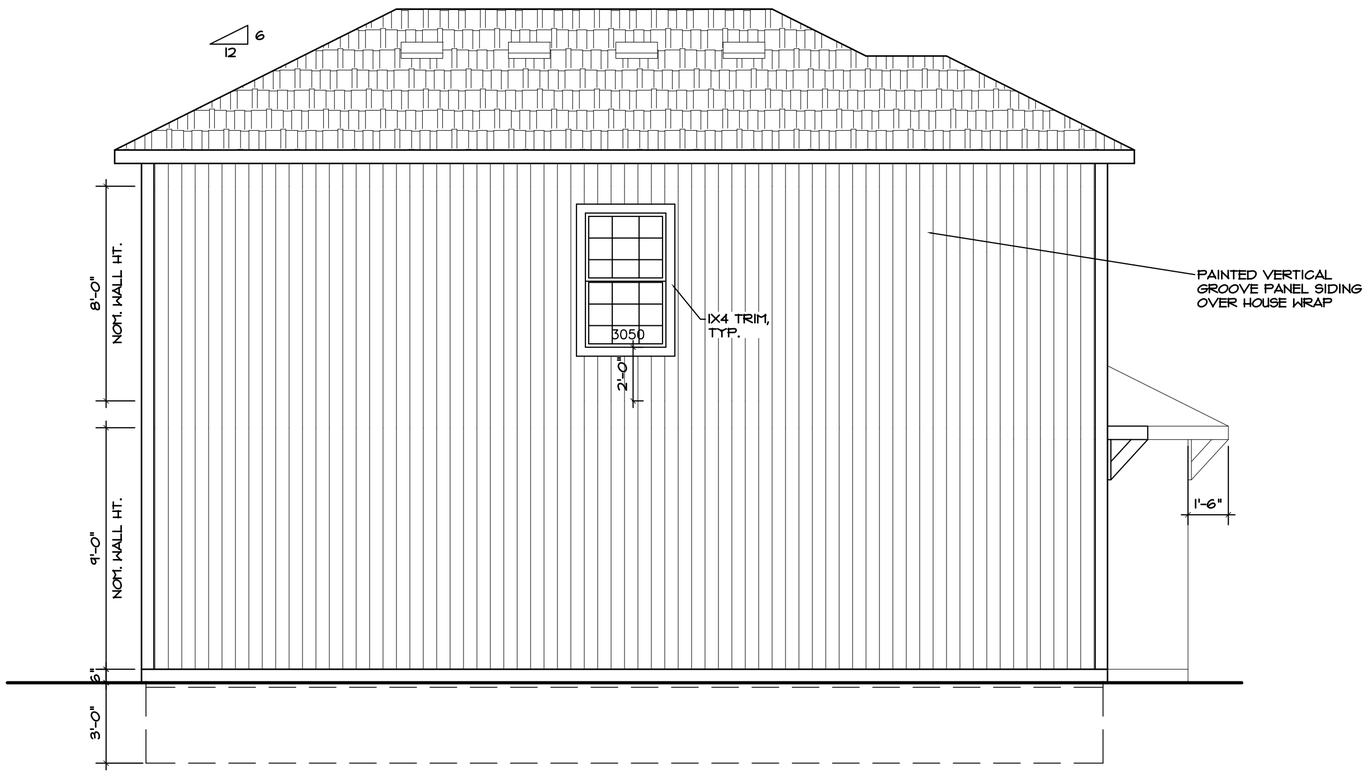
PRAIRIEBROOKE FOUR-PLEX
(2) 3-BEDROOM 2.5-BATH & (2) 2-BEDROOM 1.5-BATH - STANDARD UNITS
GARDNER, KANSAS

Hernly
ARCHITECTS
1100 Rhode Island St.
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

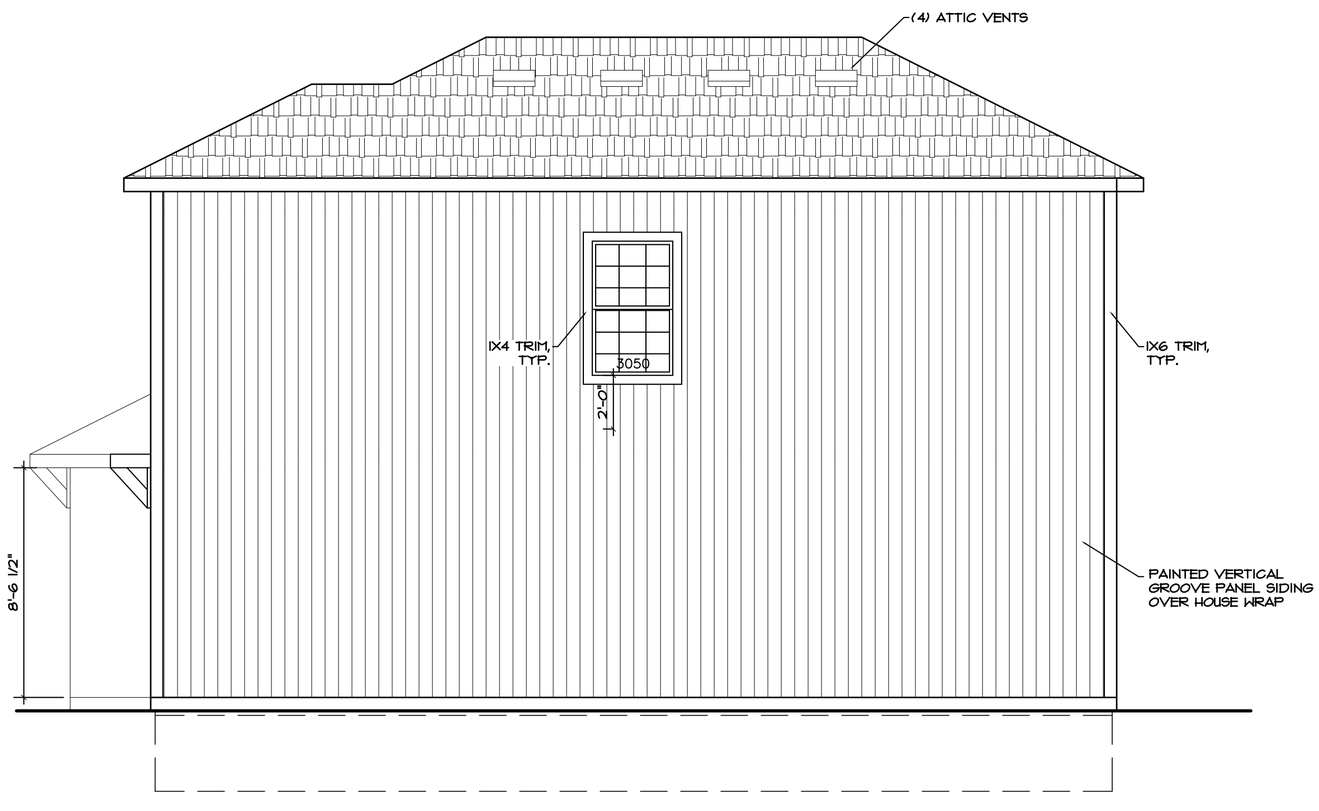
ELEVATIONS

Date: 2020/04/22
Drawn by : SCH SJB
Checked by :
Revisions :

