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

CALL TO ORDER

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

ROLL CALL

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

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

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

CONSENT AGENDA

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

   Motion made by McNeer and seconded by Ford.

   Motion passed 7-0.

REGULAR AGENDA

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 **PRAIRIEBROOKE DUPLEXES - WITHDRAWN**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

DRAFT

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

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

The three deviation requests are as follows:

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

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

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

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

COMMISSION DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

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

Motion made by Meder and seconded by McNeer.

Motion passed 7-0.

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

Ms. Leininger asked which he wanted.

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

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

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

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

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

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

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

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

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

Motion approved 6-1.

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

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

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

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

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

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

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

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

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

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

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

Motion passed 7-0.

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

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

Motion passed 7-0.

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

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

Motion passed 7-0.

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

Motion passed 7-0.

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

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

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

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

COMMISSION DISCUSSION

No discussion ensued.

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

Motion made by McNeer and seconded by Meder.

Motion passed 7-0.

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

COMMISSION DISCUSSION

No discussion ensued.

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

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

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

Motion made by Ford and seconded by McNeer.

Motion passed 7-0.

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

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

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

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

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

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

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

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

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

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

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

The Staff findings for this project are as follows:

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

There were 12 deviations requested by the applicant as follows:

<u>Duplex Deviation Requests</u>

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

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

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

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

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

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

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

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

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

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

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

<u>Row House Deviation Requests</u>

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

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

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

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

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

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

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

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

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

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

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

<u>General Deviation Requests</u>

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

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

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

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

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

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

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

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

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

PUBLIC HEARING

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

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

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

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

Motion passed 7-0.

COMMISSION DISCUSSION

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

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

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

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

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

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

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

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

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

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

Motion made by McNeer and seconded by Ford.

Motion passed 7-0.

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

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

COMMISSION DISCUSSION

No discussion ensued.

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

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

Motion made by Hansen and seconded by Meder.

Motion passed 7-0.

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

DISCUSSION ITEMS

No items discussed.

ADJOURNMENT

Motion to adjourn made by Ford and seconded by McNeer.

Motion passed 7-0.

Meeting adjourned at 9:40 pm