A2.2



1 LEFT ELEVATION - HIP
1/4" = 1'-0"



2 RIGHT ELEVATION - HIP
1/4" = 1'-0"

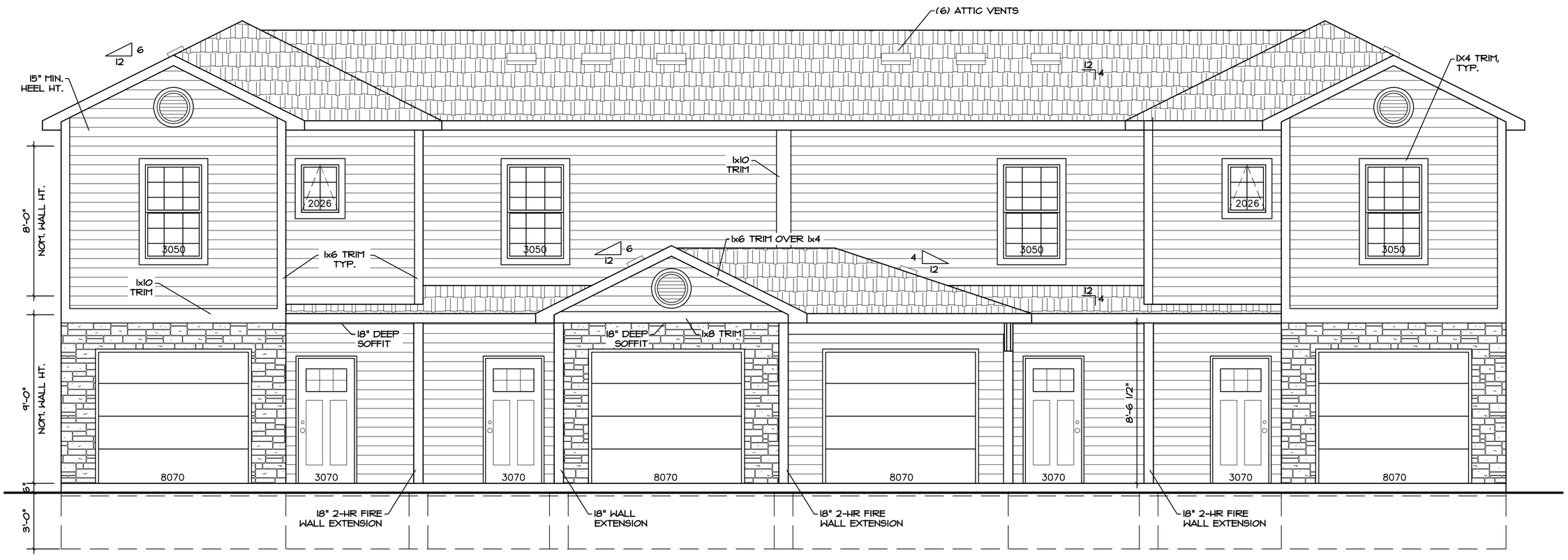
PRAIRIEBROOKE FOUR-PLEX
(2) 3-BEDROOM 2.5-BATH & (2) 2-BEDROOM 1.5-BATH - STANDARD UNITS
GARDNER, KANSAS

Hernly
ARCHITECTS
1100 Rhode Island St.
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

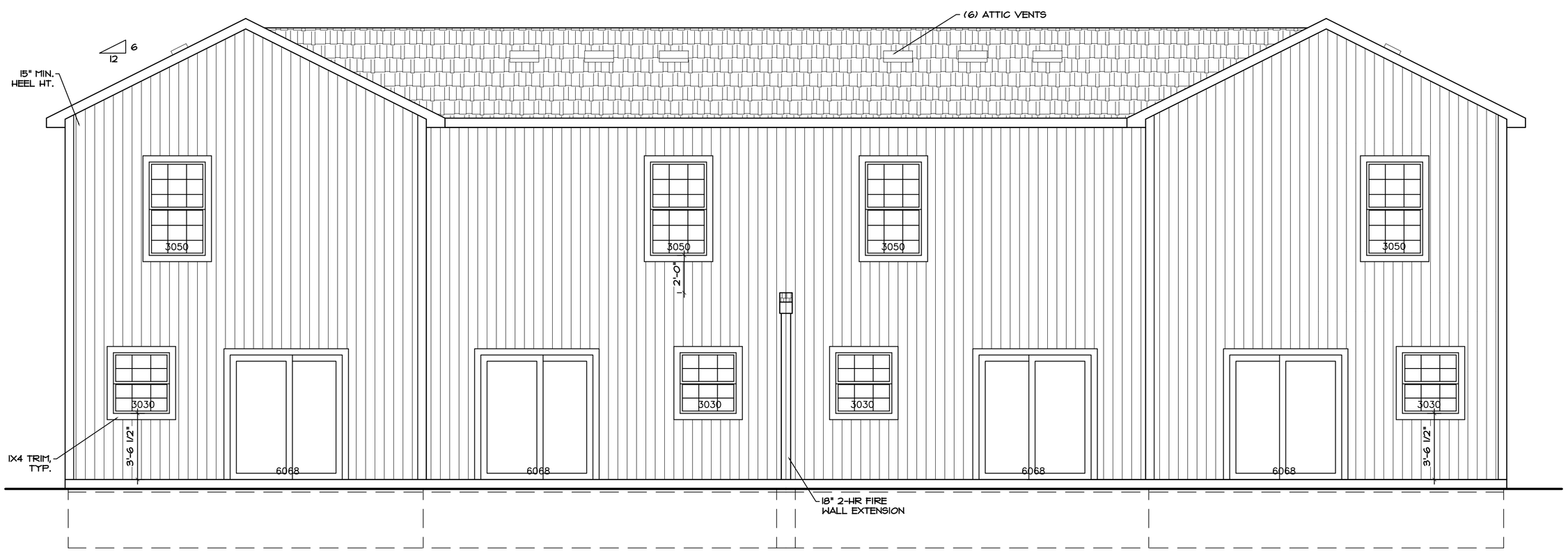
ELEVATIONS

Date: 2020/04/22
Drawn by : SCH SJB
Checked by :
Revisions :

A2.3



1 FRONT ELEVATION - GABLE ON HIP
1/4" = 1'-0"



2 REAR ELEVATION - GABLE ON HIP
1/4" = 1'-0"

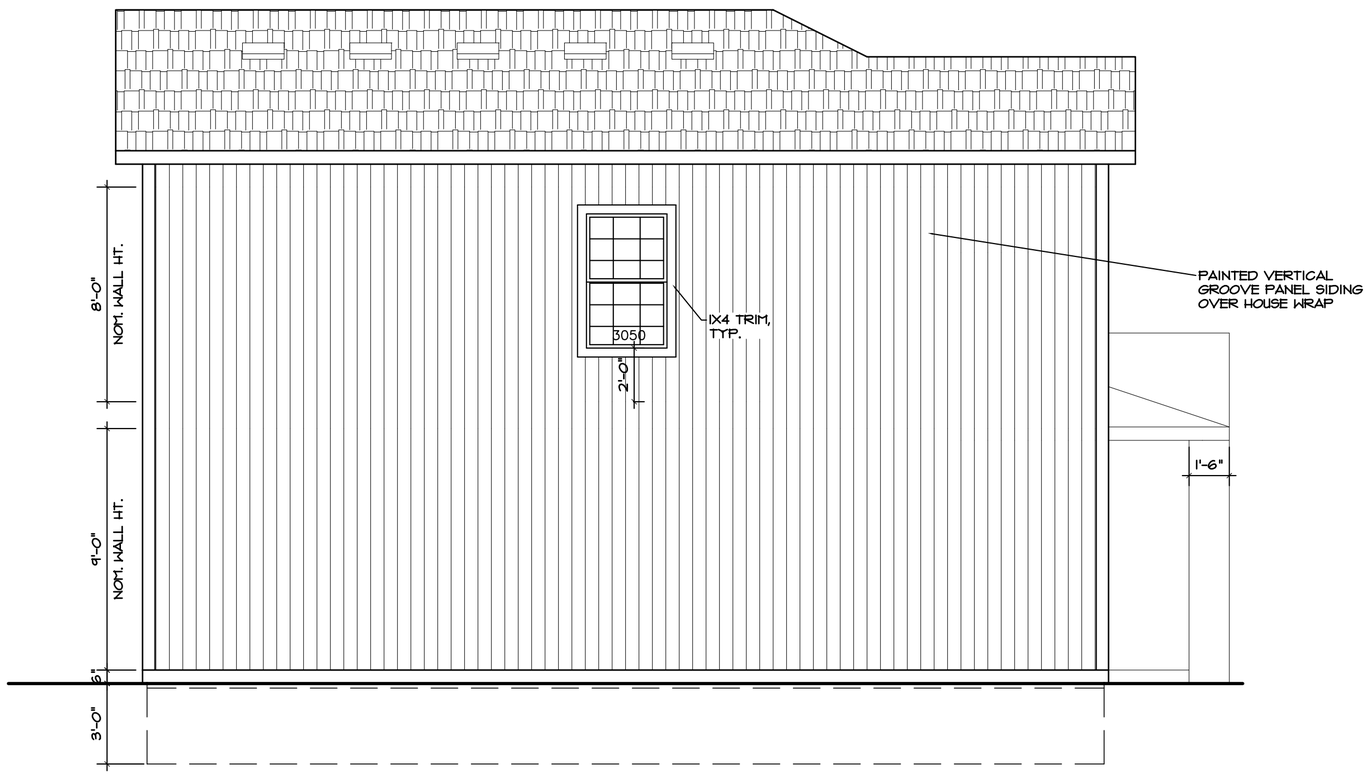
PRAIRIEBROOKE FOUR-PLEX
(2) 3-BEDROOM 2.5-BATH & (2) 2-BEDROOM 1.5-BATH - STANDARD UNITS
GARDNER, KANSAS

Hernly
ARCHITECTS
1100 Rhode Island St.
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

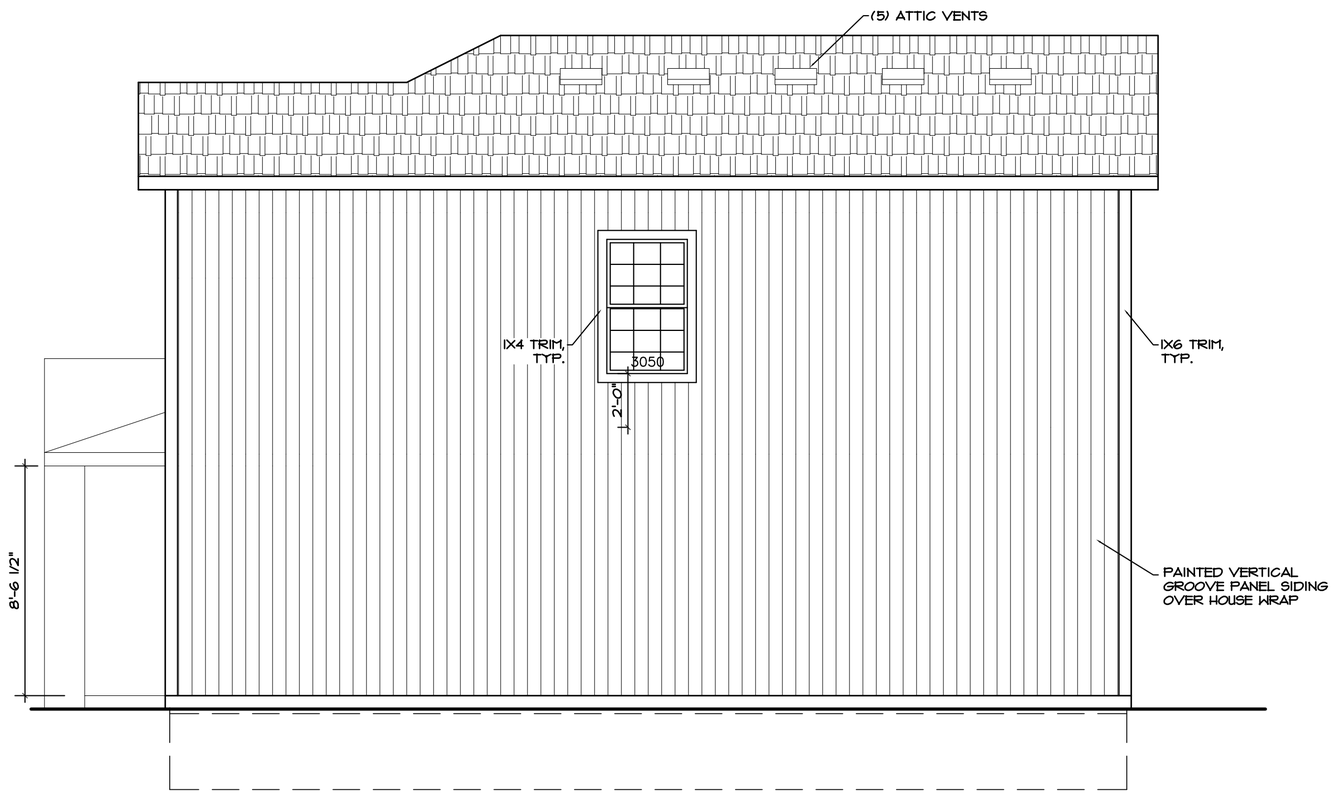
ELEVATIONS

Date: 2020/04/22
Drawn by : SCH SJB
Checked by :
Revisions :

A2.4



1 LEFT ELEVATION - GABLE ON HIP
1/4" = 1'-0"



2 RIGHT ELEVATION - GABLE ON HIP
1/4" = 1'-0"

PRAIRIEBROOKE FOUR-PLEX
(2) 3-BEDROOM 2.5-BATH & (2) 2-BEDROOM 1.5-BATH - STANDARD UNITS
GARDNER, KANSAS

Hernly
ARCHITECTS
1100 Rhode Island St.
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

ELEVATIONS

Date: 2020/04/22
Drawn by : SCH SJB
Checked by :
Revisions :

A2.5

Business & Economic Development

MEMORANDUM

TO: Gardner Planning Commission

FROM: Kelly Drake Woodward, AICP, Chief Planner

DATE: April 28, 2020

SUBJECT: Various communications from Michael Snodgrass regarding Prairiebrooke Villas via email on April 22.

The purpose of this particular development is to provide quality, affordable housing for working persons/families. Our funding sources include 4% tax credits, and State and County HOME funds, as well as Affordable Housing Trust Funds. The 4% tax credits restrict the rents to an aggregate of 60% of area median income, the HOME funds also have a limit of not more than 80% of AMI for income limits, and the AHTF restricts incomes to under 30% of area median income. The HOME programs, while administered locally at the County and the State, are federal programs. As is the AHTF.

There is a relatively new provision in the tax credits which allows "income averaging", which means that as long as the weighted average of units is below 60%, you can have incomes in your units of 30%-80%.... so we truly should have something for everybody that works in your area. We have found that a lot of starting school teachers and first responders are eligible, and there will be most of the folks that work at the intermodal hub that will be eligible. If you make $20/hr you are eligible, and even if you are two persons working at $12.50 you are likely eligible as the income limits go up with more folks in the household.

In addition to the income limits for tenants, there is also a corresponding maximum rents that we can charge for rent....right now we are at/near the max rents allowable. County officials are extremely interested in providing more affordable housing into the County, as there's a severe lack as evidenced by KC Star articles you've probably read in the past.

The "cap" on rents is why any increase in costs has to be met with a corresponding decrease somewhere else... I've stated this before, but in the private market you just increase rents and your permanent loan, but with the tax credits and the HOME programs you can't do that.

To apply for the State HOME funds and the 4% tax credits, we had to complete a detailed Market Study (available on request). The market study is attached, and expects all 60 units of Phase I to be leased up in 4 months at an average of 15 units/month. I think that is conservative in nature, and I expect it will be even quicker. There's probably some good info you can use in the attached market study.

It's hard to predict exactly the demographics that will be attracted to the project, but I can tell you that in our Johnson County HOME program for single-family acquisition/rehab, it seems that a lot

of young, single persons are attracted. Their incomes are generally lower in the first years after high school/college and so this is usually a transition for them. I expect that some of the units will be occupied by newly established teachers from the nearby school, and possibly other local government employees. Remember, 80% of area median income is roughly $48,500 for a single person. I'm not sure if all the starting salaries at Gardner are over $48,500, but I suspect that some of them are not. The rest of the units we suspect will be occupied by folks/families that are working at the nearby intermodal hub. It's impossible to speculate how many will have children and how the school will be impacted, but certainly not more than any of the other surrounding developments.

In addition, we have to provide ADA units (required by the HOME program to be 5% of total development units). We are constructing 4 duplex buildings to be ADA, and these tend to either be older persons that don't want the stairs, or persons that are indeed in need of ADA units. These units tend not to have children in them.

GARDNER KANSAS

RECEIVED
MAR 13 2020
By

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 2/17/2020
Fee $1625 pd
File No. Z-20-06

OWNER INFORMATION

Name(s) Owner Finance LLC

Contact Tim Gates

Address P.O. Box 4057

City Overland Park State Kansas Zip 66204

Phone 913-645-3579 Email timothygates@yahoo.com

APPLICANT/AGENT INFORMATION

Name(s) OIKOS Development Corporation

Contact Michael Snodgrass

Address 1712 Main Street, Suite 206

City Kansas City State Missouri Zip 64108

Phone 816-352-4258 Email msnodgrass.odc@gmail.com

SITE INFORMATION

Property Address/Location: North of W. 147th Street and East of Kill Creek Road

Legal Description (Attach If Necessary) Attached "Exhibit A"

Total Site Area 14.023 Acres

Present Zoning RP-2 Proposed Zoning RP-3

Present Land Use Agricultural/Vacant Lot Proposed Land Use Multi-Family Housing

Proposed Building Type(s) Duplex and Fourplex

Please indicate a reason for the request:

To allow for fourplexes

SIGNATURE

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

Signature(s): Date 2/13/20

Date

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 CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

Yes	No	
X		1. Complete application packet
X		2. Application fee
X		3. Digital copies (PDF) of the completed application and legal description (Word)
		4. Sign posting affidavit
X		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:

The project will increase property value and tax revenue for the City of Gardner. No anticipated adverse effect on public health, safety and welfare

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

The existing public infrastructure has capacity for this project

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

Date

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

PRELIMINARY DEVELOPMENT PLAN APPLICATION

Pre-App Date _____
Fee _____
File No. _____

OWNER INFORMATION

Name(s) Owner Finance LLC
Contact Tim Gates
Address P.O. Box 4057
City Overland Park State Kansas Zip 66204
Phone 913-645-3579 Email timothygates@yahho.com

APPLICANT/AGENT INFORMATION

Name(s) OIKOS Development Corporation
Contact Michael Snodgrass
Address 1712 Main Street, Suite 206
City Kansas City State Missouri Zip 64108
Phone 816-352-4258 Email msnodgrass.odc@gmail.com

SITE INFORMATION

Property Address/Location North of W. 174th Street and East of Kill Creek Road
Legal Description (Attach If Necessary) Attached "Exhibit A"
Number of Existing Lots 1 Number of Proposed Lots 6 Lots and 2 Tracts
Total Site Area 14.023 acres Present Zoning RP-2
Present Land Use Agricultural/Vacant Lot Proposed Use(s) Multi-Family Housing
Proposed Street Design Type(s) & Class Residential local street (28' back to back)
Proposed Type(s) Open & Civic Space Trail/Greenway
Proposed Frontage Type(s) Buffer Edge
Proposed Building Types(s) Duplexes and Fourplexes

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 preliminary development plan as indicated above.

Signature(s): _____ Date _____

_____ Date _____

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

PRELIMINARY DEVELOPMENT PLAN APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

Yes	No	
X		1. **Complete application packet**
X		2. **Application fee**
X		3. **10 complete sets of full sized plans printed and folded**
X		4. **Digital copies (PDF) of the completed application, plans, and legal description**
		5. **Sign posting affidavit**
X		6. **Preliminary Stormwater Management Plan** (2 printed and 1 digital copy)
X		7. **Preliminary Traffic Assessment** See Access Management Code. (2 printed and 1 digital copy)

PRELIMINARY DEVELOPMENT PLAN REQUIREMENTS

X		1. **Public Realm Plan** A plan outlining the general location, design characteristics, and functions of all proposed streets, storm water management, open spaces, civic spaces, and circulation networks – whether public, common or private – that will create the public realm for the plan.
X		2. **Development Plan** A plan indicating the specific land uses and their density/intensity, block and lot patterns, building types and scale, design characteristics, and other building and site design elements that reflect the proposed character of the plan. This plan shall have a particular emphasis on how these elements relate to the public realm plan and where transitions between these elements occur at a parcel or block scale, both within the development and in coordination with abutting property. The development plan shall specifically identify where development standards may differ from those otherwise applicable through the base zoning districts and general development requirements of this Code.
X		3. **Existing Conditions** Analysis identifying the general layout of any existing structures, streets or infrastructure and the location of natural features such as watercourses, steep grades, significant stands of trees, specimen trees or other features.
X		4. **Phasing or Implementation** A strategy indicating the estimated timing of development, and any other administrative details of implementing the plan through future final site plans.
X		5. **Names, addresses, and phone numbers** of all companies, firms, or individuals involved in the preparation of the plat (i.e. property owner, engineer, surveyor, etc.).

Yes	No	
X		6. **Date of preparation** and/or revisions.
X		7. **Vicinity map** (drawn at a scale of 1"=2,000', locating the proposed subdivision in relation to the section of land, including township and range, section street names, and a north arrow.)
X		8. **A legal boundary description** with angular bearings and linear distances, referenced to section or quarter-section corners, Point of Commencing and/or Point of Beginning, and the overall area of the plat in acres.
X		9. **Location of monuments,** shown in reference to existing official monuments or the nearest established ¼ section corner, including the bearings and distances to such reference points or monuments.
X		10. **Boundary lines** of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances).
X		11. **Lots and tracts** identified clearly, with blocks numbered or lettered boldly and clearly in the center of the block, and lot dimensions with bearings and distances, and area in square feet.
X		12. **Building setback lines** along public and private streets with dimensions in feet.
X		13. **Existing streets and driveways** which abut, touch upon or extend through the subdivision and/or streets located within 400 feet of the plat. The description shall include types and widths of existing surfaces, right-of-way widths, and dimensions of any bridges and culverts.
X		14. **Location of existing open space, alleys, parks, streams, ponds,** or other similar features within plat, and whether they are to be retained or removed.
X		15. **Location of existing buildings** and structures within 200 feet of the plat.
X		16. **Existing utilities,** 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.
X		17. **Topography** of the area contained in the plat and within 20 feet of the plat boundary shown by 2-foot contour intervals and proposed preliminary grading. Contour lines shall be legible but not overpowering.
X		18. **Proposed street network,** including right-of-way, bearings, tangents, and horizontal and vertical curvature data (use of flow direction arrows and percent of grade is permitted at preliminary for vertical curve data, unless otherwise specified/required) along the centerline of each street.
X		19. **Proposed sidewalks** and/or trail locations including proposed widths.
X		20. **Proposed utilities,** including approximate location of sanitary sewer, water main, street lights, and storm sewer.
X		21. **Existing and proposed easements** with dimensions. Existing easements shall be labeled with book and page number. A 10-foot utility easement shall be shown adjacent to arterial streets.
X		22. **Any area within a federally designated floodplain.** Location, stations, and elevations of the 100-year floodplain within the plat and 100-year elevations at rear lot corners adjacent to FEMA and Shaded Zone X floodplains. The source of the floodplain information shall be clearly labeled (example: FIRM, Map #20091C0041D, September 27, 1991).

Yes	No	
X		23. **Stream corridor boundary** and dimensions.
	X	24. **Intersection site distance analysis.**
	X	25. **Vehicle maneuvering/turning templates** 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.
X		26. **All public streets** within the plat conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications.

I hereby submit all information required for preliminary development plan 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

3/13/22
Date

GARDNER KANSAS

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

OWNER AFFIDAVIT

I/WE Owner Finance LLC, Timothy S. Gates mgr, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 13 day of March, 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 Gates Development Company (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding Rezoning Application (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.

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

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

Owner

Owner

STATE OF Kansas
COUNTY OF Johnson

The foregoing instrument was acknowledged before me on this 13th day of March, 2020, by Timothy S. Gates.

My Commission Expires: NOTARY PUBLIC - State of Kansas LESLIE RUIZ My Appt. Expires 10/9/2022

Notary Public

EXHIBIT “A”

PROPERTY DESCRIPTION: PRAIRIEBROOKE VILLAS – OVERALL PROPERTY DEVELOPMENT

All that part of the West Half of the Southeast Quarter of Section 22, Township 14 South, Range 22 East of the 6th Principal Meridian now in the City of Gardner, Johnson County, Kansas and being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said Section 22; thence North 88°12’50” East along the South line of said Southeast Quarter a distance of 1310.47 feet to the Southeast corner of the West Half of the Southeast Quarter of said Section 22; thence along the East line of said West Half, said East line also being the East line of PRAIRIEBROOKE and the West line of DOUBLE GATE IV both being subdivisions of land in said City, County and State, North 02°13’55” West a distance of 771.73 feet to the Northeast corner of said PRAIRIEBROOKE and the POINT OF BEGINNING of the herein described tract of land; thence along the North line of said PRAIRIEBROOKE the following six (6) courses; thence South 87°46’04” West a distance of 153.26 feet; thence North 85°11’51” West a distance of 100.00 feet; thence South 79°05’00” West a distance of 139.93 feet; thence Northwesterly along a curve to the left whose initial tangent bears North 10°55’00” West with a central angle of 09°34’20” a radius of 375.00 feet and an arc length of 62.65 feet; thence South 69°30’42” West a distance of 50.00 feet; thence South 57°08’17” West a distance of 316.75 feet to the Northwest corner of Lot 16 of said PRAIRIEBROOKE and the Easterly right-of-way line of Kill Creek Road as now established by PRAIRIEBROOKE VILLAGE a subdivision of land in said City, County and State; thence along the Easterly right-of-way line of said Kill Creek Road the following eight (8) courses; thence North 48°16’16” West a distance of 220.15 feet; thence along a curve to the right with a central angle of 23°19’55” a radius of 500.00 feet and an arc length of 203.61 feet; thence North 67°55’37” East a distance of 19.39 feet; thence North 22°04’23” West a distance of 50.00 feet; thence South 67°55’37” West a distance of 19.39 feet; thence along a curve to the right whose initial tangent bears North 19°12’25” West with a central of 02°45’21” a radius of 500.00 feet and an arc length of 24.05 feet; thence North 16°27’06” West a distance of 309.16 feet; thence along a curve to the left with a central angle of 14°40’35” a radius of 330.00 feet and an arc length of 84.53 feet; thence departing said right-of-way line North 68°52’21” East a distance of 442.44 feet; thence South 23°21’30” East a distance of 127.78 feet; thence South 56°55’36” East a distance of 133.37 feet; thence South 69°00’43” East a distance of 603.85 feet to the East line of the West Half of said Southeast Quarter and the West line of said DOUBLE GATE IV; thence South 02°13’55” East along said lines a distance of 351.86 feet to the POINT OF BEGINNING.

Containing 610,857 square feet or 14.0233 acres, more or less.

GARDNER KANSAS
Blazing New Trails
BUSINESS & ECONOMIC DEVELOPMENT

April 6, 2020

Dear Property Owner:

The Gardner Planning Commission will hold their regular meeting on **Tuesday, April 28, 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-20-06(PDP-20-02)**: Rezoning of approximately 14 acres from RP-2 (Planned Two-Family Residential) District to RP-3 (Planned Garden Apartment) District and associated preliminary development plan for Prairiebrooke Villas, an attached single-family residential development of quad row houses and duplexes, located north of W 174th Street and east of Kill Creek Road, at the extension of Pratt Street. (Tax Id CF221422-4007)

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. Please check the City's website at www.gardnerkansas.gov for updated information regarding the meeting prior to attending. Written comments are welcome and encouraged and may be mailed or emailed to me at kwoodward@gardnerkansas.gov.

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

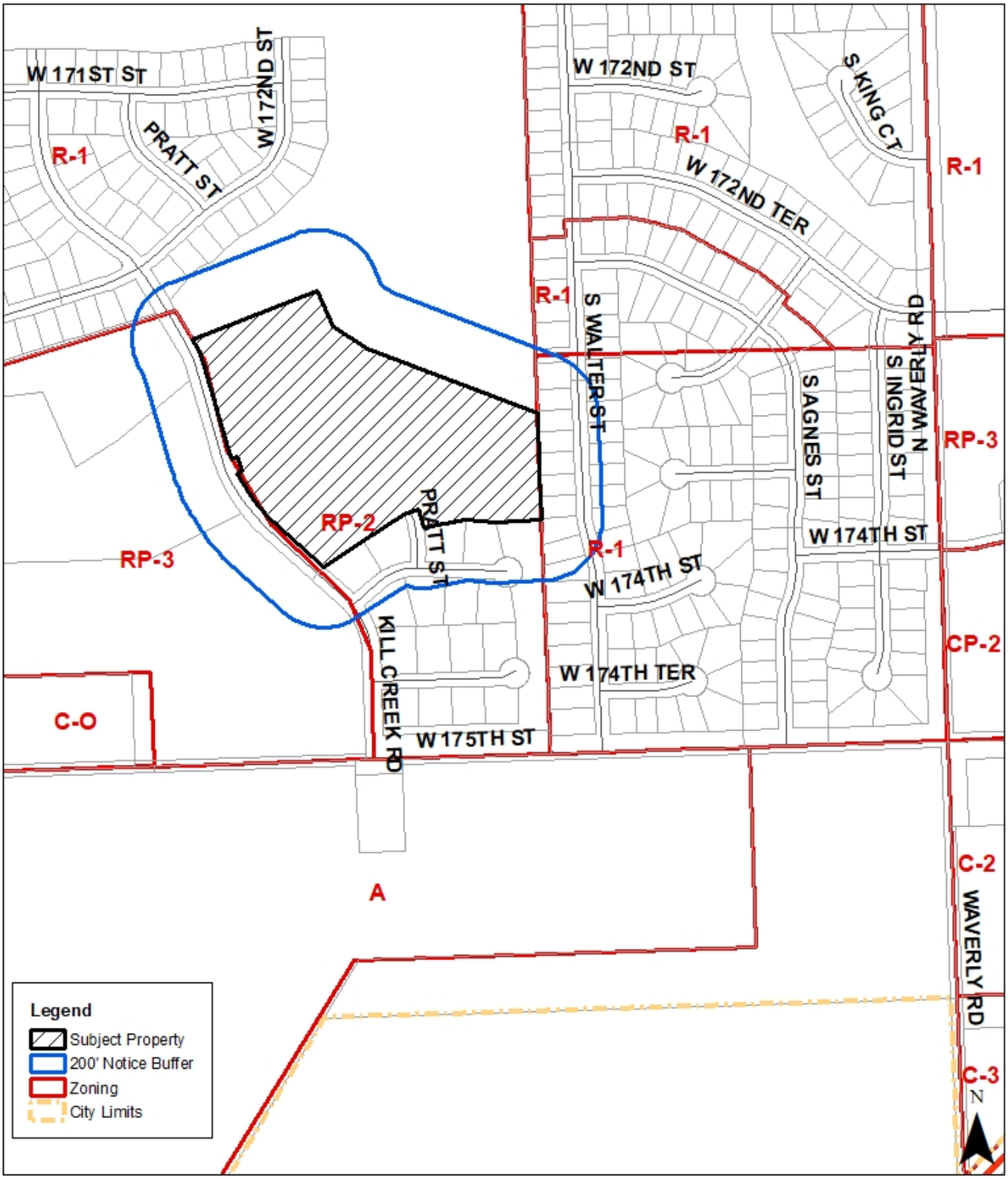
After the Planning Commission makes a recommendation, property owners within 200' of the subject area, 1,000' in the county, may submit a protest petition against such recommendation. The protest petition must be filed with the City Clerk, within 14 days of the conclusion of the public hearing. For more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

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

Sincerely,

Kelly Drake-Woodward, AICP
Chief Planner

Enclosure



Gardner Planning Commission
Z-20-06(PDP-20-02): Rezoning from RP-2 to RP-3 and preliminary development plan for Prairiebrooke Villas
Meeting Date: April 28, 2020

Map Date: 3/31/20

PLANNING COMMISSION STAFF REPORT **NEW BUSINESS ITEM NO. 5B**
MEETING DATE: APRIL 28, 2020
PREPARED BY: ROBERT CASE, PLANNER

PROJECT NUMBER / TITLE: PP-20-05: Preliminary plat for Prairiebrooke Villas

---

PROCESS INFORMATION

Type of Request: Preliminary Plat
Date Received: March 13, 2020

APPLICATION INFORMATION

Applicant: OIKOS Development Corporation, Michael Snodgrass
Owner: Owner Finance LLC, Tim Gates
Parcel ID: CF221422-4007
Location: North of W 174th Street along the east side of Kill Creek Rd.

REQUESTED ACTION

The applicant requests approval of a preliminary plat for a 20 lot residential project containing 14 acres.

EXISTING ZONING AND LAND USE

Currently, the subject property is zoned RP-2 (Planned Two Family) District and current land use is a vacant parcel.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
RP-2 (Planned Two-Family Residential) District	Single-family homes in future Breckenwood Creek Subdivision
East of subject property	
R-1 (Single-Family Residential) District	Single-family homes in Double Gate IV Subdivision
South of subject property	
RP-2 (Planned Two-Family Residential) District	Duplexes in Prairiebrooke Subdivision
West of subject property	
RP-3 (Planned Garden Apartment) District	Undeveloped farming/ranch land
C-O (Office) District	Undeveloped farming/ranch land

EXISTING CONDITIONS

The property is currently not platted and is undeveloped. The development will be accessed from an existing collector street (Kill Creek Road) by the extension of an existing local street (Pratt St). An existing 8" sanitary sewer main bisects the subject parcel. Underground electric exists near the south and east boundaries. Eight inch water mains exist along 173rd St, Pratt St, and Kill Creek Rd. There is an existing fire hydrant at the intersection of the subject parcel with Kill Creek Rd. Stormwater infrastructure exists along Kill Creek Rd.

BACKGROUND / HISTORY

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

property; floodplain and riparian protection, and dedication of ROW for W. 175th Street. This property was rezoned (Z-04-05) from PUD to RP-2 (Planned Two Family Residential) District by Ordinance No. 2102 on April 19, 2004 and has remained vacant.

CONSISTENCY WITH COMPREHENSIVE PLAN

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

As mentioned in the Preliminary Development Plan staff report this development while the proposed row house buildings contain more dwelling units, the building footprint is comparable to the development located adjacent to this site and the lots are on average around 15,000 s.f., therefore giving the appearance of a less dense development.

STAFF ANALYSIS

PRELIMINARY PLAT

17.03.020 (D1) Review Criteria:

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

***Staff Comment**: The project is for the platting of one parcel to create 20 buildable lots. Of the twenty newly created lots, 18 of them will be for four unit row-houses with two of the lots for duplexes. The proposed local-neighborhood streets, lots, and blocks are designed to reinforce the character of the area while also providing continuous access to the adjoining neighborhood to the south.*

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

***Staff Comment**: With the approval of the deviations from the Preliminary Development Plan, this development is in compliance with the Land Development Code and is capable of meeting all the development and sight design standards under the existing zoning.*

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

***Staff Comment**: The development will occur in two phases with the first phase including lots 1 – 16, which includes to two duplexes. The second phase of the development finishes lots 17 – 20.*

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

Staff Comment*: The Stormwater Management Plan and Traffic Impact Study have not yet been approved by Public Works Department. This will be a recommended condition of approval.*

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

Staff Comment*: This development is a great example of infill development which encourages a more efficient investment in infrastructure because it encourages growth in designated areas where there is existing infrastructure already in place. This application will not deter any existing or future development on adjacent property.*

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

Staff Comment*: Most all infrastructure is existing within or adjacent to the development.*

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

Staff Comment*: Staff recommends approval of the preliminary plat for Prairiebrooke Villas with conditions.*

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

WATER, SANITARY SEWER, STORMWATER, ELECTRIC, GAS –

Existing utilities are located either within or adjacent to the site.

ROADWAY NETWORK, VEHICULAR ACCESS –

There are a total of 2 points of access being proposed for this site. The main access into the site is off of Kill Creek Road which is the the extension of an already existing stub street and the second is from the extension of Pratt Street from the Prairiebrooke Subdivision located just south of this proposed development.

SIDEWALKS –

5' wide sidewalks are depicted on the plat all throughout the proposed development. A 10' trail is being planned to be connected to the new Breckenwood development to the north and extending all along the existing creek bed on the east side of the development to the southern border of this development.

ATTACHMENTS

I. Plat document

II. Application

ACTIONS

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

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

EFFECT OF DECISION

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

RECOMMENDATION

Staff recommends approval of the Preliminary Plat with the conditions outlined below.

Recommended Motion:

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

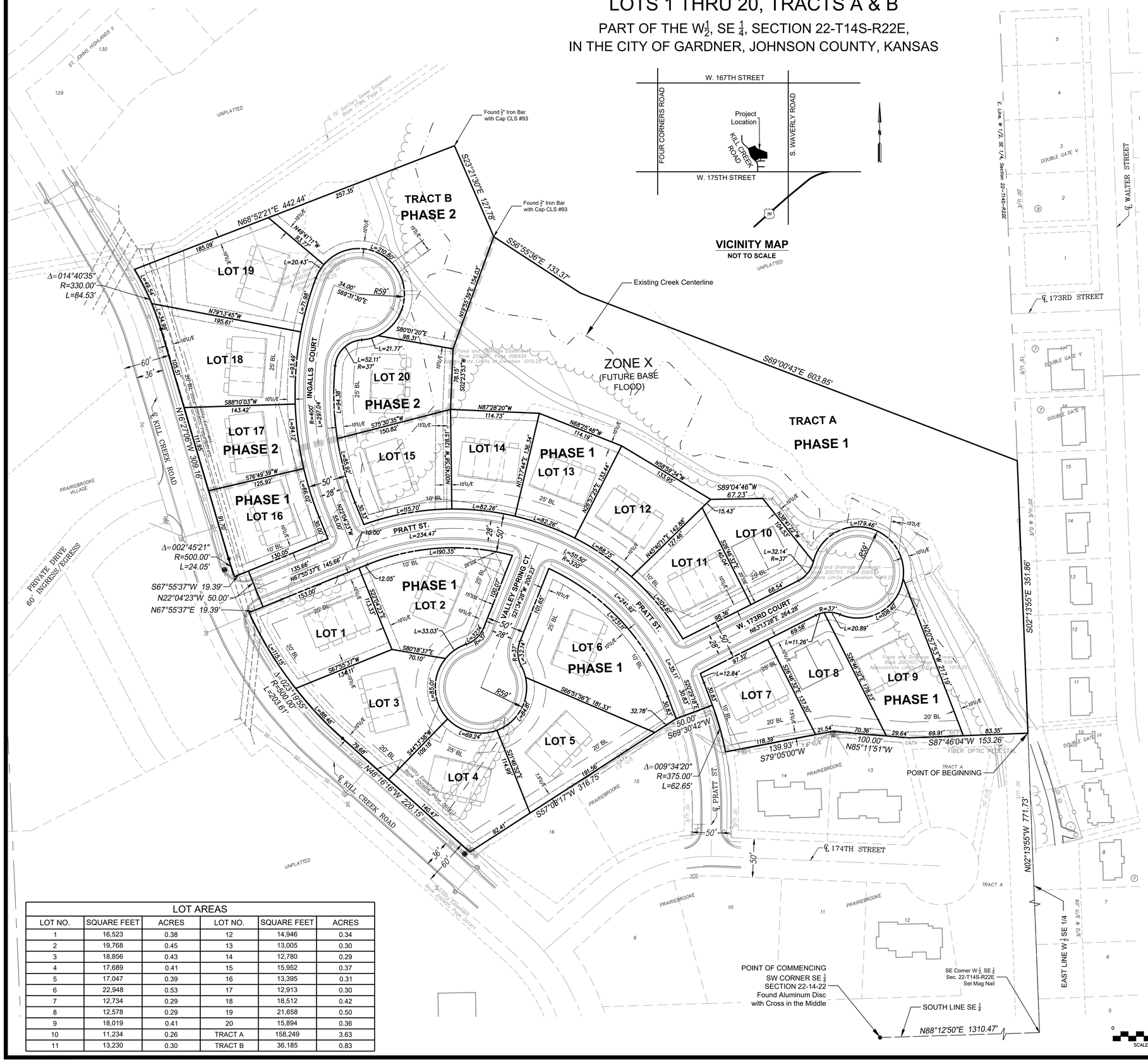
1. Approval of the final Traffic Impact Study and Stormwater Management Plan;

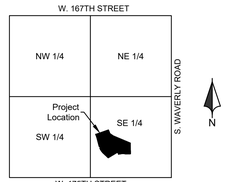
PRELIMINARY PLAT Z-20-05

"PRAIRIEBROOKE VILLAS"

LOTS 1 THRU 20, TRACTS A & B

PART OF THE W$\frac{1}{2}$, SE $\frac{1}{4}$, SECTION 22-T14S-R22E,
IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS





LOCATION MAP
SECTION 22-T14S-R22E
Scale 1" = 2000'

LEGAL DESCRIPTION:

All that part of the West Half of the Southeast Quarter of Section 22, Township 14 South, Range 22 East of the 6th Principal Meridian now in the City of Gardner, Johnson County, Kansas and being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said Section 22; thence North 88°12'50" East along the South line of said Southeast Quarter a distance of 1310.47 feet to the Southeast corner of the West Half of the Southeast Quarter of said Section 22; thence along the East line of said West Half, said East line also being the East line of PRAIRIEBROOKE and the West line of DOUBLE GATE IV both being subdivisions of land in said City, County and State, North 02°13'55" West a distance of 771.73 feet to the Northeast corner of said PRAIRIEBROOKE and the POINT OF BEGINNING of the herein described tract of land; thence along the North line of said PRAIRIEBROOKE the following six (6) courses; thence South 87°46'04" West a distance of 153.26 feet; thence North 85°11'51" West a distance of 100.00 feet; thence South 79°05'00" West a distance of 139.93 feet; thence Northwesterly along a curve to the left whose initial tangent bears North 10°55'00" West with a central angle of 09°34'20" a radius of 375.00 feet and an arc length of 62.65 feet; thence South 69°30'42" West a distance of 50.00 feet; thence South 57°08'17" West a distance of 316.75 feet to the Northwest corner of Lot 16 of said PRAIRIEBROOKE and the Easterly right-of-way line of Kill Creek Road as now established by PRAIRIEBROOKE VILLAGE a subdivision of land in said City, County and State; thence along the Easterly right-of-way line of said Kill Creek Road the following eight (8) courses; thence North 48°16'16" West a distance of 220.15 feet; thence along a curve to the right with a central angle of 23°19'55" a radius of 500.00 feet and an arc length of 203.61 feet; thence North 67°55'37" East a distance of 19.39 feet; thence North 22°04'23" West a distance of 50.00 feet; thence South 67°55'37" West a distance of 19.39 feet; thence along a curve to the right whose initial tangent bears North 19°12'25" West with a central of 02°45'21" a radius of 500.00 feet and an arc length of 24.05 feet; thence North 16°27'06" West a distance of 309.16 feet; thence along a curve to the left with a central angle of 14°40'35" a radius of 330.00 feet and an arc length of 84.53 feet; thence departing said right-of-way line North 68°52'21" East a distance of 442.44 feet; thence South 23°21'30" East a distance of 127.78 feet; thence South 56°55'36" East a distance of 133.37 feet; thence South 69°00'43" East a distance of 603.85 feet to the East line of the West Half of said Southeast Quarter and the West line of said DOUBLE GATE IV; thence South 02°13'55" East along said lines a distance of 351.86 feet to the POINT OF BEGINNING.

Containing 610,857 square feet or 14.0233 acres, more or less.

NOTES:

1. Property currently zoned "RP-2" Planned Two-Family Residential District to be rezoned as "RP-3" Planned Garden Apartment District.
2. A sidewalk is required along both sides local street and both sides of arterial and collector streets. Sidewalk shall extend fully around the perimeter of all cul-de-sacs and eyebrow cul-de-sacs.
3. According to the F.E.MA. Flood Insurance Rate Map Number 20091C0104G, Revised August 3, 2009, this tract graphically lies in OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain and ZONE X (Future Base Flood), defined as areas of 1% annual chance flood based on future conditions hydrology. No base flood elevations determined.
4. Tracts "A" and "B" are intended for open space and shall dedicated to the City of Gardner. The City of Gardner shall be responsible for all maintenence.
5. All common area in lots is open space and shall be owned and maintained by Prairiebrooke Villas Owners' Association, its successors and assigns, and will be responsible for maintenance on said lots.

PROJECT SUMMARY:

STREET TYPE: LOCAL - NEIGHBORHOOD STREET
BUILDING TYPES: DUPLEX AND ROW HOUSE
FRONTAGE TYPE: BUFFER EDGE
OPEN & CIVIC SPACE : TRAIL / GREENWAY
AREA - LOTS: 20 (319,662 S.F. / 7.34 ACRES)
AREA - OPEN & CIVIC SPACE: 2 TRACTS (194,434 S.F. / 4.46 ACRES)
AREA - RIGHT-OF-WAY: 4 STREETS (96,761 S.F. / 2.22 ACRES)
TOTAL AREA - SUBDIVISION: 610,857 S.F. / 14.02 ACRES

LOT AREAS

LOT NO.	SQUARE FEET	ACRES	LOT NO.	SQUARE FEET	ACRES
1	16,523	0.38	12	14,946	0.34
2	19,768	0.45	13	13,005	0.30
3	18,856	0.43	14	12,780	0.29
4	17,689	0.41	15	15,952	0.37
5	17,047	0.39	16	13,395	0.31
6	22,948	0.53	17	12,913	0.30
7	12,734	0.29	18	18,512	0.42
8	12,578	0.29	19	21,658	0.50
9	18,019	0.41	20	15,894	0.36
10	11,234	0.26	TRACT A	158,249	3.63
11	13,230	0.30	TRACT B	36,185	0.83

DEVELOPER
OIKOS DEVELPMENT CORP.
1712 MAIN STREET, SUITE 206
KANSAS CITY, MO 64108
(816) 352-4258
CONTACT - MICHAEL SNODGRASS

ENGINEER
Hg CONSULT, INC.
CONTACT - KEVIN STERRETT
(816) 703-7098

Prepared: March 13, 2020

DATE	REVISION	NO.	BY	CK/APP
04.03.20	REVISED PER CITY'S COMMENTS	1	SPW	RKS
03.13.20	SUBMITTAL TO CITY		SPW	RKS

IF THIS IS NOT A BLUE INK SEAL AND THE SIGNATURE IN BLUE INK, THE PLAN IS A COPY AND MAY CONTAIN UNAUTHORIZED ALTERATIONS. THE CERTIFICATION CONTAINED ON THIS DOCUMENT SHALL NOT APPLY TO ANY COPIES

R. KEVIN STERRETT, KS E-21889
March 13, 2020

Hg Consult Inc engineers planners
11010 Haskell Street, Suite 210, Kansas City, Kansas 66109
CORPORATE LICENSE No. E2010005T3 (MO.) / E-1736 (KS.)

PRELIMINARY PLAT Z-20-05 / PRELIMINARY DEVELOPMENT PLAN PDP-20-02
BOUNDARY, LOTS & EASEMENTS

PRAIRIEBROOKE VILLAS
CITY OF GARDNER - JOHNSON COUNTY - KANSAS

X-REF NO. 20-004 BASE
DRAWING NO. 20-004 PRELIMINARY PLAT
DATE April 3, 2020
JOB NO. 20-004
SHEET 1 OF 2

GARDNER KANSAS

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

PRELIMINARY PLAT APPLICATION CHECKLIST

APPLICATION SUBMITTAL REQUIREMENTS

Yes	No		
X		1.	**Complete application packet**
X		2.	**Application fee**
X		3.	**10 complete sets of full sized plans printed and folded**
X		4.	**Digital copies (PDF) of the completed application, plans, and legal description**
X		5.	**1 copy of existing covenants and restrictions** applicable to the development, if any (reference book and page).
		6.	**Letter of intent** as to whether a Homeowners Association will be created and if any covenants and restrictions are proposed by the subdivider.
		7.	**Preliminary Floodplain modeling** using HEC-RAS model provided by the City if encroachment is proposed within a FEMA or Shaded Zone X 100-year floodplain. (Contact City Engineer to obtain model and requirements).
X		8.	**Preliminary Stormwater Management Plan** (2 printed and 1 digital copy)
X		9.	**Preliminary Traffic Assessment** See Access Management Code. (2 printed and 1 digital copy)

PRELIMINARY PLAT REQUIREMENTS

Yes	No		
✓ X		1.	**Name of subdivision** (unique and numerically consistent and the words "PRELIMINARY PLAT," prominently displayed as the title.)
✓ X		2.	**Names, addresses, and phone numbers** of all companies, firms, or individuals involved in the preparation of the plat (i.e. property owner, engineer, surveyor, etc.).
✓ X		3.	**Date of preparation** of preliminary plat and/or revisions.
✓ X		4.	**Vicinity map** (drawn at a scale of 1"=2,000', locating the proposed subdivision in relation to the section of land, including township and range, section street names, and a north arrow.)
✓ X		5.	**A legal boundary description** with angular bearings and linear distances, referenced to section or quarter-section corners, Point of Commencing and/or Point of Beginning, and the overall area of the plat in acres.
X		6.	**Location of monuments,** shown in reference to existing official monuments or the nearest established ¼ section corner, including the bearings and distances to such reference points or monuments.
X		7.	**Boundary lines** of the subdivision shall be enclosed with one continuous bold line, showing approximate dimensions (bearings and distances).
? X		8.	**All public streets** within the plat conform to the applicable minimum design standards set forth in the Land Development Code and Technical Specifications.
X		9.	**Building setback lines** along public and private streets with dimensions in feet.

Yes	No	
X		10. **Platted and unplatted land** adjacent to the plat boundary. Include identification of adjacent platted subdivisions and unplatted tracts with external bearings and distances of adjacent plats and property owners for a distance of not less than 400 feet. Include original plat names if replatted. Exterior dimensions shall coincide with adjoining plats unless differences are noted
X		11. **Lots and tracts** identified clearly, with blocks numbered or lettered boldly and clearly in the center of the block, and lot dimensions with bearings and distances, and area in square feet.
X		12. **Note on plat** indicating intended ownership, purpose, and maintenance responsibilities for any parcels labeled as tracts.
X		13. **Existing streets, driveways, trails, and sidewalks** which abut, touch upon or extend through the subdivision and/or streets located within 400 feet of the plat. The description shall include types and widths of existing surfaces, right-of-way widths, and dimensions of any bridges and culverts, access points and signals.
X		14. **Location of existing open space, alleys, parks, streams, ponds, vegetation,** or other similar features within plat, and whether they are to be retained or removed.
X		15. **Location of existing buildings** and structures within 200 feet of the plat.
X		16. **Existing utilities,** 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.
X		17. **Topography** of the area contained in the plat and within 20 feet of the plat boundary shown by 2-foot contour intervals and proposed preliminary grading. Contour lines shall be legible but not overpowering.
X		18. **Proposed street network,** including right-of-way, bearings, tangents, and horizontal and vertical curvature data (use of flow direction arrows and percent of grade is permitted at preliminary for vertical curve data, unless otherwise specified/required) along the centerline of each street.
X		19. **Proposed sidewalks** and/or trail locations including proposed widths.
X		20. **Proposed utilities,** including approximate location of sanitary sewer, water main, street lights, storm sewer, detention and treatment facilities.
X		21. **Existing and proposed easements** with dimensions. Existing easements shall be labeled with book and page number.
X		22. **Any area within a federally designated floodplain.** Location, stations, and elevations of the 100-year floodplain within the plat and 100-year elevations at rear lot corners adjacent to FEMA and Shaded Zone X floodplains. The source of the floodplain information shall be clearly labeled (example: FIRM, Map #20091C0041D, September 27, 1991).
X		23. **Stream corridor boundary** and dimensions.
		24. **Intersection site distance analysis.**
X		25. **Copies of all pertinent exception documents**, or a copy of a current American Land Title Association (ALTA) survey, or both.

GARDNER KANSAS

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

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

6. No HOA will be created, Owner to maintain ownership of units and lots

7. At time of plan preparation, Hec- Ras model not provided due to staff changes.

24. No intersection obstructions are shown to warrent analysis

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

Signature of Applicant

3/13/20

Date

GARDNER KANSAS

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

OWNER AFFIDAVIT

I/WE Owner Finance LLC, Timothy S. Gates, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 13 day of March, 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 Bates Development Corporation (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the City of Gardner, regarding Preliminary Plat Application (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process. I/We further attest that I/We agree to be legally bound by the application made on our behalf by applicant and the resultant action upon such application by the City of Gardner.

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

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

Owner

Owner

STATE OF Kansas
COUNTY OF Johnson

The foregoing instrument was acknowledged before me on this 13th day of March, 2020, by Timothy S. Gates.

My Commission Expires: NOTARY PUBLIC - State of Kansas LESLIE RUIZ My Appt. Expires 10/19/2022

Notary Public